

**MINUTES OF A REGULAR MEETING  
OF THE TOWN COUNCIL OF THE  
TOWN OF LAUREL PARK, N.C.  
OCTOBER 20, 2009  
9:30 A.M.**

The Laurel Park Town Council held its regular meeting in the Laurel Park Town Hall on October 20, 2009 at 9:30 a.m. The following members were present: Mayor Henry T. Johnson, Commissioners Dona M. Mennella, Richard P. Cooke, Robert O. Vickery, and Keith A. Maddox. Town Manager Jim Ball and Town Attorney Sam Neill were also present.

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 September 15, 2009, Council Regular Meeting
- b) Minutes from the September 15, 2009, Council Special Work Session – Town Ordinances
- c) Minutes from the October 15, 2009, Council Work Session
- d) Tax Release - \$4,407.00 value/\$11.90

Commissioner Cooke moved to approve the Minutes from the September 15, 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 September 15, 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 Cooke moved to approve the Minutes from the October 15, 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 \$4,407.00 value/\$11.90. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

**PUBLIC HEARINGS**

There were none.

**OLD BUSINESS**

**CONSIDERATION, REVOKE CHAPTER 7, ARTICLE 2, CONCEALED WEAPONS ON MUNICIPAL PROPERTY 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 to Revoke Chapter 7, Article 2, Concealed Weapons on Municipal Property. Commissioner Maddox moved to Revoke Chapter 7, Article 2, Concealed Weapons on Municipal Property Ordinance. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

## **NEW BUSINESS**

### **CONSIDERATION, TOWN AUDIT REPORT AS PREPARED BY BURLESON & EARLEY, P.A. FOR YEAR ENDING JUNE 30, 2009**

Mayor Johnson stated Council had received a detailed review of the FY 08-09 draft audit as prepared by Burleson, & Earley, P. A. at the Council work session on October 15, 2009. He said the auditor stated that the results of the audit disclosed no instances of noncompliance or other matters that were required to be reported under Government Auditing Standards.

Mayor Johnson also stated the auditor would forward a copy to the North Carolina Local Government Commission for review. Once the process was completed, the final audit would be prepared and a copy made available for public inspection.

Commissioner Mennella moved Council accept the FY 08-09 Town Audit Report as prepared by Burleson & Earley, P. A. for year ending June 30, 2009. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

### **CONSIDERATION, CHAPTER 5, ARTICLE 3, STREET CUTTING OR EXCAVATING ON RIGHT-OF-WAY ORDINANCE**

Mayor Johnson stated the next ordinance under consideration was Chapter 5, Article 3, Street Cutting or Excavating on Right-of-Way Ordinance. He stated upon Council review of the ordinance, only minor wording clarifications had been recommended along with formatting.

Commissioner Vickery moved to accept Chapter 5, Article 3, Street Cutting or Excavating on Right-Of-Way Ordinance. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

### **CONSIDERATION, CHAPTER 5, ARTICLE 5, TREE TRIMMING ON STREET RIGHT-OF-WAY AND TOWN PROPERTY**

Mayor Johnson stated the next ordinance for consideration was Chapter 5, Article 5, Tree Trimming on Street Right-of-Way and Town Property. He stated upon Council review of this ordinance, minor wording clarifications had been recommended along with formatting. Also a section was added that dealt with dead or deceased trees on private property that could constitute a hazard to public safety along Town right-of-ways or Town property.

Commissioner Vickery moved to approve Chapter 5, Article 5, Tree Trimming on Street Right-Of-Way and Town Property. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

### **CONSIDERATION, RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN**

Mayor Johnson stated that North Carolina General Statute 143-355 (1) required that each unit of local government that provided public water services or planned to provide such services should, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan. As required by the statute, a Water Shortage Response Plan for the Town of Laurel Park had been developed and reviewed by the North Carolina Department of Environment and Natural Resources and found to be in compliance with the state statute.

Mayor Johnson also stated that, with the adoption of this resolution, the Laurel Park Town Council found the water supply plan to be in accordance with the provisions of North Carolina General Statute 143-355 (1). A copy of the resolution would be submitted to the Department of Environment and Natural Resources, Division of Water Resources. The plan should be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department of Environment and Natural Resources, Division of Water Resources, in accordance with the statute and sound planning practice.

Commissioner Cooke moved to approve a Resolution for Approving Water Shortage Response Plan. Mayor Johnson asked for discussion; there was none. The vote was unanimous in favor of the motion.

## **CONSIDERATION, RESOLUTION REGARDING THE SEALING AND THE UNSEALING OF CLOSED MINUTES**

Mayor Johnson stated the next agenda item addressed procedures to be followed by Council and staff regarding the sealing and unsealing of closed session minutes. Although not required, it is recommended that a unit of government have a policy or resolution that outlines the sealing and unsealing of closed minutes.

North Carolina State Statute 143-318.10(e) provides that minutes or a general account of a closed session, by a public body in compliance with North Carolina State Statute 143-318.11, may be withheld from the public inspection so long as public inspection would frustrate the purpose of the closed session.

He also stated the resolution directs that, pursuant to North Carolina State Statute 143-318.10(e), all closed session minutes be sealed until their release would not frustrate the purpose of the closed session. The resolution further stated that separate minutes for separate items discussed be maintained and finally, that sealed minutes of all closed sessions be reviewed on an annual basis by the Town Manager, Town Clerk, and Town Attorney, who shall make a recommendation to the Town Council as to when the minutes may be unsealed in compliance with State law.

Commissioner Maddox moved to approve a Resolution Regarding the Sealing and the Unsealing of Closed Minutes. Mayor Johnson asked for discussion. Mayor Johnson asked Mr. Ball if the procedures were outlined in the resolution. Mr. Ball said yes. Commissioner Maddox asked who determined if the release would frustrate the process. Mr. Ball said the Town Manager, Town Clerk, and Town Attorney would make a recommendation to Council, who would then make that determination. Mr. Ball added that the Town currently had between 40 and 50 sets of closed session minutes to be reviewed. The vote was unanimous in favor of the motion.

## **CONSIDERATION, RESOLUTION REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY EXCLUDE THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM FUNDING FROM THE NCDOT EQUITY FORMULA**

Mayor Johnson stated the resolution dealt with how funds were distributed for highway improvements to the region. The Appalachian Development Highway System Funding was initially set up as additional funding for the mountainous regions of the state. These funds, over the past several years, have been included in the overall funding received by the state by the federal government. The resolution requests that the North Carolina General Assembly exclude these funds from the NCDOT equity formula.

He stated a copy of the resolution would be provided to the French Broad Metropolitan Planning Organization.

Commissioner Maddox moved to approve a Resolution Requesting the North Carolina General Assembly Exclude the Application Development Highway System Funding from the NCDOT Equity Formula. Mayor Johnson asked for discussion. Commissioner Maddox stated the funds should be used exclusively in the western North Carolina mountains. The vote was unanimous in favor of the motion.

## **TOWN MANAGER'S REPORT**

Mr. Ball stated the Town's fall brush collection started October 19, 2009. He stated brush placed by the roadside no later than October 18, 2009 would be picked up in accordance with the procedures outlined in the October newsletter. Mr. Ball stated that, weather permitting, the Public Works Department hoped to complete the work in 8 to 10 work days and then turn its direction toward leaf collection over the next two months.

Chief Fisher gave the following police statistics for the month of September: 239 residence checks, 8 arrests, 6 accidents, 39 citations, 213 business checks, 4 business alarm activations, 4 residential alarm activations, and 1,117 area security checks for a total of 1,931 service events for the month.

Mayor Johnson asked Chief Fisher if the alarm activations were false alarms; Chief Fisher said yes. Commissioner Maddox asked if the Town's policy allowed a resident or business a certain number of false alarms before being fined; Chief Fisher said the Town allowed an unlimited number of false alarms and that 8 in one month was a long way from being a problem.

## **OTHER ITEMS TO BE BROUGHT BEFORE THE TOWN COUNCIL**

There were none.

**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 COOKE** – Commissioner Cooke had no comments.

**COMMISSIONER VICKERY** – Commissioner Vickery had no comments.

At the request of Town Attorney, Sam Neill, Commissioner Cooke 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 Vickery moved to reconvene the Regular Meeting. 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