

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
OCTOBER 28, 1997
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, October 28, 1997. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, Kenneth Moore, Sam Wiggins and James Williamson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Michael Bonfoey. Mayor Henry Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of October 14, 1997

Alderman Williamson moved, seconded by Alderman Moore, to approve the minutes of the October 14, 1997 meeting as presented. The motion carried unanimously.

Swearing In Ceremony - Alderman Sam Wiggins

William Gil Henry, Haywood County Clerk of Court, administered the oath of office for Alderman Sam L. Wiggins. Alderman Wiggins was appointed by the Mayor and Board of Aldermen to fill the unexpired term of Alderman Earl Clark. Mr. Henry told Alderman Wiggins that he was joining an “energetic board” in a beautiful town. Mr. Henry added that it takes good leadership to conduct business.

The Board of Aldermen expressed their appreciation to Mr. Gil Henry for administering the oath of office for Alderman Sam Wiggins. The Board of Aldermen then welcomed Alderman Wiggins, adding that they looked forward to working with him and were proud to have him as a Board Member.

Quartet to Sing “Waynesville Town”

Mayor Foy introduced Owen Marble, Leo Smith, Bill Greenleaf and Cecil Myrick to sing a quartet number composed by Owen Marble entitled “Waynesville Town”. Mayor Foy expressed appreciation to the quartet for their fine work and for the song written for Waynesville.

Public Hearing - Impact Fees

Town Attorney Bonfoey opened the public hearing. Town Manager Galloway said that the Town and Haywood County have pledged approximately \$700,000 toward the sewer line project which extends from the Junaluska Assembly swimming pool to Dellwood Hill. It is recommended that impact fees be charged in order for the two governments to recoup a small portion of their investment in the sewer line. For a period of ten (10) years from the date of completion and

acceptance of the project, impact fees will be charged to every property which connects to the sewage system on any portion of the project with the exception of the property abutting the line between U.S. Route 19 and the Junaluska Assembly swimming pool. Impact fees will be assessed at a one-time, \$2.00 per daily gallon use, based upon the estimates in the Wastewater Flow Rates from Section R15A: 021H .0200 of the Environmental Management Regulations contained in the N.C. Administrative Code. Some examples of the impact fee charge are as follows: Three (3) bedroom residential house - \$720; 50 seat restaurant - \$4,000. Attorney Bonfoey closed the public hearing.

Alderman Williamson moved, seconded by Alderman Caldwell, to adopt an ordinance to establish impact fees and to approve an agreement with Haywood County regarding the distribution of the impact fees. The motion carried unanimously. (Ord. No. 41-97) (Cont. No. 21-97)

Marcus Cable Franchise - Second Reading

At the meeting of September 23, 1997, the Board approved, upon the first reading, the cable franchise for Marcus Cable Company. This item was on the agenda of the October 14 meeting; however, a motion to delay the awarding of the franchise failed.

Ernest Lee, 480 Camelot Drive, Waynesville, said that he was finding it hard to believe that Mr. Swiger is having such a hard time getting an answer from the corporate office regarding the addition of the Black Entertainment Network Channel (BET). Mr. Swiger said that he would not receive an answer from the corporate office until the end of November.

Gene Morris, 321 Auburn Road, said that he has tried to get cable for 30 years. His house is located 400 feet away from the road and Mr. Morris said that Marcus Cable told him that it would cost him \$400 to extend the cable to his house. Mr. Swiger said that Marcus Cable does have a policy which states that once the footage exceeds 175 feet there is an extension charge. Mr. Morris asked what Marcus would charge him to hook onto cable if he bought the cable and placed it underground. Mr. Swiger told him there would be a \$30 installation fee.

Edith Allen, 44 Pennant Drive, Waynesville, said that she was a resident of Haywood County. Ms. Allen wanted to know what the rush was in getting the second reading for the franchise agreement with Marcus Cable. Ms. Allen felt that the request to add the BET channel had been taken lightly.

