

Minutes
Town of Webster Council Meeting
Town Hall – 1411 Webster Road, Webster, NC
November 3, 2011 – 6:00 pm

Members Present:

Mayor Larry Phillips, Commissioners Jean Davenport, Billie Bryson, Tracy Rodes, Alan Grant and Town Clerk Gwen Nicholson

Absent:

Commissioners Rick Fulton

Others Present:

Nick Breedlove with The Sylva Herald, and Louise Stevens, a citizen of the Town, and Attorney Kim Lay and Burleson and Earley, P.A. (auditors) and Susan Leveille

Call to Order

Mayor Phillips called the meeting to order at 6:05 p.m. with a request for additional agenda items. The additional agenda items were as follows under New Business:

- a. TWSA asked the Town of Webster to sign off on a resolution to amend the first sentence of Article III, Section 1, of the Bylaws Subject to ratification by majority vote of all appointing governing boards, it should read as follows:*
- b. The annual meeting of the Authority shall be held on the first Tuesday of the month March of each year at the hour and place as shall be designated in the notice for the meeting.*
- c. The resolution was signed and sealed by Mayor Phillips and Town Clerk Gwen Nicholson.*

Agenda Approval

Mayor Phillips called for a review and approval of the agenda. Commissioner Davenport made a motion to approve the agenda and Commissioner Grant seconded the motion. All members approved.

Minutes Approval

Mayor Phillips called for a review and approval of the October 6, 2011 Minutes. There were no additions or corrections to the minutes. Commissioner Grant made a motion to approve the October minutes, as presented. Commissioner Davenport seconded the motion. All members approved.

Financial Report Approval

Town Clerk Nicholson reported that the Town received \$3,442.58 in income for the month of October, and expenses were \$3,566.00. The remaining Powell Bill funds are \$57,878.48. The CD balances were as follows: \$25,482.92 and \$36,639.25.

Bronwyn Burleson with Burleson and Earley presented to the board the financial statement for the year ending June 30, 2011. Burleson and Earley stated that the Town is progressing forward at this time. Before the financial statement was presented it was sent for review to the Local Government Commission and was reviewed and sent back within twenty four hours. Burleson and Earley gave examples of what the pages were in the financial statement. The Financial statement ending June 30, 2011 is located at the Town Hall office. The tax collection is good around 95% which means the Town has good taxpayers. Burleson and Earley stated the audit reflects that the town had paid off the mortgage on the town hall.

Mayor Phillips called for an approval of the financial report, as presented. Commissioner Grant made a motion to approve the financial report and Commissioner Davenport seconded the motion. All members approved.

Old Business

- **Sidewalks**

Mayor Phillips reported receiving a notice from the Inspector General of North Carolina. That notice indicated that all Powell allocated funds must be spent by June 30, 2012 or they will be reverted back to the State. The report indicated that the funds could not be placed in escrow or held in abeyance by the Town and used after that deadline. There was a discussion by all commissioners as to how to utilize the Powell funds before they reverted to the State in June. Powell Bill funding can only be used for road, sidewalks and bike bath related improvements and/or maintenance.

Jonathan Woodard stated that in regards to the sidewalk project DOT has discussed that on NC 116 the NCDOT is committed to funding the cost to remove the existing sidewalks replace the curb and gutter and resurface the road if the Town is able to fund the cost to replace the sidewalks. The estimated cost to NCDOT would be \$150,000.00 and the estimated cost to the Town would be \$65,000.00. This option would not require the acquisition of right of way. The DOT funding source is pedestrian enhancement funds that are primarily used for bringing sidewalks in compliance with Americans with Disabilities Act standards. DOT would still widen the sidewalk along the driveways with the written permission of the property owners.

Commissioners Davenport made the motion to adopt the option Woodard presented and Commissioner Grant seconded it. The vote was 4-0 in favor of the plan. Commissioner Fulton was absent.

- **Town of Webster Welcome Sign**

Commissioner Davenport reported that the "welcome sign" is ready and will be installed soon. She will coordinate this with Jonathan Woodard of the DOT to verify that it is okay to place the sign on NC 116 at the Webster Town limits, just past Jackson County's Webster complex.

Commissioner Davenport sent a photo of the sign to the DOT. DOT now has new procedures. Commissioner Davenport will work with DOT. DOT will look at the specs and make modifications where necessary. DOT would like the Town to use state green and the sign is not state green. DOT has five pages of regulations at this time. Mr. Woodard will stay in touch with Commissioner Davenport. Commissioner Davenport gave copies of regulations to Commissioners Grant and Rodes.

Committee Reports

- **Greenway Committee** – Judaculla Rock grand opening will be early spring. Pathways are in progress at this time and will be in place early spring. The N, C. Division of State Parks is planning for mountain and sea trails which will include 80 miles of trails. This will run along the county's north edge and parallels the Blue Ridge Parkway to reach Great Smoky Mountains National Park.

Commissioner Grant stated the county Greenways Commission has been focusing on the planned Tuckaseegee River Greenway and that county officials have approved funds for its construction and engineering.

Ms. Dixon of the Friends of the Mountains to the Sea Trail proposed a different route that would have the MTS Trail leave the Parkway route and go through Swain County which is Bryson City and follow the Tuckaseegee River to Whittier, then go through Thomas Valley Road and then follow the river to Dillsboro and Sylva, to follow the county's planned Tuckaseegee Greenway to Cullowhee, then proceed from Cullowhee to Caney Fork then follow Moses Creek Road to the Parkway. Jackson County has adopted the resolution to support that route in October.

- **Planning Board**

Commissioner Davenport said the Planning Board met recently with Jackson County Planning Director Gerald Green and reviewed the zoning and property lines on a large map of Webster. Green is to develop another map based on adjustments the Board recommended. Commissioner Tracy Rodes stated the Planning Board is to examine ordinances dealing with water runoff to see if the Town could implement such an ordinance. As of this date The Town does not have a map. There was a question can the Town get it completed by first of the year and Mayor Phillips stated there is no way it can be completed by the first of the year. The Town is not even close to having a public hearing. That would give the attorney Kim Lay time to review. Discussed how the Town can do the mailers. Susan can worked on after the holidays when she will have more time Commissioner Davenport and Rodes would like the map put on the web site by Scott Baker.

Susan Leville asked if we can borrow a language and reference a county ordinance with a date and make it a part of our ordinance.

- **Traffic & Safety Committee**

Mayor Phillips gave an overview of the patrol report for the month of October 2011 and that Donnie Allen had made a good impression on people. Mayor Phillips stated that he had gotten a call from someone that had been stopped and discussed the speed limit in Webster. Mayor Phillips stated he is pleased that people consider Webster a sped-trap. In October thirty five people were caught speeding.

- **TWSA**

Commissioner Davenport stated that TWSA has changed the dates of their annual meetings. TWSA has set forth a resolution to amend the first sentence of Article III, Section 1, of the Bylaws. Subject to ratification by majority vote of all appointing governing boards. The annual meeting of the Authority shall be held on the first Tuesday of the month March of each year at the hour and place as shall be designated in the notice for the meeting. The Resolution was signed and sealed by Mayor Phillips and Town Clerk Nicholson. Commissioner Davenport gave handouts regarding Requirements for Cashiers Sewer Allocation and the November 2011 TWSA report. Items 1 and 3 were the topics of discussion.

Item #1 was-Approval of Engineering Agreement for Cope Creek Water line extension with Loftquist and Associates being approved.

Item #3 was-Made changes for capacity assurance with Blue Ridge Estates and Jim Bryson in the Cashiers area in an effort to permit installation of a water line.

- **New Business**

Commissioners discussed the R-5000 planned road that will connect N.C. 116 with N.C. 107 through the Southwestern Community College. Commissioner Rodes stated that she is concerned with the amount of water runoff the project will generate.

Commissioner Rodes has spoken with Jackson County Commissioner's Chairman Jack Debnam who stated the R-5000 could be slowed down by asking questions.

Commissioner Rodes stated that the Town could ask the Department of Environment and Natural Resources if there are elk toe mussels that might be impacted.

Mayor Phillips stated that by not signing off on anything the Town might be better off-referring to the agreement that DOT had previously ask the Town to sign.

Attorney Kim Lay agreed to what Mayor Phillips stated that it could reduce the civil liability by not signing the agreement.

- **New Town Ordinances**

Mayor Phillips has not received anything current from Ginny Faust. Susan Leveille will send out copies of the ordinances to all board members.

- **Staggered Terms-**

Commissioners voted November 3, 2011 to adopt staggered terms for the Town starting in November 2013. This will eliminate changing all board members at once. Attorney Kim Lay will let the Town know how to proceed with staggered terms. The top 3 votes will get four year terms and the top 2 votes will be a 2 year term. The next election will be in 2014. Commissioner Davenport made the motion to adopt resolutions to have staggered terms for Commissioners. The Town is now in a 4 year term.

Adjournment

There being no further business, Commissioner Grant made a motion to adjourn, the meeting adjourned at 7:25 p.m.

Minutes prepared by:

Gwen Nicholson, Town Clerk

Minutes approved by:

Larry Phillips, Mayor