

# Council votes to close Oak Street RR crossing

Grade at crossing has raised six feet over the years; the site of 12 wrecks in three years

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Twelve of the 15 reported train-truck wrecks in the last three years in Kings Mountain happened at the Oak Street railroad crossing. Big tractor-trailers get stuck on the tracks after drivers ignore posted signs. There have been no fatalities.

After many attempts by city officials to keep the intersection open, city council by a vote of 5-1 last Tuesday voted to close for good the downtown Oak Street crossing.

"We've had several near misses and police have called railroad officials to stop the trains coming through Kings Mountain five times already this year, 12 times in 2011 and seven times in 2010," said Police Chief Melvin Proctor.

"It is not fair to our citizens because of the negligence of drivers who don't think of the consequences," he said, referring to the most recent crash on May 4 when a northbound freight train slammed into a stuck 18-wheeler hauling cotton. The train sliced the tractor-trailer in half and scattered cotton over a wide area. Luckily, the driver escaped but it was just seconds before the collision.

City Manager Marilyn Sellers said that minutes before the crash an employee from nearby Parkdale Mills handed the truck driver a safety flyer admonishing truck drivers not to cross.

Proctor said the city has issued 16 citations to truck drivers for \$500 each, the maximum fee for a violation of a city ordinance.

"They pay the fines, signs are not going to work," he said.

"This is not the finish, just the start of what we've got to do" said the chief, referring to the next step for city leaders in addressing traffic issues created by the new change in traffic pattern.

Councilman Tommy Hawkins asked if there were any fatalities at Oak Street crossing. "No fatalities, some near misses," said the chief, who added engineers will be working on a permanent solution for a truck route that would address Gold and Mountain streets "that looks good." Speaking to some 30 people in the audience at city hall he said, "It's a shame y'all have to suffer because of some truck drivers who won't obey the signs."

Responding to questions from councilman Dean Spears and mayor pro tem Rodney Gordon, Chief Proctor reiterated that no truck drivers have lost their licenses at the various incidents. Violation of a city ordinance is a misdemeanor and the civil penalty was attached as a deterrent.

Currently barriers are up at the Gold Street crossing - the next railroad crossing up Battleground Avenue in the center of town from Oak Street - that narrows the road and prevents larger commercial vehicles from coming through.

Sellers, who opened the nearly two hours of discussion at the public hearing, said despite attempts to make the crossing safer, the crashes are continuing and increasing. She said the city has passed out safety flyers at the crossing sites, beefed up police patrols, and city officials conferred many times with railroad and NCDOT officials to find an alternative solution but to no avail.

"As city manager I have to try to minimize the city's liability and above all we have to put the citizens' safety as top priority," she said, adding, "We can't continue to ignore the railroad's request. It comes to a point that safety has to come first."

Sellers, Proctor, city attorney Mickey Corry, Public Works Supt. Jackie Barnette, Scott Smith, Joe Talley and Danny Gilbert, special agents in charge of railroad police, Johmal Pullen, representative of the Department of Transportation, and local residents Parkdale Mills spokesman Keith Nicholson, and local architect Ken Pfeiffer supported the closing.

Councilman Rick Moore, Wendall Bunch, Lou Dellinger and Tim Gladden asked the city to find a way to keep the crossing open.

"Is there a possibility of a domino effect with the closing of Oak Street?" asked Moore, meaning if one crossing is closed will the next one (Gold) follow suit?

Responding to Moore's question, Corry said that the ultimate decision to close a crossing lies with city council. Neither the NCDOT nor Norfolk Southern has the authority to close any Kings Mountain railroad crossing.

"Our first thought was we do not want to close Gold or Mountain (street intersections) so let's look at that," said Mayor Rick Murphrey. "We came up with, I am very confident, with some solutions so we won't have to close those crossings."

Smith said there's no engineering solutions to fix the Oak Street crossing because of the steep grade. Cansler Street is the preferred truck route for trucks.

"There's no room for trucks to cross Gold, they'll get stuck," said Moore. He suggested putting up a high bar could be the answer. But engineers say a metal bar over the tracks could pose a potential danger to a passing train.

Corry spoke about the importance of closing the crossing from a legal perspective. He said the city and the railroad corporation can be sued if someone is seriously injured while trying to cross the tracks.

"There are actual risks and there are slight risks, but I think your responsibility is to minimize those risks," Corry told the council. "This crossing is dangerous and poses a real hazard," he added.

Responding to questions from the council, Corry said a serious accident occurred at the now-closed Hawthorne crossing June 7, 1991, and two lawsuits were filed. "We can be sued by both the plaintiff and the railroad," he said. "If the city fails to act in disregard to safety of others we can be sued also for punitive damages." And he said insurance would never cover the damages.

"As city attorney I am representing the 13,000 people of this city and it's in the best interest of the public that the crossing be closed," Corry said.

Bunch said he understands the city's concerns about safety and liability but he

maintained that the city and railroad should work together to come up with an engineering solution that could keep the Oak Street crossing open.

"Lower the elevation," he said as he passed to council members a picture that showed the elevation had been raised over six feet. In the mid 20's-30's the grade of the crossing was level with Railroad Avenue. The photograph showed Mountain View Hotel (where Joy Theatre is now located) with a clear view of the tracks.

"I agree that the tracks have become dangerous and trucks can't or won't read the signs," he said. "I agree with

Rick Moore that when truckers come up S. Battleground late at night they will go to the Gold Street crossing and crash through those plastic barricades and there will be another wreck," Bunch said. He added, "I'm thinking their only entrance and exit will be to cross the overhead bridge. If there is ever a 'shovel ready job' this is it."

Bunch suggested that city officials ask railway officials to look at tracks in other towns. "The railroad does the right thing in other cities, why not here?"

Railroad officials asked the city to close the Oak Street crossing for the first time in

2008. "We've looked at a lot of options in an effort to keep those tracks open for our citizens," said the mayor.

After hearing opinions from city and railroad officials, the mayor asked for a vote. Moore made the motion to deny (meaning to keep the crossing open). His motion died for lack of a second and Spears made the motion to close the crossing permanently, seconded by Keith Miller, Gordon, Hawkins, and Howard Shipp voted "yes" and Moore cast the dissenting vote. Councilman Mike Butler was out of town on vacation.

## Cramerton man arrested for string of KM vehicle break-ins

Kings Mountain Police have arrested a Cramerton man following a string of vehicle break-ins.

Edgar Amilcar Flores, Jr., 20, of 316 Mayflower Avenue in Cramerton, was arrested by Kings Mountain police last Wednesday as a suspect in the break-ins of 10 unlocked cars in the Crescent Hill and Edgemont areas of the city.

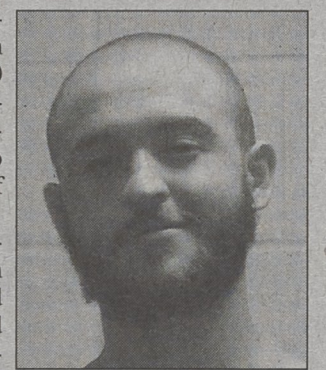
Earlier, police had charged Flores with underage drinking and he was jailed in the Cleveland County Detention Center. Dept. Cpl. K.L. Hamrick said that during this investigation the suspect was identified and numerous warrants were secured and served on Flores while he was incarcerated in the Cleveland County Detention Center.

Flores now faces 17 felony counts of breaking and entering motor vehicles, 12 counts of

felony possession of stolen goods, 10 counts of misdemeanor larceny, and two counts of felony larceny.

The 'break-ins occurred on June 22 and June 25 and residents reported thefts of laptop computers, GPS systems, iPods and money.

Anyone with information regarding these incidents should contact Cpl. Hamrick at 704-734-0444.



Edgar Flores

## OBITUARIES

**Richard Barnes**  
A boat captain and an avid golfer.

**NORTH MYRTLE BEACH, SC** - Lionel Richard Barnes, 68, beloved husband, father, grandfather and great-grandfather, left this world on Saturday, June 30, 2012.

Born on January 17, 1945 in Shelby, NC, he was the son of the late Henry and Annie Champion Barnes.

His early career as a North Carolina Highway Patrolman prepared him for his later career as an entrepreneur. He was a boat captain with a love for sailing and an avid golfer. He loved spending time with his family and friends and will be greatly missed.

Richard is survived by his wife of 30 years, Patsy A. Spencer Barnes of North Myrtle Beach, SC; son, Brian Richard Barnes;

daughters, Pamela Gayle Van Dyk, Angie B. Baker, bothers, Don Ellis, Buford Ellis; sister, Coleen Kiser; five grandchildren and one great-grandchild.

A memorial service will be held at 5 p.m. Sunday, July 22, 2012 in Lee Funeral Home Chapel. Casual dress requested.

In lieu of flowers, memorials may be made to Living Water Baptist Church, Building fund, 1569 Hwy. 9 East, Longs, SC 29658.

A message of condolence may be sent to lhome@seacoast.net.

Lee Funeral Home & Crematory of Little River/North Myrtle Beach is serving the family.

### Harris Funeral Home

**Rosella Dover**  
A homemaker and member of St. Matthew's Lutheran Church

**KINGS MOUNTAIN** - Rosella Carroll Dover, 89, 107 Parkdale Circle, died Thursday, June 28, 2012 at Belaire Nursing Center in Gastonia.

She was born in York County, SC to the late Meek Carroll and Mary Gardner Carroll and was also preceded in death by her

husband, James V. Dover, and brothers, Wallace Carroll and Donald Carroll.

A homemaker, she was a member of St. Matthew's Lutheran Church and was active at the Patrick Senior Center in Kings Mountain.

Surviving are her son, Ronald M. Dover and wife, Gale of Bessemer City; daughter, Jama Dover, Gastonia; sisters, Faye Comer of Columbia, SC, Joyce Turner and husband, Buddy of Winnsboro, SC, and Agnes Roller and husband, Tom of Myrtle Beach, SC; sister-in-law, Betty Carroll, York, SC; grandchildren, Dana Herrieman and husband, Stan; Eric Dover and wife, Edie; Elena Brockamp and husband, Scott, and Brent Roof; six great-grandchildren and one great-great grandchild.

The graveside service was conducted Monday, July 2, at 11 a.m. at Mountain Rest Cemetery, Rev. C. Peter Setzer officiating.

The family received friends Monday, July 2, from 10 a.m.-11 a.m. before the services.

Memorials may be made to St. Matthew's Lutheran Church, 201 N. Piedmont Ave., Kings Mountain, NC 28086.

A guest register is available at www.HarrisFunerals.com.

Harris Funeral Home, Kings Mountain, NC, was in charge of arrangements.

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**Entry Number (Assigned)**

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**July 21 Patriots Park Kings Mountain**

**All Proceeds will benefit Relay for Life and The Green Banana Project**

**Ice Cream Crank-Off**  
Benefitting Relay for Life

Name: \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Category you are entering: (Circle only ONE, fill out a separate application for each category you enter.)

Vanilla \_\_\_\_\_ Chocolate \_\_\_\_\_ Fruit \_\_\_\_\_ Gourmet \_\_\_\_\_

\_\_\_\_\_ and Nut **You Made What!! - Outrageous!!**

There is a \$5 entry fee for the Crank-Off. Entrants are required to bring one (1) half-gallon of their ice cream for tasting by the public. This is IN ADDITION to the one (1) half-gallon required for judging.

Registration will be from 10 a.m. to noon Saturday, July 21 at Patriots Park, downtown Kings Mountain. Judging and public tasting begin at 1 p.m. Salt, ice and power are provided. Bring your own table, etc.

Entries pre-registered by July 6 receive Ice Cream Crank-Off apron. To pre-register, fax this form to 704-739-0611 or email to wendy.kmherald@gmail.com

Entrants may sign below to release their winning recipe, if they are chosen, to be the Green Banana Ice Cream Specialty of the Year, which allows it to be used to create ice cream products for the benefit of Green Banana Project fundraising. Signature is not required to participate.

\*No unpasteurized products may be used in the recipes.

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Meek Carroll and Mary Gardner Carroll and was also preceded in death by her

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