

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
BRIEFING SESSION OCTOBER 27, 2010**

The Board of Aldermen of the Town of Kernersville met in a briefing session at 6:30 P.M. on the above date in the Town Hall Executive Conference Room at the Municipal Building at 134 East Mountain Street.

Present: Mayor Dawn Morgan, Aldermen Dana Caudill Jones, Mayor Pro Tem Kevin Bugg, Alderman Bob Prescott and Alderman Tracey Shifflette.

Absent: Alderman Keith Mason.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe III, Town Attorney; Jayne Danner, Deputy Clerk; Doran Maltba, Public Services Director, Ken Gamble, Police Chief; Walt Summerville, Fire Chief; Russell Radford, Engineering Director and Ray Smith, Human Resources Director.

Call to Order and Invocation

Mayor Dawn Morgan called the meeting to order and Alderman Dana Caudill Jones delivered the invocation.

1. Consideration of a Resolution Authorizing the Acceptance of Interlocal Agreement between the City of Winston-Salem, Forsyth County and the Kernersville Police Department.

Mr. Curtis Swisher, Town Manager stated that the Board has previously approved an application for a Multi-Jurisdictional DWI Task Force Grant with the NC Governor's Highway Safety Program. He added that this grant has been awarded and in order to complete the process the Board is now required to adopt a Resolution Authorizing Acceptance of an Interlocal Agreement.

Ken Gamble, Police Chief stated that it is hoped this program will be in operation December 2010.

Mayor Pro Tem Kevin Bugg made a **Motion** of approval of the following Resolution Authorizing the Acceptance of Interlocal Agreement between the City of Winston-Salem, Forsyth County and the Kernersville Police Department. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

R-2010-35

**RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE
NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM
FOR ESTABLISHMENT OF A FORSYTH COUNTY JOINT DRIVING WHILE
INFLUENCED (DWI) TASK FORCE AND AUTHORIZING EXECUTION OF AN**

INTERLOCAL AGREEMENT BETWEEN THE TOWN OF KERNERSVILLE, NORTH CAROLINA, THE CITY OF WINSTON-SALEM, NORTH CAROLINA AND THE COUNTY OF FORSYTH, NORTH CAROLINA TO ACCEPT GRANT FUNDING AND EXECUTION OF A MUTUAL ASSISTANCE AGREEMENT BETWEEN THE SAME PARTIES FOR IMPLEMENTATION OF THE DWI JOINT TASK FORCE

WHEREAS, the Town of Kernersville (Town), City of Winston-Salem (City) and Forsyth County (County) are eligible to share \$744,820 in grant funds available under a grant from the North Carolina Governor's Highway Safety Program (GHSP) to establish a Forsyth County DWI Joint Task Force; and

WHEREAS, the Task Force will be manned by one officer from the Kernersville Police Department, three officers and one sergeant from the Winston-Salem Police Department and one deputy from the Forsyth County Sheriff's Office, and will be responsible for enhanced enforcement of laws prohibiting driving while intoxicated and other responsibilities and activities as outlined in the grant documents; and

WHEREAS, because the Task Force will be operating within the entire geographic area of Forsyth County such that the Town and City Police Departments will be required to operate outside of their municipal territorial jurisdiction, the parties will execute a Mutual Assistance Agreement to address the particular operations of the Task Force and the requirements for requesting, granting, receiving and providing assistance; and

WHEREAS, the basic terms of the Interlocal Agreement and Mutual Assistance Agreement will include the following:

- (a) The City will serve as the administrator for the Task Force grant;
- (b) The Town, City and County will each designate personnel to serve on the Task Force. Grant funds provided for the Task Force will be utilized solely for the payment of Task Force officer salaries, fringe benefits, equipment, training and travel and other items necessary for establishment and maintenance of the Task Force. Specific budgets for costs of the Town, City and County will be utilized and no payments in excess of those budgets will be allowed;
- (c) Mutual assistance will be requested, granted, received and provided in accordance with the Mutual Assistance Agreement between the parties for purposes of Task Force operations;
- (d) All parties will provide reports, statistics and documents required in order to ensure compliance with grant terms and conditions;
- (e) The parties will agree on mutually acceptable: crime reporting criteria and coding for Task Force activity; vehicle markings and/or identification, if any; common uniforms; handling of evidence collected and stored by Task Force officers; policies regarding pursuit of DWI offenders; and distribution of any proceeds from forfeitures or other seizures of property or monies; and

WHEREAS, the Town, City and County will have the opportunity to apply for continued funding from the GHSP for an additional three years, with GHSP funding available at 85% of costs in the second year, 70% in the third year and 50% in the fourth year; and

WHEREAS, the Town, City and County would be required to assume funding of the Task Force at the conclusion of the fourth year; and

WHEREAS, it is in the best interest of the Town to accept the grant funds and to authorize the establishment of the Task Force due to the increasing traffic accidents and fatalities caused by impaired drivers within the Town and Forsyth County.

NOW, THEREFORE, BE IT RESOLVED, that the Kernersville Board of Aldermen authorizes the execution of an Interlocal Agreement and a Mutual Assistance Agreement, as outlined above, by the appropriate Town officials, upon approval as to form and legality by the Town Attorney's Office.

Adopted the 27th day of October, 2010.

2. Briefing on the November 2, 2010, Regular Meeting Agenda.

Item # 1 PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville, requests to amend Chapter B; Article VI, Chapter C; Article IV, Chapter D (4)(E)(1), and Chapter D(4)(H) of the Unified Development Ordinance to incorporate recently adopted State Statute language extending previously issued development approvals that are or were valid during a three-year window of time between January 1, 2008 and December 31, 2011 and to amend Chapter B, Article VI of the Unified Development Ordinance to incorporate recently adopted language relating to the notification of property owners upon the filing of an application for a zoning map amendment. Zoning Docket KT-199

Mr. Jeff Hatling, Community Development Director briefed the Board on this text amendment request. He stated that Planning Board and Staff recommend approval as submitted.

Item # 2 PUBLIC HEARING: Ray Thomas, Attorney for McDonald's Corporation, requests to amend Chapter B, Article II, Section 2-1.6 of the Unified Development Ordinance modifying the Central Kernersville Overlay District (CKOD) and the Highway Corridor Overlay District (HCOD) location/boundaries. Zoning Docket KT-200

Mayor Dawn Morgan stated that a letter has been received from Mr. Ray Thomas, Attorney on behalf of the petitioner, requesting that this matter be continued while Staff review the conditions further. Mayor Morgan informed the Board that she, the Town Manager, Town Attorney, Alderman Prescott and Mr. Hatling had met earlier in the day with Mr. Thomas regarding concerns the Planning Board had expressed with some of the Ordinance conditions at the Planning Board meeting on October 11th.

Item # 4 Quarterly Report by the Kernersville Downtown Preservation & Development Council as required by the Funding Agreement.

Mr. Curtis Swisher, Town Manager stated that a representative of the KDPDC will present this report as required in the funding agreement on Tuesday evening. He added that if the Board desired to reduce the number of times this report is required to two per year to coincide with the

KDPDC's semi-annual funding requests and disbursements a Motion would be required to amend the agreement.

Item # 5 Potential Condemnation on Property along Medical Parkway. (continued from the September 29th Briefing meeting) (request to continue, information not received).

Mr. John Wolfe, Town Attorney stated that this matter was continued to the November 2nd Agenda however the documentation has still not been received.

Mr. Russell Radford, Engineering Director stated that he had spoken today with the surveyor working on the legal description for this property so it is in process.

Item # 6 Consideration of a Resolution to adopt the Kerners Mill Greenway Park Master Plan.

Mr. Jeff Hatling briefed the Board on the Kerners Mill Greenway Park Master Plan. He added that the feasibility plan is complete and with the adoption of this Resolution staff will have authorization to proceed with the next steps recommended in the Resolution.

Item # 7 Consideration of Authorizing a PARTF Grant Application for Kerners Mill Greenway Park by Parks and Recreation.

Mr. Swisher briefed the Board on the Kerners Mill Greenway Park Part F Grant Application. He added that this is a \$1 million grant with a 50% match requirement. He further added that the match can be off set with other grants including the MPO \$1.3 million grant that the Town has already received for this project.

Item # 8 Discussion on Submission of Riparian Buffer Protection Ordinance for Lands within the Randleman Dam Watershed.

Mr. Russell Radford, Engineering Director briefed the Board on the Riparian Buffer Draft Ordinance for Lands within the Randleman Dam Watershed. He clarified that this is a draft ordinance that all municipalities within this watershed are asked to submit to NCDENR before December 1, 2010. He added that he anticipates the final Ordinance will be ready for adoption in April 2011.

Item # 9 CONSENT AGENDA:

- C-1 Approval of Minutes for September 20, 2010 Closed Session**
- Approval of Minutes for September 29, 2010 Briefing Session**
- Approval of Minutes for October 5, 2010 Regular Session**
- Approval of Minutes for October 5, 2010 Closed Session**

Mayor Morgan highlighted the Consent Agenda items.

3. Matters to be presented by the Town Manager and Town Attorney.

Mr. John Wolfe stated that there are legal matters that he needs to discuss with the Board.

Alderman Tracey Shifflette made a **Motion** to go into Closed Session at 7:01 p.m. to confer with legal counsel under the Attorney-Client privilege as permitted by NCGS 143-38.11(a). Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

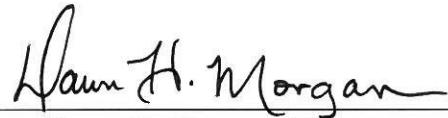
The meeting reconvened in open session at 7:28 pm.

Mr. Swisher advised the Board that a citizen had expressed interest in purchasing the business know as Espresso Doctor and converting the temporary building into a permanent structure in the same location.

4. Adjournment.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting at 7:35 p. m. Alderman Dana Caudill Jones 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.



Dawn H. Morgan, Mayor

Attest:



Jayne Danner, CMC, Deputy Clerk

I, Jayne Danner, CMC, Deputy 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 27, 2010.

This the 10th day of December, 2010.



Jayne Danner, CMC, Deputy Clerk