

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
MARCH 14, 2000
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, March 14, 2000. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Libba Feichter and Kenneth Moore. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of February 22, 2000

Alderman Caldwell moved, seconded by Alderman Feichter to approve the minutes of the February 22, 2000 meeting as presented. The motion carried unanimously.

Discussion of Procedures for Public Comment at Board Meetings

At the Board's retreat on February 18, there was discussion about developing some rules of procedure for those who did not arrange to be on the Board's agenda but who wish to make comment at the meetings. Since then there have been suggestions made by Manager Galloway, Mayor Foy, Alderman Brown and Attorney Bonfoey.

Alderman Brown said that he would like to see A) public comment allowed for appropriate items, and that those allowed to speak should have approached a Town Employee first to try to resolve the issue before bringing it to the Board; B) limit the time allowed per person, perhaps for three minutes, in order for the public comment to function effectively; and, C) that the Board should adopt a policy regarding public hearings.

Alderman Feichter said that she likes the idea of allowing people to speak, that limiting the time is better than limiting the number of people who are allowed to speak and that most people speak for less than three minutes.

Town Manager Galloway said that the agendas for the Board of Aldermen Meetings are now being sent out one day earlier, on Thursday before the meeting on the next Tuesday. Manager Galloway said that when citizens contact Board Members it is important that the items be placed on the agenda for the Board. Manager Galloway said that rather than drawing cards at random, he felt that it was important that both sides are heard.

Alderman Moore, felt that it was important to inform the public about any new policies of speaking at Board Meetings for non agenda items. Alderman Moore suggested that the press print a copy of the policy or that the Town buy an advertisement to print the policy if necessary.

Mayor Foy suggested that the entire process of speaking for non agenda items be limited to thirty (30) minutes at the end of the meeting.

Alderman Brown moved, seconded by Alderman Moore, to limit the discussion of non agenda items to thirty (30) minutes in duration at the end of the regular Board Meeting, irrespective of the number of speakers. Those persons wishing to speak should fill out an index card at the beginning of the meeting, and they will be recognized in the order in which the cards are received. Persons who wish to speak should confer with a Town Employee prior to the meeting to try to resolve their issue and this should be stated on the index card. The time limit for each person to speak will be three (3) minutes; however, this time can be waived at the discretion of the Board of Aldermen. The motion carried unanimously.

Board Discussion of the Appropriate Action for the Town in the Matter of the Riley Inman Property on Oakdale Road

For several months, the Town has been dealing with the condition of property located on Oakdale Road owned by Mr. and Mrs. Riley Inman. At the last meeting, the Board made a motion that the Town Attorney file action against the Inmans due to the accumulation of various types of debris on their property. Mr. Inman was at that meeting and advised that the action would not be implemented for a ten-day period, which gave him a few extra days to attempt to bring the property into compliance with the Town's appearance ordinances.

Code Enforcement Officer Jack Morgan visited the site and reported that the Inmans have achieved a great deal in terms of coming into compliance. Mr. Morgan indicated that if the Inmans would stack the materials neatly, remove some of the remaining debris to the landfill, and correct the problem with the junked cars and boat, the property would be very close to being in compliance with the Town Ordinances.

Mr. Riley Inman attended the meeting and said that he has removed the boat and plans to remove a refrigerator from his property on Wednesday afternoon, March 15. Mr. Inman said that he is using the metal and some lumber on the property. Mr. Inman's son said that he gave one of the vehicles to a person that he works with and he is using the other vehicle to repair a third vehicle. Once this repair is finished, he plans to haul the vehicle away.

It was the consensus of the Board Members that when they drove by the property on Oakdale Road there had been a considerable amount of work done. The Board Members expressed appreciation to Mr. Inman for his efforts to bring his property into compliance.

Alderman Brown moved, seconded by Alderman Moore, to instruct the Town Attorney to take dismissal against Mr. Riley Inman regarding his property on Oakdale Road. The motion carried unanimously.

Ms. Debbie Davis, of the Waynesville Swim Team, Regarding the Status of the Outdoor Swimming Pool and the Completion of the Indoor Pool for the Summer of 2000

At the meeting on February 22, a group of people appeared to express concern about the Board's decision to discontinue use of the outdoor pool this year. The Board's decision was based upon the projected opening of the new indoor pool and water park in a few months, as well as the problems with the 44 year old outdoor swimming pool. The outdoor pool has deteriorated significantly in recent years, and during the summer of 1999, it was losing about 10,000 gallons of water daily, and there were problems with maintaining the chlorine levels in the pool.

At the conclusion of the meeting of February 22, the Board went into closed session to discuss a legal matter pertaining to the construction on the new recreation center. At that time, the Board instructed the Town Attorney to take the appropriate steps to find the electrical contractor on the new center at default in carrying out the work required in his contract.

Since the last meeting, Ms. Debbie Davis said that she met with Parks and Recreation Director Mike Smith twice and she feels that the lines of communication are now open. Ms. Davis said that Mr. Smith gave her a tour of the new recreation facility and reviewed the status of the outdoor pool. Ms. Davis asked what the Town's position was at this point regarding the outdoor swimming pool.

Town Manager Galloway said that at the last meeting, the Board knew that they would be going into closed session to discuss the removal of one of the contractors from the project. The insurance company representing the contractor will now need to hire another electrical contractor to finish the project and this may take thirty to sixty days. Since that time, Manager Galloway said that he has asked Recreation Director Mike Smith to be ready to open the outdoor pool since it may now be July before the new facility is open. During the time that the outdoor pool may need to be open, the Town can lease a generator rather than purchase one, which will cut down on the operating costs. The outdoor pool can then be closed when the indoor pool is open.

It was the consensus of the Board to be prepared to open the outdoor swimming pool if the new Recreation Center is not open at the beginning of the season and that the outdoor swimming pool will remain open until the indoor swimming pool is completed, to allow the Swim Team and others a place to swim.

Mr. Robert Mills - Drainage Problem on his Property on Seventh Street

In early February, Mr. Mills advised a representative of the Town about a drainage problem he was experiencing around his home on Seventh Street off Sulphur Springs Road. Town Engineer Fred Baker and Assistant Public Works Director Robert Hyatt visited the area and have reviewed the causes on the drainage problem. Public Works Director Fred Baker prepared a report for the Board to review. One of the options involves obtaining written twenty-foot easements from ten property owners with an estimated project cost of \$23,000. Another option, and recommended project, is to obtain easements (10 feet on each side of the common property boundaries) from the property owners and that the property owners pay the \$7,000 cost of pipe, catch basins and drainage grates.

Mr. Robert Mills attended the meeting and thanked Mayor Foy, Alderman Moore, Robert Hyatt and Fred Baker for meeting with him to discuss the drainage problem. Mr. Mills also thanked the Town for sending some workers to the property on Friday, March 10 to clean out the tile; however, Mr. Mills said that it did not help the problem. Mr. Mills explained how there were undersized tiles on property owned by CP&L, Andy Anderson and the NCDOT property underneath the Bypass.

It was the consensus of the Board for Public Works Director Fred Baker to arrange a meeting with Mr. Robert Mills to help resolve the drainage problem on Seventh Street.

Mr. Hugh Constance, 576 Dellwood Road - Problems with Dogs in his Neighborhood

Mr. Hugh Constance asked to be placed on the agenda to discuss problems with dogs behind his property at 576 Dellwood Road. Mr. Constance said that his neighbor has five (5) dogs in a 6' x 8' pen, two (2) dogs tied up beside the pen and two (2) dogs in the house. He said that the dogs bark during

the day when the owner is at work. Although the owner tries to keep the pen clean, the odor is terrible and his wife got sick while trying to mow the yard. Mr. Constance said that he has lived in this location for thirty-seven years and has never experienced problems with flies until now, and he felt that they were caused by the dogs. He said that the law does not have enough “teeth” to control this type of problem. Mr. Constance said that this property is only about 1/4 acre in size and he felt that the number of dogs should be limited.

Town Attorney Bonfoey advised the Board that they could begin a process to limit the number of domestic animals allowed on property. Manager Galloway said that when he was Town Manager in Rockingham, North Carolina, the number of domestic animals was limited by Ordinance.

Alderman Moore moved, seconded by Alderman Caldwell, to instruct Planning and Zoning Manager John Swift to review ordinances from other areas to see how this type of situation is dealt with, and if the number of domestic animals is limited. The motion carried unanimously.

Discussion of Asheville Road Construction

On January 18, 1999, the previous Town Board voted unanimously to ask “that the Department of Transportation build the safest road, one which allows reasonable accessibility to abutting properties and streets, while being aesthetically pleasing”. A few months after that action, the DOT announced a sixth design of the Asheville Road which included:

a three-lane section from the present corporate limits to Ratcliff Cove Road,
a roundabout at the Ratcliff Cove and Asheville Road intersection,
a divided four-lane from Ratcliff Road to Francis Farm Road,
a five-lane from Francis Farm to Howell Mill Road,
a divided four-lane from Howell Mill to Industrial Park Drive, and
a five-lane from Industrial Park Drive to the tie in with the road at Lowes Stores.

Alderman Gavin Brown and Mayor Henry Foy have been discussing a proposed resolution for the Town Board to consider.

Alderman Brown said that a resolution adopted by the Board should address the following items:

- 1) It should clearly endorse the original proposal which has been studied and appears to be a good solution to a lot of problems.
- 2) If a professional review of the original proposal is required based on safety issues it would be ok. However, if a review is being conducted because of political issues, it would not be.
- 3) The Board of Aldermen should be allowed to look at any proposed changes prior to any other recommendations being made by the NC Department of Transportation.
- 4) Based upon a final plan being presented in April, 1999, it is time that this project be “put to bed”.

Alderman Brown moved, to adopt the following resolution:

The Board of Aldermen of the Town of Waynesville strongly endorses and supports the decision concerning the Asheville Highway made April 23, 1999 by the then Secretary of the North Carolina Department of Transportation, E. Norris Tolson and requests that work on the project, as designed and supported by existing studies, continue without interruption.

If any changes are deemed advisable by the professional engineering staff of the North Carolina Department of Transportation, we respectfully request that the Board of Aldermen and citizenry of the Town of Waynesville and all other persons affected by the proposed changes be afforded workshops with independent facilitators prior to the presentation of modifications to the Secretary of Transportation.

Any recommendations for changes presented to the Secretary should be based solely on Governor Jim Hunt's Smart Growth initiative as outlined in remarks made by him to the Smart Growth Commission on February 1, 2000 and after having taking into consideration safety, environmental and fiscal issues.

Any and all changes and modifications directed by the Secretary of Transportation as outlined herein should be implemented into the existing plan within sixty days of this resolution.

The Board of Aldermen of the Town of Waynesville will support any decision made and recommended by the professional engineering staff and adopted by the Secretary of the North Carolina Department of Transportation which are substantially in accordance with this resolution.

Alderman Moore pointed out the unanimous action taken by the previous Town Board on January 18, 1999. He felt that the NCDOT has engineers who are well qualified to build this road and he was concerned that if everyone keeps "hounding" on DOT, the Asheville Highway project could be abandoned and Hendersonville, Robbinsville or other area could get the new road.

Alderman Feichter felt that it was important to recommend that the work on the Asheville Highway project continue without interruption and she did not feel that the NCDOT should be given any "wobble room".

Alderman Caldwell moved, seconded by Alderman Feichter to amend Alderman Brown's motion by deleting all paragraphs of the resolution except the first paragraph. The motion carried with three ayes (Caldwell, Feichter and Foy) and two nays (Brown and Moore).

Alderman Caldwell moved, seconded by Alderman Feichter, to adopt the following resolution: The Board of Aldermen of the Town of Waynesville strongly endorses and supports the decision concerning the Asheville Highway made April 23, 1999 by the then Secretary of the North Carolina Department of Transportation, E. Norris Tolson and requests that work on the project, as designed and supported by existing studies, continue without interruption. The motion carried unanimously. The resolution is to be forwarded to NC Department Of Transportation Secretary McCoy and NC Governor James B. Hunt, Jr.

Proposal to Haywood County on Funding a Share of the Costs of the Town's Recreational Programs Provided to Individuals Outside Town

Town Manager Galloway said at the Board Retreat on February 18, one item on which there was extensive discussion concerned funding the new recreation center. A considerable amount of time has gone into creating a fee schedule which will pay the costs of operation of the center. The fee schedule for the facility was presented at the Retreat, and there were higher rates for those who live outside of the Town. Board members indicated their desire to see a fee schedule that would be the same for everyone, regardless of whether they lived inside or outside of the Town, and there was mention of some other options which might be presented to the County. It was agreed that Town Manager Galloway would develop a report listing options which the Town might present to the County

Commissioners for their consideration in providing financial support for the recreation program operated by the Town of Waynesville.

Town Manager Galloway said since the upcoming 2000-2001 fiscal year Recreation budget has not been finalized, we do not know what the totals will be. Historical figures were used to arrive at the following estimates:

Current Recreation Operation	\$	495,000
New Recreation Center Operation		500,000
New Recreation Center Debt Service		<u>405,000</u>
Total Estimated Budget 2000-2001	\$	1,400,000
Projected Revenues from Fees (inside & outside residents pay same)		-431,460
Balance to Fund	\$	968,540
Transfer from Electric Fund		<u>-405,000</u>
Balance Needed	\$	563,540

Manager Galloway suggested that Haywood County be asked to contribute \$300,000, which is 20% of the cost. He added that residents of the County account for 68% of the users of the Town's Recreation facilities. In order to get a better idea of the use by Town residents versus County residents, it is recommended that a card swipe system be used during the first year, with all users paying the same rate. Manager Galloway said that he has a meeting with the Haywood County's Manager and Finance Director on Wednesday, March 15 to submit a funding request from Haywood County.

Alderman Brown moved, seconded by Alderman Feichter, to direct Town Manager Galloway to request that Haywood County contribute \$300,000 towards the operation of the new Recreation Facility for the upcoming fiscal year, to work with them on establishing an equitable solution, using a card swipe system the first year to determine the percentage of users inside and outside the corporate limits. The motion carried unanimously.

Discussion of Proposed Agreement Between the Town and the Maggie Valley Sanitary District Regarding the Purchase of Water From the Town

The Town of Waynesville has been in discussions with the Maggie Valley Sanitary District regarding an agreement to supply water to the Sherell Johnson development on the north side of Eagle Nest Mountain. Town Engineer Fred Baker, Town Attorney Mike Bonfoey and Town Manager Lee Galloway have been reviewing a proposed agreement. Attorney Jack Kersten attended the meeting and said that the proposed agreement has been reviewed and approved by the Maggie Valley Sanitary District.

The proposed agreement contains a rate schedule of a flat fee of one thousand five hundred and fifty dollars (\$1,550.00) per month for a minimum of ten thousand (10,000) gallons per month, with a fee of five dollars and 50/100 (\$5.50) per one thousand (1,000) gallons after the use of the first ten thousand (10,000) gallons per month. Town Manager Galloway said that the rate would remain the same for the first two (2) years. However, if the industrial rate goes up, the rates for the Maggie Valley Sanitary District would also increase, with a maximum increase of four percent (4%) per year. The Town is required to give a ninety (90) day written notice for rate increases.

Alderman Feichter moved, seconded by Alderman Brown, to approve the rate structure, as outlined in the Agreement between the Town of Waynesville and the Maggie Valley Sanitary District, at a rate of a flat fee of one thousand five hundred and fifty dollars (\$1,550.00) per month for a minimum of ten thousand (10,000) gallons per month, with a fee of five dollars and 50/100 (\$5.50) per one thousand (1,000) gallons after the use of the first ten thousand (10,000) gallons per month. The motion carried unanimously.

Alderman Brown moved, seconded by Alderman Caldwell, to authorize Mayor Foy to execute the Water Purchase Agreement between the Town of Waynesville and the Maggie Valley Sanitary District. The motion carried unanimously. (Cont. No. 4-2000)

Discussion of Problems Encountered with Easements for the Maple Grove Sewer Line

For the past three or four years, there have been discussions about the Town constructing a sewer line along U.S. Route 276 North, from U.S. Route 19 to the Maple Grove Methodist Church. At one time, the project was to be included for bidding along with the sewer line from the Lake Junaluska Swimming Pool to the top of Dellwood Hill, but it was withdrawn due to the potential costs and the limited fund balance the Town has in the Sewer Fund. Approximately two years ago, the line was put back in line for construction, and Haywood County agreed to split the costs with the Town.

At the time the line was approved in late 1998, several residents and interested individuals from that area attended Board meetings and the Town was assured that there was broad support for this project and that all were willing to sign the necessary easements. The Board allocated the Town's share of \$125,000 in the 1999-2000 budget for the project, and the County pledged that balance. An individual was hired from McGill Associates to make the contacts and negotiate the easements for the sewer line. However, a number of problems have been encountered.

On March 6, Town Manager Galloway sent a letter to Haywood County Manager Jack Horton, advising him of the problems with securing the easements. One of the needed easements is at the northeast corner of the intersection of Routes 19 and 276. This easement would have allowed the Town to go around the headwall of a box culvert under Route 276, and the only other option would be to go on the opposite side of the highway. That option is not really feasible because of the location of a 12 inch water line and probable negotiations with three property owners for easements off the right of way. Manager Galloway said at this point, it is recommended that Haywood County and the property owners in this area be advised that unless at least a verbal agreement to sign the easement is received by the meeting of April 11, 2000, the Town will abandon the project and the Town can use the \$125,000 set aside for this work to address other needs of the sewer department.

Mr. Bill Noland has a meeting with the N.C. Department of Transportation on Thursday, March 16 about being able to stay on the right-of-way. If this can be done, the sewer line could stay off the Country Foods property. Public Works Director Fred Baker is working on trying to go through the NC Department of Transportation's box culvert wing walls.

Alderman Brown moved, seconded by Alderman Feichter, that the Maple Grove sewer line project will be abandoned if at least a verbal agreement to sign the necessary easements is not received by the meeting of April 11, 2000. The motion carried unanimously.

Request by County for Town Assistance in Funding Paving Road From Route 209 to the Haywood County Fairgrounds

Town Manager Galloway said that on April 5, 1999, Haywood County Manager Jack Horton sent a letter making a formal request that the Town participate, along with the other municipal governments in Haywood County, in assisting with paying for paving the road to the County Fairgrounds. At that meeting the Board agreed that the Town would participate by paying the \$5,000 requested if all the other towns paid their prorated share of the cost.

In July, 1999, all the Towns received a letter from the County regarding the paving work and assessing the Towns a share based upon what the County felt was fair and reasonable. While the cost of paving had dropped from \$25,000 to \$23,020, the share the County assessed to Waynesville had risen from \$5,000 to \$6,906. Upon receiving this invoice, Town Manager Galloway contacted the County Finance Director mentioning the action by the Town Board and to ask if the other municipalities had paid their assessment, but did not receive a response.

On January 27, 2000, another letter was received from the County requesting that the Town pay the \$6,906 assessment. Town Manager Galloway again contacted the County Finance Director but did not receive a response.

It was the consensus of the Board that the Town pay \$5,000 as originally requested and as approved by the Board of Aldermen in April, 1999.

Public Comments

Mr. Roscoe Wells complimented the Board for passing a timely resolution regarding the Asheville Highway project and for forwarding the resolution to NCDOT Secretary McCoy and Governor Hunt.

Closed Session to Discuss Personnel Matter and Real Estate Matter

Alderman Brown moved, seconded by Alderman Moore, to adjourn to closed session at 8:52 p.m. Alderman Feichter moved, seconded by Alderman Caldwell, to return to regular session at 9:30 p.m. Both motions carried unanimously.
No action was taken.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Caldwell, to adjourn the meeting at 9:32 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor