

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

The Laurel Park Town Council held its regular meeting in the Laurel Park Town Hall on March 17, 2009 at 9:30 a.m. The following members were present: Mayor Henry T. Johnson, Commissioners Dona M. Mennella, Keith A. Maddox, Richard P. Cooke, and Robert O. Vickery. Town Manager Jim Ball was also present. Town Attorney Sam Neill 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. Mayor Johnson requested The Week of the Young Child Proclamation be added to the Agenda as item 6.g under New Business. Commissioner Mennella moved to approve the agenda as amended, adding Item 6.g. 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 February 17, 2009, Council Regular Meeting
- b) Minutes from the February 17, 2009, Council Special Work Session – Town Ordinances
- c) Minutes from the March 12, 2009, Council Work Session
- d) Water/Sewer Account Write Off for Bad Debt - \$323.48

Commissioner Vickery moved to approve the Minutes from the February 17, 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 February 17, 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 March 12, 2009, Council Work Session. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

Commissioner Vickery moved to approve the Water/Sewer Account Write Off for Bad Debt. 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

CONSIDERATION, PEDDLERS ORDINANCE

Mayor Johnson stated Council was continuing the process of reviewing all Town Ordinances during the special work sessions 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 three ordinances to be considered was the Peddlers Ordinance. He stated North Carolina State Statute 160A-178 states a city may, by ordinance, regulate, restrict, or prohibit those type activities. He stated Council, as discussed in a previous work session, had chosen to prohibit peddler type activities.

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

CONSIDERATION, EXTRATERRITORIAL JURISDICTION OF POLICE OFFICERS

Mayor Johnson stated the second ordinance to be considered was the Extraterritorial Jurisdiction of Police Officers. He stated North Carolina State Statute 160A-286 states that, in addition to the authority within the corporate limits, Town policemen shall have all the powers invested in law-enforcement officers by statute or common law within one mile of the corporate limits of the Town and on all property owned by or leased to the Town wherever located.

Commissioner Maddox moved to approve the Extraterritorial Jurisdiction of Police Officers. Mayor Johnson asked for discussion. Chief Fisher stated the Extraterritorial Jurisdiction of Police Officers was used for two reasons. First, the ordinance would give the Town the authority to answer calls and back up the City of Hendersonville Police Department and the Henderson County Sheriff's Department. Second, Chief Fisher stated that motorists don't stop exactly within the corporate city limits when police lights are turned on, so it would give the Town the authority to extend its jurisdiction. The vote was unanimous in favor of the motion.

CONSIDERATION, REMOVAL AND DISPOSITION OF ABANDONED, NUISANCE, AND JUNKED MOTOR VEHICLES

Mayor Johnson stated the third ordinance for consideration dealt with procedures on how to handle the removal and disposition of abandoned, nuisance, and junked motor vehicles. He stated, upon Council's review of the ordinance, only minor wording clarifications had been recommended along with formatting.

Commissioner Vickery moved to approve the Removal and Disposition of Abandoned, Nuisance, and Junked Motor Vehicles. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

CONSIDERATION, RESOLUTION DIRECTING THE TOWN CLERK TO INVESTIGATE A PETITION FOR VOLUNTARY ANNEXATION BY DOCTOR ANNE KIRKLEY

Mayor Johnson stated the Town had received a petition requesting voluntary annexation by Dr. Anne Kirkley of two properties, 641 and 665 Ransier Drive, on March 3, 2009. He stated prior to any action by the Town Council, G. S. 160A-31 required that the Town Clerk investigate the sufficiency of the petition before further annexation proceedings may take place. Mayor Johnson recommended Council adopt a resolution directing the Town Clerk to investigate the petition received under the provisions of G. S. 160A-31.

Commissioner Cooke moved to adopt a Resolution Directing the Town Clerk to Investigate a Petition for Voluntary Annexation by Doctor Anne Kirkley. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

CONSIDERATION, FINAL PLAT APPROVAL FOR PHASE II OF DAVIS PARK

Mayor Johnson stated the Planning Board had reviewed the Final Plat for Phase II of the Davis Park subdivision at its March 10, 2009 meeting, as presented by Mike Robinson representing JME, Inc. He stated the subdivision was within the Town extraterritorial zoning jurisdiction with access from Davis

Mountain Road. The Final Plat for Phase II proposes subdividing 13.18 acres into 12 single family lots. He stated Phase I of Davis Park subdivided 10.94 acres into 12 single family lots and was approved on March 20, 2007. The total subdivision tract is 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 subject to completion of the bonding requirements for the road contained within Phase II. Mr. Ball stated the Town received the bonding requirement paperwork on March 16, 2009.

Commissioner Maddox moved to approve the Final Plat Approval for Phase II of Davis Park. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

CONSIDERATION, RESOLUTION TO APPROVE APPLICATION FOR SEWER FUNDING TO THE NORTH CAROLINA CLEAN WATER STATE REVOLVING FUND

Mayor Johnson stated the resolution addressed the Town's application to the North Carolina Clean Water State Revolving Fund (CWSRF), funded by the American Recovery and Reinvestment Act of 2009 (ARRA), for projects as follows:

- \$2.2 million gravity sewer main project on Laurel Park Highway from Fleetwood to Cedarbrook (Laurel Park Highway "backbone") with the actual route and design details to be finalized by the Laurel Park Sewer Committee and the project engineer from Lapsley and Associates. Any actual funding commitment exceeding 10% of the approved figure would require Council approval. Implicit in the approval of the application was the approval to expend approximately \$37,500 immediately from the Sewer Enterprise Fund for construction design of the "backbone" project by Lapsley and Associates. The design must be completed as part of the stimulus funding application and would remain a viable asset for future permitting/construction whether the initial stimulus funding application was approved or not.
- Echo Mountain Inn and Crystal Spring projects as already-designed and permitted as submitted in a February 18, 2009 letter of intent. Currently approved details of those projects, both from design and fiscal responsibility standpoints, were subject to change depending on whether the Laurel Park Highway backbone project was approved. All projects would be interdependent to one degree or another, at least by Town philosophy as well as engineering and fiscal efficiency.

Mayor Johnson also noted the resolution stated that any project funding as awarded by CWSRF required the Laurel Park Town Council final approval.

Commissioner Mennella moved to adopt a Resolution to Approve Application for Sewer Funding to the North Carolina Clean Water State Revolving Fund. Mayor Johnson asked for discussion. He stated if accepted, the Town would be offered a \$1.1 million grant and pay back the other half of \$1.1 million back over a twenty-year period of time, interest free. He stated the Town would pay \$55,000 per year for twenty years for the \$2.2 million project, with probably no change to the tax rate due to the balance in the sewer enterprise fund and interest. He stated that kind of project would not be feasible without some type of grant funding and that the Town would need to look at other funding options down the road. Commissioner Cooke asked if there had been any discussion on how other Town projects would be engineered, funded, or carried out. Mayor Johnson said no, that was the first and largest of several projects, and he did not know how the scope of that project would affect smaller Town projects. The vote was unanimous in favor of the motion.

PROCLAMATION, THE WEEK OF THE YOUNG CHILD

Mayor Johnson stated the Children and Family Resource Center and other local organizations, in conjunction with the National Association for the Education of Young Children, would celebrate The Week of the Young Child April 19 – 25, 2009. Mayor Johnson stated those organizations work hard to improve early learning opportunities, including early literacy programs that could provide a foundation of learning for children in Laurel Park.

Commissioner Maddox moved Council adopt the Proclamation, The Week of the Young Child April 19 – 25, 2009. 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 February: 2 accidents, 5 arrests, 233 business checks, 1,130 residence checks, 4 domestics, and 62 calls for service for a total number of 2,731 events for the month.

Chief Fisher also stated a Community Watch group, led by Town residents, had recently been formed. He stated the first meeting would be March 17, 2009 at 4pm in the Laurel Park Town Hall.

OTHER ITEMS TO BE BROUGHT BEFORE THE TOWN COUNCIL – John Crook, of 3290 Laurel Park Highway, and chairman of CFRAC, gave the following cable/video programming update: State legislation approved in 2006 was finally working. The Town received \$33,000 in video distributions for the calendar year of 2008 compared to a 2006 base of \$30,000; distribution was up by \$3,000. Mayor Johnson stated the Times News reported Morris Communications was considering adding a local 24-hour call center, which would create 41 additional jobs.

Andrew Kilpatrick, of 105 Deerwood Lane, asked who comprised the Sewer Committee. Mayor Johnson stated the Sewer Committee is comprised of Commissioner Maddox, Mr. Ball, Mr. Crook, project engineer Will Buie of Lapsley and Associates, and himself.

MAYOR AND COMMISSIONER'S COMMENTS

MAYOR JOHNSON – Mayor Johnson welcomed Andrew Tate, CEO of the Henderson County Partnership for Economic Development, which the Town is a member of. He also stated the Town would include an updated article on the sewer project in its April newsletter.

COMMISSIONER MENNELLA – Commissioner Mennella had no comments.

COMMISSIONER MADDOX – Commissioner Maddox had no comments.

COMMISSIONER COOKE – Commissioner Cooke had no comments.

COMMISSIONER VICKERY – Commissioner Vickery asked when the spring brush collection would begin. Mr. Ball stated brush collection was always the third week of April and the third week of October.

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