

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. MAY 6, 2014**

The Board of Aldermen of the Town of Kernersville met in regular session at 7:00 p.m. on the above date in the Municipal Council Chambers at the Municipal Building at 134 East Mountain Street.

Present: Mayor Dawn H. Morgan; Mayor Pro Tem Joe Pinnix, Jr., Aldermen Keith Hooker, Tracey Shifflette, Irving Neal, and Kenny Crews.

Absent: None

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Police Chief Scott Cunningham; Fire Chief Terry Crouse; Doran Maltba, Public Services Director; Gray Cassell, Chief Information Officer; Ernie Pages, Parks & Recreation Director; Franz Ader, Finance Director; and Ray Smith, Human Resources Director; Elizabeth Colyer, Stormwater Administrator and Jenny Halsey, Recycling Specialist.

- **CALL TO ORDER**
- **INVOCATION BY REVEREND RICK CARTER, MAIN STREET UNITED METHODIST CHURCH**
- **PLEDGE OF ALLEGIANCE**

Mayor Dawn Morgan called the meeting to order and the invocation was delivered by Reverend Rick Carter of Main Street United Methodist Church which was followed by the Pledge of Allegiance.

- **RECOGNITION OF WINNERS OF ART FOR EARTH CONTEST**

Mayor Morgan recognized the winners of the Art for Earth Contest held on Earth Day. Jenny Halsey, Solid Waste & Recycling Specialist was recognized for organizing the Art for Earth Contest. Mayor Morgan and Ms. Halsey expressed their appreciation to the Rotary Club for its support of this program and contribution of the cash awards. Mayor Morgan and Ms. Halsey thanked all of the participants that submitted art projects and the teachers and schools for their support. Ms. Halsey encouraged them all to participate again next year.

Awards were presented as follows:

High School:

1st Place: Thor Gignac

2nd Place: Kenhoor Saur, Brett Lin, Ashton Piner

3rd Place: Sara Beam

Middle School:

1st Place: Ben Robertson
2nd Place: Caroline Woods
3rd Place: Tiara Oquendo

Grades 3-5 Elementary School:
1st Place: Blake Smith
2nd Place: Celeste Paradise
3rd Place: Daisie Rodriquez

K-2 Elementary School:
1st Place: Peyton Martin
2nd Place: Adam and Hannah Small
3rd Place: Cameron Malboeuf

Group:
1st place: Cash Elementary School
2nd place: Group Homes of Forsyth, Inc (Arts Class)
3rd place: Holy Cross CDC 3&4 year old

- **PRESENTATION OF PROCLAMATION DESIGNATING MAY 12, 2014 AS FIBROMYALGIA AWARENESS DAY**

Mayor Morgan recognized Kimberly Cakal and Elissa Vaughn and presented a Proclamation designating May 12th, 2014 as Fibromyalgia Awareness Day in Kernersville.

Ms. Cakal thanked the Town for this recognition and shared some of the biggest struggles living with Fibromyalgia. She thanked the Mayor for helping spread the word about this disease.

- **PRESENTATION OF A RESOLUTION DECLARING MAY AS HISTORIC PRESERVATION MONTH**

Mayor Morgan recognized Jim Davis, a resident of Kernersville and Kernersville representative on the Forsyth County Historic Properties Commission. Mayor Morgan presented Mr. Davis with a Resolution declaring May as Historic Preservation Month in Kernersville.

Mr. Jim Davis – S. Main Street, Kernersville, NC – Kernersville's representative on the Forsyth County Historic Preservation Commission. He spoke of the new Kernersville Museum opening up and mentioned other activities planned throughout the month regarding the preservation of our history.

PUBLIC SESSION

1. SPEAKERS FROM THE FLOOR.

Ms. Bonnie McMichael, 202 King Street, Kernersville, NC - thanked the Board and Parks & Recreation Staff for their efforts to improve the parking situation on King Street. She reported that it has been much better over the last couple of weeks.

2. Continued Discussion by the Residents of Manorwood Drive.

Mr. John Barrow nor Mr. Don Morton were in attendance.

Mr. Swisher stated that he received a call from Tony Smits and that Deere Hitachi will be erecting a wall. They met with neighbors and have their support. Deere Hitachi expected construction to begin in June or July. They will continue to work on the other issues to minimize the noise.

Alderman Irving Neal asked if this wall does not work, what is this Board's position on the matter. Mr. John Wolfe, Town Attorney advised the Board to issue a statement that the Board of Aldermen directed the Town Manager to assist the two groups, Deere-Hitachi and the residents in getting together to discuss all reasonable efforts to address the issues and the Town did that. However, this is not a Town problem but a matter between Deere-Hitachi and the residents of Manorwood Drive.

3. Presentation about Senior Services.

Mr. Richard Gottlieb, President & CEO of Senior Services, Inc., Winston-Salem, NC - thanked the Board for the opportunity to address the Board about senior services. He presented a detailed overview of issues and services available to all Forsyth County senior residents. His presentation provided statistics of the seniors served and a list of the programs offered. He noted the numbers of participants in the Kernersville area. He provided statistics on our life span which illustrated that people are living longer than ever before. He pointed out that their goal is to help seniors to stay at home as long as possible. He asked that the Board consider a donation. He proudly noted that administrative cost only consume an average of 10% of their funding. Mr. Gottlieb then made himself available for questions.

Mayor Morgan thanked Mr. Gottlieb for his service to our seniors.

4. Discussion Regarding the Community Pool.

Town Manager Curtis Swisher stated that the Board is familiar with the previous agreement with the YMCA regarding the community pool. He reminded the Board of the earlier request to consider changes so that citizens can use the new outdoor pool. The Town met with the Y Staff however, the Y's proposal was withdrawn. After the new pool opened, both the Town and the YMCA has received calls and complaints about resident's use of the new pool. Tonight Ms. Suess has a new proposal for consideration.

Rosemary Suess, Executive Director of the Kernersville Family YMCA – stated that the spirit of the Kernersville YMCA is to be inclusive in the services provided to our visitors and it is not our mission to block off a portion of the Y for some users. Staff desires to be open and a better partner. She presented a proposal to open the facility to the community. She stated that membership is always an option and that Town residents would get a cheaper rate than other users. She then presented a request to open the entire facility up to the community under the below fee schedule in addition to a request in the amount of \$3,500 for additional supplies and equipment needed for the summer programs.

Youth Resident -	\$6.00
Youth Non-Resident -	\$10.00
Individual Resident -	\$9.00

Individual Non-Resident - \$15.00
Household Resident - \$25.00
Household Non-Resident - \$40.00

Harvey Pulliam, 415 Holt St., Kernersville, NC – asked about the retired debt for the pool.

Mr. Swisher explained that this is the last year we make the annual payment to the Y in the amount of \$50,000. The Y is not requesting an extension of the contract. They are requesting however, a list of items that are for the safety of the swimmers and a new fee schedule. The pool will be open to members and non-members.

Mr. Pulliam expressed his concerns with the Town providing any more funding to the Y for recreation as this does not meet the public purpose doctrine. He requested the number of users last year.

Mr. Swisher stated there would be no extension of payments to the Y under this new agreement. Only the funds for additional supplies needed to manager more users.

Mr. Pulliam again expressed his concern and added that we can't afford this and should not give any more money to the YMCA.

Ms. Seuss stated that she did not have last year's report with her but recalled that the number of users was up from the previous year. She agreed to provide a report. She noted that schools, and other group swim teams use this pool for practice and meets.

Alderman Keith Hooker stated that the Y's contract does not require the Town's approval of the fee changes and noted that this is a good deal for the Town. He noted that this would allow residents to use the entire Y and all they are asking for is an additional \$3,500.

Alderman Keith Hooker made a **Motion** to authorize an expenditure of \$3,500 as requested for additional supplies and to approve the fees schedule as presented. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

5. Consideration of a Request from Korner's Folly for Additional Occupancy Tax Funds.

Mr. John Wolfe (citizen), 101 S. Main Street, Kernersville, NC – stated that he appreciates the opportunity to speak on behalf of Korner's Folly. He noted that the Folly brings in a significant portion of tourism dollars in Kernersville along with the PJC Botanical Gardens and the Ivey Redmon Park. However, the Folly is the #1 attraction and is need of some help. He thanked the Board for previous donations for repairs to the porches. During this work, it was realized that we had to fix the foundation before the interior can be fixed and then we had significant leaking over the winter from the roof. He spoke of the fundraising challenges and gifts to the Folly campaign which was used to stabilize the foundation and the roof. Mr. Wolfe explained the capital campaign efforts in the amount of \$460,000 which includes donations received from individuals, civic groups and businesses. He stated that last Wednesday the question was asked, how far off are we. As of Friday, the amount needed to complete the work is \$28,950.

Mr. Wolfe stated that in the past, the Foundation has asked for a donation from Occupancy Tax Funds as the Folly brings many tourists to Town. He noted that the Foundation hopes to have the money in place by the first of May. He thanked the Board for their consideration of this request.

Alderman Irving Neal stated that these repairs are critical for the Folly and he couldn't think of a better place to spend Occupancy Tax Funds. He stated that he has talked with the Town Manager and believes we have \$23,000 in this fund that the Town could contribute.

Alderman Irving Neal made a **Motion** to authorize up to \$23,000 from the Occupancy Tax Fund for the Korner's Folly Foundation for needed repairs. Mayor Pro Tem Joe Pinnix seconded the motion.

Alderman Tracey Shifflette asked the Town Manager if he still believes we have enough money in this fund. Mr. Swisher noted that based on receipts from last year, we should have enough funds, however he recommended if we fall short that the difference come out of the general fund.

Alderman Kenny Crews stated that this is an important part of Kernersville and we should look after it.

The vote was all for and motion carried.

Mayor Morgan recognized and thanked all the Folly volunteers in attendance.

Mayor Morgan called a Recess at 8:24 PM. The meeting was Reconvened at 8:36 PM.

6. Discussion on uniforms for the Police Department.

Police Chief Scott Cunningham thanked the Board for considering this proposal for new uniforms for the Police Department. Officers Warren and Bottoms were present wearing the proposed new uniform. Chief Cunningham spoke of the heritage of the current uniform but added that it is no longer functional and cost effective. He presented specific features of the proposed uniform that are safer and more useful for the Officers. These uniforms have been field tested by the Officers and they like it and the citizens like it. Staff believes this uniform will last longer than the current uniform making it more cost effective. He stated that the Department is also considering redesigning the shoulder patch to a more distinctive design. He thanked the Board for their consideration.

Alderman Tracey Shifflette made a **Motion** to authorize the change in uniform as proposed. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

7. Consideration of a Request for Funding and an Addendum to the current Field Use and Maintenance Agreement between the Town and the Blackhawks for Bagley Field.

The Town Manager reported that a grant application was initially approved a year ago; however the grant was not awarded. Staff is now asking for the same funding as what was approved in the grant from last year. The remaining funds will come from private donations.

Ernie Pages, Parks & Recreation Director explained what was requested in the grant application submitted last year which included maintaining the existing fields at Bagley, open multi-use fields and developing two more lacrosse fields. However, the grant was not awarded. The project has been

scaled back. He explained the differences in the project. Staff is asking that the funding approved last year be approved for this new proposal.

Kevin Bugg, 305 Asbury Drive, Kernersville, NC – stated that this program was started in 2011. Due to the lack of Lacrosse fields we approached Bishop McGuinness and entered an agreement with them to use their fields. The program has grown to over 300 kids with 4 teams and it continues to grow each year. Because of this growth, the group began looking at areas to develop additional fields. The current fields we have out here have worked out very well making this tract an ideal location for additional fields.

Mr. Bugg explained the economic impact of developing these fields in a manner that would allow for regional tournaments. He noted that a complex in Winston-Salem is hosting a tournament this weekend with 13 teams which brings over 900 people to town. They spend money in hotels, restaurants and stores in the area. He stated that there is still a need for championship fields and this is a great location. He noted a large amount of private donations are already committed to this project. He respectfully asked the Board to approve this request.

Dickie Britt, 6051 Old Orchard Rd., Kernersville, NC - spoke of the vision for this park with amenities and landscaping. He believes this project would have a big economic impact for this community. He spoke of the support from the community present at this meeting and recognized both student athletes and their parents. He added that this project has the potential to draw national sponsors which would give the Town a big boost in the arm. He saw this request as a win-win for the Town and community. He encouraged the Board to support this project for the benefit of today's youth and for many years to come.

Mayor Morgan remembered talking with Kevin years ago and is proud of the effort made thus far.

Alderman Tracey Shifflette expressed her appreciation for the effort shown by our young athletes. She reminded everyone of the vision for Ivey Redmon Park. She agreed that there is a shortage of fields for all sports and again thanked all those involved in their efforts to address this need.

Mr. Pages noted other sports that are growing and that could utilize these fields if they were built.

Alderman Irving Neal also thanked Kevin and the others for their effort. He pledged his support for this proposal. He recommended we revisit the contract with KSA to see if those fields at Ivey Redmon Park could be more utilized when not being used for soccer. Mr. Swisher stated that KSA has shown an interest in working with the Town to amend portions of their current contract. Staff would follow up to determine what opportunities we may have.

Alderman Irving Neal made a **Motion** to amend the contract between the Town and Blackhawks for the use of Bagley Field as recommended. Alderman Joe Pinnix seconded the motion and the vote was 4-1 and motion carried. Alderman Kenny Crews opposed.

Alderman Crews expressed his concern with the amount of money already spent. He explained that he is not opposed to kids playing but our Senior Citizens also needs our money. He questioned the role model of sports heroes and that our kids are playing on Sunday when they should be in church.

Mr. Crews stated that the voters voted no on Ivey Redmon Park land but the Town bought it anyway. He is concerned with the amount of money being spent on our parks and recreation and that he has not been shown in black and white how it benefits the Town.

Mr. Bugg noted that the Lacrosse teams don't normally play on Sunday and if they do it is in the afternoon.

Mayor Morgan noted that this project has had school system involvement from the beginning. Mr. Bugg agreed and added that this is a first class project although not a Taj Mahal. The project was scaled back from the original proposal but will still be a nice clean complex.

Mayor Pro Tem Pinnix noted the adults in the audience which are here to support their kids. He stated that we have strived to make Kernersville a destination for Lacrosse and Cross Country and what you are doing is wonderful.

8. Update on Bodenhamer Street Roundabout (final surfacing, landscaping, etc.)

Jeff Hatling, Community Development Director updated the Board on the most recent construction. He was told that pavement is planned to be installed by Friday of this week. Once completed the plantings for the center will be installed.

Mayor Morgan reported on a manhole issue on Piney Grove Road close to the traffic light.

Mayor Morgan asked about the Cherry Street/Mountain Street project. Mr. Doran Maltba stated that this is on DOT's list for painting but could not provide a timeframe.

Alderman Keith Hooker asked Staff to check on the stoplight at Main Street as he believes the arrows are pointing in the wrong direction.

9. Consideration of Recommending Amendments to the Town approved Surface Transportation Program – Direct Attributable (STP-DA) Road Projects.

Mr. Hatling reported that the currently approved projects have been impacted by numerous factors and therefore need to be amended. He further explained that the MPO has changed the funding process and now required STP-DA approved projects to begin by January 2015 or they will be removed from the project list. He added that January 2015 will be the next call for projects which will allow for projects not started to be resubmitted.

S. Main/Old Winston Road – Mr. Hatling explained that this project was taken over by NCDOT and the Town is only required to fund that amount over the available DOT funding of \$2,500,000. The Town can then request an amendment to our current award of \$2,000,000 from STD-PA funds.

W Mountain Street widening and Sidewalk – Mr. Hatling explained that this project calls for a sidewalk along W. Mountain Street from Beaucrest St. to Asbury Dr. He noted that the estimated cost of this project is \$309,000, however; NCDOT is recommending this project be approved to 3-lanes which will increase the cost but will allow the sidewalk to be built behind the curb.

S Main St. and Century Place Blvd. Sidewalk – Mr. Hatling explained that funding for this project was approved for a sidewalk along S. Main St. from Cagney's to Century Place Blvd. and along

Century Place Blvd. He added that NCDOT has now agreed to construct the sidewalk from Cagney's to the B-40 ramp.

Mr. Hatling stated that under the new requirements, Staff recommends the following project be removed from the list:

Piney Grove/N Main St. connector - \$7,000,000 project.

S Main, Century Blvd. and Old Winston Rd. – project being combined into S. Main/Sidewalk improvements.

S. Main St. and Old Winston Road Turn Lanes – project being combined into S. Main/Sidewalk improvements.

Hopkins Rd./Regents Park Intersection – estimates outdated.

Nelson St./Bodenhamer/Rail Road Intersection – estimates too high to justify the cost.

Mr. Hatling requested the Board adopt these amendments outlined. Mr. Hatling then made himself available for questions.

Alderman Tracey Shifflette made a **Motion** to approve amendments to the STD-PA road projects as presented. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

10. Update on Piney Grove Road.

Mr. Doran Maltba presented the background of the bids being accepted from Yates Construction, the low bidder on the project. He noted the completion of some of the utility work being done underground. He noted that once these are all complete, you will begin to see the actual construction taking place. He estimated the project to be completed by November weather permitting.

11. Consideration of Resolution(s) to commence Condemnation proceeding vs. owner(s) of Cherry Cove Apartments property for Greenway Right[s] of Way.

John Wolfe explained that the Town has attempted to work the owners, however those attempts have been unsuccessful. He requested the Board consider a resolution to begin condemnation proceedings.

Alderman Irving Neal made a **Motion** to approve the following Resolution to commence Condemnation proceeding against the owner(s) of Cherry Cove Apartments. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2014-09

RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST THE PIMENTEL LIVING TRUST DATED MAY 20, 2004 UNDER A

**REVOCABLE TRUST AGREEMENT EXECUTED ON MAY 20, 2004 BY LINO A.
PIMENTEL AND BETTY T. PIMENTEL AS TRUSTORS**

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that it is necessary and in the public interest to acquire a portion of certain real property owned by The Pimentel Living Trust Dated May 20, 2004 Under a Revocable Trust Agreement Executed on May 20, 2004 by Lino A. Pimentel and Betty T. Pimentel as Trustors for use in meeting the following public purposes: greenway easement, storm drain easements, and temporary grading easements;

WHEREAS, the Town of Kernersville has been unable, through negotiations, to obtain said property from its owner by means other than through condemnation; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of the greenway and storm drainage improvements accessory thereto near Cherry Cove Apartments within the Town of Kernersville's corporate limits;

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF
ALDERMEN OF THE TOWN OF KERNERSVILLE:**

1. That the Board of Aldermen of the Town of Kernersville finds it a public purpose, based upon the needs of the citizens of the Town, for the Town to construct a greenway and storm drainage improvements near Cherry Cove Apartments.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 10672.2 square feet for a permanent greenway easement, six storm drain easements totaling 3615.48 square feet and six temporary grading easements totaling 10193.04 square feet to expire December 31, 2015 as shown on the attached **Exhibits A and B** and furthermore known as a portion of PIN 6886-02-3993.00 and also known as a portion of Tax Lot 018E of Tax Block 5352 as shown in the Forsyth County Tax Supervisor's office.

3. That the Board of Aldermen of the Town of Kernersville hereby instructs the Mayor, Town Manager, and Town Attorney to act on behalf of the Board of Aldermen, in their respective capacities, to institute the necessary proceedings, including those available pursuant to N.C. Gen. Stat. §40A authorizing condemnation, to acquire the necessary property shown on the attached **Exhibits A and B** and furthermore known as a portion of PIN 6886-02-3993.00 and also known as a portion of Tax Lot 018E of Tax Block 5352 as shown in the Forsyth County Tax Supervisor's office and belonging to The Pimentel Living Trust Dated May 20, 2004 Under a Revocable Trust Agreement Executed on May 20, 2004 by Lino A. Pimentel and Betty T. Pimentel as Trustors.

This the 6th day of May, 2014.

12. CONSENT AGENDA: All of the following matters are considered to be routine by the Board of Aldermen and will be enacted by one motion. There will be no separate

discussion unless a Board member or citizen so requests, in which event the matter will be removed from the Consent Agenda and considered under the following item.

**C-1 Approval of Minutes for March 26th, 2014 Briefing Session
Approval of Minutes for March 31st, 2014 Special Session
Approval of Minutes for April 1st, 2014 Regular Session**

C-2 Consideration of a Resolution of Intent to Annex property owned by the Town of Kernersville and known as Kernersville Medical Parkway.

RESOLUTION NO. R-2014-10

RESOLUTION OF INTENT TO ANNEX A 9.068 ACRE TRACT KNOWN AS

A PORTION OF KERNERSVILLE MEDICAL PARKWAY

WHEREAS, the Board of Aldermen of the Town of Kernersville authorized the conveyance of certain property acquired for the construction of Kernersville Medical Parkway to it and the Town, by deeds recorded on April 25, 2014 in Deed Book 3175, Page 3887 and in Deed Book 3175, Page 3891 of the Register of Deeds of Forsyth County, became the owner of the property on which this road was constructed; and

WHEREAS, said property is contiguous to the existing corporate limits of the Town, the Town owns the underlying fee simple interest in the road, and the Board of Aldermen has determined that it is in the best interest of the Town to annex the 9.068 acre portion of this road that has not yet been annexed into the corporate limits of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE that:

1. The Board of Aldermen hereby states its intention to annex that 9.068 acre portion of Kernersville Medical Parkway, being more particularly described in the attached Exhibits A and B, in accordance with North Carolina General Statute 160A-31(g)- (i).

2. The Public Hearing on the question of Annexation of the herein set forth property by The Town of Kernersville, is hereby set at 7:00 p.m. in the Kernersville Council Chambers/District Courtroom, Town Hall, Kernersville, Forsyth County, North Carolina, on the 3rd day of June, 2014, and that Notice therefore be given according to North Carolina General Statute 160A-31(c).

This the 6th day of May, 2014.

Alderman Tracey Shifflette made a **Motion** to approve the consent agenda Item C-2 as presented. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

13. ITEMS REMOVED FROM CONSENT AGENDA.

Mayor Morgan asked that item C-1 be removed from the Consent Agenda. Mayor Morgan amended the page one of the April 1st minutes as follows:

Mayor Morgan stated that due to a conflict with Spring Break the students were unable to attend the meeting; however the Mayor did present the certificates to the players and a Proclamation to the Athletic Director at their school.

Mayor Pro Tem Joe Pinnix made a **Motion** to approve the minutes as amended. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

14. SPEAKERS FROM THE FLOOR.

None presented.

15. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

None presented.

16. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

Mr. John Wolfe stated that at the Wednesday's Briefing meeting, he brought to the Board's attention proposed legislation that would eliminate a municipality's authority to regulate trees on private property and the need for municipalities to adopt tree ordinances. He presented a resolution for the Board's consideration. Mr. Wolfe added that if the Board adopts this resolution, he recommends it be sent out to our entire Delegation.

Alderman Tracey Shifflette made a **Motion** to approve the following resolution as recommended. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

RESOLUTION R-2014-11

RESOLUTION OPPOSING THE ELIMINATION OF ALL

MUNICIPAL AUTHORITY TO REGULATE TREES ON PRIVATE PROPERTY

WHEREAS, in 2010 the Town of Kernersville, after much citizen input and public involvement, adopted a municipal Tree Ordinance and established a Tree Commission with one of its representatives to assist in the enforcement of reasonable regulation of trees within the community; and

WHEREAS, the Board of Aldermen was aware of a fatal accident that had occurred in the Town involving a tree that fell from private property onto a public street during a storm and also had serious concerns regarding the health of numerous trees located within the public right of way and the safety of the citizens of the community; and

WHEREAS it was the intent of the citizens and the Board of Aldermen that this Ordinance would not only encourage and enhance the beauty of the Town and our local environment but also encourage proper maintenance of trees, particularly those located in the public right of way; and

WHEREAS, it has been the experience of the Town of Kernersville that the Ordinance has achieved its desired results and the Board is unaware of an objection expressed by any citizen or developer to the requirements imposed by the Ordinance; and

WHEREAS, since the adoption of the Ordinance, the Town has successfully facilitated the removal of numerous trees along the public right of way that were deemed to be potential safety hazards and has entered into numerous agreements with property owners for shared responsibility relating to the maintenance and replanting of dying or dead trees in those areas; and

WHEREAS, since said Ordinance has been successfully implemented, the Town has been proud to become one of over seventy (70) North Carolina cities, having a total combined population of over 3,890,000 North Carolina citizens, that is recognized as a Tree City USA by the Arbor Day Foundation; and

WHEREAS the Board of Aldermen has reviewed a proposed amendment under consideration by the General Assembly that would amend North Carolina General Statute 160A-458.5 to provide that a North Carolina “city shall not adopt or enforce any ordinance, rule, regulation or resolution that regulates. . . (3) The removal, replacement, and preservation of trees on private property within its jurisdiction” and finds such a revision to be overly broad and not in the best interest of the citizens of the Town of Kernersville.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that it opposes the proposed revision as written and respectfully requests that the members of the North Carolina Legislature review and discuss any modifications to this local governmental authority before making such a change.

This the 6th day of May, 2014.

Mr. Wolfe then informed the Board of the recent decision by the Supreme Court regarding prayer. In his opinion, this is a significant change from what has been advised in the past. He stated that he has not had time to thoroughly review the decision and therefore is not ready to render his opinion. When he has reviewed the decision he will make a recommendation for the Board to consider.

Mayor Morgan stated that she would like the opportunity to review any letters being sent out.

17. MATTERS TO BE PRESENTED BY THE MAYOR AND BOARD OF ALDERMEN.

Mayor Morgan commended everyone involved with organizing this year’s very successful Spring Folly.

Alderman Keith Hooker requested that a portion of any remaining funds for street resurfacing be used to resurface Pineview Drive. He added that he has talked with the Town Manager regarding this project and would like to recommend any remaining funds be used to resurface this street.

Alderman Keith Hooker made a **Motion** to authorize the Town Manager to spend \$28,000 for resurfacing of Pineview Street.

Alderman Neal asked if we have funds in this account. Mr. Swisher stated that we should have some money left over and while this is not a bad use of the money, he reminded the Board that we have roads all over town that need resurfacing.

Alderman Hooker asked when we would know for sure what money is left over. Mr. Maltba stated that we monitor that account as we go along but right now he can't say whether or not there will be funds left over.


Alderman Keith Hooker amended his **Motion** to authorize the Town Manager to spend \$28,000 on the resurfacing of Pineview if there are funds left over from the \$350,000 already approved for resurfacing. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

Alderman Keith Hooker reported on a recent car accident at Hopkins Road and Timberwood Trails. He noted that a car flipped into the ditch and that emergency vehicles had a hard time getting the people out of the vehicle. He asked that Staff contact DOT about improvements to the safety of that portion of Hopkins Road. He asked if a guardrail could be installed. Mr. Maltba stated that Staff will make a request to NCDOT and will let the Board know what they say.

18. ADJOURNMENT.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting. Alderman Kenny seconded the motion and the vote was all for and motion.

Being no further business to come before the Board, the meeting was adjourned at 10:03 PM.


Dawn H. Morgan, Mayor

Attest:


Dale F. Martin, Town Clerk

I, Dale F. Martin, Town Clerk of the Town of Kernersville, North Carolina, do hereby certify that this is a true and correct copy of the minutes of the meeting duly held on May 6, 2014.

This the 26 day of June, 2014.


Dale F. Martin, MMC, Town Clerk