Tommy Nelson, Orchard View Drive, Waynesville, asked if the issue regarding rates for service had been corrected. Mr. Swiger said that the rate schedule issue had been resolved. Mr. Nelson said that he would gladly give up one of his channels in order to add the BET channel. Mr. Nelson expressed appreciation to Town Manager Galloway for the answers he had received regarding his previous questions.

Mayor Henry Foy said that since he has served on the Board a similar situation had arisen when everyone wanted WTB, a Charlotte based station; however, the cable company could not provide the channel to this area because of the excessive costs. Mayor Foy said that the authority of the Board of Aldermen only goes so far and that authority does not include the choice of channels

offered by the cable company. Mayor Foy said that this Board fully supports the addition of the BET channel and has expressed this support by sending a letter to Marcus Cable Company. Mayor Foy added that it appears that the Marcus Cable superiors also support the addition of this channel. Mayor Foy said that the Town has worked with Marcus Cable for five years and during that time they have done a good job. Mayor Foy said that neither the Town nor Al Swiger could guarantee the addition of the BET channel and he suggested that someone on the State or National level contact Marcus Cable on behalf of those residents making the request.

Alderman Wiggins asked the opinion of the Town of Attorney regarding the legality of delaying awarding the franchise to Marcus Cable. Attorney Bonfoey advised that it was not illegal to simply delay action; however, it would be illegal for the Board to try to coerce Marcus Cable to add the BET channel. The Board was also advised that the current cable franchise expires January 14, 1998. Attorney Bonfoey also advised that if the awarding of the franchise agreement was delayed it could be argued that it was coercion. Al Swiger said that Marcus Cable would like to have the franchise approved, especially since Marcus Cable has invested five million dollars into the cable system.

It was the consensus of the Board to delay action on the second reading for the Marcus Cable Franchise until the meeting of December 9, 1997.

Award of Bid - Repairs to Water Treatment Plant

Town Manager Galloway said that funds were provided in the 1996-1997 budget for repairs to one of the filter basins at the Water Treatment Plant. Sutton-Kennerly & Associates, an engineering firm from Asheville, has been evaluating the overall condition of the Water Plant which was built in the 1950's and has been expanded over time. They have discovered other problems and have recommended several other improvements at the facility. One recommendation is for the replacement of the windows in the Water Plant because the current windows are old, inefficient and painted with lead based paint. Bids were received for these improvements as follows:

Holbrook Waterproofing	\$147,745.00
Western Waterproofing	\$144,280.00
Carolina Restorations and Waterproofing	\$281,700.00

It was noted that Western Waterproofing did not submit a bid bond which made their bid ineligible.

Alderman Williamson moved, seconded by Alderman Moore, to award the bid to Holbrook Waterproofing in the amount of \$147,745.00. The motion carried unanimously.

Award of Bid - Miller Street Storm Drainage Improvements

Town Manager Galloway said that in 1994, the Town experienced several severe rain storms, and businesses in the Frog Level area experienced flooding of their buildings. At that time, the Town pledged to seek solutions to this drainage problem, and extensive work was done on determining how to resolve this matter. The solution was to divert some storm water away from Depot Street. The logical choice to divert this water was Miller Street. The storm water would be piped down

Miller Street, under the Norfolk Southern Railroad tracks and into Richland Creek at Giles Chemical. In August, 1996, the Town requested approval of an easement from Norfolk Southern Railroad to place the storm drain under the railroad tracks at Miller and Commerce Street. In August, 1997, that easement was secured. The work of boring a hole under the railroad tracks and installing a metal drainage pipe satisfactory to the railroad was advertised for bids. Only one bid was received from Carolina Construction in the amount of \$18,290.00. The work was again advertised for bids and another bid in the amount of \$22,196.00 was received from Phipps Construction Company. It is recommended that the bid be awarded to the low bidder, Carolina Construction, in the amount of \$18,290.00.

Alderman Williamson moved, seconded by Alderman Moore, to award the bid to Carolina Construction in the amount of \$18,290.00. The motion carried unanimously.

First Quarter Financial Report

Finance Director Eddie Caldwell presented the first quarter financial report for the Town. Mr. Caldwell said that more money is spent than received during the first three months of the fiscal year. One reason for this is that money for property taxes is usually received during the month of December and the first of January. Mr. Caldwell said as of September 30, 1997, the Town had seven million dollars in cash and investments. Mr. Caldwell also reported that the Town had 3.8 million available in cash; this amount is up from 3 million at the same time last year. The Board thanked Mr. Caldwell for his report. No action was necessary.

Approval of Municipal Records Retention and Disposition Schedule

The N.C. Division of Archives and History has developed a schedule for the retention and disposal of records by local governments in North Carolina. The previous schedule was adopted in 1984 and was recently updated to comply with changes in the law by the General Assembly and to take into account the growing number of electronic records.

Alderman Williamson moved, seconded by Alderman Moore, to approve the Municipal Records Retention and Disposition Schedule. The motion carried unanimously.

Agreement With the N.C. Department of Transportation Regarding the Inspection of Bridges

During the 1980's the federal government developed a program calling for the regular inspection of all bridges in the country. To implement this program, the federal government offered to provide 80% of the cost of making the inspections, and to also pay the same percentage if the bridge must be reconstructed. The Department of Transportation enters into agreements with the local governments to provide the inspection service if the local government agrees to pay the remaining 20% of the cost. These agreements are for two year periods, and the current agreement between the Department of Transportation and the Town of Waynesville expires this year.

Alderman Moore moved, seconded by Alderman Williamson, to enter into an agreement with the N.C. Department of Transportation for inspection of bridges. The motion carried unanimously.

(Res. No. 30-97) (Cont. No. 22-97)

Public Works Roof - Additional Costs

The roof at the Public Works Facility is in need of replacement. Several months ago, the Town placed the work out for bid and received two proposals. One bid was from Freedom Roofing Contractors in Asheville for just over \$108,000. The second bid was from Norris Corporation at \$71,637; however, an alternate bid was given which would add \$17,637 to remove the existing roof sheeting and insulation and replace with new insulation if necessary.

Public Works Director Fred Baker suggested that a structural engineer review the shop drawing for the new roof and determine if the existing structure could support the overlay of the new roof. Sutton-Kennerly and Associates performed this work and concluded that the old roof must be removed. It is recommended that this additional work be done at a cost of \$17,637.

Alderman Williamson moved, seconded by Alderman Moore, to award the bid to Norris Corporation for a total amount of \$89,274.00. The motion carried unanimously.

Minor Subdivision - Carolina Log Homes

Town Manager Galloway said that Mr. Sherell Johnson is developing a 3.352 acre tract at the end of Buckeye Drive in the Ridgewood Estates Subdivision. He is creating three (3) new lots, and the property is zoned "R-1". The plat meets Town Standards and Town Staff recommends approval.

Alderman Moore moved, seconded by Alderman Williamson, to approve the minor subdivision as requested. The motion carried unanimously.

Minor Subdivision - Carolina Log Homes

Town Manager Galloway said that Mr. Sherell Johnson is subdividing a 4.5 acre lot to create a new 1.32 acre lot which abuts the water tank lot at Ridgewood Estates. The parcel is zoned "R-1" and meets Town standards. Town staff recommends approval of the subdivision plat with the following condition: (1) Provide surety bond for Phase II Water System as Lot 49 will be served by the system.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minor subdivision, contingent upon meeting the condition of the surety bond as recommended. The motion carried unanimously.

Electric Deregulation

Town Manager Galloway reported that he, along with Finance Director Eddie Caldwell and Director of Public Works/Utilities Fred Baker met with representatives of Electricities on October 27, 1997. This meeting was to discuss electric deregulation and some of the concerns associated with it. No action was necessary.

Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Moore, to adjourn the meeting at 8:35 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor