

**MINUTES OF A REGULAR MEETING
OF THE TOWN COUNCIL OF THE
TOWN OF LAUREL PARK, N.C.
JUNE 16, 2009
9:30 A.M.**

The Laurel Park Town Council held its regular meeting in the Laurel Park Town Hall on June 16, 2009 at 9:30 a.m. The following members were present: Mayor Henry T. Johnson, Commissioners Dona M. Mennella, Keith A. Maddox, and Robert O. Vickery. Town Attorney Sam Neill and Town Manager Jim Ball were also present. Commissioner Richard P. Cooke 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 Mennella 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 May 19, 2009, Council Regular Meeting
- b) Minutes from the May 19, 2009, Council Special Work Session – Town Ordinances
- c) Minutes from the June 11, 2009, Council Work Session
- d) Tax Release – \$3,520 value/\$9.50
- e) ABC Board
 - Robert Pitre – Appointment to June 30, 2011
 - Michael Hodes – Reappointment to June 30, 2012
 - Michael Hodes – Appointment as Chairman to June 30, 2010
- f) Planning Board
 - Louis Lunardoni – Appointment to December 31, 2009

Commissioner Maddox moved to approve the Minutes from the May 19, 2009, Council Regular Meeting. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Commissioner Maddox moved to approve the Minutes from the May 19, 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 Maddox moved to approve the Minutes from the June 11, 2009, Council Work Session. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Commissioner Maddox moved to approve the Tax Release – \$3,520 value/\$9.50. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Commissioner Maddox moved to approve the appointment of Robert Pitre to the ABC Board to June 30, 2011, the reappointment of Michael Hodes to the ABC Board to June 30, 2012, the appointment of Michael Hodes as the ABC Board Chairman to June 30, 2010, and the appointment of Louis Lunardoni to the Planning Board to December 31, 2009. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

PUBLIC HEARINGS

FY 2009-2010 BUDGET ORDINANCE, PURSUANT TO G.S. 159-12

Mayor Johnson opened the public hearing for the purpose of receiving public comments on the FY 2009-2010 Budget Ordinance, Pursuant to G.S. 159-12.

Mayor Johnson gave the following presentation of the FY 2009-2010 Budget Ordinance, Pursuant to G.S. 159-12:

“General Fund: The general fund budget proposed by Council for the fiscal year starting July 1, 2009 is \$1,861,500, a decrease of \$37,500 or 1.45% compared to the current year’s initially adopted budget. The budget is based on an ad valorem tax rate on property of \$0.27 per \$100.00 valuation, which is no change from the current rate.

Factors impacting the coming year’s budget:

- a. Current economic conditions are impacting several revenue sources. State road maintenance funds, motor vehicle taxes, and interest income from investments are all projected to decrease. The most significant impact is on sales tax revenues, which are projected to decrease by \$58,000 or 12.4% from the FY 2008-2009 budget projection. The proposed budget uses \$57,500 from the General Fund Balance to offset the decreases in forecasted revenues.
- b. The Town tax base is projected to increase by approximately \$10,000 or 1.0% as a result of modest new construction.
- c. Major expenses budgeted for the Town in the upcoming year include:
 - \$280,000 for fire, rescue, and emergency medical services provided by Valley Hill Fire and Rescue, which is no change from the current year. This equates to 7 cents of the 27-cent tax rate going for fire, rescue, and first response emergency medical services provided by Valley Hill Fire and Rescue.
 - \$145,000 for sanitation or trash collection services provided by GDS, which is no change from the current year. This is about 3 ½ cents of the resident’s property taxes.
 - \$ 100,000 for street resurfacing, snow removal, storm water management, and general road maintenance. The Town does receive slightly over \$90,000 from Powell Bill funds through the State to assist in offsetting these costs.
- d. Other factors affecting the upcoming year:
 - The Town health insurance premiums will increase by 8%.
 - The Town property liability insurance premiums and workers compensation insurance premiums have remained stable.
 - The overall basic payroll for the Town will increase by less than 1%.
- e. Major capital improvements budgeted for the coming year include:
 - \$ 20,000 to replace a police vehicle.
 - \$ 15,000 to replace one industrial mower.

Water Fund: The water fund is a self-sustaining enterprise fund, and the water fund budget for FY 2009-2010 is \$293,600, which is \$6,500 or 2.16% lower than the current year’s budget. The Town purchases water from the City of Hendersonville. Hendersonville is renovating its water treatment plant at an estimated cost of \$16,000,000. To help offset the renovation costs, Hendersonville began increasing water usage or consumption rates 5% annually for a three-year period, and we are entering the third year of the rate increases. This will increase the water rate per thousand gallons of water used

by customers served by the Laurel Park water system from \$3.78 to \$3.97 in the new fiscal year. Average residential water use is approximately 5,000 gallons a month; a customer with average usage will see a \$0.95 increase monthly. Since Laurel Park bills for water on a two-month cycle, our residents will see an average increase of \$1.90 within the billing cycle depending on their usage patterns.

Sewer Fund: The sewer fund budget for FY 2009-2010 is \$109,000, which is \$7,000 or 4.3% lower than the current year's budget. Within Laurel Park, the majority of the sewer lines are owned and maintained by the City of Hendersonville, which sets the sewer rates based on metered water consumption, not sewer flow volume. Hendersonville will increase sewer rates by 5% for the upcoming budget year. This budget recommends Town sewer rates be adjusted to coincide with the new Hendersonville outside customer sewer rates. This will increase the sewer rate from \$6.12 to \$6.42 per thousand gallons of water used by customers served by the Laurel Park water system and who are connected to public sewer. Residential averages are approximately 5,000 gallons a month per customer. In this example, the resident would see a \$1.50 increase monthly. Since Laurel Park bills for water on a two-month cycle, this resident would see an approximate increase of \$3.00 within the billing cycle depending on his/her usage patterns.

In summary:

- Laurel Park has no debt.
- The financial health of the Town is stable. Upon executing the budget proposed today, we anticipate the unrestricted general fund balance on June 30, 2010 will be approximately \$ 878,049 or about 47.17% of the annual operating budget. The average fund balance for Towns our size across the State is slightly more than 61%. In both our water and sewer enterprise funds, comfortable fund balances exist.
- We have developed solid, long-range planning for the Town. At the same time, the Town Council will closely monitor the economy and its impact on our state and community. We will continue to watch our budget execution very closely, not only this year, but in the coming years. We are committed to the continued financial health of the Town and exemplary service to our residents."

Mayor Johnson asked for discussion; there was none. There being no further business, Commissioner Maddox moved to close the public hearing. The vote was unanimous in favor of the motion.

OLD BUSINESS

CONSIDERATION, FY 2009-2010 BUDGET ORDINANCE

Commissioner Mennella moved to approve the FY 2009-2010 Budget Ordinance. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Mayor Johnson stated a copy of the FY 2009-2010 Budget Ordinance and all supporting documentation would be available for public inspection after the Town meeting.

The FY 2009-2010 Budget Ordinance was hereby incorporated, by reference, and made a part of the minutes.

NEW BUSINESS

CONSIDERATION, FY 2008-2009 BUDGET ORDINANCE AMENDMENT #2

Mayor Johnson stated the action taken would amend the FY 2008-2009 budget and addressed two areas: the first was in the water fund where a small interdepartmental adjustment had been made under group insurance and the second was in the sewer fund where money would be transferred from the sewer fund reserve to account for the grant application submitted by the Town of Laurel Park to the North Carolina Clean Water State Revolving Fund (CWSRF), funded by the American Recovery and Reinvestment Act of 2009 (ARRA).

Commissioner Vickery moved to approve the FY 2008-2009 Budget Ordinance Amendment #2. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

The FY 2008-2009 Budget Ordinance Amendment #2 was hereby incorporated, by reference, and made a part of the minutes.

CONSIDERATION, RESOLUTION FIXING WATER AND SEWER RATES

Mayor Johnson stated the resolution adjusted the water and sewer rates within the Laurel Park system to coincide with the rate structure set by the City of Hendersonville.

He stated the water rate per thousand gallons of water used by customers connected to the Laurel Park water system would increase from \$3.78 to 3.97 per thousand of gallons of usage in the new fiscal year.

Also, the sewer rate per thousand gallons of metered water usage by customers connected to the Laurel Park water system on public sewer would increase from \$6.12 to 6.42 per thousand of gallons of usage in the new fiscal year.

Commissioner Maddox moved to approve the Resolution Fixing Water and Sewer Rates. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

The Resolution Fixing Water and Sewer Rates was hereby incorporated, by reference, and made a part of the minutes.

CONSIDERATION, PARKS ORDINANCE

Mayor Johnson stated Council was continuing the process of reviewing all Town Ordinances during the special work sessions 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 ordinance to be considered was the Parks Ordinance. Upon Council review of this ordinance, only minor wording clarifications were recommended along with formatting.

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

The Parks Ordinance was hereby incorporated, by reference, and made a part of the minutes.

CONSIDERATION, CONTRACT RENEWAL WITH GDS

Mayor Johnson stated the action taken would renew the Town's solid waste management and recycling contract with Republic Services of North Carolina, LLC, doing business as Garbage Disposal Service (GDS). The contract would cover a five-year period.

Commissioner Mennella moved to approve the Contract Renewal with GDS. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

The Contract Renewal with GDS was hereby incorporated, by reference, and made a part of the minutes.

CONSIDERATION, ACCEPTING AND ENDORSING THE SOLID WASTE MANAGEMENT PLAN FOR 2009 FOR THE TOWN OF LAUREL PARK

Mayor Johnson stated a resolution had been prepared for Council's consideration to accept and endorse the Solid Waste Management Plan of 2009 for the Town of Laurel Park, as prepared by Henderson County. He stated the County was the lead agency for the countywide Solid Waste Management Plan, which must be reviewed and updated every three years. Will Sager, Solid Waste Manager for Henderson County, attended Council's June work session and provided an overall review of the plan and updated Council on several ongoing issues at the County landfill. The County held a public hearing on the Triennial Update of the Henderson County Ten Year Solid Waste Management Plan on May 20, 2009.

Commissioner Maddox moved to approve a Resolution Accepting and Endorsing the Solid Waste Management Plan for 2009 for the Town of Laurel Park. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

The Resolution Accepting and Endorsing the Solid Waste Management Plan for 2009 for the Town of Laurel Park was hereby incorporated, by reference, and made a part of the minutes.

CONSIDERATION, TO SET A PUBLIC HEARING FOR JULY 21, 2009 AT 9:30 A.M. IN THE LAUREL PARK TOWN HALL TO ALLOW FOR PUBLIC COMMENT ON A PROPOSED REZONING REQUEST BY HENDERSON COUNTY

Mayor Johnson stated the Henderson County Board of Commissioners had asked the Laurel Park Town Council to consider rezoning a parcel of land at the Fleetwood water tank site to facilitate intergovernmental public safety and emergency communications. 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). This system would facilitate communications at local, state, and federal levels during emergency situations.

Mayor Johnson also stated the proposed communications tower would be configured to accommodate not only the VIPER system but other County emergency management system antennae (911, EMS, Hendersonville Police, for example), which were now sited on an older tower at the Fleetwood site. He stated the old tower would not handle VIPER as an add-on, and, when the new tower was 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 stated that an article would be included in the Town's July newsletter on the rezoning request and the Planning Board would review the rezoning request prior to the public hearing and provide Council with a recommendation.

Commissioner Maddox asked what the Town's liability with SBA would be. Mayor Johnson stated he and Mr. Ball met with Henderson County Manager Steve Wyatt, Henderson County Chairman Bill Moyer, and Henderson County Emergency Management Manager Rocky Hyder regarding the Town's liability. Mayor Johnson stated the three representatives expressed to him and Mr. Ball that they would not sign any type of indemnification, but felt they would certainly step up and help support the Town. Mayor Johnson stated Henderson County owned the tower and that the County paid SBA approximately \$2,400 per year to lease the tower space. Attorney Neill asked for the term length of the term of the contract with SBA; Mayor Johnson stated the County had a 60 or 90-day opt-out agreement. Mayor Johnson stated an issue of concern for the Town would be if it violated the spirit of the agreement. Attorney Neill stated he felt the Town should ensure SBA is notified of the rezoning action.

Commissioner Maddox recommended a public hearing on the rezoning request be set for Tuesday, July 21, 2009 at 9:30 a. m. in the Laurel Park Town Hall. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

TOWN MANAGER'S REPORT

Mr. Ball stated the Town received the recorded deed back from the Register of Deeds for the lot adjacent to Crystal Springs, which Henderson County gave to Laurel Park to use as green space.

Chief Don Fisher gave the following police statistics for the month of May: 592 residence checks, 4 arrests, 33 citations, 2 domestics, 1,147 area security checks, 179 business checks and 16 assists for County Sheriff for a total of 2,211 service events for the month. As of the June meeting, the Police Department had reported 12 domestics for the year compared to 12 domestics for all of FY 2007-2008.

Chief Fisher also stated the Laurel Park Police Department was awarded the Police Car of the Month by Law and Order Magazine and would be featured in a national publication as well as entered into a national contest.

OTHER ITEMS TO BE BROUGHT BEFORE THE TOWN COUNCIL

MAYOR AND COMMISSIONER'S COMMENTS

MAYOR JOHNSON – Mayor Johnson had no comments.

COMMISSIONER MENNELLA – Commissioner Mennella had no comments.

COMMISSIONER MADDOX – Commissioner Maddox had no comments.

COMMISSIONER VICKERY – Commissioner Vickery had no comments.

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

Henry T. Johnson, Mayor

Attest:

Kimberly B. Hensley, Town Clerk

Date