

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
MARCH 24, 2009
TUESDAY – 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, March 24, 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, Acting Town Attorney Bill Cannon, Assistant Town Manager Alison Melnikova, Purchasing Manager Julie Grasty, Parks and Recreation Director Rhett Langston and Tax Collector James Robertson. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of March 10, 2009

Alderman Roberson moved, seconded by Alderman Caldwell, to approve the minutes of the March 10, 2009 meeting to amend for clarification on page 5 that Waynesville established a 1 - 2 year time period for conversion to the front loading trucks for dumpsters. The motion carried unanimously.

Minority Business Participation Outreach Plan

Assistant Town Manager Alison Melnikova and Purchasing Manager Julie Grasty attended the meeting to explain the Minority Business Participation Outreach Plan. As Waynesville nears the point of bidding out the work on the installation of the Eagle Nest Water System, it is necessary for the Town to adopt various federal regulations, policies and procedures required to receive the grant. One of these is the Minority Business Participation Outreach Plan. It is fine to establish goals for a minimum percentage of minority owned businesses on a project, but it is essential that efforts be made to find these Minority Businesses to participate.

Assistant Town Manager Alison Melnikova said in 2002 laws were established for private enterprise to establish a process giving minorities an opportunity to bid on projects. In 2005 Legislation was adopted that placed a requirement on local governments as well. This established a goal that 10% of businesses submitting bids for projects be socially or economically disadvantaged. A large part of complying with this plan is working with small businesses. The Chamber of Commerce has been contacted to help identify the businesses owned by women. Advertisements will be placed in Urban News and other publications in which Waynesville does not normally advertise, in order to solicit bids from minority businesses. Assistant Manager Melnikova said this process has been used by the City of Asheville for six or seven years and they never reached the 10% goal. However, they usually reach 6 - 7% which complies with the good faith effort which is required.

Contractors also have to put forth a good faith effort when soliciting bids. Since the Eagle Nest Water system is being funded with Federal monies this plan is required to be in place.

Alderman Feichter moved, seconded by Alderman Roberson, to adopt the Minority Business Participation Outreach Plan as presented. The motion carried unanimously.

Authority to Advertise Delinquent Taxes Debt Set Off Program

Tax Collector James Robertson requested time on the Board's agenda to request approval of the advertisement of delinquent property taxes for the 2008 year. Mr. Robertson submitted a letter explaining the request which is a requirement of State law. The date of March 27, 2009 has been selected as appropriate to place an advertisement in the Mountaineer. The list of unpaid property taxes totals \$220,661. Tax Collector Robertson said he would edit the list until the last minute as payments are received.

Alderman Caldwell moved, seconded by Alderman Feichter, to authorize Tax Collector James Robertson to advertise the list of delinquent taxpayers. The motion carried unanimously.

Report on Debt Setoff Program

Mr. Robertson explained the Debt Setoff Program which was established in North Carolina several years ago. He said the Town of Waynesville began participation in this program in 2007 and the results have been very good. This is a new program established with the encouragement of the League of Municipalities and the Association of County Commissioners to assist local governments in collecting unpaid taxes, utility bills and other charges. Tax Collector Robertson said this system can be used for any debt owed the Town such as utility bills, parking tickets, building permits, etc. When an individual owes this debt, the Town sends them a letter informing the individual if the debt is not paid within thirty days it will be turned over to the debt setoff program. He is also investigating the possibility of using the system to collect unpaid personal property taxes. The minimum amount per individual that can be turned over for collection is \$50. When debt owed the Town is submitted and the individual owing the debt files for a return of State income tax, any money to be refunded to the individual is returned to the Town instead of the individual. Mr. Robertson explained that more than \$117,000 has now been submitted in debt owed the Town of Waynesville. In 2000 Waynesville received \$1,400 of this debt; in 2008 \$6,000 was returned and to date in 2009 \$9,000 has been returned.

The State charges \$15 for the service of the debt setoff program. This \$15 is collected from the customer, not from the Town. There is also a process for appeal with the appeal board. This Board consists of Finance Director Eddie Caldwell, Tax Collector James Robertson and Assistant Finance Director.

Mayor Brown asked what type of system was used when working with taxpayers to make payments. Tax Collector Robertson said he is willing to work with anyone who is willing to make payments. He has seen an increase in people making payment arrangements over a period of time and has found that this system helps more than hurts. He is trying to be sensitive to the economy and financial situations of the customers.

Alderman Feichter said Tax Collector Robertson has done a wonderful job and one of the reasons for this is that he is willing to work with people, which speaks well for him. The Board is grateful that he is willing to do this.

Tax Collector Robertson said we are all a reflection of each other and he felt that a job can be done in a way that is right, with the Town's interest first, but doing the job in a way that doesn't alienate the Town's customers.

Manager Galloway added that when James Robertson became the tax collector, the tax collection rate was 92 - 93% and it is now 95 - 96%. Waynesville's residents appreciate the services they receive and they are willing to pay their taxes. James Robertson said he would not be able to do his job without the support of the Board and Town Manager. This makes his job easier and enjoyable.

Manager Galloway said James Robertson has also been responsible for making on line credit card payments possible. A kiosk is available in the lobby for residents that do not have access to a computer. James Robertson said VISA is changing their charges. Instead of a 3% fee they will now charge customers a flat fee of \$3.95 per transaction. No action was necessary.

Report on Needed Repairs to Pool Drains

In 2008, the U. S. Congress passed new legislation to require that owners of pools open to the public install new protective devices over the pool drains. This legislation, known as the Virginia Graeme Baker Pool and Safety Act, came about as a result of a child drowning when her hair was sucked into the pool drains and she was unable to escape. The problem seems most severe in pools with single drains rather than pools with multiple drains. This is due to the stronger suction at the single drains. In February, some pools in Buncombe County were shut down, but those were pools with single drains. This seemed to set off a panic at recreational facilities across the state, and for good reason.

Recreation Director Rhett Langston and his personnel began searching for solutions for the Town's pool. They first contacted Paddock Pools, the firm that installed the pool and received a quote of \$42,000 to correct the situation. They received word from other pool operators that perhaps the firm we contacted was taking advantage of the situation, and it was strongly recommended that other firms be contacted. As a result, three additional cost estimates were received as follows:

Conner Construction Company	\$22,200
Southern Pool	\$19,100
Aquatic Resource Group	\$16,180

Corrections to the Town's pool may not be mandatory until later in 2009, but Manager Galloway said no one wants a situation in which a child might drown in a pool due to an unprotected drain. This was discussed with Town Attorney Griffin and he agrees that Waynesville should proceed with repairs as soon as possible. Manager Galloway asked Finance Director Eddie Caldwell to go over the recreation department's budget and make some projections and provide an estimate

of how he feels they will end the current fiscal year. Based upon his best estimates, he feels the department should end up \$22,922 under budget. Even if the department were going to end the year even, Manager Galloway said he had enough concern about this situation to ask the Board to approve a budget amendment if necessary and allow town staff to spend up to \$20,000 to repair the drain and make the other minor improvements that Aquatic Resource Group has quoted in their proposal. They would be doing everything in their proposal except pool deck renovations.

Parks and Recreation Director Rhett Langston said most pool owners are not prepared for the prices that these repairs bring. Drains will be required to be at least 18" x 18". Plastic drains are preferred instead of stainless steel which is susceptible to rust. He said single drain pools were targeted first. Waynesville's pool has more than one drain and everyone that came to provide an estimate was complimentary of Waynesville's system. Rhett Langston said he expects to receive one additional bid but feels that \$20,000 would be adequate to cover the needed repairs.

Mayor Brown asked Attorney Cannon for his opinion. Attorney Cannon said this is a known risk and it would be reckless conduct not to make the repairs.

Alderman Roberson moved, seconded by Alderman Feichter, to authorize the funds needed for repairs to the pool drains. The motion carried unanimously.

Recommendation on the Pinpoint System

At the Board Retreat in January, the PinPoint System was discussed which Town Staff viewed in Clemson, South Carolina. Town Manager Galloway, Assistant Public Works Director Robert Hyatt, Streets and Sanitation Superintendent Daryl Hannah and Assistant Town Manager Alison Melnikova attended the demonstration. Manager Galloway said the demonstration was very impressive, and town staff saw a system that "pin points" the location of piles of brush, leaves and limbs needing to be chipped, old furniture and old appliances. The regular garbage collection vehicle might go through a neighborhood on Monday, and as he saw these items, he would press a particular button on the electronic device. The device would then record the address of those items through a Global Positioning System (GPS). The next morning, the truck drivers receive a printout of the location of the various materials. Rather than driving all the streets looking for these items, the driver uses the printout at the beginning of the day and drives to the exact location of those items, saving time and fuel. Manager Galloway said Waynesville's Streets and Sanitation Department is requesting two less positions in the next fiscal year budget, and this is partly due to reduced time with the front loading dumpsters.

The reports received from the City of Hickory and the Town of Clemson indicate that there is a tremendous increase in productivity. Crews that used to work a full day driving streets looking for the items, now finish their routes by lunchtime. They are then able to undertake projects which the Town would not otherwise be able to do because of the lack of time. At the Town of Clemson, the Public Works Director indicated that there had been a savings of 330 gallons of fuel during the first month they had the PinPoint system in operation.

During the current fiscal year, Public Works Director Robert Hyatt and Sanitation Superintendent Daryl Hannah have been experimenting with how a system like this might work. They would drive the route on one day, making a list of the locations where they saw brush, leaves, limbs for chipping, appliances and furniture for collection. The list would be given to collection crews on the next day and they would drive directly to the addresses where these items were located. They no longer drove all the streets searching each lot for the items. We have seen a big savings already, and our department heads feel there would be tremendous savings if we were actually using the PinPoint System. In the 2009-2010 budget, they have eliminated one position in the street department and another in the cemetery, as they feel the remaining personnel can do the work due to the improved efficiency.

Manager Galloway asked the Finance Director to review the budget situation in the Streets and Sanitation Department, and he estimates that they will finish the year being between \$22,000 and \$23,000 under budget. Each device costs approximately \$2,200. Software can be downloaded in computers in the Police Department vehicles. With their budget being under spent, and with the tremendous increase in productivity and efficiency that the PinPoint system offers, Manager Galloway asked the Board to allow town staff to spend up to \$20,000 to purchase the system as soon as possible.

Manager Galloway added that although town staff is presently concentrating on the Sanitation Department for the use of this system, it is realized that there are a number of other possibilities as to how the PinPoint system might be used to improve the operations and performance of various departments in terms of service to Waynesville's citizens, including locations of potholes and street lights that are out. Mayor Brown asked what the estimated maintenance costs for this system would be. Assistant Town Manager Melnikova said approximately \$1,800 per year.

Alderman Feichter moved, seconded by Alderman Caldwell, to approve the purchase of the PinPoint System as recommended. The motion carried unanimously.

Discussion of Ordinance Regarding Dumpster Lids

A business owner attended the Town Board meeting a few weeks earlier and expressed her concern about seeing litter blowing out of open-topped dumpsters. She noted that from her office on Montgomery Street, she had seen litter and plastic wrapping for furniture blowing out of some dumpsters which did not have lids attached. She asked that the Town consider adopting an ordinance to require that all dumpsters have lids.

The Town has a program of providing dumpsters for the collection of commercial garbage, though using Town service is not required. A firm may contract with a private firm to provide the dumpster and collect the garbage from that dumpster. The dumpster on Montgomery Street which the business owner noted is provided by a private firm; however, even on the new dumpsters which the Town distributed when introducing the front loading garbage trucks in 2008, some firms have removed the lids from the new dumpsters. Not only does this allow litter to escape, it also allows water to enter the dumpster and often makes the garbage heavier and more costly when it is weighed at the dump site where we are charged based upon the weight of the garbage.

Research was done by Assistant Town Manager Alison Melnikova and Town Attorney Woody Griffin, and it was found that the Town had authority to adopt regulations requiring lids on dumpsters. An initial ordinance amendment was prepared and has since been revised, and a copy of the ordinance being proposed was distributed to Board Members. The amendment is as follows with amendments in italics:

Sec. 44-42. Garbage receptacles.

(a) All householders and proprietors of business houses shall provide receptacles for all garbage and refuse for removal by the street/sanitation department.

(b) *Residential containers.* Garbage shall be stored in a container of a type approved by the director. Every container shall be constructed of metal or equally durable material in such manner as to be strong, watertight, not easily corrodible, fly proof, and rodent proof; shall have a capacity of not more than 45 gallons; shall have handles designed for lifting and shall have fly-tight covers which shall be kept in place at all times, except when garbage or other refuse is being deposited in or removed from the container.

© *Dumpster containers.* Commercial dumpster containers shall be of steel construction, normally obtained from the public works department, of a size and of such design and construction as to facilitate mechanical unloading by collection equipment operated by the town. *Whether provided and serviced by the Town or a private solid waste company, each dumpster shall be equipped with a tight-fitting cover which shall be kept in place at all times when the receptacle is not being filled or emptied.* These containers may be used for cold ashes or garbage, but smoldering ashes shall not be mixed with garbage. If one receptacle is not sufficient to hold the quantity of garbage or refuse accumulated between collections, a sufficient number of similar receptacles shall be provided or the director shall require more frequent collections from the establishment. *The customer shall be responsible for keeping the area immediately around the dumpster clean and free of refuse.*

(d) It shall be unlawful for any person to maintain boxes, bins, or any type of container located on the sidewalks within the fire district of the town inconsistent with the provisions of this chapter.

Mayor Brown asked how enforcement will be handled if this ordinance is amended. Assistant Manager Melnikova said the General Penalty would apply.

Alderman Caldwell moved, seconded by Alderman Roberson, to adopt the amendment to the Code of Ordinances, Section 44-42 Garbage Receptacles as recommended. The motion carried unanimously. (Ord. No. 4-09)

Report on Annexation Petition - 466 Lickstone Road - Grandview Lodge Terry Ferguson

At the meeting of March 10, 2009, the Board received a petition from Mr. Terry Ferguson for the annexation of property he owns at 466 Lickstone Road, the location of the Grandview Lodge. At that time, the Board passed a resolution directing Town Clerk Phyllis McClure to investigate the sufficiency of the petition, making sure that it complies with all State laws regarding satellite annexations.

Town Clerk McClure said the annexation petition does comply with State Law. If it is the desire to proceed with consideration of the annexation of this property, the next step would be for the Board to adopt a resolution setting a public hearing date when citizens would have the opportunity to comment upon the matter of annexing this property into the Town of Waynesville.

Terry Ferguson attended the meeting. Mr. Ferguson said he would like to receive the services of the Town of Waynesville such as garbage pickup and leaf pickup. He said water and sewer services are already provided at this location. Mr. Ferguson said he would also like to apply for a license to make beer and wine available for dinner guests at the Grandview Lodge. He has spoken with some of his neighbors and had no objections, adding that brown bagging is currently permitted. He said Grandview Lodge has been in business for seventy-five years, is more a bed and breakfast rather than a commercial restaurant and is mainly open on weekends.

Mayor Brown said he has some reservations about annexing property that would establish the sell of beer and wine in an area that is mainly residential. He asked if property owners would be notified of the request for annexation. Town Clerk McClure said letters can be mailed to property owners and the property can be posted notifying neighbors that the property is being considered for annexation. Alderman Feichter said she recently had dinner at Grandview Lodge and took a bottle of wine. The young lady serving them was not old enough to serve wine and Mr. Ferguson served the wine, adding that he was sensitive to these type issues.

Alderman Feichter moved, seconded by Alderman Roberson, to set a public hearing date regarding the petition for annexation of Grandview Lodge at 466 Lickstone Road for Tuesday, April 14, 2009.

Alderman Feichter moved, seconded by Alderman Roberson, to amend the original motion to authorize Town Clerk Phyllis McClure to mail notices to property owners within 800 feet of the property at 466 Lickstone Road and that the property be posted so that property owners in this area are aware that the property is under consideration for annexation. Both motions carried unanimously. (Res. No. 4-09)

Discussion Regarding Filling Vacant Alderman Seat

Alderman Kenneth Moore passed away on Monday, March 2, 2009, creating a vacancy on the Town Board. This matter was discussed at the regularly scheduled Board meeting on March 10, 2009. At that time, Board members agreed to think about potential names for consideration to fill this vacancy, and Mayor Brown urged citizens who might be interested in the position to contact Board members and express their interest. The individual appointed by the Board would serve for the balance of Mr. Moore's term which would mean serving at least until the new board is sworn in after elections in November 2011.

Mayor Brown asked all Board members to explain what they have done in this process in speaking with and interviewing individuals for appointment.

Alderman Roberson said when he first served on the Board of Aldermen he was appointed by the other Board Members using the same process this Board is using. This same process was used when Alderman Sam Wiggins was appointed. Alderman Roberson said this just points out that there are no requirements for the process of filling a vacant seat, the sitting members of the Board would select the new member. Alderman Roberson explained that four individuals were interviewed and the candidates felt very good about the process. Three candidates were excellent and he was able to make a determination about the candidate that would best serve the

Board. A questionnaire was prepared that consisted of ten questions, with four additional questions that were asked when interviewed. Wells Greeley provided good answers, is well respected in the community and his past experience was very impressive. Mr. Wells served as Mayor Pro Tem during his tenure of service on the Canton Board of Aldermen.

Alderman Feichter said she was immensely impressed with the caliber of people that expressed interest in this job. The experience and knowledge was felt to be very important to her. The enthusiasm and dedication of the individuals interested in serving on this Board could be seen in their body language and faces and the way they answered the questions. Alderman Feichter said this Board worked well together on this issue and she felt good about the process. She believes that the Board has agreed on a candidate that is exceptional and will serve this Board well.

Alderman Caldwell thanked Alderman Roberson for preparing the questionnaire for use by the Board in their interviews. He said the candidates were so equal it made his decision difficult. However, he felt that Wells Greeley with his past experience on the Canton Board and working with budgets helped him make his decision. With work on Waynesville's budget coming up he felt that it was important to have someone with this type background and experience. He felt good about everyone that participated. Alderman Caldwell added that like Alderman Kenneth Moore, Wells Greeley could work with the richest and the poorest person in the World. Mr. Greeley is a people person that he felt to be an excellent candidate.

Mayor Brown said this process has been more difficult than people understand. It has been one of the most difficult decisions this Board has ever had to make. He added that Wells Greeley is committed to service and he is also a friend. There were others that he spoke with that he asked if they were interested in serving, but with personal situations they indicated that they did not feel that they could serve at the present time but they expressed interest in possibly running for election at a later time. Mayor Brown added that he felt Mr. Greeley will bring a lot to this Board.

Alderman Feichter moved, seconded by Alderman Caldwell, to appoint Wells Greeley to serve in the vacancy left by Alderman Kenneth Moore. The motion carried unanimously.

Report by Manager Galloway

Police Department/Development Office

Manager Galloway said windows are being installed at the Police Department/Development Office and the stairs inside the building are in operation. The list of furniture will be sent to potential bidders and Police Department personnel are enthusiastic about getting into this new building. It will also be good to have Planning Director Paul Benson and staff and Public Works Director Fred Baker in close proximity again. A completion date of July 1 is still expected.

Electric Substation

Work continues on switches at the electric substation to allow distribution of power from two different directions. On February 5, 2009, the Town's substation was hit with a new record peak

of 20.893 megawatts. In January 2009 a peak of 20.26 megawatts was reached. The new substation should be fully operational in about two weeks.

Eagle Nest Water System

A meeting was recently held with the new project engineer and construction company representatives interested in bidding on the project. Six sets of plans were distributed and a couple of additional sets are expected to be handed out. A bid opening is scheduled for April 7. All easements for the project have been signed except three that are in estate. Manager Galloway said by the end of next week we will know how much of the project money has been collected by the homeowners.

Assistant Finance Director

Manager Galloway said the last two weeks have been spent reviewing applications for the position of Assistant Finance Director. He added that it has been difficult to come up with a choice for this position.

Appointment of Wells Greeley

Manager Galloway commended the Board on their decision to appoint Wells Greeley to serve on the Board of Aldermen.

Letter Distributed to Town Employees

Mayor Brown said a letter has been sent to all town employees to reassure them that the Town has no plans in the foreseeable future to lay off, furlough or eliminate benefits for any full time or permanent part time employees.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Feichter to adjourn the meeting at 8:53 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor