

AGENDA  
REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
TOWN HALL  
MARCH 10, 2009  
TUESDAY – 7:00 P.M.

CALL TO ORDER

ITEM 1. APPROVAL OF MINUTES OF FEBRUARY 24, 2009

ITEM 2. RESOLUTION OF RESPECT ALDERMAN J. KENNETH MOORE

On Monday, March 2, 2009, Town Alderman J. Kenneth Moore passed away at his home on Brown Avenue. Alderman Moore had served as a member of the Town Board since December, 1995. He had a long career in law enforcement, having been a Waynesville Police Officer from 1965 until 1967 and then as Chief of Police of the Town of Hazelwood from 1967 until 1994.

Alderman Moore was a good and faithful public servant, with 29 years as a law enforcement officer and 14 years as an elected official.

To honor his dedication in serving the citizens of Hazelwood and Waynesville and the surrounding area, a memorial resolution will be presented for consideration by the members of the Town Board.

ITEM 3. PERSONNEL POLICY AMENDMENT REGARDING  
THE FAMILY AND MEDICAL LEAVE ACT

In November, 2008, the United States Department of Labor has made some changes in the Family and Medical Leave Act, and these were signed into law by President George H. Bush. These changes relate to leave provisions for military families and became effective on January 16, 2009.

These changes place the Town's Personnel Policy in conflict with federal law, and as a result, we are recommending changes in the Town's policy. In the attached memorandum, Human Resources Supervisor Margaret Langston explains the changes that have been made and has crafted a revised Federal Medical and Leave Policy which is recommended for inclusion in the Personnel Policies of the Town.

ITEM 4. APPOINTMENT TO RECREATION AND PARKS ADVISORY COMMISSION

As you may be aware, Ms. Michelle Schumacher will be relocating to Fayetteville, North Carolina this spring where her husband, Jeff, has accepted a position with a large newspaper. For the past two years, Ms. Schumacher has served on the Recreation and Parks Advisory Commission. With the pending move, she has resigned her position.

Town Clerk Phyllis McClure has checked her file of applications and found that there are two applicants for any openings on the Recreation and Parks Advisory Commission. These are as follows:

- Ms. Michelle Claytor first applied for the Commission in August, 2007, when Ms. Schumacher was appointed. She applied again at the end of December, 2008. She indicates in her application that she has a 10 year old daughter and is interested in activities available for local youth.
- Ms. Elaine Stewart submitted an application for the vacancy on February 11, 2009. Prior to her retirement, she worked in the District Attorney's Office for many years, and she is now the manager of the North Carolina Office of the Friends of the Smokies here in Waynesville.

ITEM 5.           ANNEXATION PETITION  
                    466 LICKSTONE ROAD, GRANDVIEW LODGE - TERRY FERGUSON

An application has been received for the satellite annexation of the property located at 466 Lickstone Road where the Grandview Lodge is located. The owner of the property, Terry L. Ferguson, signed the petition for annexation.

If the Board wishes to give consideration to this petition, the first step would be to pass a resolution authorizing Town Clerk Phyllis McClure to investigate the sufficiency of the petition. Once done, Ms. McClure would report her finding to the Board and if it desires, the Board would then pass a resolution calling for a public hearing on the petition for annexation.

ITEM 6.           RESOLUTION REGARDING FILING OF APPLICATION OF GRANT/LOAN  
                    WATER SYSTEM IMPROVEMENTS  
                    UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT

As you are aware, Congress passed the American Recovery and Reinvestment Act of 2009. This is the program which has been referred to more commonly as the federal stimulus package. One step in the process of applying for these funds requires that the local government must pass a resolution authorizing the Town Manager to sign an application for funding under the grant and/or loan program.

Town Staff has developed a number of water system improvements which are "shovel ready". These include the replacement of 1,000 water meters, replacement of small diameter galvanized water lines and the replacement of the Dayton Drive and Mauney Cove Road water lines.

We will certainly pursue this funding in hopes that anything received will be in the form of a grant and not a loan. If Waynesville is selected for this program and finds that the award involves some amount of loan funds, we will certainly return to the Town Board to discuss the terms of any loan that may be required.

ITEM 7.           DISCUSSION REGARDING FILLING OF VACANT ALDERMAN SEAT

With the untimely death of Alderman J. Kenneth Moore, questions will arise as to the manner in which a vacancy on a Town Board is filled. For your information, a copy of North Carolina General Statute 160A-63 is attached. This section of the State Code dictates the manner in which a vacancy on a Town Board is filled. As you will read, there are no specific procedures or a process which the Board must follow in filling a vacancy. The General Statute simply states that a vacancy shall be filled by appointment of the city council.

In consulting with Town Attorney Woody Griffin, a reading of Statute 160A-63 indicates that whoever is appointed to fill the vacancy created by Mr. Moore's death would complete the unexpired term which is scheduled to run until the election of November, 2011.