

**MINUTES OF A REGULAR MEETING
OF THE TOWN COUNCIL OF THE
TOWN OF LAUREL PARK, N.C.
AUGUST 18, 2009
9:30 A.M.**

The Laurel Park Town Council held its regular meeting in the Laurel Park Town Hall on August 18, 2009 at 9:30 a.m. The following members were present: Mayor Henry T. Johnson, Commissioners Dona M. Mennella, Richard P. Cooke, and Keith A. Maddox. Town Attorney Sam Neill and Town Manager Jim Ball were also present. Commissioner Robert O. Vickery was absent.

Mayor Johnson opened the regular meeting and led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Johnson asked for any additions and/or deletions to the agenda. Attorney Neill requested a closed session be added to the Agenda for the purpose of considering and giving instructions concerning a potential or actual claim, administrative procedure, or judicial action. Commissioner Maddox moved to approve the agenda as amended. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

APPROVAL OF THE CONSENT AGENDA

- a) Minutes from the July 21, 2009, Council Regular Meeting
- b) Minutes from the July 21, 2009, Council Closed Session
- c) Minutes from the July 21, 2009, Council Special Work Session – Town Ordinances
- d) Minutes from the August 13, 2009, Council Work Session

Commissioner Cooke moved to approve the Minutes from the July 21, 2009, Council Regular Meeting. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Commissioner Cooke moved to approve the Minutes from the July 21, 2009, Council Closed Session. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Commissioner Cooke moved to approve the Minutes from the July 21, 2009, Council Work Session – Town Ordinances. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Commissioner Cooke moved to approve the Minutes from the August 13, 2009, Council Work Session. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

PUBLIC HEARINGS

CONDITIONAL USE PERMIT REQUEST FROM HENDERSON COUNTY

Mayor Johnson opened the public hearing for the purpose of receiving public comments on a Conditional Use Permit Request From Henderson County.

Mayor Johnson stated the Town had received a Conditional Use Permit Application from Henderson County to install a communication tower to facilitate intergovernmental public safety and emergency communications at the Fleetwood Water Tank area on Parcel Number 99-00636.

He stated Henderson County was currently coordinating a communications upgrade with the North Carolina Highway Patrol to install communication equipment and infrastructure to support the state-wide Voice Interoperability Plan for Emergency Responders (VIPER). The system will facilitate communications at local, state, and federal levels during emergency situations.

Mayor Johnson stated the proposed communications tower would be configured to accommodate not only the VIPER system but other County emergency management system antennas (911, EMS,

Hendersonville Police, for example), which were now sited on an older tower at the Fleetwood site. The old tower would not handle VIPER as an add-on, and when the new tower becomes operational, the old tower would be dismantled and removed—basically a one-for-one swap. The new tower would only be used for governmental communications.

Mayor Johnson also stated the Laurel Park Zoning ordinance referenced that, prior to the Town Council taking action on a conditional use, a public hearing shall be held on the conditional use permit. Notice of the public hearing was given in the Times-News and letters were mailed to abutting property owners in accordance with the Town's zoning ordinance.

Mayor Johnson asked for public comments. Andrew Kilpatrick, of 105 Deerwood Lane, asked if, when the equipment was installed, he could meet with those installing the equipment. Mr. Kilpatrick stated he was an amateur radio handler and wanted to make sure there wouldn't be any installation problems or interference. Mayor Johnson suggested Rocky Hyder, with Emergency Medical Management, set up a time to meet with Mr. Kilpatrick. Mr. Hyder agreed to meeting with Mr. Kilpatrick.

Commissioner Maddox moved to close the public hearing Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

OLD BUSINESS

There was none.

NEW BUSINESS

CONSIDERATION, CONDITIONAL USE PERMIT REQUEST FROM HENDERSON COUNTY

Mayor Johnson stated that, at its meeting on August 11, 2009, the Laurel Park Planning Board reviewed the Conditional Use Permit Request from Henderson County and forwarded a favorable recommendation to Council that the permit be approved in accordance with the site plan presented.

Commissioner Cooke moved to approve the Conditional Use Permit from Henderson County. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

TOWN MANAGER'S REPORT

Mr. Ball had no comments.

Chief Fisher gave the following police statistics for the month of July: 100 residence checks, 7 arrests, 3 accidents, 73 foot patrols, 1 mental/intoxicated person, 1 breaking and entering and larceny (solved), and 1,048 area security checks for a total of 1,518 service events for the month.

OTHER ITEMS TO BE BROUGHT BEFORE THE TOWN COUNCIL

John Crook, of 3290 Laurel Park Highway, chairman of the CFRAC, stated that, with the July 28, 2009 AT&T filing for a NC franchise covering Henderson County, Flat Rock, Fletcher, Hendersonville, and Laurel Park, the 120-day clock began ticking for service to at least one resident inside each specified area.

Mr. Crook also stated he felt the initial availability would be to homes in DSL areas and because the State franchise had no build-out provisions, AT&T was free to cherry pick areas. Mr. Crook requested that Council monitor the provision of service to at least one resident inside the Town by December 1, 2009 and notify Mr. Crook if AT&T did not meet that requirement.

MAYOR AND COMMISSIONER'S COMMENTS

MAYOR JOHNSON – Mayor Johnson stated he had received his annual invitation to participate in this year’s King Apple Festival Parade. Chief Fisher said he would be glad to escort him.

COMMISSIONER MENNELLA – Commissioner Mennella had no comments.

COMMISSIONER MADDOX – Commissioner Maddox had no comments.

COMMISSIONER COOKE – Commissioner Cooke had no comments.

At the request of Town Attorney, Sam Neill, Commissioner Maddox moved to recess the Regular Meeting and go into Closed Session for the purpose of considering and giving instructions concerning a potential or actual claim, administrative procedure, or judicial action. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Commissioner Maddox moved to reconvene the Regular Meeting. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Upon Town Attorney Sam Neill’s recommendation made in Closed Session, Commissioner Maddox moved to unseal the following sets of Closed Minutes: November 20, 2007, December 18, 2007, March 18, 2008, July 15, 2008, August 19, 2008, and July 21, 2009. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

There being no further business, Commissioner Cooke moved to adjourn the Regular Meeting. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Attest:

Henry T. Johnson, Mayor

Kimberly B. Hensley, CMC
Town Clerk

Date