

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
FEBRUARY 27, 2007
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, February 27, 2007. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Libba Feichter and Kenneth Moore. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Town Attorney Woodrow Griffin, Assistant to the Town Manager Alison Melnikova and Tax Collector James Robertson. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of February 13, 2007

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the February 13, 2007 meeting as presented. The motion carried unanimously.

Board Approval of Advertisement of Delinquent Taxes

Tax Collector James Robertson asked for time on the agenda to seek the Board's approval to advertise delinquent 2006 real estate taxes in the Town of Waynesville. Each year, according to State statute, Mr. Robertson must seek the Board's authorization to advertise these unpaid real estate taxes from the prior year. The cost of the advertising is assessed on those who are delinquent and added on to their tax bill along with the interest which accrues between January 7 and the date on which the taxes are finally paid.

Mr. Robertson reported that tax collections are up approximately 1 - 2% from last year, and he hopes to see the total percentage increased to about 98%.

Alderman Brown moved, seconded by Alderman Moore, to grant Mr. Robertson authority to advertise the delinquent real estate taxes. The motion carried unanimously.

Request for Release of Interest on Property Taxes

Tax Collector James Robertson prepared a request regarding the release of interest charged on the late payment of property taxes by Mr. Jack Mershon. Mr. Mershon purchased the property from the Master's Pointe Property Owners during 2006. When tax bills were mailed, they went to the owner as of January, 2006, which would have been the Master's Pointe Property Owners. Apparently, the original tax notice was not forwarded to the new owner, Mr. Mershon.

When the taxes became delinquent, a late notice was sent to the Master's Pointe Property Owners. It was at that time that the notice was forwarded to Mr. Mershon, and there was the required interest

added to the bill. Mr. Mershon paid the tax bill and the interest penalty of \$45.78. He has requested that due to the circumstances, the Board release the interest which was charged.

Mr. Mershon's is not an unusual situation and often happens when property is sold and the initial invoice goes out in the name of the owner of record from January of the year in which it was sold. Many people get the notice later and end up having to pay the interest and any penalties. I would point out the note in Mr. Robertson's memorandum, that there are strict rules in the State statute regarding the release of taxes, penalties and interest on property taxes when those taxes, penalties and interest were legally assessed.

Alderman Brown said the Town Board could not legally release the interest, and the other Board members agreed. Alderman Brown explained that attorneys explain the process regarding taxes at the time of the closing on properties. Mr. Robertson said he just brought this issue to the Board at the request of Mr. Mershon. The Board asked Mr. Robertson to write Mr. Mershon a letter informing him that they are legally unable to release the interest as requested.

Report Regarding Debt Set Off Program

Tax Collector Robertson said this is the first year that the Town has participated in the Debt Set Off Program and the Town is now beginning to see results. When debt is owed to the Town for unpaid taxes, utility bills, etc., information about those individuals is entered into a data base which is turned over to the State. When those individuals file their income tax returns, this debt is removed from any refund they are due. Last month the Town received approximately \$1,000 in debt and he feels that more will be collected as people file their income tax. No action was necessary.

Consider Reappointments Community Appearance Commission

The Community Appearance Commission has several members whose terms will be expiring on March 1, 2007. In addition, due to a recent resignation, there is a vacancy on the Appearance Commission for a term which will expire on March 1, 2008.

The four year terms of Joanna Swanson, Bill Skelton and Luis Quevedo will expire on March 1, 2007. Ms. Swanson and Mr. Skelton are eligible for reappointment to the Commission and have indicated a willingness to serve again. Unfortunately, Mr. Quevedo has married and moved outside of the Town's extra-territorial jurisdiction and is not longer eligible to serve on this board. This leaves a vacant slot for a new individual to be appointed to a four year term as well as for someone to be appointed to serve the balance of the unexpired term through March 1, 2008.

Town Clerk Phyllis McClure, through the news media and the Town's web site, has solicited applications for service on various Town Boards and Commissions. While she has had some response, there have not been individuals who have indicated an interest in the Community Appearance Commission.

Alderman Caldwell moved, seconded by Alderman Moore, to reappoint Joanna Swanson and Bill Skelton to serve another four year term to expire March 1, 2011. The motion carried unanimously.

Mayor Foy will ask Mr. Kerney if he would be interested in filling the vacancy created when Mr. Quevedo moved outside the Town's jurisdiction.

Consider Appointments - Historic Preservation Commission

The Historic Preservation Commission has two vacancies at present. One of these is for a full, four year term until January 31, 2011, a seat that became vacant when Mrs. Laura Soltis chose not to be reappointed to this Commission. The second vacancy came about upon the death of John Binford. At the time of his death, Mr. Binford was faithfully serving a term on the Commission which would have expired January 31, 2009.

The Town Board is looking for two individuals for appointment to the Historic Preservation Commission, one for a four year term expiring January 31, 2011, and one for the balance of a term which expires January 31, 2009.

Town Clerk Phyllis McClure, through the news media and the Town's web site, has solicited applications for service on various Town Boards and Commissions. There has been some significant interest from individuals for appointment to the Historic Preservation Commission. The applications of the four individuals expressing an interest on this Commission are attached for the Town Board's review. Two of these citizens have indicated an interest in service on other Town Boards and Commissions as well.

Alderman Caldwell moved, seconded by Alderman Brown to appoint Nikki Owens to serve a four year term on the Historic Preservation Commission. This term expires January 31, 2011.

Alderman Caldwell moved, seconded by Alderman Moore, to appoint Herbert Nelson, Jr. to serve the unexpired term of John Binford. This term expires January 31, 2009. The motion carried unanimously.

Appointment by Mayor to Waynesville Housing Authority

Under federal law, each entity which has a public housing program must have a Public Housing Authority, and those appointments are made by the Mayors of those communities. Since he has been in office, Mayor Foy has requested that the appointments to the Housing Authority be announced in public at a meeting of the Waynesville Town Board.

Mayor Foy announced that he appointed Eugene R. Cullin, Jr. to serve the unexpired term of Glenn Harriott on the Waynesville Housing Authority. This term expires September 30, 2011.

Closed Session to Discuss Real Estate

Alderman Caldwell moved, seconded by Alderman Brown to adjourn to closed session at 7:28 p.m. to discuss a real estate matter. Mayor Foy excused himself from the meeting since the property being discussed is owned by him. He asked that Mayor Pro-Tem Brown conduct the meeting. The motion carried unanimously.

Alderman Brown moved, seconded by Alderman Caldwell, to return to regular session at 7:45 p.m.

Authorization to Commence Condemnation Proceedings Against Property Located at 58 East Street

Alderman Brown moved, seconded by Alderman Caldwell, to authorize Town Attorney Griffin to commence condemnation proceedings against the property of Henry B. Foy located at 58 East Street in the amount of \$105,000, in connection with the expansion and renovation of the Police Department facility. The motion carried unanimously. (Res. No. 3-07)

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Caldwell, to adjourn the meeting at 7:47 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor