

**January 4<sup>th</sup>, 2010**

At 7:00 P.M., on Monday, January 4<sup>th</sup>, 2010, in the Board Room of the Landis Municipal Building, Mayor Dennis Brown called to order the Town of Landis Board of Aldermen regular meeting. Those present along with the Mayor were Aldermen Tony Hilton, Roger Safrit, Craig Sloop and James Furr, Town Administrator Reed Linn, Public Works Director Steve Rowland, Recreation Director Julie Noblitt, Police Chief Brian McCoy, Deputy Town Administrator Debbie Goodman, and Town Attorney Rick Locklear.

A quorum was met.

Mayor Dennis Brown welcomed all those in attendance.

The invocation was led by Reverend Bill Coughlin.

The pledge of allegiance was led by Mayor Dennis Brown.

Alderman Safrit motioned, seconded by Alderman Sloop, to adopt the agenda with the exclusion of item #10, which would be removed from the agenda. All voted aye.

Alderman Furr motioned, seconded by Alderman Sloop, to adopt the consent agenda as presented. All voted aye.

Alderman Furr motioned, seconded by Alderman Safrit, to adopt the minutes from the December 7<sup>th</sup>, 2009 Regular Meeting as amended. All voted aye.

The first order of business was awarding the bid for the Sewer video project. Mike Acquesta, from O'Brien and Gere, was present to speak to the Board. He stated that on December 29<sup>th</sup>, 2009 the town had opened bids for the project. There had been six bidders, two were out of state and four were located in North Carolina. The low bidder was Tarheel Pavement out of Cornelius, NC. This bidder had also been doing work with Brunswick County and Mr. Acquesta had spoken to the firm and had visited their facilities. He stated that he was very pleased and that they had extensive equipment. Alan Perry from Tarheel Pavement was present at the meeting. The amount bid was \$96,441.10 which brought them in below budget.

It was Mr. Acquesta's recommendation that the Town award the contract for the Sewer video project to Tarheel Pavement.

Mayor Brown questioned the fact that there was no bid amount on item three in the specifications sheet. Mr. Acquesta explained that Tarheel Pavement has the equipment that can pump around two manholes at a time, but they were experienced enough that they did not think they would need them. Mr. Acquesta stated that even if it was necessary, there would be no additional cost.

If the Board awarded the bid tonight, Mr. Acquesta would get the contract ready tomorrow and hopefully receive it back sometime this week and then next week schedule a meeting. There was an approximate 120 day turn around from start to finish.

Alderman Hilton motioned, seconded by Alderman Safrit, to award the contract for the Sewer Video Project to the low bidder, Tarheel Pavement, in the amount of \$96,411.10 as recommended by the Town's Engineer Mike Acquesta. All voted aye.

The next order of business was the Phase I (renovation of the hardware store for a community center) Environmental Assessment. Mr. Acquesta stated that one thing the granted agency (PARTIF grant) wanted to if the property was going to be used as a match was for the Town to do its "due diligence" and look at any environmental consequences. This was normally done prior to purchase, however the Town had only bought the building, not the land. Mr. Acquesta stated that Obrien and Gere had people on their staff who could handle the environmental assessment and that they would submit a proposal. Administrator Linn stated that he also had someone who could handle the asbestos analysis. The cost would be grant eligible. The process would take about a month.

Administrator Linn stated if the Board approved going forward, he would contact the necessary parties tomorrow concerning inspection and get it handled within a month. Alderman Hilton commented that they were not applying until the 2011 cycle, so he felt there was no need to rush.

Alderman Hilton motioned, seconded by Alderman Sloop, to go ahead with the environmental assessment of the old hardware store in preparation for the PARTIF Grant. All voted aye.

The Board then received an update on the planned passive park. Mr. Acquesta explained that they had held three meetings: one with the senior citizens, one with the American Legion and a public meeting on December 29<sup>th</sup>, 2009. They would also have a meeting with the Lion's Club in February. Nadine Cherry had recorded every meeting, which they may use as a presentation when the Town applied for the PARTIF Grant. Mr. Acquesta stated that they had received good comments and he would like to see them hold more meetings and he would like to do a presentation at every Board meeting, or at least every other meeting. Recreation Director Julie Noblitt had also recommended getting pastors involved and have them present information to their congregations. Mr. Acquesta stated that he had also obtained a waiver for the old hardware store to utilize the value of the building toward future grants. He had also contacted their PARTIF representative, but had not heard back from her yet. Mr. Acquesta believed the waiver was for 18 months, but he would need to check with the PARTIF rep.

Mr. Acquesta explained that they were going to apply for two grants in the amount of \$500,000.00 each. One would be for the land, one for the building with an estimated three year build out. They would apply for one grant per year.

Currently, they had estimated the cost of the passive park to be around \$900,000.00 and the building would be around \$1.3 million. Putting the Recreation offices inside of the building would also enhance their chance of receiving the grant.

Alderman Furr stated that they would also be pursuing private funding. Mr. Acquesta confirmed this, stating that there was no intention of the Town putting in any money, and there would be no tax increases to fund the project(s).

The next order of business was a request to ask the NC Department of Transportation (DOT) and the North Carolina Railroad to hold a workshop in Landis concerning the rail changes. Having spoken with Representative Fred Steen, he indicated that all the Town had to do was request the workshop and they could come hold one. Administrator Linn was requesting permission to get in touch with both agencies and set up a day and time for the NC DOT and the NC Railroad to come hold the workshop.

Alderman Hilton inquired as to where they would hold the workshop. Administrator Linn explained that the first phase would be for the elected officials—which could be held in the Council Chambers—but that the second one which was for all citizens would probably have to be moved to the Legion building. Mayor Brown instructed Administrator Linn to plan to hold it there.

The Board gave Administrator Linn permission to move forward.

The Mayor then addressed appointing a new member to the Planning Board. He was recommending that Keira Harmon be appointed to fill a vacant position. She had lived in Landis for two years and had asked how she could best help serve the Town. Her husband has recently returned from Iraq and she was the mother of two small children.

Alderman Safrit motioned, seconded by Alderman Sloop, to appoint Keira Harmon to the Landis Planning Board. All voted aye.

The Board then discussed changing the Town's charter to reflect a Manager-Council form of government. Administrator Linn had provided them with information concerning the differences in the types of government and he had spoken to the Town's attorney, Rick Locklear.

Mr. Locklear explained that he had contacted the NCLM and discussed with them the best way to go about making the change. At the last Board Meeting, the Board had discussed introducing a local bill. However, there were two other ways that it could be handled. The first was by adopting an ordinance changing the charter and the second was a citizen petition. It was the attorney's recommendation that they go the route of adopting an ordinance.

The first step would be to adopt a resolution to consider adopting an ordinance to amend the Town Charter. He had prepared a resolution for the Board to pass and sign if they chose to. If they passed the resolution, they would then set up a time and date for the public hearing. The public hearing would have to be no sooner than ten days from the date the resolution was passed and no more than 45 days. They would also have to advertise the public hearing at least once.

There was further discussion concerning the statutes.

Mr. Locklear explained that after they hold the public hearing, if they decide to move forward, it would be at the Board's discretion to decide if they put it to an approval vote, and if they do they can hold a special election—though it was not a required step in the process. After speaking with Administrator Linn, Mr. Locklear felt it was agreed that the Board had been elected to do what they felt was best for the Town, which meant it was not necessary to hold a special vote. They would also be able to save on election cost, which could be as much as \$5,000.00. It was Mr. Locklear's opinion that given the number of people that would actually come to vote, that it would be best to simply pass the resolution, schedule the public hearing and then hold the vote at the next regular meeting.

However, if they did not hold a special election, they would have to post a public notice that informed the public that the ordinance had been adopted within ten days and that notice would stay open for thirty days, giving any citizen the right to file a petition. If no one does anything it will become effective and they would then file it with the North Carolina Secretary of State.

In order to vote on the ordinance at the next regular meeting, the Board would need to schedule the public hearing prior to that meeting as they could not hold the public meeting and the vote in the same meeting and the vote had to be during a regular meeting.

Alderman Hilton motioned, seconded by Alderman Furr, to adopt a Resolution to Consider Adopting an Ordinance to Amend the Town's Charter and to call for a public hearing on Monday, January 25<sup>th</sup>, 2010 at 7:00pm to discuss passing an ordinance to amend the Town's Charter. All voted aye.

Alderman Hilton then spoke to the Board concerning the Centralina Council of Governments (COG). He stated that recently COG had not put itself in a "favorable light" and that other municipalities were choosing to no longer use their services. It was his desire to hear from Staff as to how useful COG was for Landis, or if they needed to consider other options.

Administrator Linn stated that the Town does utilize COG's services, and that they were currently working with COG concerning the Highway Overlay District. That was the only current project that the Town had with COG. He also explained that COG handles the Town's maps as well. Administrator Linn did comment that any planning firm could also offer the same services. He went on to state that a representative from COG did attend all Planning Board meetings and provided advice when plans needed to be reviewed.

Administrator Linn stated that a few years ago they had cut the COG budget in half, and that the contract allows for a certain amount of member hours that the Town can use. Anything over those hours would be extra cost, but the Town stayed within the allowed member hours.

Alderman Furr stated that he was the representative from the Town to COG and that he felt Alderman Hilton had made a very excellent point. Some of the staff at COG had taken a position that was not in the Town's best interest, but he felt that COG had taken steps to correct that.

There was further discussion amongst the Board concerning COG.

Alderman Furr stated that he was glad that Alderman Hilton had brought the subject up. However, he felt that the Town should remain with COG, and that he would not vote to leave. COG had taken an "unfortunate" position but that steps had been taken to remedy that.

After further discussion, Alderman Hilton thanked Staff and the rest of the Board for their opinions. It was his feeling that after the assurances and assessment offered that it would be alright to continue with COG, but he had felt the subject needed to be addressed.

The next order of business concerned several changes to the 2010 Regular Meeting schedule due to holidays. The Regular Meeting on July 5<sup>th</sup>, 2010 to be moved to July 12<sup>th</sup>, 2010 for the 4<sup>th</sup> of July holiday and the September 6<sup>th</sup>, 2010 to be moved to September 13<sup>th</sup>, 2010 for the Labor Day holiday.

Alderman Sloop motioned, seconded by Alderman Furr, to accept the meeting changes as presented. All voted aye.

The Board then discussed dates and location for the 2010/2011 budget retreat. After discussion it was agreed upon that the retreat would take place on Saturday, February 20<sup>th</sup>, 2010 at 8:00am at the Club at Irish Creek.

Administrator Linn was instructed to invite Electricities to speak on the rate schedules, as well as Ed Norvell to discuss private funding for the passive park and hardware project. Mayor Brown also requested Mike Acquesta be present to discuss the Town's projects.

Alderman Hilton instructed the department heads to "think lean".

### **Department Head Comments**

*Recreation Director Julie Noblitt:* stated that they were planning to hold the health and wellness re-evaluation Friday, January 22<sup>nd</sup>, 2010. If that was alright, she would send out the information the next day.

*Deputy Town Administrator Debbie Goodman:* stated they were in the process of enrollment for the budget billing program. So far they had a lot of new people signing up. She also reminded everyone that online bill pay was up and running and that it was being used by customers. She stated that if anyone had any questions they could call City Hall. She also stated that the Town still offered bankdraft and accepted payments over the phone.

*Public Works Director Steve Rowland:* stated that they were doing flow tests, which could cause water to cloud up, but it would clear up. However, with the cold this week they would be holding off on them.

*Police Chief Brian McCoy:* stated that the Special Olympics torch would be running through the Town this spring, and the Police Department was working with Recreation.

### **Board Comments**

*Alderman Roger Safrit:* wanted to commend Public Works and Director Rowland for being "on top of the" water line breaks and power outages due to the weather.

### **Citizens Comments**

*Michael Toler:* stated that a couple of months ago the Board had discussed hiring a new auditor, he wanted to know the status. The Board informed him the process had already been completed and the Town was using a new auditor. Mr. Toler also inquired about speed limit signs on Central. Alderman Safrit stated that unless otherwise posted, the Town wide speed limit was 35mph. Mr. Toler stated that he felt signs were necessary on Central. Mayor Brown said that would have to come from Chief McCoy.

*Nadine Cherry:* stated that she was still waiting on the paperwork she had mentioned last month for the Board, but the Federal government was "taking its time" sending it.

Alderman Furr motioned, seconded by Alderman Sloop, to go into Executive Session for Legal and Personnel Matters. All voted aye.

Alderman Furr motioned, seconded by Alderman Safrit, to come out of Executive Session and to adjourn the meeting. All voted aye.

The meeting adjourned at 8:20 P.M. on Monday, January 4<sup>th</sup>, 2010.

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Heather Wood  
Administrative Assistant