

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
JANUARY 27, 2004
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, January 27, 2004. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell and Libba Feichter. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of January 13, 2004

Alderman Feichter moved, seconded by Alderman Caldwell, to approve the minutes of the January 13, 2004 meeting as presented. The motion carried unanimously.

Petition From Veterans of Foreign Wars Post 5202 to Abandon a 30-Foot Right-of-Way on Their Lot

A letter from the Men's Auxiliary of VFW Post 5202, Waynesville, signed by President Shannon Woody, was presented to the Board. The letter requested that the Town abandon a 30' right-of-way which runs through the property of the VFW. This 30-foot right-of-way extends from Miller Street and continues in a northerly direction, somewhat parallel to the railroad line. It then turns in an eastward direction, going in front of the apartments and the Suyeta Park Bed and Breakfast, connecting with Suyeta Park Drive which runs to Depot Street.

Town Staff expressed some concern about closing the existing right-of-way and asked if the VFW would consider relocating the right-of-way closer to the railroad. Mike Woody and Shannon Woody attended the meeting. They said they could talk to their Board Members to see if this would be considered. They said grants were available to extend their building and they would like to connect the two existing buildings. They have not applied for the grant since they cannot extend their building with the right-of-way as it is now located. This is why they are requesting that the right-of-way be abandoned.

Alderman Brown moved, seconded by Alderman Feichter, to table the request and ask Town Staff to investigate the possibility of closing the existing right-of-way and relocating it to another area on the property. The motion carried unanimously.

Reappointment - Historic Preservation Commission

The terms of Sandra Owen and Bette Sprecher as members of the Historic Preservation Commission will expire on January 31, 2004. Both have been good and faithful members of the Commission, and each has expressed a desire and willingness to continue serving. It is recommended that they be

reappointed to serve another four-year term to expire on January 31, 2008. Alderman Brown moved, seconded by Alderman Caldwell, to reappoint Sandra Owen and Bette Sprecher to the Historic Preservation Commission for another four-year term to expire January 31, 2008. The motion carried unanimously.

Petition for Annexation - Buck Ridge Dev. Group, LLC, 29.3 Acres at Hawk's Crest Located off U S Route 276

A petition was received by the Town for annexation of 29.3 acres of land adjacent to the Hawk's Crest Development off U. S. Route 276 south of Waynesville. During the past few years, several groups have taken a look at development of this property, but the Buck Ridge Development Group, LLC, has been able to put a project proposal together that has been recommended by the Planning Board.

Manager Galloway said the Group wishes to connect the property to the Town sewer service which is located along Route 276. This sewer line extension was part of the joint project between Haywood County and the Town with the line extended to the new Agricultural Center, with one branch going to Crymes Cove Road and another branch extending to the entrance to Hawk's Crest. Hawk's Crest previously operated a privately owned pump station and force main which boosted wastewater back to the Town's collection system near Thomas Park. Last year, the homeowners of Hawk's Crest had their line connected directly into the new gravity sewer main in U. S. 276, eliminating the pump station and force main.

Alderman Brown moved, seconded by Alderman Feichter, to adopt a resolution authorizing Town Clerk Phyllis McClure to investigate the sufficiency of the petition submitted by the Buck Ridge Development Group. The motion carried unanimously. (Res. No. 2-04)

Amendments to Emergency Assistance Agreement

Manager Galloway said a few months ago, the Board approved an Agreement for Emergency Assistance supplied by the ElectriCities organization. This document is designed to be the guideline for one municipality offering assistance to another municipality during an emergency situation. In the event of a hurricane or tornado, Waynesville might be willing to send personnel and equipment to another area of the State. In the event of a snow or ice storm, Waynesville may need assistance from other localities in repairing damage and restoring power to customers.

After submitting the Town's signed copy of the agreement to ElectriCities, there were some amendments which were approved. These amendments are explained in a memorandum dated January 7, 2004, from Mark H. Otersen of the ElectriCities staff. The proposed changes have been reviewed by Public Works Director Fred Baker and Town Attorney Woodrow Griffin, both of whom have found them to be reasonable and in order.

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the amendments to the Emergency Assistance Agreement. The motion carried unanimously. (Cont. No. 11-03)

Release of Frozen Funds

When the 2003-2004 budget was approved, it was recommended that the Town enter the fiscal year with \$297,000 in frozen funds in the General Fund. This amount is equal to 2.78% of the total General Funds Budget of \$10,645,900. The frozen funds, used in each of the past three budgets, have provided the Town with the protection needed in the event that there are unanticipated revenue shortfalls, large unbudgeted expenditures or if the State declines to distribute funds to which the Town is entitled.

