

TOWN OF WEAVERVILLE

COUNCIL MEETING

Minutes

The regular meeting of the Town Council of the Town of Weaverville was held on Monday, March 21, 2011 at 7:00 P.M. in the Council Chambers at 30 South Main Street.

Present: Mayor Al Root, Vice Mayor Dottie Sherrill, Council Members Walt Currie, Doug Dearth, Doug Jackson and Gene Knoefel. Town Attorney Patsy Brison, Town Manager Michael Boaz, Town employees Larry Sprinkle, Greg Stephens, Jeff Hooper, Eric Rogers, Jim McMillan and Shelby Shields.

Visitors: Ron Sussex, George Zerkich, Margaret McGinnis and several other citizens of the Town.

Approval of Agenda:

The motion was made by Vice Mayor Sherrill to approve the Agenda with the suggested changes of moving item # 8 -Tailgate Market Agreement and item # 11- Set Warranty Bond Amount for Woodbriar Subdivision to follow Approval of Minutes. The motion was seconded by Council Member Currie and unanimously approved.

Public Comment:

George Zerkich, 35 Whitetail Drive - Changing the name of the Weaverville Christmas Parade.
Ron Sussex, 38 Highland Point Drive - Commended Public Works Department for their excellent work on the streets and pick-up service of yard waste.

Mayor Root commended the Police Department on their fast response to a suspicious animal situation in his neighborhood.

Approval of Minutes:

The motion was made by Council Member Currie and seconded by Vice Mayor Sherrill to approve the minutes of February 21, 2011 with grammatical and typographical corrections. The motion was unanimously approved.

Tailgate Market Agreement:

Manager Boaz stated that the Agreement is basically the same document that has been approved in the past with the Weaverville Tailgate Market Association. This year the group has asked for temporary electric service and a storage building to be located at the Community Center on Lakeshore Drive. The temporary electric service will be at the Market Association's expense and removed at the end of the season. The location of the storage building will be approved by the Town Manager and Public Works Director and built in a manner that will allow it to be moved if necessary. The Market will open this season on April 13, 2011, and end on October 26, 2011. The Town Manager will have the authority to extend the agreement on a weekly basis until

November 30, 2011. The motion was made by Council Member Knoefel, seconded by Vice Mayor Sherrill and unanimously approved.

Woodbriar Subdivision-Set Warranty Bond Amount:

Mr. Boaz stated that the Subdivision Ordinance requires that the Town Council set a warranty bond on any water system that has been completed to the Town's requirements. The Town's engineer, McGill and Associates, has inspected the newly completed system at the Woodbriar Subdivision on Pleasant Grove Road and recommended a warranty of \$7,500.00 for a term of three years. The motion was made by Council Member Dearth and seconded by Council Member Jackson to approve the \$7,500.00 pursuant to Section 25-83(e)(2) of the Town Code for a defects guarantee. The motion was unanimously approved.

Retiree Health Insurance:

Mr. Boaz stated that for some time the Council has discussed the Town's policy regarding retiree health insurance. At the Council's request, Mr. Boaz has met with the Department Heads and reviewed the current policy and made recommendations regarding changes they felt necessary.

Mr. Boaz reviewed the Town's current health insurance policy adopted in February 2003. The current policy requires twelve (12) years of service with the Town prior to retirement to be eligible for continued insurance coverage until the retiree reaches the age for Medicare coverage. At that time, the retiree would no longer have the Town's coverage.

Mr. Boaz recommended that the Town continue to provide this benefit to employees, with some modifications. He summarized the modifications, based on research of other local governments and the State. Mr. Boaz recommended that the Council increase the number years of service to twenty (20) years, for new employees, rather than the current twelve (12) year requirement. Another consideration is whether to require that the Town of Weaverville would be the retiree's last employer. Currently, the Town does not have that requirement. Other local governments require a specific time period to have been covered by their insurance immediately preceding retirement. Mr. Boaz recommended that the Council adopt a similar policy requiring a specific time of employment prior to retirement.

