

AGENDA  
REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
TOWN HALL  
MARCH 10, 2009  
TUESDAY – 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, March 10, 2009. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Town Attorney Woodrow Griffin and Assistant Town Manager Alison Melnikova. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of February 24, 2009

Alderman Caldwell moved, seconded by Alderman Roberson to approve the minutes of the February 24, 2009 meeting as presented. The motion carried unanimously.

Resolution of Respect for Alderman J. Kenneth Moore

On Monday, March 2, 2009, Town Alderman J. Kenneth Moore passed away at his home on Brown Avenue. Alderman Moore had served as a member of the Town Board since December 1995. He had a long career in law enforcement, having been a Waynesville Police Officer from 1965 until 1967 and then as Chief of Police of the Town of Hazelwood from 1967 until 1994.

Alderman Moore was a good and faithful public servant, with 29 years as a law enforcement officer and 14 years as an elected official.

To honor his dedication in serving the citizens of Hazelwood and Waynesville and the surrounding area, a memorial resolution was presented and read by Town Manager Galloway for consideration by the members of the Town Board.

Mayor Brown said he has lost a friend of 37 years and the community has lost a very valuable asset. Mayor Brown said during his time on the Board of Aldermen he has always been seated on Alderman Moore's left or on his right, but he was always there. He always had the heart of the community in mind with never a selfish bone. At the last meeting, Alderman Moore took the final action of the board when he seconded the motion to adjourn the meeting.

Alderman Roberson said he regretted that Alderman Moore did not get to see the completion of the Police Department/Development building that he helped to bring about. There is now an emptiness and he will be sorely missed.

Alderman Feichter said one thing she will miss the most is his radiant smile. When you walked in the door Alderman Moore's face just lit up. A young lady she has known for many years came up to her and said "who will I call now?" People could call Alderman Moore; they trusted him and he was always there. You could talk to him and he understood people.

Alderman Caldwell said he grew up in Hazelwood and knew Alderman Moore when he was the Hazelwood Police Chief. He was also one of his best friends. Alderman Caldwell said he dreaded coming here tonight, but Alderman Moore would want the Board to do what is right and continue on. There were things that the Board didn't agree on but the Board always worked it out together.

Manager Galloway said the Board depended on Alderman Moore because of his knowledge, especially during issues such as the merger of the Towns of Waynesville and Hazelwood. He said Alderman Moore would tell us things such as problems we may have with certain sections of sewer line because of the material used when it was installed in Hazelwood. Alderman Moore was always willing to share his knowledge with others.

Town Clerk McClure said Alderman Moore was very special to her. He called Town Hall daily, sometimes several times each day because he had received a call from a citizen who had an issue that needed to be dealt with.

Alderman Roberson added that Alderman Moore was also a teacher. Mayor Brown said we are going to miss Alderman Moore; he left behind a legacy.

Alderman Caldwell moved, seconded by Alderman Feichter, to adopt a resolution in memory of Alderman J. Kenneth Moore. The motion carried unanimously. (Res. No. 1-09)

#### Personnel Police Amendment Regarding The Family and Medical Leave Act

In November 2008, the United States Department of Labor made some changes in the Family and Medical Leave Act, and these were signed into law by President George H. Bush. These changes relate to leave provisions for military families and became effective on January 16, 2009.

These changes place the Town's Personnel Policy in conflict with federal law, and as a result, changes are recommended in the Town's policy. In a memorandum distributed to the Board, Human Resources Supervisor Margaret Langston explained the changes that have been made and has crafted a revised Federal Medical and Leave Policy which is recommended for inclusion in the Personnel Policies of the Town.

Alderman Roberson moved, seconded by Alderman Feichter, to approve the amendment regarding The Family and Medical Leave Act as presented. The motion carried unanimously.

#### Appointment to Recreation and Parks Advisory Commission

Ms. Michelle Schumacher will be relocating to Fayetteville, North Carolina this spring where her husband, Jeff, has accepted a position with a large newspaper. For the past two years, Ms. Schumacher has served on the Recreation and Parks Advisory Commission. With the pending move, she has resigned her position.

Town Clerk Phyllis McClure has checked her file of applications and found that there are two applicants for openings on the Recreation and Parks Advisory Commission as follows:

- Ms. Michelle Claytor first applied for the Commission in August 2007, when Ms. Schumacher was appointed. She applied again at the end of December 2008. She indicates in her application that she has a 10-year-old daughter and is interested in

activities available for local youth.

- Ms. Elaine Stewart submitted an application for the vacancy on February 11, 2009. Prior to her retirement, she worked in the District Attorney's Office for many years, and is now the manager of the North Carolina Office of the Friends of the Smokies in Waynesville.

Alderman Feichter moved, seconded by Alderman Caldwell, to appoint Michelle Claytor to serve on the Recreation and Parks Advisory Commission to fill the vacancy created by the resignation of Michelle Schumacher. This unexpired term will end on September 30, 2010. The motion carried unanimously.

#### Annexation Petition - 466 Lickstone Road, Grandview Lodge - Terry Ferguson

An application was received for the satellite annexation of the property located at 466 Lickstone Road where the Grandview Lodge is located.

Alderman Feichter moved, seconded by Alderman Roberson to adopt a resolution authorizing Town Clerk Phyllis McClure to investigate the sufficiency of the petition. The motion carried unanimously. (Res. No. 2-09)

#### Resolution Regarding Filing of Application of Grant/Loan Water System Improvements Under the American Recovery and Reinvestment Act

Congress passed the American Recovery and Reinvestment Act of 2009. This is the program which has been referred to more commonly as the federal stimulus package. One step in the process of applying for these funds requires that the local government must pass a resolution authorizing the Town Manager to sign an application for funding under the grant and/or loan program.

