

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

The Board of Aldermen of the Town of Kernersville met in regular session at 7:05 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 Crystal Tanner, Human Resources Manager.

- **CALL TO ORDER**

- **INVOCATION BY PASTOR SAM MCKINNEY, NEW BEGINNINGS CHURCH**

Mayor Dawn Morgan called the meeting to order and the invocation was delivered by Pastor Sam McKinney of New Beginnings Church.

- **PLEDGE OF ALLEGIANCE**

PFC Adams & Lance Corporal Littleton led the Pledge of Allegiance.

- **PRESENTATION OF PROCLAMATION FOR RED RIBBON WEEK TO YOUNG MARINES**

Mayor Morgan recognized PFC Adams & Lance Corporal Littleton, two Young Marines in attendance and presented them with a Proclamation designating October 23rd through October 31st as Red Ribbon Week in Kernersville.

- **PRESENTATION OF PROCLAMATION RECOGNIZING OCTOBER AS DYSLEXIA AWARENESS MONTH**

Mayor Morgan recognized Neil Auchmuty and his son and presented them with a Proclamation recognizing October 2014 as Dyslexia Awareness Month in Kernersville.

Mr. Auchmuty expressed his appreciation to the Town for their support and efforts to raise awareness of Dyslexia.

- **PRESENTATION OF PROCLAMATION RECOGNIZING THE KERNERSVILLE SISTER CITY 10 YEAR ANNIVERSARY**

Mayor Morgan recognized Ernie Pages, Parks & Recreation Director and members of the Sister City Commission and presented them with a proclamation recognizing the 10 year Anniversary of the Sister City Commission.

Mr. John Wolfe presented a brief history of the Sister City Commission and noted that the relationships started in Kernersville with Taiwan after the Town participated in the Special Olympics that year. He noted that it has been a wonderful 10 year adventure and has been amazing to watch the organization grow.

Mr. Pages reported on the goals of the Commission to continue its educational and economic relationships with our Sister Cities and to increase the membership of the Association.

PUBLIC HEARINGS

1a. PUBLIC HEARING: Michael Interlandi, Owner, for property located at 410 Nelson Street and 425 Piney Grove Road, being all of PIN #(s) 6886-36-7608 and 6886-36-7689 containing .82 acres more or less. Petitioner requests a General Use rezoning from RS-7 (Residential Single-Family) to PB (Pedestrian Business). Zoning Docket K-728

Mr. Jeff Hatling, Community Development Director, presented the Planning Board report for this rezoning request. Mr. Hatling presented the location and a description of the property. He presented the land use plan for this area. Mr. Hatling reported that the petitioner has submitted a general use rezoning application and explained that no conditions could be placed on this site to protect the surrounding neighborhood. He added that the Staff and Planning Board recommend denial of the request as submitted.

Mayor Morgan declared the public hearing open.

In Favor

Michael Interlandi, 1013 Branchwood Drive, Kernersville, NC – stated that he is asking for Pedestrian Business District because it is already permitted in this area. He stated that he has met with the neighbors to explain what he plans to do with the property and received their support. Mr. Interlandi described some of the uses that are allowed in this district and noted the Nelson Street community has been a mixed use community for many years.

Mr. Interlandi stated that he has learned a lot by buying property here and has changed other property to a lesser use and is asking to do the same here on this property. He noted that the area is a heavily traveled commercial area with homes in the area being used for commercial

purposes. He reported that property he has purchased in this area has been improved and it is not his desire to eradicate the area. He stated that he spoke with Town officials and was encouraged to establish a small commercial area. He stated that this is a small lot which prevents many of the uses allowed in this district.

Mr. Interlandi again stated that he has community support for his request. He referred to a petition for a rezoning on Church Street about 16 years ago in which there was a lot of opposition and the petition was withdrawn. Sixteen years later, we don't have the opposition. He reminded the Board that this areas falls in the Town's Highway Corridor District and comes with restrictions. He believes that this shows the community has come together. He then made himself available for questions.

Opposed

None presented.

Being no additional speakers either in favor or opposed, Mayor Morgan closed the public hearing.

1b. Consideration of an ordinance rezoning said property.

Alderman Keith Hooker asked if this were to be PB special use, would there be anything else Mr. Interlandi would have to do today and then come back in the future with a more detailed plan.

Mr. Hatling stated that the bigger issue is that it does not conform to the Land Use Plan. A special use application could be considered at a later time however, this is a piece of a bigger neighborhood which encroaches into a residential area. Special Use with an area plan would allow the Board to determine what is appropriate and what is not. He suggested an area study be conducted to determine if land uses in this area should be changed.

Alderman Tracey Shifflette stated that she did read the package of information Mr. Interlandi sent the Board and appreciates his effort to talk with the neighbors. She explained that as a Board they have to consider all the uses allowed in the district under a general use rezoning request. She noted that he could sell the land six months from now and any number of uses could be built on that property whether it was suitable or not.

Alderman Tracey Shifflette made a **Motion** to deny the rezoning of the property in case K-728 from RS-7 to PB and that to do so would not be consistent with the Town's comprehensive plan, the Kernersville Development Plan, and would be unreasonable and not in the public interest because:

1. The Land Use Plan recommends "Medium Density Residential" for this area.
2. The proposed rezoning parcels are within a small residential neighborhood that has seen a development pattern of new single family residential, mixed with existing older homes.

3. Petitioner has submitted a general use district application so no consideration of zoning conditions can be made to address potential adverse impacts commercial uses would have in a residential neighborhood.

Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

PUBLIC SESSION

2. SPEAKERS FROM THE FLOOR.

None presented.

3. Considerations of Modifications to the Town's STP-DA Transportation Funds.

Town Manager Curtis Swisher referred to Mr. Hatling's memo in the agenda packet with a list of the proposed projects that have been submitted. We continue to work with TAC Representatives and DOT Staff to narrow down this list. The list has been narrowed down to four projects with the biggest one being the South Main Street project.

Mr. Swisher stated that we are seeking safety money as well as STP-DA funding and any other funding we can get. It will save the Town a lot of money if we are awarded any of this additional funding. He noted that the Town was originally responsible for 20% of the project and ROW acquisition, however; with this additional funding the Town would be responsible for approximately \$960,000 which is still significant. Mr. Swisher made himself available for questions.

Alderman Tracey Shifflette made a **Motion** to adopt a resolution for modifications to the Town's STP-DA Transportation Funds as recommended by Staff. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

Mr. Swisher presented a letter and resolution for the Board's consideration. He noted that he has had discussions with Pat Ivey, District Engineer, NCDOT which has indicated that the House and the Senate can request Discretionary Funds up to \$250,000 each. Staff is proposing a resolution asking the House and Senate Delegation to consider giving the Town \$250,000 each towards this project. Mr. Swisher noted that this project is high on DOT's priority list due to the high traffic volume and number of accidents.

Alderman Tracey Shifflette corrected her previous **Motion** to say that the Board accepts the proposed list of projects as recommended by Staff. Alderman Hooker agrees to the correction. The vote was all for and motion carried. (No resolution was required)

Mayor Morgan suggested the resolution say "recommended" as opposed to "commended" in the second paragraph and correct the word discretionary in the first paragraph of the letter. She also recommended that the letter be personalized by using the names of our Representatives.

Alderman Hooker asked if the funding can come from only one member of the House and Senate. Mr. Swisher stated yes, he believed only one member from each branch can allocate the funding but will clarify prior to sending the letter and resolution.

Alderman Tracey Shifflette made a **Motion** directing Staff to submit the letter and resolution as amended to the House and Senate Delegation. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

(Following Letter sent to each Delegate)

October 9, 2014

Honorable Senator Joyce Krawiec
NC Senate
16 W. Jones Street, Room 2022
Raleigh, NC 27601-2808

Dear Honorable Senator Krawiec:

The Kernersville Board of Alderman at their October 7, 2014 meeting voted unanimously to approve the attached Resolution requesting discretionary funds for improvements to South Main Street.

The Town of Kernersville is in the process of a road improvement project on South Main St between Business 40 and Cherry Street. This project is being done to help improve traffic flow, improve safety, and improve an intersection that is currently rated as an E. Improving the traffic flow and minimizing the other traffic issues in this area has been the top priority of Kernersville citizens for the last decade. Improving traffic flow on this road and improving the safety of the motoring public has also been a top priority of NCDOT for the last several years. In fact two years ago NCDOT informed the Town that it was necessary to begin improvements in this area because of the increasing number of accidents, as there were more than 60 accidents on this short stretch of road last year. If the Town did not do something to address the problem a median would be installed, eliminating all right/left turns except at the signal.

The Town utilized a consultant to generate different options for improving the road based on current capacity, future capacity and current/future development in the area. These options were presented to NCDOT for their review and to a Citizen Committee. The option that was recommended by both NCDOT and the Committee is the one that will be implemented. This option is the one that will work the best and is the most feasible from a financial perspective. This project will add turning lanes, build a new portion of roadway with a roundabout, install a new stoplight, and realign the traffic pattern.

The total cost for the project per NCDOT estimates is \$7,291,179. NCDOT has agreed to use \$2,500,000 of safety money for this project, leaving a balance of about \$4,791,179. The Town has

applied for STP-DA funds to help offset this balance. If awarded, the Town will receive \$3,832,943 (80%) in STP-DA funding. The Town will be responsible for the remaining 20%, or \$958,236.

To further help offset the cost of the project, the Town would like to request \$250,000 in discretionary funding from the NC House and \$250,000 from the NC Senate. With this project being a high priority of the Town and NCDOT it is certainly an appropriate use of the discretionary funding from the General Assembly. Even with all of the outside funding, there will be a remaining balance of \$458,000, which the Town has committed to pay.

The Town and NCDOT have worked together on many projects over the past several years that have improved conditions for the motoring public. The Town has spent in excess of \$14 million on road improvement projects in the last 13 years. This is a substantial amount for a small municipality. However, the South Main Street project is perhaps the biggest and most important one yet. The improvements from this project will not only benefit the citizens of Kernersville but also the thousands of citizens from the Triad area that travel this road every day for both work and pleasure.

Thank you for your attention to this matter and if you have any questions please feel free to contact me.

Sincerely,

Curtis L. Swisher
Town Manager

RESOLUTION NO. R-2014-31
RESOLUTION OF THE BOARD OF ALDERMEN
OF THE TOWN OF KERNERSVILLE, NORTH CAROLINA

WHEREAS, the Town of Kernersville, the North Carolina Department of Transportation and the Town's Thoroughfare and Street Plan Advisory Committee all agree that improvements to South Main Street should be a top priority in addressing traffic flow and safety of the motoring public within the Town of Kernersville; and

WHEREAS, the Town of Kernersville utilized a Consultant to generate options for improving South Main Street based on current capacity, future capacity and current and future development plans for the area and the option best suited for the area and which was recommended by both NCDOT and the Advisory Committee is being implemented; and

WHEREAS, the total cost for this project is estimated to be \$7,291,178 million in which NCDOT has pledged \$2,500,000 of safety money; and

WHEREAS, the Town has applied for STP-DA funds and if awarded the Town will receive \$3,832,943 towards this project leaving a remaining balance of \$958,235; and

WHEREAS, the Town of Kernersville and NCDOT have worked together on many projects over the past with the Town spending in excess of \$14 million on road projects, a substantial amount for a small Municipality.

NOW, THEREFORE, BE IT RESOLVED that the Town of Kernersville does hereby request \$250,000 in Discretionary Funds from the NC House of Representatives and \$250,000 in Discretionary Funds from the NC Senate to be used for necessary improvements to South Main Street in Kernersville that will benefit not only Kernersville citizens but also the thousands of citizens that travel through this area every day to work and for pleasure.

Adopted the 7th day of October, 2014.

4. Consideration of a Resolution to Declare Certain Hazardous Materials Response Equipment Surplus and Authorize its Donation to the City of Winston-Salem.

Mr. Swisher reported that we have some decontamination equipment that we no longer use and would like to donate it to the City of Winston Salem.

Alderman Shifflette asked if the Fire Rescue Department could still respond without this equipment. Fire Rescue Chief Terry Crouse explained that this equipment was acquired through a 911 grant package. He explained that we received a lot of equipment from this grant, however, we do not use these particular items. He stated that Winston-Salem and Greensboro would respond to a hazardous incident in Kernersville and can better utilize this equipment than us. Kernersville will respond to assist.

Alderman Irving Neal made a **Motion** to approve the following resolution to declare certain hazardous materials response equipment surplus and authorize its donation to the City of Winston-Salem. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

**RESOLUTION NO. R-2014-30
RESOLUTION TO DECLARE
CERTAIN HAZARDOUS MATERIALS RESPONSE EQUIPMENT
SURPLUS AND AUTHORIZE ITS DONATION TO
THE CITY OF WINSTON-SALEM**

WHEREAS, the Town of Kernersville owns two (2) decontamination shelters with accessories, post decontamination patient suits, four (4) handicap walkers, and miscellaneous items of chemical resistant personal protective equipment formerly used by the Kernersville Fire Rescue Department; and

WHEREAS, the Town has determined that this equipment is no longer useful to the Town but could be utilized by the Winston-Salem Fire Department which now provides decontamination service to Kernersville; and

WHEREAS, the Board of Alderman of the Town of Kernersville desires to dispose of said surplus property of the Town and understands that the equipment would be of greater benefit to citizens of Kernersville and other areas of Forsyth County if it were part of the equipment available to the Winston-Salem Fire Department; and

WHEREAS, municipalities are authorized by N.C.G.S. §160A-280 to donate property to other governmental entities if the Board of Aldermen deems the property to be surplus, obsolete or unused; and

WHEREAS, public notice of the intent of the Board of Aldermen to consider making this donation has been posted for at least five days prior to the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Kernersville that:

1. The two (2) decontamination shelters with accessories, post decontamination patient suits, four (4) handicap walkers, and miscellaneous items of chemical resistant personal protective equipment are hereby declared to be surplus property of the Town of Kernersville;
2. The Board of Aldermen finds it wise to dispose of the said surplus equipment by donation to another governmental entity; and
3. The Town Manager is hereby authorized to give the property referenced above to the City of Winston-Salem Fire department for its use in providing decontamination service in Kernersville and other portions of Forsyth County.

Adopted this 7th day of October, 2014.

5. Consideration of a Resolution Authorizing Auction Sale of Real Property located at 409 Church Street.

Mr. Swisher stated that this is real property acquired by the Town during the widening of Piney Grove Road. He added that we have no use for the house which is in need of some major repairs. Staff recommends the property be sold by public auction. If approved, the auction will take place on November 14, 2014. Mr. Swisher added that this Board will have to approve the bid before the property is sold. If the Board decides not to accept the final bid, the property would be put up for auction again or by another method so directed by the Board.

Alderman Kenny Crews asked if the Board doesn't accept the bid and decides to put the house up for auction again, does it go back to the original bidder first. Town Attorney stated that no we would start the process over and anyone could bid on the property.

Alderman Irving Neal made a **Motion** to approve the following resolution authorizing an Auction sale of real property owned by the Town and located at 409 Church Street. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2014-32
RESOLUTION AUTHORIZING AUCTION SALE OF
REAL PROPERTY LOCATED AT 409 CHURCH STREET

WHEREAS, the Town of Kernersville owns a house and lot within the town limits at 409 Church Street; and the Board of Aldermen has determined that the real property remaining after using the necessary right of way for roadway improvements on Piney Grove Road is surplus and should be sold; and

WHEREAS, North Carolina General Statute § 160A-270 permits municipalities to sell real property at public auction upon approval of the Board of Aldermen and after publication of a notice announcing the auction;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that:

1. The Board of Aldermen authorizes the sale at public auction of the house and lot located at 409 Church Street as described on the attached Exhibit A. Sale of the property will be subject to the retention by the Town of a permanent utility easement and temporary construction easement.

2. The auction will be conducted at 10:00 A.M., Friday, November 14, 2014, on the property located at 409 Church Street.

3. The terms of the sale are that the buyer must present at the auction a bid deposit of five percent (5%) of the amount of the bid, either in cash or with a certified check. This deposit will be held by the city until either the Board of Aldermen rejects the high bid for the property or, if the high bid is accepted, the closing of the sale. The deposit will be forfeited to the Town if the high bidder refuses to close the sale after the bid has been approved by the Board of Aldermen.

4. After the auction, the high bid for shall be reported to the Board of Aldermen at its regular December meeting. The Board will accept or reject the bid within 30 days after the bid is reported to it. No sale may be completed until the Board of Aldermen has approved the high bid.

5. The Town reserves the right to withdraw the property from the auction at any time before the sale.

This the 7th day of October 2014.

6. **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 August 5, 2014 Regular Session
Approval of Minutes for August 5, 2014 Closed Session

Approval of Minutes for August 27, 2014 Briefing Session
Approval of Minutes for September 2, 2014 Regular Session

Mayor Morgan presented each of the Consent Agenda items for consideration.

Alderman Keith Hooker asked that the Closed Session minutes of August 5th be removed.

Alderman Tracey Shifflette made a **Motion** to approve the Consent Agenda: Minutes of August 5, 2014 Regular Session, August 27, 2014 Briefing Session and September 2, 2014 Regular Session. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

Closed Session minutes will be discussed in Closed Session and amended if necessary.

7. ITEMS REMOVED FROM CONSENT AGENDA.

August 5, 2014 Closed Session Minutes.

8. SPEAKERS FROM THE FLOOR.

Mr. Ivey Redmon updated the Board on the school house, woodshed and privy structures at Fourth of July Park.

Mayor Pro Tem Pinnix thanked Mr. Redmon for all his work on this project.

The Board held a discussion on the supplies that Mr. Redmon would need to finish this project. Mr. Redmon was encouraged to contact Mr. Pages at the Parks & Recreation Department if he needs any supplies.

9. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher presented a request for additional lights at Bagley Field. He reminded the Board of previous action to approve lighting the additional field that was built at Bagley Field. He explained that initially we did not think we could get two full fields. However, this was possible with extra grading. He added the Booster Club paid the additional money needed to get the other field and since half of the field is already lit so it makes sense to light the other side.

Mr. Swisher stated that Town has received an increase in revenues since the Town took over adult soccer. With an additional field, another 20-30% more could be raised. He reported that the last tournament brought in teams from eight (8) states. The cost for the additional lights and fencing is approximately \$60,000.

Alderman Hooker asked if this work is for our schools or the Town. Mr. Swisher stated that it will be more to our benefit however, it is on school property. He stated that there is a possibility that they will hit rock during installation and if so, this will be brought back to the Board.

Alderman Kenny Crews made a **Motion** to approve the estimate of \$60,000 for the installation of additional lights and fencing at Bagley Field. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

10. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

None presented.

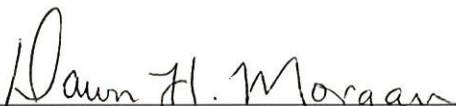
11. MATTERS TO BE PRESENTED BY THE MAYOR AND BOARD OF ALDERMEN.

Alderman Keith Hooker reported that the High Point Chapter of the Fibromyalgia organization is expanding and will be starting a new group here in Kernersville.

Alderman Tracey Shifflette made a **Motion** to enter into Closed Session at 8:18 PM. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

12. ADJOURNMENT.

Alderman Keith Hooker made a **Motion** to enter into Open Session at 9:47 PM. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried. Being no further business to come before the Board, the meeting was adjourned at 9:48 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 October 7, 2014.

This the 10 day of November, 2014.



Dale F. Martin, MMC, Town Clerk