

TOWN OF WEAVERVILLE

TOWN COUNCIL

Minutes

The Regular meeting of the Town Council for the Town of Weaverville was held on June 20, 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. Attorney Patsy Brison, Town Manager Michael Boaz, Town employees Kara Shea, Amanda Cash, Jeff Hooper, Brandon Paris, and Shelby Shields.

Visitors: Approximately 40 Town citizens.

Mayor Root called the meeting to order.

Approval of the Agenda:

The motion to approve the Agenda was made by Council Member Knoefel, seconded by Vice Mayor Sherrill and approved.

Public Comment:

Joyce Hamilton, 11 Salem Acres - opposed any tax increase.

Mary Shaw, 6 Orchard Place - opposed the tax increase and purchase of fire substation property.

Bill Hamilton, 11 Salem Acres - cut budget and no tax increase.

Cindy Wolfe, 21 Highland Street - opposed tax increase.

Bob Sheppard, 120 North Main Street - opposed tax increase.

Alan Sheppard, Alabama Avenue - opposed tax increase.

Approval of Minutes:

The motion was made by Vice Mayor Sherrill and seconded by Council Member Knoefel to approved the minutes of May 16 and May 23, 2011 Council Meetings; April 19, May 9, June 8 and June 13, 2011 Budget Meetings and June 2, 2011 Council Workshop as corrected. The motion was unanimously approved.

Honors and Awards:

Mr. Boaz recognized Battalion Chief Ray Blackwell, who was recently named Fire Fighter of the Year by the Asheville Optimist Club. Fire Chief Hooper stated that Mr. Blackwell has been an outstanding employee of the Fire Department, receiving all the certifications from North Carolina, plus a number that transferred from South Carolina. Mayor Root presented a plaque of recognition to Mr. Blackwell.

Mayor Root recognized Mr. Ernie Hewitt for serving on the Zoning Board of Adjustment as an E.T.J. member for the past twelve years. Mayor Root presented him with a framed Resolution Honoring the Service to the Town and a plaque of appreciation. The motion was made by

Council Member Currie, seconded by Council Member Jackson and unanimously approved to adopt the Resolution honoring the service of Mr. Hewitt on the Zoning Board of Adjustment.

Adoption of the FY 2011-2012 Budget Ordinance:

Mayor Root briefly stated that this is something that he cannot support and asked for further comments from the Council. Council Member Knoefel asked if the sale of surplus line item of \$5,000 included the fire trucks that are to be added as surplus items. Mr. Boaz stated that it did not. Council Member Knoefel stated again that he cannot support the tax increase. The motion was made by Council Member Dearth to adopt the FY 2011-2012 Budget Ordinance, the motion was seconded by Council Member Currie and approved by a vote of 4 - 1. Council Member Knoefel voted in opposition.

Personnel Policy Revisions:

Mr. Boaz stated that the first revision is a change to the retiree health insurance. There were earlier discussions on the potential of changing the service time required by employees before they earn health coverage after they retire and are not eligible for Medicaid, or another group health insurance policy. Also, to add a Medicare supplement to retirees, enrolled in both Medicare Parts A and B, who have met the service requirements. Council Member Jackson felt that sub section 4. should be omitted since it adds the cost of the Medicare supplement for retiree, which is not feasible regarding the scrutiny of the budget. Council Member Currie made the motion to adopt Section 3. Retiree Health Insurance of the Personnel Policy amendments with the removal of item number 4., Medicare supplement for retirees. The motion was seconded by Council Member Jackson. After further discussion the motion was approved by a vote of 3 - 2. Vice Mayor Sherrill and Council Member Dearth opposed.

Mr. Boaz stated that the second revision adds Article IX. Pre-Dismissal Hearing. The addition of the Article will give all employees, prior to being terminated, the right to a hearing with the Town Manager. The motion was made by Council Member Currie, seconded by Council Member Knoefel and unanimously approved to adopt the addition of Article IX. Pre-Dismissal Hearing to the Personnel Policy.

Approval of the Town Attorney Contract:

Mr. Boaz stated that this is a two year contract with Roberts & Stevens P.A. to provide legal services to the Town. Ms. Patsy Brison will be the principal attorney. The motion to approve the contract with Roberts & Stevens Law Firm, with Ms. Brison as principal attorney, for a term of two years, July 1, 2011 thru June 30, 2013, was made by Vice Mayor Sherrill, seconded by Council Member Knoefel and unanimously approved.

Approval of Audit Contract for FY 2010-2011:

The motion was made by Vice Mayor Sherrill to approve the Contract with Johnson, Price & Sprinkle P.A. to perform the required audit for FY 2010-2011. The motion was seconded by Council Member Currie and unanimously approved.

Junked Car Ordinance:

Mr. Boaz stated that the proposed junked car ordinance will create a new chapter in the Code of Ordinances about abandoned, junked and nuisance vehicles. It defines abandoned, junked vehicles, the methods to enforce the ordinance and the rights of the owners, etc. Screening will be required for auto repair and body shops in the residential sections. Council Member Jackson suggested that the screening requirements in Section 9-3 should be more specific and provide more coverage from the view of the public at all times. Council Member Knoefel felt the grace period of twelve months on the screening was too long, and that it should be much shorter. Council Member Dearth suggested that a minimum of six (6) feet in height at planting time should be specific to accomplish the purpose of screening from views. After a discussion, Ms. Brisson will make the suggested changes. The motion was made by Council Member Currie to adopt the Junked Car Ordinance as amended. The motion was seconded by Council Member Knoefel and unanimously approved.

Substance Abuse Policy:

Mr. Boaz stated that, for the most part, the policy is the same as presented to Council at an earlier time. Section VII has been added, stating the procedure for alcohol testing, including how it is to be done and under what circumstances. Council Member Dearth asked who the collector would be and the medical review officer. Mr. Boaz stated that Sisters of Mercy is the collector and the Town has a contract with a firm that does the testing. The motion was made to adopt the Substance Abuse Policy by Council Member Jackson, seconded by Council Member Dearth and unanimously approved.

Resolution to Declare Property Surplus:

Mr. Boaz stated that the Resolution would declare the following as surplus property: a. 1988 Mack Fire Truck, b. 1993 Mack Fire Truck, and c. the smaller High Bluff Water Tank and authorize the Town Manager to dispose of the property in accordance with the North Carolina General Statutes. The motion was made by Council Member Jackson, seconded by Vice Mayor Sherrill and unanimously approved to adopt the Resolution to Declare Property Surplus.

Set Date for Planning Retreat:

Mayor Root asked Council to think about a time in late July or August for a planning retreat. Mr. Boaz will check on the place and time for the retreat.

Manager's Report:

Mr. Boaz reported that the DOT has tentatively agreed to fund the sidewalk from the Weaver Village property to Main Street along Weaver Blvd. He is working with Ingles and the developers of Weaver Village to coordinate this project.

Amanda Cash is working on the website redesign project and anticipating to have that completed in September.

Carol Kendall has been elected Chair of the Tree Board and Barb Svenson is Vice-Chair.

Department Reports:

Police Department - Sergeant Brandon Paris reported the police activities for the month of May.

Fire Department - Chief Jeff Hooper gave the Fire Department report.

Public Works Department - Kara Shea gave the report for the Public Works Department. Mr. Boaz announced that Larry Sprinkle, Public Works Director will retire on July 8, 2011.

Zoning Department - Shelby Shields reported the zoning activities.

Tax Department - Mr. Boaz gave the tax report.

Closed Session:

The motion was made by Council Member Knoefel to go into Closed Session pursuant to N.C.G.S. sec 143-318.11(c)and(a)(6)) to consider the qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial employment of an individual public officer or employee and N.C.G.S. sec. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and public body and to consider and give instruction to an attorney concerning the handling of or settlement of a claim, judicial actions, mediation, arbitration or administrative procedure and the existing lawsuits are the Town of Weaverville v MacAlister and Town of Weaverville v. Rabbit Ridge, LLC. The motion was seconded by Vice Mayor Sherrill and unanimously approved.

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

Shelby Shields

Town Clerk