Town Staff has developed a number of water system improvements which are "shovel ready." These include the replacement of 1,000 water meters, replacement of small diameter galvanized water lines and the replacement of the Dayton Drive and Mauney Cove Road water lines.

Town Manager Galloway said the Town will pursue this funding in hopes that anything received will be in the form of a grant and not a loan. If Waynesville is selected for this program and finds that the award involves some amount of loan funds, Manager Galloway said town staff will certainly return to the Town Board to discuss the terms of any loan that may be required.

Mayor Brown said it is important that Waynesville continue taking care of its facilities and not wait until the needs become critical. Manager Galloway said most of this work would be contracted out. Mayor Brown added that this would add to the creation of local jobs.

Alderman Feichter moved, seconded by Alderman Roberson, to adopt the resolution as presented. The motion carried unanimously. (Res. No. 3-09)

#### Discussion Regarding Filling of Vacant Alderman Seat

With the untimely death of Alderman J. Kenneth Moore, questions will arise as to the manner in which a vacancy on a Town Board is filled. North Carolina General Statute 160A-63 dictates the manner in which a vacancy on a Town Board is filled. There are no specific procedures or a process

which the Board must follow in filling a vacancy. The General Statute simply states that a vacancy shall be filled by appointment of the city council.

In consulting with Town Attorney Woody Griffin, a reading of Statute 160A-63 indicates that whoever is appointed to fill the vacancy created by Mr. Moore's death would complete the unexpired term which is scheduled to run until the election of November 2011. The Town of Waynesville's elections are non partisan and there would be no obligation to fill with any particular political party.

Mayor Brown said it is the obligation and responsibility of the Board to seek out a qualified replacement and it would be beneficial not to engage in a complicated process. Mayor Brown added that it is the duty of the Board to discuss filling the vacant seat in open session.

Mayor Brown urged citizens to call the board members if they are interested in serving in this position. It was felt that this position should be filled as soon as possible in order for the new board member to be involved in the budget process and it is preferred that the newly-appointed board member be willing to run for election in 2011. This item will be placed on the agenda of March 24.

#### Water Shortage Response Plan Revisions

Copies of the Water Shortage Response Plan were distributed to the Board of Aldermen. Manager Galloway said this item will be discussed at the April 14, 2009 meeting. Town Clerk McClure said a public comment period will be scheduled during this meeting. Notice of the revisions will be included in the April 2009 Newsletter, on the Town's web site and printed on utility bills.

#### Report by Manager Galloway Regarding Budget Issues

Manager Galloway said sales tax for the first five months of the fiscal year, including July through November were down \$47,000. Sales tax for the month of December alone was down \$40,000, and these are normally the best months for retail sales. There is concern because of the 9% unemployment rate and the economy has since worsened.

Manager Galloway said some good news is that the Town's health insurance carrier will not have an increase this year. The news has not been as good for Haywood County. Department Heads have been asked to reduce their budgets by 8%. They have a low fund balance and this has caused concern by the Local Government Commission. Mayor Brown said Haywood County is looking at a reduction in their work force. This is one good reason why it is important for the person filling the vacant alderman seat to be involved in the budget. Manager Galloway said it was a good move for Waynesville's Departments to place 3% of their budgets in reserve this past October. Mayor Brown said he will be attending a meeting with North Carolina's Governor later this week.

#### Update on Police/Development Office Building

Manager Galloway said a construction meeting is scheduled for March 11 and progress is going well. Windows are being installed upstairs.

#### Eagle Nest Water Project

The Eagle Nest Water project deadline for those residents to send their share of the money for this project is April 1. Mayor Brown reiterated that no Town money will go into this project. Manager

Galloway said the engineer that was working on this project is no longer there and town staff is waiting to hear from the company to see who will be appointed to fill this position.

#### Dumpster Lid Issue

Assistant Town Manager Alison Melnikova has spoken with Streets/Sanitation Superintendent Daryl Hannah and she is working with Attorney Griffin for wording to use in the ordinance to require that dumpsters have lids. Daryl Hannah requested an effective date of July 1 if this amendment is adopted. Manager Galloway expressed appreciation to the Board for their support on this issue. Manager Galloway said when Waynesville decided to switch to front loading trucks for dumpsters a one to two 2 year time for conversion was expected. No deadline was set by Pigeon Forge and their conversion has continued for close to five years. Most of Waynesville's dumpsters have now been switched and most people have been very understanding and cooperative. Alderman Feichter said some people have actually experienced a reduction in costs with the new dumpsters.

#### Memorial for Alderman Kenneth Moore

Mayor Brown said he would like to find a way to properly honor Alderman Kenneth Moore in the new Police Department/Development office. It was the consensus of the Board that this be done and that time be taken to consider the options and appropriately honor Alderman Moore with a memorial at this building that was so important to him.

Mayor Brown said Waynesville will continue to function and it is important to make sure that the Town's employees have what they need to do their jobs. Alderman Feichter expressed pride in Streets and Sanitation Superintendent Daryl Hannah and Electric Superintendent Phillip Wyatt. These two employees are also pastors and they did a wonderful job in the officiation at Alderman Moore's funeral service. Fire Chief Joey Webb had several fire departments from Haywood County covering the traffic control on the streets during the funeral procession.

#### Death of Manager Galloway's Mother

Manager Galloway's mother, Rosalie Galloway, passed away on March 1, one day prior to Alderman Moore's death. Manager Galloway expressed appreciation to the Board of Aldermen for their condolences.

#### Adjournment

Mayor Brown said we have lost a friend. We will carry on.

Alderman Roberson moved, seconded by Alderman Caldwell to adjourn the meeting at 8:00 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Gavin A. Brown  
Mayor