

Town of Wallburg, North Carolina
Town Council Meeting - Wallburg Fire Station
TUESDAY 7:00 P.M. JANUARY 8, 2008
2ND TUESDAY OF THE MONTH

MINUTES

APPROVED 02-12-08

PROCEDURAL ITEMS

Mayor Allen Todd called the meeting to order at 7:00 p.m. Present were the mayor, council members Mark Swaim, Gary Craver, Zane Hedgecock, Steve Yokeley, and Lynn Reece. Also present were clerk Lynn McKinnie and attorney Aaron Clinard.

Councilman Mark Swaim gave a brief invocation after which councilman Gary Craver led the pledge to the flag.

MOTION FOR APPROVAL OF AGENDA

The agenda was amended by the addition of Item #4 – Real Estate Discussion and was unanimously approved on a motion by Lynn Reece, seconded by Steve Yokeley.

MOTION FOR APPROVAL OF MINUTES

- December 11, 2007

The minutes for December 11, 2007, were approved unanimously by motion from Zane Hedgecock, seconded by Gary Craver.

PUBLIC SESSION

PLEASE SIGN UP WITH TOWN CLERK IF YOU WISH TO SPEAK

Public Session was opened at 7:06 p.m. and closed at 7:08 p.m. with no speakers. Mayor Todd recognized the attendance of the Ledford High School Civics class students. Mayor Todd also acknowledged Representative Larry Brown, who was also present at the meeting.

BUSINESS TO BE DISCUSSED AND/OR ACTED UPON:

1. **FOR DISCUSSION AND/OR ACTION:**

Discuss acquisition of Liability Insurance for land / property

Guest: Ms. Madeleine E. Henley – NCLM Member Services Rep.

DISCUSSION:

Representing the North Carolina League of Municipalities was Member Services Rep, Madeleine Henley, (919-522-3663) and the insurance underwriter for the League, Ryan Ezzell (919-733-2633). Ms. Henley led the forum on discussion of the insurance that the League offers and that the Town of Wallburg is interested in. The League offers three insurance pools: Health and Employee

insurance, Workers Compensation insurance, and Property and Liability insurance. The Town is interested in the Property/Liability insurance, having recently purchased property on which to build a town hall sometime in the future. Discussion ensued on the features of the various types of insurance. Highlights included:

- General Liability provides basic protection for bodily injuries - covers the “slip and fall” issue – or some sort of property damage that arises from one of the locations you own (at this time - just the land).
- Employee Benefits Liability – the town only has one employee but this insurance covers negligent act or omission. This is very minimal exposure – but it’s attached to the General Liability and the charge is \$25 a year (very small charge).
- Public Officials – this protects the public elected officials for any wrongful acts that you perform for the town. (This covers the “big mouth” issue – when an appointed or elected official says or does something derogatory which would be covered by insurance.)
- Crime – Employee Dishonesty – This covers exactly what the application says – Two positions are not covered by Employee Bonds – that is the Finance Officer and Tax Collector – who are required to be bonded separately for Public Officials Bond. The Town already has this coverage and the insurance can be left where it is or can be moved to the NCLM.
- Insurance coverage would include “outside the premise” such as if someone is taking money to the bank and gets robbed.
- Automobile coverage – Even if the town does not own an auto, there is an extra coverage, which is optional. For instance, if Lynn takes money to the bank and is driving her personal vehicle and gets involved in an accident and it’s her fault. Her personal auto would respond first, and then this insurance would take up the slack up to a million dollars.
- If you go with the insurance, you have to take General Liability - \$225 and everything else is pretty much optional.

The League is an “insurance pool” – you must become a League member in order to participate in the League’s property/liability program. The League operates a “not-for-profit” pool. The members “share the risk” – rates are competitive with “for-profit” companies. Governmental immunity, also known as public duty doctrine, is still being used in North Carolina – but most states have gone away from governmental immunity. This action does not apply to services that you supply that can be supplied by a vendor. If you choose to have insurance, you cannot claim governmental immunity. If you choose to go with governmental immunity, it’s like being self-insured so if a lawsuit does arise, the town would be responsible for defense fees and attorney fees.

The town has more liability exposure now due to:

1. Land purchase
2. A Planning and Zoning Board has been organized
3. Intergovernmental Immunity – if any employee does something wrong, Wallburg could be brought in to defend.

The town is required to hold a bond on the Finance Director and Tax Collector. In Wallburg’s case, the tax collector is the County. The minimum amount is \$50,000.

Mayor Todd thanked Ms. Henley and Mr. Ezzell for coming and asked for any motion.

Steve Yokeley asked that this item be placed on the next meeting agenda (February) for discussion and possible closure of this issue. The rest of the council agreed unanimously.

2. **FOR DISCUSSION AND/OR ACTION:**

RESOLUTION – #08-001

TO AUTHORIZE THE EXECUTION OF A REVISED
MEMORANDUM OF UNDERSTANDING (MOU)
FOR THE WINSTON-SALEM URBAN AREA METROPOLITAN
PLANNING ORGANIZATION (MPO)

DISCUSSION:

Mayor Todd spoke to this issue. He said there has been a lot of discussion about this Memorandum of Understanding and he summarized it by saying that the voting structure was the main issue. After much discussion, Wallburg retained one vote and other towns retained their votes (i.e. Midway has one vote, Lewisville has three, etc.). Mayor Todd said that as the town's mayor, it is an advantage being a member of the MPO – we have a voice and a vote - and he recommends continuing to be a member.

MOTION: TO APPROVE RESOLUTION #08-001 TO AUTHORIZE
THE EXECUTION OF A REVISED MEMORANDUM OF
UNDERSTANDING FOR THE WINSTON-SALEM URBAN
IS METROPOLITAN PLANNING ORGANIZATION (MPO)
BY: STEVE YOKELEY
SECOND: ZANE HEDGECOCK
VOTE: MOTION PASSED UNANIMOUSLY

3. **FOR DISCUSSION AND/OR ACTION:**

Discuss Wallburg Business of the Year

- Should this be changed to an “annual” presentation?
- If so, which month should the award be given?

DISCUSSION:

Because Wallburg could run out of businesses very quickly, the council determined that it would be best to go to an “annual” Business of the Year award, rather than continuing with a “bi-annual” award.

MOTION: TO CHANGE TO AN “ANNUAL BUSINESS OF THE YEAR
AWARD”
BY: ZANE HEDGECOCK
SECOND: GARY CRAVER
VOTE: MOTION PASSED UNANIMOUSLY

By consensus of the council, it was also determined that July would be the month to present the award.

4. **FOR DISCUSSION AND/OR ACTION:**

REAL ESTATE

DISCUSSION:

Attorney Clinard passed out a Memorandum giving information on selling property. He said we are in the process of documenting the easement agreement for the recently purchased property. He asked what the feelings were about the house on the property – how and what to do about the house on the property? Sell it? Move it? State statutes are involved in the sale of the property. Should have one public announcement. If the house is moved in any way, a Certificate of Insurance as well as proof of Workers’ Compensation would be required. Buyer would be required to clean up. **Attorney Clinard said that all the questions being asked by the council were addressed in the Memorandum.** It was recommended by Mr. Hedgecock to have a committee look into selling the property and come back to the council with their recommendation.

RECOMMENDATION: STEVE YOKELEY AND HIS COMMITTEE WILL LOOK INTO SELLING THE HOUSE.

REGULAR MONTHLY AND COMMITTEE UPDATES

(COMMITTEE UPDATES MAY NOT BE AVAILABLE IF MEETING WAS NOT HELD)

1. Planning and Zoning UpdatesJerri Russell
Ms. Russell said that there was no Planning and Zoning meeting in December. Next meeting is this Thursday evening and it’s open to the public.

2. Finance UpdateMark Swaim
Mr. Swaim gave a brief update of the December finances:
Checking balance - \$259,711.41
Money Market \$484,899.34
Building Fund \$467,240.42
Capital Fund \$131,228.78
Reserve Fund \$ 76,356.08

3. MPO - High PointLynn Reece
Mr. Reece said there wasn’t a meeting so he didn’t go!!

4. MPO - Winston-SalemMayor Todd
Mayor Todd said there was nothing new to report on the Winston-Salem MPO. There is a meeting coming up in February, which he will attend.

ANNOUNCEMENTS:

- TOWN COUNCIL MEETINGS: (2ND TUESDAYS)
7:00 p.m. at the Fire Station on:

CALENDAR 2008:

JAN. 8
FEB. 12
MAR 11

APR 8
MAY 13
JUN 10
JUL 8
AUG 12
SEP 9
OCT 14
NOV 11
DEC 9

- **PLANNING BOARD MEETINGS** (2ND THURSDAYS)
7:00 P.M. AT WALLBURG VOLUNTEER FIRE DEPARTMENT

ADJOURNMENT:

MOTION: TO ADJOURN MEETING AT 8:25 P.M.
BY: GARY CRAVER
SECOND: LYNN REECE
VOTE: MOTION PASSED UNANIMOUSLY

VISIT THE TOWN'S WEBSITE:

www.townofwallburg.com

ATTEST:

TOWN OF WALLBURG:

Lynn McKinnie
Town Clerk

Allen L. Todd
Mayor