The Town's current policy does not provide a supplement after a retiree becomes eligible for Medicare. Mr. Boaz recommended that the Council provide a Medicare supplement after the retiree becomes eligible for Medicare, which is following the State policy.

Mr. Boaz explained the coverages and options of the issues in the health insurance policy. He stated that the next two items on the agenda tie in with the Retiree Health Insurance. The Retiree Health Insurance is a part of the Personnel Policy.

There was a discussion on the possibility of a retiring employee working for another company and returning to the Town later to get health insurance benefits. Council Member Currie stated that there are numerous Medicare supplements and asked which one would the Town be providing.

After a lengthy discussion on the action to take on the Medicare supplements, Council Member Currie stated that he had concerns with “shopping” health insurances. If an employee leaves the Town’s coverage, for what ever reason, and chooses to come back to the Town to work for better insurance coverage. Council Member Currie stated that he wanted the Council to know what they are doing before they adopt the two provisions, specifically Article VIII. Employee Benefits, Section 3. Retiree Health Insurance, subsection 3 and the paragraph following on page 37 of the proposed Personnel Policy. After further discussion on the Retiree Health Insurance, the Council will consider Article VIII, Section 3 when discussing the Agenda item # 7. Personnel Policy.

Local Government Employees Retirement System Death Benefit:

Mr. Boaz explained that the Death Benefit is part of the existing Personnel Policy which stated that the Town will provide this benefit to its employees; however, the Town hasn’t been paying for the benefit. It would cost .18% of the total gross salaries. If an active employee should die, the policy would pay the beneficiary one years salary, with a minimum of \$25,000 and maximum of \$50,000. After a brief discussion, Council Member Jackson made the motion to adopt the Resolution to Enter Into Agreement with the NC Local Governmental Employees’ Retirement System to Provide Employee Death Benefits. The motion was seconded by Council Member Knoefel and unanimously approved.

Personnel Policy:

After a discussion on the Personnel Policy, Council Member Knoefel made the motion to adopt the Ordinance Deleting Section 2-71 of the Code of Ordinances which rescinds the current personnel policy. The motion was seconded by Council Member Dearth and unanimously approved.

The motion was made by Council Member Knoefel and seconded by Vice-Mayor Sherrill to adopt the Ordinance Amending Section 2-91 of the Code of Ordinance Regarding Appointment of the Town Clerk. The motion was unanimously approved.

The motion was made by Council Member Knoefel and seconded by Vice-Mayor Sherrill to adopt the Resolution Adopting a New Personnel Policy excluding Article VIII Section 3, and with the current Retirement Policy, dated February 2003, remaining in effect. There was a review and discussion of several sections within the proposed personnel policy before the unanimous vote to approve the Resolution Adopting a New Personnel policy, as amended, excluding Article VIII, Section 3.

Peddler Ordinance:

Mr. Boaz stated that there are consistently people coming into Town who want to go door to door andsell various items. The ordinance would require the people to apply for a license from the Police Department, provide listed information, photo ID and pay a fee of \$25.00 plus \$10.00 for each person working under the license. An annual license from July 1 thru June 30 would be required for all street vendors. The ordinance exempts non-profit groups, educational, religious or charitable organizations when the proceeds go the approved educational or charitable organizations.

Council Member Dearth asked if this would affect 'Art in Autumn' with the outside vendors that participate, and who would keep track of this. Mr. Boaz stated that it would not have an effect on Art in Autumn. However, they would have to submit an application to use the Town streets. The Chief of Police will issue the license and oversee the activities.

Council Member Jackson asked if there would be any kind of license from the Town that the street vendor would show the resident. Mr. Boaz stated that they would have a permit from the Town. Council Member Jackson asked if the fine of \$50.00 was adequate in Sec. 6-94 Penalty. After a brief discussion, Sec. 6-94 was amended to state *Pursuant to N.C. Gen. Stat. Sec. 14-4, any person who violates this ordinance shall be guilty of a misdemeanor punishable by a fine of \$500 and/or not more than thirty (30) days in jail.*

The motion was made by Council Member Dearth and seconded by Council Member Knoefel to adopt the Ordinance to Establish Provision Regarding Street Vendors in the Town of Weaverville as amended in Sec. 6-94. The motion was approved by a vote of 5 - 0.

Main Street Nature Park Rules Ordinance:

Mr. Boaz stated that the ordinance would prohibit certain activities at the Main Street Nature Park. The Park rules are the same as at Lake Louise with the exception that pets must be on a leash not more than eight (8) feet and under the control of the pet owner and the pet owners must clean after their pets. Council Member Dearth suggested that Section 18-40. (4). Prohibited Acts be changed to state: *No activities between the hours of sunset and sunrise.*

Any violation will be a civil penalty of a \$100.00 fine for each separate offense. The motion was made by Council Member Jackson and seconded by Council Member Dearth to adopt the Ordinance Prohibiting Certain Activities at Main Street Nature Park as amended. The motion was unanimously approved.

Manager's Report:

Mr. Boaz stated that the Council members have information on starting an intern program this summer. The person could work with the 'branding' process and web site, etc. The cost would be approximately \$7,500 to \$10,000. Council Member Jackson stated that he would like to know how the budgeting process goes before incurring any additional expense. Mr. Boaz explained that approximately \$5,000 would come out of the current budget to finish this year's part. The remaining would be budgeted in the 2011-2012 budget if the Council chose to continue the intern program. Mr. Boaz stated that the person needs to know soon because it is a school requirement and they will go to work as an intern at another location. After a discussion, the motion was made by Council Member Dearth to proceed with the intern program, and have the Manager work out the details with a cap of \$8,000 for the program. The motion was seconded by Council Member Knoefel and unanimously approved.

Mr. Boaz stated that he has not heard from everyone on Council on the training for manager evaluations at Montreat. If anyone plans to go, he will make the necessary arrangements. Also, May 4, 2011 is Town Hall Day in Raleigh. If any of the Council members plan to attend, Mr. Boaz will make the necessary reservations.

Mr. Boaz reported that he is working on some revisions to the nuisance ordinances and will have those later.

Department Reports:

Police Department - Police Chief Stephens gave the report on the past month's activities. He stated that the Department is participating in the statewide Operation Medicine Drop and will at the area drug stores on March 23, 24 and 26, 2011 from 3:00 to 6:00 P.M. to give the citizens an opportunity to drop-off any unused or out of date medicines for disposal.

Fire Department - Fire Chief Hooper reported the fire activities for the past month. The Department is hosting the AB Tech Rookie School for the next few weeks.

Public Works Department - Larry Sprinkle gave the report for the Public Works Department.

Zoning Department - Shelby Shields reported on the Zoning activities.

Tax Report - Mr. Boaz gave the Tax report thru March 16, 2011. He asked for a release on personal property, in the amount of \$55.88 on a valuation of \$10,859, for Total Renal Care which had been billed twice by Buncombe County Tax Department. The motion was made by Vice Mayor Sherrill, seconded by Council Member Knoefel and unanimously approved to release the taxes in the amount of \$55.88 for Total Renal Care.

The motion was made by Council Member Dearth, seconded by Vice Mayor Sherrill and unanimously approved to go into Closed Session pursuant to N. C. Gen. Stat. 143-318.11(3) Town of Weaverville vs. McAllister and the Town of Weaverville vs Rabbit Ridge Propertyies, LLC. and N. C. Gen. Stat. 143-318.11(6) Personnel.

The motion was unanimously approved to return to regular session.

There being no further business, the motion was made, seconded and approved to adjourn the meeting.

Shelby Shields, Town Clerk