Town Manager Galloway and Finance Director Eddie Caldwell both recommend that some of the funds be released for expenditure. A list of the amounts recommended for release total \$209,000.

Manager Galloway said one of the items remaining frozen is a Toyota Prius, a hybrid vehicle for administration. Toyota dealers are overwhelmed with orders for this vehicle and he was unsure if ordered when it would be received.

Alderman Brown moved, seconded by Alderman Feichter, to release \$209,000 in frozen funds in the General Fund as recommended, and to change the appropriation on the radio to the radio repeater. The motion carried unanimously.

Alderman Brown amended his motion, seconded by Alderman Feichter, that Manager Galloway place the order for the Toyota Prius. If it arrives in this fiscal year, the \$20,000 is released for that purpose. If it does not arrive until the next fiscal year, the money will be appropriated for that time. The motion carried unanimously.

Amendments to Personnel Policy - Add 401(k) Contribution and Add Floating Holiday

In December, the Board approved some new fringe benefits for town employees. Ms. Margaret Langston, Human Resource Director, has prepared some amendments to the Town's Personnel Policy.

One of these benefits was a contribution to a 401(k) retirement account for all full time and permanent part time employees. Previously, only certified law enforcement personnel had received this benefit, and that was due to a State mandate that passed in the mid-1980's. In order to extend this benefit to other town employees, an amendment to the Town's Personnel Policy is needed.

Another benefit provided was the addition of a tenth holiday for full time and permanent part time employees. This holiday is called a "Floating Holiday", meaning that an employee may select this holiday at any time during the year, subject to the approval of that employee's supervisor. To assure that the operation of the Town continues unimpeded when employees take a Floating Holiday, all employees or a large number of employees would not be allowed to take the same day off. A request form is needed which employees must complete prior to being granted the holiday. It is also necessary to develop some rules for employees to follow in requesting the holiday. Changes in the wording in Section 1. Holidays Observed of Article X in the Town's Personnel Policy is needed.

The proposed Personnel Policy amendment for the 401(k) contribution was omitted from the Board's agenda. It was the consensus of the Board to delay action on this amendment until the next meeting.

Alderman Feichter moved, seconded by Alderman Caldwell, to amend the Town's Personnel Policy, Article X, Section 1, as presented regarding the addition of the "Floating Holiday". The motion carried unanimously.

Amendment to Solid Waste Ordinance

Town Manager Galloway said when the new Solid Waste Ordinance was drafted and presented to the Board in December, an attempt was made to address every situation Town Staff could think of. One of the main problems the Town was having was that private companies or individuals were coming into town, trimming a large number of trees on a resident's property and then leaving those trees for Town crews to chip up and haul away.

In Section 96.09(A) Tree Limbs, Cuttings, Shrubbery; Leaves; Removal of Tree Stumps; it was indicated that "This service shall be limited to the amount of tree limbs, cuttings, shrubbery and the like that a typical resident shall produce in normal yard work and is not a service provided to a landscaping firm or to a private tree company or to individuals who are paid to trim trees, redo landscaping or perform major yard work. Such debris produced by these firms shall not be collected by the Town, and property owners or tenants shall be responsible for the cost of removal and disposal of such material."

Since the adoption of this ordinance, there have been several firms and individuals in Town trimming trees. Most of these companies chip and haul the trimmings, but there are those that have refused to do so. This leaves the property owner in a difficult situation. They have paid the individual to trim the trees and the debris is at the curbside. In some cases even after Town Staff has spoken to the individuals trimming the trees, they continue to cut and pile the debris at curbside, go to another house and repeat the process. It is felt that the ordinance will need to be amended so that the company or individual performing the work will need to be charged. The following amendment was suggested:

(E) It shall be unlawful for any landscaping firm, tree trimming company or for any individuals, other than the property owner, to trim trees, redo landscaping or perform major yard work and to leave debris from the work performed at the street side intending for the Town personnel to collect said debris.

Alderman Brown moved, seconded by Alderman Caldwell, to table action on this amendment and discuss it further at their retreat scheduled for March 19, 2004. The motion carried unanimously.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Feichter, to adjourn the meeting at 8:00 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor