

**MINUTES OF A REGULAR MEETING
OF THE TOWN COUNCIL OF THE
TOWN OF LAUREL PARK, N.C.
FEBRUARY 17, 2009
9:30 A.M.**

The Laurel Park Town Council held its regular meeting in the Laurel Park Town Hall on February 17, 2009 at 9:30 a.m. The following members were present: Mayor Henry T. Johnson, Keith A. Maddox, Richard P. Cooke, and Robert O. Vickery. Town Manager Jim Ball and Town Attorney Sam Neill were also present. Commissioner Dona M. Mennella 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. There were none. Commissioner Maddox moved to approve the agenda. 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 January 20, 2009, Council Regular Meeting
- b) Minutes from the January 20, 2009, Council Special Work Session – Town Ordinances
- c) Minutes from the February 12, 2009, Council Work Session

Commissioner Vickery moved to approve the Minutes from the January 20, 2009, Council Regular Meeting. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Commissioner Vickery moved to approve the Minutes from the January 20, 2009, Council Special Work Session – Town Ordinances. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Commissioner Vickery moved to approve the Minutes from the February 12, 2009, Council Work Session. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

PUBLIC HEARINGS

There were none.

OLD BUSINESS

There was none.

NEW BUSINESS

TAX COLLECTOR'S REPORT

Town Clerk Kim Hensley presented Council with the 2008 Laurel Park Tax Levy Report as of February 9, 2009 as follows:

Levy	\$ 1,078,460.54
Collected	\$ 1,001,913.28

Uncollected	\$ 78,646.56
Collection Rate	93 %

Ms. Hensley also noted that the Town's collection rate was up 1 % from last year's February, 2008 collection rate of 92 %. The Town mailed second notice letters to delinquent taxpayers on February 3, 2009 and planned to mail 3rd notice advertisement letters the first week of March, 2009.

CONSIDERATION, RESOLUTION TO ADVERTISE DELINQUENT TAXES

Mayor Johnson stated, according to General Statute 105-369(a), -369(c), all taxpayers owing taxes for the current fiscal year and prior years, which are liens on real property, must be posted and advertised at least once between March 1 and June 30. The resolution by Town Council directs the Town Clerk to comply with the statute and, at a time selected within that time period, advertise all tax liens then owing.

Commissioner Cooke moved to approve a Resolution to Advertise Delinquent Taxes. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

CONSIDERATION, WATER/SEWER BILLING ORDINANCE

Mayor Johnson stated Council was continuing the process of reviewing all Town Ordinances during special work sessions that are scheduled after each Council regular meeting. Council's goal was to review the ordinances for clarity, applicability, and formatting. As Mayor Johnson stated in previous Town meetings, some of the ordinances were several years old and needed to be updated or eliminated. As each ordinance was revised and updated, a copy would be available for public inspection during normal operating hours in the Town Office, as well as posted to the Town's web site.

Mayor Johnson stated the first of four ordinances to be considered was the Water/Sewer Billing Ordinance which was initially a Town Policy. Council chose to convert the policy to an ordinance so all procedures concerning the water system would be in an ordinance format.

The ordinance established general guidelines and procedures to be used for water/sewer billing, such as, collection procedures, delinquent account procedures, and tampering with utility connections to name a few.

Commissioner Maddox moved to approve the Water/Sewer Billing Ordinance. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

CONSIDERATION, WATER/SEWER BILL ADJUSTMENT ORDINANCE

Mayor Johnson stated the second ordinance to be considered was the Water/Sewer Bill Adjustment Ordinance which was also initially a Town Policy. He stated the ordinance established general guidelines and procedures to be used for water/sewer customers who (1) experience a water leak or break due to no reasonable fault of their own, or (2) suspect there is inaccuracy with their water meter.

Commissioner Vickery moved to approve the Water/Sewer Bill Adjustment Ordinance. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion. Mayor Johnson asked Mr. Ball if the Town's Water/Sewer Bill Adjustment Ordinance mirrored the City of Hendersonville's ordinance. Mr. Ball said yes. Mr. Ball also stated the winter months had been very hard on several residents. The Town discovered five water line breaks inside homes. He felt the Town's new Water/Sewer Bill Adjustment Ordinance would be used often over the next couple of months.

CONSIDERATION, WATER OPERATIONS ORDINANCE

Mayor Johnson stated the third ordinance to be considered was the Water Operations Ordinance which was also initially a Town Policy. He stated the ordinance established general guidelines and procedures to be used in the operation, maintenance, and extension of water services to residents of the Town of Laurel Park.

Commissioner Cooke moved to approve the Water Operations Ordinance. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

CONSIDERATION, ORDINANCE TO REVOKE PRIVILEGE LICENSES

Mayor Johnson stated the fourth ordinance to be considered was the Ordinance to Revoke Privilege Licenses. He stated a Privilege Licenses' ordinance was adopted in 1987 and revoked in 1992. If approved, the amendment only changed the format for standardization.

Commissioner Vickery moved to approve the Ordinance to Revoke Privilege Licenses. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

CONSIDERATION, PRELIMINARY PLAT REVIEW FOR PHASE II OF DAVIS PARK

Mayor Johnson stated the Planning Board reviewed the Preliminary Plat for Phase II of the Davis Park subdivision at its February 10, 2009 meeting, as presented by Mike Robinson representing JME, Inc. and that the subdivision was within the Town extraterritorial zoning jurisdiction with access from Davis Mountain Road. He also stated the Preliminary Plat for Phase II proposed subdividing 13.18 acres into 12 single family lots and that Phase I of Davis Park subdivided 10.94 acres into 12 single family lots, which was approved on March 20, 2007. The total subdivision tract was approximately 25 acres. Mayor Johnson stated the Planning Board reviewed the plat for conformance to the Town's subdivision ordinance and had unanimously recommended Council approve the Preliminary Plat as modified. Mr. Ball stated all modifications had been completed.

Commissioner Cooke moved to approve the Preliminary Plat Review for Phase II of Davis Park. 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 January: 5 accidents, 24 citations, 296 business checks, 1,085 residence checks, 12 arrests, 1,151 area security checks, 2 domestics, 114 foot patrols, and 3 breaking and entering and larceny for a total number of 2,803 events for the month.

OTHER ITEMS TO BE BROUGHT BEFORE THE TOWN COUNCIL – Andrew Kilpatrick, of 105 Deerwood Lane, asked Chief Fisher to elaborate on the recent break-ins and what homeowners should be doing to help prevent them. Chief Fisher suggested homeowners lock their homes when they leave.

Regarding the Lake Drive Lakebed Condemnation, Attorney Neill stated that, the Town currently had only two deeds for properties whose ownership had not been transferred to the Town. He planned to hand deliver one of the deeds to the property owner on February 17, 2009. He felt the Town was making incredible progress and hoped to have everything wrapped up by the end of February. Mayor Johnson stated all of the Lake Drive residents he had spoken with were very excited about the potential of making the lake bed a nice park. Attorney Neill stated he would have never expected near 100% participation and that the entire process had moved faster and smoother than he ever anticipated.

MAYOR AND COMMISSIONER'S COMMENTS

MAYOR JOHNSON – Mayor Johnson stated there were a couple of thoughts he wanted to discuss before Council continued discussing the sewer review:

As stated in previous Town newsletters, "The Council believes the availability of sanitary sewer to be a pressing long-term need of the Town that will have to be addressed, **sooner or later.**" He stated he knew there were no shortcuts, inexpensive answers, or perfect solutions to the issue, particularly during power outages.

Council's goal for the year was to review the various ways to expand sewer within the community, to look at the possibility of dividing the entire project into smaller more manageable projects for the purpose of developing a long-range phased approach to sewerage the community, and to establish a criteria to prioritize the project list. Mayor Johnson stated that he, along with Commissioner Maddox, Manager Jim Ball, and John Crook had worked with Will Buie of Lapsley and Associates on the review. As information was developed and refined, Mayor Johnson said he would keep Council fully informed at the Town's work sessions and regular Town meetings.

He stated that even though the review continued to be refined, the end result could be used for determining how to respond to an area in the community that may have continued septic problems which could pose health risks, to respond to an area of the community that may desire sewer service such as Primrose Lane did a few year's back, or to submit smaller projects for outside funding, if available.

He stated that Council was not interested in adding a significant tax burden on the Town's residents, but was tasked with current and long range planning for the overall welfare of its community.

Mayor Johnson stated he had looked into the opportunity of obtaining some of the Economic Stimulus Bill money to help with some of the Town's sewer projects. He said the guidelines were not completely clear. Mr. Ball and Mr. Buie plan to attend a meeting on Thursday, February 19, 2009 in Asheville, hosted by Representative Heath Shuler and the water/sewer state level representatives, to receive more information on the guidelines required in order to request Economic Stimulus Bill money. The North Carolina Department of Environment and Natural Resources (NCDENR) had published guidelines on how to apply for Economic Stimulus Bill money. The deadline for water project funding had passed, but the Town still had time to meet the deadline for sewer project funding. He stated guidelines included submitting a one page description, which would be prioritized, based on projects that had been designed, permitted and could be implemented fairly quickly. Mayor Johnson stated the top three projects the Town planned to submit were (1) Echo Mountain Inn sewer project, (2) Crystal Springs sewer project, and (3) gravity sewer main down the backbone of the Town. He stressed there would be no obligation to the Town for requesting money for the sewer projects.

Mr. Kilpatrick asked if sewerage the Town would change the zoning to a higher density zoning to include smaller lots and adding additional condos. Mayor Johnson said the project wouldn't open the Town up for the building of additional condos because the Town wasn't zoned for condos except for where they currently existed. Mr. Ball stated the Town did not plan to reduce the current zoning requirements to accommodate new building opportunities.

Mr. Kilpatrick also asked if Council could look into the homeowners' responsibility for what it would take to pressurize sewer. Mayor Johnson stated the Town was looking into providing a gravity sewer line and that there would be no problems for the people who lived above it. Mr. Ball stated that, as it currently stood, homeowners who pumped up to existing gravity sewer lines had the option of doing what they wanted. He also mentioned that the State made no requirements as to what kind of pressure system the homeowner used on a gravity main line and that most residents used a grinder pump system.

COMMISSIONER MADDOX – Commissioner Maddox had no comments.

COMMISSIONER COOKE – Commissioner Cooke stated it was his understanding the funding for the Echo Mountain Inn sewer project was to be funded by the owners. Mayor Johnson said yes, but under the Economic Stimulus Bill, it might pick up funding projects that had been designed but did not have the funding to follow through with the project.

COMMISSIONER VICKERY – Commissioner Vickery had no comments.

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, Town Clerk

Date