

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
MARCH 13, 2001
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held its regular meeting on Tuesday, March 13, 2001. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Libba Feichter and Kenneth Moore.

Also present were Town Manager A. Lee Galloway, Administrative Assistant Freida Rhinehart and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of February 27, 2001

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the February 27, 2001 meeting as presented. The motion carried unanimously.

Public Hearing Regarding Annexation Petition of Thomas and Elizabeth Hines - 1482 Russ Avenue

Attorney Bonfoey opened the public hearing. No one spoke either in favor of or against the annexation of the property at 1482 Russ Avenue. Attorney Bonfoey then closed the public hearing.

Alderman Moore moved, seconded by Alderman Feichter, to approve the annexation of the property into the Town. (Ord. No. 5-01)

Request to Waive Annexation Requirements - Elise Palmer - 150 Francis Farm Road

A letter was received from Ms. Elise Palmer requesting that the Town waive the annexation requirement and allow the connection to the sewer for one dwelling unit located at 150 Francis Farm Road.

Several years ago, Ms. Palmer granted an easement for the Town to extend a sewer line across the Palmer property. Two free sewer taps were granted as compensation for the easement. Under the Town's Sewer Use Ordinance, any application for sewage service from a customer located outside the corporate limits must be accompanied by a petition for annexation to the Town.

Mayor Foy stated that Ms. Palmer is actually excepting her right to annexation by waiving it. There has been a similar situation within the past year with Mr. David Blevins of Haywood Oil. Attorney Bonfoey instructed Ms. Palmer to submit a petition for annexation which will be mailed to her. Upon submission of the petition, Phyllis McClure, Town Clerk will investigate the petition.

Alderman Caldwell moved, seconded by Alderman Moore, to order the Town Clerk to investigate

the petition as soon as it is submitted. The motion carried unanimously.

Minor Subdivision - Bobby McKay - South Hill Street

Bobby McKay owns a 1.122 acre parcel on South Hill Street. The property is zoned "R-4" Medium Density Residential District, and Mr. McKay wants to divide the parcel into four lots. The plat complies with the subdivision ordinance, and Town staff recommends approval of the minor subdivision subject to the following:

- 1) Provide engineering plans and drawings for the extension of water and sewer lines.
- 2) Provide the State permits for the extension of water and sewer lines.

Town Manager Galloway indicated that Mr. McKay has enough property to allow such a subdivision. He meets the requirements for the 20 ft. setback from the flood plain. There was a question as to whether Mr. McKay intended to use the property for mobile homes. Mayor Foy asked if the matter might be delayed until the land use study is completed. Attorney Bonfoey replied that the matter could not be delayed that long.

Alderman Brown moved, seconded by Alderman Caldwell, to continue the matter until engineering plans and state permits are furnished. The motion carried unanimously.

Action Upon Municipal Ordinance Setting Speed Limit on Plott Creek Road

Town Manager Galloway stated that the Department of Transportation has requested that a speed limit of 25 miles per hour be set on Plott Creek Road in the area of Hazelwood Elementary School for the period of 30 minutes before the beginning and 30 minutes after the close of school each day. Mayor Foy suggested that the permitted speed limit change to 25 miles per hour all the time to the intersection of Elysinia Avenue.

Alderman Feichter moved, seconded by Alderman Moore, to go back to the State Department of Transportation with the recommendation to set the speed limit at 25 miles per hour from Will Hyatt Road to the Richland Creek Bridge. The motion carried unanimously. (Ord. No. 6-01)

Discussion Regarding Request by Haywood County Commissioners to Supply Water to the Barber's Orchard Area

Mr. Rick Honeycutt spoke on behalf of the Haywood County Commissioners stating that they have been awarded grants from the EPA through Congressman Taylor and a \$350,000 grant from the Rural Development Center of North Carolina. The Commission wants to apply for another grant from the State under the High Unit Cost Grant Program. Haywood County Commissioners are seeking an inter-local agreement with the Town to supply water including the operation and normal maintenance of the lines as well as customer billing (at the outside rate), collection of payments, and billing for account balances. The County would submit an application to the Town to design, construct and maintain the system.

Mayor Foy asked if pump stations would be required. The response was that pumps would be required and adjustments in charges would have to be made for pumping fees as well.

Alderman Brown asked about the possibility of a shortfall. It was pointed out that even though there would only be about 90 customers in Barber's Orchard area, the Town would also have to serve the customers between the corporate limit and Barber's Orchard. This could substantially increase the cost of operation as well as the amount of water that would have to be supplied to customers. Alderman Brown is opposed to obligating the Town to operate this system at a loss.

Attorney Bonfoey added that the Town should consider such items as a termination date, who will pay for rights of way, and control of expansion.

Mr. Honeycutt stated that if the County is unable to apply for this grant, they could apply to be placed on the National Priorities List status with the EPA. Then the EPA would be able to come in and negotiate with the Town.

Another suggestion was to possibly impose an impact fee of \$5000 per customer which could be paid at the rate of \$50 per month until paid.

Attorney Bonfoey reminded the Board that the rate structure would have to allow for changes and possible increases.

Alderman Brown stressed that the plan needs further study and questioned whether action could be postponed until the next Board meeting on March 27. This was the general consensus of the group. The Board members assured Mr. Honeycutt that the Town wants to help but the Town must look after its own citizens and fiscal well being.

Other Items of Discussion

Appointment to Recreation Commission

Mayor Foy informed the Board that he has had a request from the Recreation Commission to add a member. Tim Plowman has formed a new committee whose function will be to develop programs for handicapped persons. The person recommended to be added is Rhonda Glance from Canton. Alderman Caldwell knows Ms. Glance and said that she is a person who could speak for the concerns of the handicapped.

Alderman Feichter moved, seconded by Alderman Moore to approve the addition of Ms. Glance as a member of the Recreation Commission.

Caretaker's House at Watershed

The condition of the caretaker's house at the watershed was discussed. There are problems with the roof. The house needs to have a gabled roof rather than a flat roof. The ceiling and carpet are also in very poor condition. No action was taken.

North Carolina League of Municipalities Meeting

The Town will host the North Carolina League of Municipalities meeting at Waynesville Country

Club on April 24. The Board will be responsible for helping with registration.

Board of Aldermen Retreat

The Board of Aldermen retreat will be April 4 at Waynesville Country Club beginning at 8:00 a.m.

Update on Recreation Center

The Recreation Center now has 1400 paid memberships. Landscaping will be done soon and 50 parking spaces will be added. The grand opening will be scheduled sometime in May.

Update by Town Attorney - Legal Matters of Lanning and Gilmer

Attorney Bonfoey reported that the judge ruled in the Town's favor in the Lanning heirs' suit. The Town will pay just compensation. The Attorney also reported that \$2200 was paid to Mrs. Gilmer.

Adjournment

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

Freida F. Rhinehart
Administrative Assistant

Henry B. Foy
Mayor