

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
MAY 13, 2003
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, May 13, 2003. 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, Interim Town Attorney Woodrow Griffin, Finance Officer Eddie Caldwell and Tax Collector James Robertson. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of April 22, 2003

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the April 22, 2003 meeting as presented. The motion carried unanimously.

Public Hearing - Request by Mickey G. Forsyth to Close Unconstructed Cul-De-Sac Located Off of Willow Road

A few months ago, Mr. Mickey G. Forsyth approached the Board about the closing and abandonment of a portion of an unconstructed cul-de-sac off of Willow Road. A main Town water line crosses the rear portion of his lot and the cul-de-sac takes a portion of the front. Mr. Forsyth asked if there was a possibility of closing a portion of the cul-de-sac so he could construct a house on the lot.

In previous situations the Town has agreed to such a request with the condition that the property owner pay all the costs associated with the process, including surveys, legal fees and any advertising costs associated with the abandonment. Mr. Forsyth agreed to this. In accordance with State Law, all necessary advertisements have been given.

Attorney Woodrow Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

Alderman Brown moved, seconded by Alderman Moore, to close a portion of the unconstructed cul-de-sac located off of Willow Road. The motion carried unanimously. (Ord. No. 10-03)

Appointments/Reappointments for Planning Board and Board of Adjustment

Several appointments and reappointments are needed for the Planning Board and Board of Adjustment.

Planning Board

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|------------------------------|------------------------------------|
| Waynesville Appointments: | Lee Bouknight |
| Haywood County Appointments: | Emily Mashburn Clark/Gary Sorrells |

All members have expressed a willingness to continue on the Planning Board. However, Emily Mashburn Clark recently married and moved to Crabtree which makes her ineligible to be reappointed. It is recommended that Ms. Clark be replaced by Patrick Bradshaw. Mr. Bradshaw has also expressed a willingness to serve on the Haywood County Planning Board.

Alderman Brown moved, seconded by Alderman Caldwell, to reappoint Lee Bouknight and to recommend to the Haywood County Commissioners that Gary Sorrells be reappointed and Patrick Bradshaw be appointed to replace Emily Clark, and to recommend that Patrick Bradshaw be appointed to serve on the Haywood County Planning Board, replacing Rex Feichter. The motion carried unanimously.

Board of Adjustment

| | |
|------------------------------|-------------------------------|
| Waynesville Appointments: | Alternate Member Ken Stahl |
| Haywood County Appointments: | Regular Member Nancy Francis |
| | Alternate Member Boyd Medford |

In reviewing the list of members, Ken Stahl and Boyd Medford have long service on this Board and have been faithful to attend when they are needed to fill in when a regular member is absent. Nancy Francis has been unable to attend any meetings since May 2, 2002. It is recommended that the Town reappoint Ken Stahl as an alternate member.

It is also recommended that Neal Ensley, an alternate member from the ETJ, be moved to the regular member slot to replace Nancy Francis, and to recommend to the Haywood County Commissioners to reappoint Boyd Medford as an alternate member and to appoint Garnell Day as the other alternate member.

Alderman Moore moved, seconded by Alderman Feichter, to reappoint Ken Stahl as an alternate member and to move Neal Ensley to a regular extraterritorial member to replace Nancy Francis. Also to recommend to the Haywood County Commissioners that Boyd Medford be reappointed and Garnell Day be appointed to fill the alternate vacancy left by Neal Ensley. The motion carried unanimously.

Appointment of ABC Board Chairman

Mayor Foy said with the recent death of ABC Board Chairman A. P. Evans, the appointment of another Chairman is needed to serve on the ABC Board.

Alderman Brown moved, seconded by Alderman Caldwell, to appoint Wilson C. Medford to serve as ABC Board Chairman. The motion carried unanimously.

Haywood County Political Action Group Regarding Cutting of Timber on Watershed

The Haywood County Political Action Group asked for time on the agenda to discuss the cutting of timber on the Allens Creek Watershed. Earl Lanning introduced Dr. Garrett Smathers as their speaker.

Dr. Smathers said he has been involved in watershed management for about twenty-five years. As

an Archeologist there are five things he is concerned with. 1) people, past and present history and archeology; 2) climatology; 3) soil; 4) geology, and 5) plants, animals and time. So far he has found little information about the hydraulics at the Waynesville Watershed. He has looked at aerial photographs and visited the area during the heavy rains experienced the past week of May 4 - 7. He said the dam site held back a lot of the water during this time.

Dr. Smathers said there have been three archeological sites found on the watershed property. One of those sites is now under the lake. Items found on these sites date back to 5,000 BC to 100 BC during Mid Archaic to Early Woodmen Eras. More people came through, including Geologists William Brewster and Arnold Geo. William Brewster said he had never seen anything like this area. Arnold Geo spent a lot of his time in Waynesville, describing the trees in Haywood County as being 12' in diameter. The largest Chestnut tree ever recorded was in Francis Cove.

Dr. Smathers said he was in favor of Cilviculture and is not opposed to forestry, but there is a place and time for everything.

Alderman Brown asked Dr. Smathers how long his presentation would take. Dr. Smathers said it was hard to say but it could be another forty-five minutes. It was the consensus of the Board and agreed upon by Dr. Smathers that the other business of the Board would be discussed and then he would continue his presentation.

Presentation of U. S. Flag

Eagle Scout Hunter Mehaffey said he swims with the Smoky Mountain Aquatic Club and has noticed that the United States Flag in front of the Recreation Center is torn. He presented a new U.S. Flag to the Board and said he would be glad to properly retire the one which is torn. The Board thanked Hunter Mehaffey and gave him permission to properly retire the torn flag.

Minimal Tax Bills and Write-Offs

Tax Collector James Robertson asked the Board to consider a policy regarding the collection of minimal property tax bills. Mr. Robertson said N.C.G.S. 105-321(f) allows a governing board to adopt a resolution foregoing the collection of bills that do not exceed a \$5.00 amount. This would allow the Town of Waynesville to reduce costs in billing and be more cost effective. The second request was that all back taxes that are \$1.00 or less be written off. This includes underpayments and overpayments as described in N.C.G.S. 105-357(c). By doing this the Town would eliminate interest that would have accumulated on accounts over a ten-year period. Mr. Robertson said in the long run, a reduction should be seen in the amounts to be written off. These amounts are also very minimal and will not affect the overall revenues brought in by the Town.

Alderman Brown moved, seconded by Alderman Feichter, to adopt a policy in accordance with N.C.G.S. 105-32(f) to not bill taxes in the amount of \$5.00 or less. The motion carried unanimously.

Alderman Brown moved, seconded by Alderman Moore, to adopt a policy in accordance with N.C.G.S. 105-357 to write-off all back taxes which are \$1.00 or less in both underpayments and overpayments for the past ten-year period. The motion carried unanimously.

Amendment to Personnel Policies

Manager Galloway said with the arrival of warmer weather, the Town has experienced some comments and complaints about the attire of some of its employees. Human Resource Officer Margaret Langston has reviewed the Town's Dress Code and contacted other localities to see how they handle matters pertaining to appropriate attire. As a result, she has developed a revised section of the Town's Personnel Policies which was presented to the Board for their consideration and approval as follows:

Article IV, Section 8 Dress Code/Personal Appearance

Much of the public image of the Town of Waynesville and its employees is based upon the impression citizens make as a result of their contact with Town employees. Appearance, as well as conduct is a part of that initial impression.

All employees are expected to dress at all times in an acceptable and professional manner which is consistent with good business practices and the provision of the safety policy. Employees who are issued Town uniforms by their respective departments are expected to wear uniforms at all times while on duty. Additionally, employees working on private property or out in the community are readily identified by wearing a Town uniform and/or ID Badge; both forms of identification allow citizens to identify employees when service is needed. Uniforms are not to be worn off-duty. Other employees are expected to dress appropriately, wearing clothes that are neat, clean and well-arranged in appearance.

While not all inclusive, unacceptable or inappropriate work attire would be: short shorts, low rise jeans, hip hugger jeans, T-shirts bearing writing and/or logos (other than the Town of Waynesville logo) (exception: special occasion shirts, as approved by department heads), halter tops, tank tops, tube tops, spaghetti strap tops (unless covered by a sweater or jacket) and any low cut clothing that expose or reveal personal body parts, i.e. midriff area.

Department Heads will be responsible for assuring that the dress code guidelines set forth in this policy are followed, as well as they may further define dress codes for administrative and office personnel, should the need arise. Employees that are deemed to be in violation of this policy will be subject to appropriate disciplinary measures, as well as being sent home without pay to change into appropriate professional attire.

Uniforms are issued to employees in certain departments with the understanding that upon receipt, they are the property of the Town. If uniforms are damaged as a result of neglect or abuse, individuals will be required to replace them at their own expense. The Town will replace uniforms damaged as a result of job requirements or performance. Damaged uniforms should be reported immediately to employee's supervisor. Employees leaving Town employment must turn in all uniforms and/or any Town property acquired or the cost of items not returned will be deducted from the employee's final pay check."

Alderman Brown moved, seconded by Alderman Caldwell, to amend Article IV, Section 8 of the Town's Personnel Policy regarding dress code/personal appearance as recommended. The motion carried unanimously.

Michael Moody - Raw Sewage at 81 Lickstone Road (Poore Residence)

Michael Moody, on behalf of his mother and stepfather, asked to speak to the Board regarding a situation which began on May 6, 2003 at approximately 1:00 a.m. when raw sewage began to gush from their washing machine, bathtub, etc. On the fourth day he said the Town of Waynesville employees came out and told him that a sign which had been installed into the sewer line by the N.C. Department of Transportation was the problem. Mr. Moody said the manhole above the house flowed constantly into the stream and if anyone had pets they may want to contain them. He said he could be contacted at 452-3541, 456-2276 or 81 Lickstone Road, Waynesville if anyone could tell him who he should contact regarding this situation.

Mr. Moody's stepfather, Mr. Poore, said he had a video if anyone cared to view it. Manager Galloway said a video and claim form have been forwarded to the Town's insurance carrier.

No action was taken.

Distribution of Fiscal Year 2003-2004 Budget and Comments by Town Manager

Manager Galloway presented the proposed Town of Waynesville budget for fiscal year 2003-2004. The budget totals \$20,892,790. Department heads and supervisors spent a lot of time in January and February developing their requests. The Finance Director and his staff spent time in February and March meeting with department heads to review their requests. During April and May, the Finance Director and Town Manager spent many hours working through the budget, making reductions of more than \$3,000,000 in an effort to bring a balanced document to the Town Board.

The proposed budget includes a 2% cost of living increase for Town employees, 3% 401K contribution for all employees other than law enforcement, since law enforcement employees already receive 5%, the tax rate remains the same at .43, and a 5% increase in water and sewer rates is proposed. Manager Galloway said two budget workshops are scheduled for Wednesday, May 14 at 5:00 p.m. and Monday, May 19, 2003. The Finance Department and all Department Heads were commended for all their work on the proposed budget.

Recognition of Boy Scout Troop 321

Four Boy Scouts from Troop 321 working towards their merit badges attended the meeting. They were welcomed by the Board.

Continuation of Discussion With Dr. Garrett Smathers Regarding Cutting of Timber on Watershed

Alderman Brown asked Dr. Smathers if it would be beneficial for the Town to provide a copy of the draft conservation easement for him to review and make comments. Dr. Smathers said this would be beneficial to him. Alderman Brown added that the Town wants to be educated regarding the watershed. Alderman Feichter said the Board wants to be fully informed and suggested that the Board sit down with Dr. Smathers and discuss the watershed further at a later time, possibly at a special meeting.

Dr. Smathers said the watershed is a "pot of gold" for the Town and will become more and more so. He said the Board who voted to purchase the watershed property years ago had the foresight to do so but were later voted out of office. He feels that this Board also has the foresight to plan for the watershed for the next 100 years. Manager Galloway said when former Town Attorney Michael

Bonfoey was leaving he was trying to work on the draft of the conservation easement. This easement has not been presented to the Board yet. However, a copy can be provided for Dr. Smathers. Dr. Smathers said his advice to the Board is to get the conservation easement as soon as possible.

Report by Town Manager Regarding Contract With Progress Energy

Manager Galloway said when the Town negotiated the new contract with Progress Energy (formerly Carolina Power & Light Company) they were surprised to learn of the amount received back from the transmission side of the operation. What the Town thought would be \$1,500 per month turned out to be \$6,000. After several meetings, Progress Energy has agreed to reduce this amount to \$2,000 per month and they have also agreed to relocate the overhead electric lines off of the Main Street area in Hazelwood. This project has a value of approximately \$80,000.

Report by Town Manager Regarding Possible Refinancing of the Recreation Center

Manager Galloway said when the Town financed the Recreation Center this was done with an interest rate of 5.1%. At that time this was a very good rate and those rates have dropped even lower since then. A lower rate is now being negotiated and three options are being reviewed. Over the next several years this could result in a savings to the Town of \$364,000 - \$424,000.

Report by Town Manager Regarding Negotiations With Haywood County Regarding Parking Garage

Manager Galloway said the Town is still in negotiations with Haywood County regarding the financing of the parking garage. There is still a question as to whether this will be over a 15-year period or a 20-year period.

Continuation of Meeting Until Wednesday, May 14, 2003

Alderman Brown moved, seconded by Alderman Moore, at 8:18 p.m. to continue the meeting until Wednesday, May 14, 2003 for a budget workshop. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor