

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL – 9 SOUTH MAIN STREET
AUGUST 24, 2010
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, August 24, 2010. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure, Town Attorney Woodrow Griffin, Finance Director Eddie Caldwell, Planning Supervisor Paul Benson and Parks and Recreation Supervisor Rhett Langston. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of July 27, 2010

Alderman Caldwell moved, seconded by Alderman Feichter to approve the minutes of the July 27, 2010 meeting as presented. The motion carried unanimously.

Public Hearing – Amendment to Add Section 154.404 Tree Removal

Attorney Jack Kersten, on behalf of his client, Dick McCotter, requested an amendment to the Town's Land Development Standards which would allow some degree of tree and brush removal. The Planning Board debated this issue over the past few months and arrived at a proposed amendment which they voted on July 19, 2010 to recommend to the Mayor and Town Board. Attorney Griffin opened the public hearing. The following persons spoke:

Planning Supervisor Paul Benson said Attorney Kersten submitted a request on behalf of his client, Dick McCotter for an amendment. Mr. Benson felt that there could be a better way to handle the request and drafted a proposed ordinance for the Planning Board to review. Both the Planning Board and Attorney Kersten were in agreement with the proposed ordinance. Mr. Benson said the ordinance was a compilation of various resources. The ordinance does not apply if properties are less than one acre in size.

Attorney Jack Kersten said his client, Dick McCotter, has a thirty odd acre parcel of land that is a jungle of fallen trees and other debris, making the property a fire hazard since there are no roads leading into the property. A plan was presented to remove the hazardous material and build roads into the property, but a permit could not be granted because it did not exist. Rather than apply for a permit, the property owner could have cut all the trees without asking permission. Attorney Kersten said Public Works Director Fred Baker liked the idea of roads that would allow the fire department access to the property in the case of a fire. Attorney Kersten read State law regarding the removal of trees and said that he spoke with the School of Government, and a representative with the NC Forestry Association. Mr. Kersten said forestry is what the statute defines as activity associated with issues such as growing, managing, industry, protection of trees/timber and sustained use of resources. If the forestry is incidental to the prime use of the property, all the trees could be cut

down. Mr. Kersten said in speaking with Mr. Robert Slocomb with the NC Forestry Association he felt that what Mr. McCotter was doing was not forestry. Mr. Kersten felt that the draft ordinance makes a good deal of sense and puts the Town in a position so they don't have to determine what forestry is and what it isn't. This is something good for the Town and it is incidental that it came about by what his client is proposing to do.

Forester Steve Henson said he read the proposed ordinance and does not have a problem with the ordinance and does not feel that the forest industry would have a problem with it either.

No one else spoke; Attorney Kersten closed the public hearing.

Alderman Feichter said the alternate plan makes a lot of sense and she supports having guidelines. Alderman Feichter expressed appreciation for Planning Supervisor Paul Benson's input into this proposed ordinance.

Alderman Roberson moved, seconded by Alderman Feichter, to adopt the amendment to add Section 154.404 as presented. The motion carried unanimously. (Ord. No. 12-10)

Skate Board Park Design Presentation Hays Hitzing – Spohn Ranch

During the early part of 2010, the Town Board approved a proposal from Spohn-Ranch to develop a Skate Board Park design for Waynesville at the site of the former horse ring on Vance Street. For the past several months, Town staff members and interested citizens have been working with Mr. Hays Hitzing of Spohn-Ranch in selecting a design that would be desirable for this facility.

A proposed design has been developed, and Spohn-Ranch has worked with local individuals and firms such as Broadbrooks Associates on landscape design and Patrick Bradshaw of Civil Design Concepts on engineering work for the site. Mr. Hitzing met with the general public on Monday, August 23 to present the preliminary design. Once the recommended design is selected by the Board, a fund raising campaign can be organized to seek the money necessary to construct such a facility. The thought at this point is that it would be easier to seek donations if a potential donor can actually see what their contribution will help construct. This has been a very long process, one that began in the 1990s. Manager Galloway said the Board deserves credit for having the determination to stick to the project through these many years until having a design in place and a plan to proceed.

Parks and Recreation Director Rhett Langston introduced Mr. Hays Hitzing to present the plan. Mr. Hitzing thanked the Board for choosing Spohn-Ranch to design the skateboard park facility. After the site was examined they engaged both on line and off line to get input from skateboarders. This facility is geared toward today's skater and will serve all skaters on a day to day basis and he felt this will be a good venue for skating contests.

Mr. Hitzing presented various views of the facility, explaining that there are no elements higher than five feet in the park. Several sculpture elements can be seen and colored concrete is being used to give the park a better aesthetic value. The facility can be used by both beginner and advanced skaters. Mandatory shade trees have been added and the area has approximately 35 – 40 parking spaces, including the required number of handicapped spaces. Mr. Hitzing said the existing bleachers can be retained with some refurbishment, adding that the bleachers add a lot to the park. Most existing buildings at the site will be demolished. There will be some infringing on the disc

golf park, but this can be adjusted. Mr. Hitzing said this will be a great after school spot, providing physical activity and joining a facility where there is always something going on. This area already has existing, functional lighting and no new lighting is anticipated. Mr. Hitzing described several skating elements that will be in the park.

Mr. Hitzing said construction of the skate park is estimated to cost between \$265,000 and \$275,000; the parking lot \$30,000; and plantings \$10,000 - \$20,000. A list item of estimated costs will be provided for the Board to consider.

Alderman Caldwell said this park will be “one of a kind” in North Carolina. It is designed to accommodate beginners as well as more advanced skateboarders. He feels that other communities will be drawn to use the park.

Skateboard Jared Lee said he has traveled to many other countries and cities to skateboard and is very supportive of this skateboard park design, adding that when you drive by this skateboard park you will want to get out there and try it. The park is original and stirs your curiosity. He feels that kids now and for generations to come will still enjoy this design. It has a lot of different options and from the beginner to someone who has been skateboarding for half of their lives this park will fill a big gap for the youth in this community.

Mayor Brown asked how many people could use the park at once. Mr. Hitzing said the park is designed for 40 – 50 people. Alderman Feichter said she likes the fact that this site has been designed in a manner that makes it unique, aesthetically pleasing and challenging. She added that Spohn Ranch has done a great job with this design and she is thrilled with it.

Mr. Hitzing said three designs were presented and he felt that the final design came out very well. Mayor Brown asked how long it would take to construct this park. Mr. Hitzing said after construction documents are complete it could be completed in 60 – 90 days.

Manager Galloway said town staff may do some of the construction. However, there are specialized firms that do this type work and they will do the majority of the construction. Mr. Hitzing said the concrete is typically four inches thick and banks are 5 – 6 inches thick. If a specialist constructs the park, saw cuts are made to allow movement. Minimal maintenance is required. Metal edging is used to help protect the edges. Some precise materials may be specified that would have 5 – 15 year warranties. Work will be done so there is no impact to the creek. Mayor Brown said this concept is in the Town’s master plan and has been discussed for many years, adding that there is always a global view of what the Board is working towards. Alderman Feichter said it is the mission of every municipality to provide recreational activities for all citizens. Alderman Caldwell added that one of the goals was to have the skateboard park in an area that skateboarders could easily walk to. Alderman Greeley said this will give the skateboarders a place to skate.

Fundraising efforts will be the next step and having a design in place will make the fundraising efforts easier. Parks and Recreation Director Rhett Langston will work with Mr. Hitzing on these efforts. Spohn Ranch will provide a color rendering, fly through movie, various sponsorship documents and other information that can be posted on line. Mr. Langston said bricks can be purchased now and various other market pieces can be put together. The Town of Waynesville

currently has \$123,000 for this project, including a \$60,000 grant and \$20,000 from Kiwanis. Another grant from the Tony Hawk Foundation can be applied for.

Alderman Caldwell moved, seconded by Alderman Greeley, to approve the skateboard park design as presented. The motion carried unanimously.

Request to Close Main Street for September 11 Memorial

A letter was received from Ms. Beverly Elliot, on behalf of the Haywood 912 Project, seeking the Board's approval for the closing of Main Street on Saturday, September 11, between the hours of 6:00 and 9:00 p.m. The group is planning a memorial service in remembrance of those who were killed on September 11, 2001. The event is planned for the grounds of the Haywood County Courthouse, and Ms. Elliot is asking that Main Street be closed between Depot and Walnut Streets during that time.

Ms. Elliot is also requesting a rolling parade of emergency, fire and law enforcement vehicles on Main Street, approaching from the south before turning down Depot Street to return to their stations or remain for the ceremony. Another request is that the United States flag be raised between two fire trucks positioned on Main Street in front of the courthouse.

Following the terrorist attacks on September 11, 2001, the Town has supported activities commemorating those sad events and the loss of lives. For several years, there were ceremonies at the American Legion grounds, and the Town played a role in those.

In recent years, a number of requests seeking to close Main Street have been turned down for a variety of reasons. Concerns have been noted previously about the Town simply closing Main Street which is a part of the highway system of the State. Thus far, the State has not objected to these street closings, but if the number of closings grows, Manager Galloway said they may receive complaints about the hindrance to the motoring public. The State might then deny all street closings on roads they own and maintain unless the Town establishes a signed detour route around the Main Street area which is blocked. This is typically what is required in many DOT Districts throughout North Carolina.

There have been others making requests for street closings that were discouraged or turned down due to the expense for overtime that would be necessary for police, fire and street personnel to facilitate any event that requests the closure of Main Street. The overtime budgets of all departments have been reduced in view of the serious economic situation the Town has faced and is continuing to experience.

For other events at the courthouse, groups have used the steps and elevated entry in front of the historic courthouse as a stage placing them above the crowd on the lawn. Manager Galloway recommended that this continue rather than the stage used for street dances or other events. Bleachers could be delivered to the courthouse lawn on Friday afternoon if the County gives permission for such an event to be held. But the event could be held so that no overtime or extra work is required of our personnel, helping the Town hold down costs and staying within budget.

Jan Sterrett, representing the 9-12 Group, said volunteers are being sought from the community. She said this memorial event was put together in about two weeks last year and approximately 100

people attended. Several events are planned this year, including a rolling parade of police and fire vehicles, the United States flag will be dropped from the fire truck, ROTC will present colors and Voices in the Laurel is scheduled to sing.

The Board and town staff had several concerns with closing the street. Manager Galloway said in other communities where he has worked, the NCDOT required additional procedures. NCDOT has been very good to work with regarding Main Street closings for various events in Waynesville, however if additional street closings are added they may require Waynesville to follow procedures the same as other communities. Mayor Brown said it takes a lot of town personnel and costs a lot of money to close the street. In order to make the budget work, overtime reductions were made. Ms. Sterrett said one of the biggest issues for the need to close Main Street is to drop the flag from the fire trucks.

It was the consensus of the Board that the Memorial event for September 11 be held without closing Main Street. Fire Chief Joey Webb will speak with Haywood County Maintenance Supervisor Dale Burris to see if the flag could be dropped from the front of the Haywood County Courthouse. Alderman Greeley said this is a good Memorial and he supports what the group is doing. Alderman Roberson thanked the group for what they are doing. Fire Chief Webb will work with Haywood County and the 9-12 Group to find a solution. Ms. Sterrett invited the Board to the Memorial service. No action was taken.

Consideration of Donation of Surplus Equipment to the Canton Fire Department

In 2009, the Waynesville Fire Department was fortunate to receive a grant which allowed the replacement of a number of radios, pagers and air packs. Since that time the old air packs have been retained but not used. Waynesville has more than a dozen of these older air packs on hand.

Fire Chief Joey Webb became aware that the Canton Fire Department is working on finding funds for a new fire truck and they are looking for equipment for the truck. With the extra Scott Air Packs that the Waynesville Fire Department has on hand, Chief Webb recommended that six of the best air packs be transferred to the Town of Canton Fire Department for their new truck. Chief Webb also asked to retain a few of the air packs for training purposes and then place the rest of the units on Gov-Deals for sale.

Alderman Feichter said she has always been grateful for how the towns cooperate and when they see a need they try to fill that need, such as during the 2004 floods. Manager Galloway added that when Waynesville needed salt during the winter and it was difficult to get, the Town of Canton made some of their sale available to Waynesville.

Alderman Feichter moved, seconded by Alderman Greeley, to approve the donation of six surplus air packs to the Town of Canton Fire Department. The motion carried unanimously.

Alcoholic Beverage Control Affirmation of ABC Board Members' Salaries

With changes at the State level regarding the management and operation of ABC Stores in all communities across the State, there is a need to confirm the compensation of the ABC Board members as established by the Town Board on February 26, 2008. A copy of the minutes from the Town Board meeting on that date was distributed to the Board. In the final paragraph of those

minutes it was noted that the Chairman's compensation was increased to \$350 per month and the two members were increased to \$250 per month. To fulfill State requirements, the Town Board must affirm the earnings that were approved in 2008.

Alderman Feichter moved, seconded by Alderman Greeley, to reaffirm the action taken by the Board of Aldermen in 2008 to increase compensation to ABC Board members as follows: Chairman \$350 per month and the other two members to \$250 per month. The motion carried unanimously.

Resolution Supporting Current Public Alcoholic Beverage Control System

During the past year, there has been considerable discussion at the State level on changing the Alcoholic Beverage Control System in North Carolina. The possibilities include a complete takeover by the State and the elimination of any local control or involvement to a privatization of the alcohol system with private individuals and companies able to sell alcohol at retail.

The Town of Waynesville typically receives approximately \$100,000 from the proceeds of the local ABC Store, and Haywood County will receive around \$65,000. If the State were to take over the ABC Stores and system or to privatize the operation of these stores, it is quite possible that local governments throughout the State will lose the revenues provided by the stores.

It has been recommended that local governments throughout the State adopt resolutions seeking to continue the present ABC System in North Carolina, to oppose any privatization efforts, and to maintain local control of the operations and profits from sales at the stores.

Alderman Caldwell moved, seconded by Alderman Roberson, to adopt a resolution to continue the present ABC System in North Carolina, oppose any privatization efforts and maintain local control of the operations and profits from sales at the stores. The motion carried unanimously. (Res. No. 8-10)

Request for Contributions Dickie Woody, Haywood County Veterans Council

The Haywood County Veterans Council presented a request for a donation of \$2,000 from the Town of Waynesville to help support the construction of a marker for each of the 264 Haywood County natives who have died in action from World War I through the Iraq and Afghanistan Wars.

Dickie Woody, representing the Haywood County Veterans Council said he lives in Dutch Cove and served 22 years in the Air Force. Mr. Woody said the Haywood County Veterans Council is an umbrella organization for all veterans and the requested donation is to support a project to construct a memorial for every Haywood County native killed in war since World War I and a marker to place in the community where that person lived. The number to date is 264. The money will be used to replace flags and repair markers. Almost half the money needed has been raised, and includes donations from the Towns of Maggie, Canton, Clyde, Haywood County and private businesses. The memorials will be displayed from Memorial Day until July 4. They will also be displayed on Veterans Day for approximately one week.

Mr. Woody said Forga Realty donated a large storage unit to store the memorials. Pisgah Machine Shop, a local printer and the Home Economics Class have also helped by donating material, making protective coverings for the memorials and printing informational material.

Don Wells also attended the meeting and added that this is the only place in North Carolina where this type project is being done for Veterans.

Alderman Greeley moved, seconded by Alderman Roberson, to approve a \$1,000 contribution to the Haywood County Veterans Council and discuss the issue again in six months for the Board to consider an additional contribution. The motion carried unanimously.

Request for Contributions Fred Underwood, Disabled American Veterans

The Disabled American Veterans Chapter #89 presented a request for a donation from the Town of Waynesville to help support the work of their organization. A letter was submitted explaining the work that is done by the organization and the purpose for which the donation is requested.

John Chapman, Senior Vice Commander, attended on behalf of the Disabled American Veterans. Mr. Chapman said a lot of the sponsorship funds for DAV have been discontinued so they are requesting help with funding from businesses, local governments and others. Mr. Chapman said there are many costs for veterans in need, especially with soldiers returning from overseas. One of their big drives is during Christmas, representing Haywood, Jackson and Swain County Veterans. The Veterans in nursing homes receive a Christmas card, \$30 gift card and a bag of goodies. This means a lot to the veterans because many do not have a lot of family members or friends that visit them.

Alderman Feichter moved, seconded by Alderman Roberson, to approve a \$500 contribution to the Disabled American Veterans and discuss the issue again in six months to consider an additional contribution. The motion carried unanimously.

Fire Truck Loan Summary of Quotes

During the spring of 2010, the Town Board approved the bids to supply the Fire Department with a new Pierce Fire Truck and the equipment for that truck having a combined total cost of \$397,600. This truck was ordered so that the present Unit 1501, a 1988 Ford Fire Truck, may be moved from a front line truck and become a back-up unit. The Pierce truck is under construction and expected to be delivered in late September or early October.

Finance Director Eddie Caldwell has solicited proposals from financial institutions interested in funding the purchase of this fire truck, and these were opened on Tuesday, August 17 in the Municipal Building. Quotations were received from six financial institutions, and town staff was pleased with the rates which have been offered. With traditional Lease-Purchase financing, BB&T offered the lowest interest rate for both a 7 year agreement and a 10 year agreement. The quote for a 7 year agreement was 2.25% and the quote for a 10 year agreement was 2.56%. This is probably the lowest rate quote in many years. Some low interest rates have been offered on equipment for shorter, three year terms, but never for a ten year term. Under this type financing, because the agreement is with a governmental unit, which is tax exempt, the interest earnings of the bank on the loan are also tax exempt.

There is another option offered by RBC Bank, which is called the Build America Bonds Program. Under this program, the lending institution charges an interest rate which is higher and upon which the institution is taxed; however, the governmental unit may apply for a rebate from the Federal Government in an amount of 35% of the interest paid on the Bond. While the interest rate appears to be higher on the surface, by the time the rebate is deducted, the interest rate appears to have a lower "Net" cost to the Town due to the rebate. Based upon the calculations of the Finance Director, it appears that the total cash outlay for a ten year period would be \$450,852.29 with the Build America Bonds Program versus \$454,880.90 with the traditional financing offered by BB&T, a difference of \$4,028.61. There is a loan cost of \$750 charged by RBC Bank, none by BB&T, bringing the difference to \$3,278.61.

While the proposal from RBC Bank should have a lower total outlay, there is more work involved. Each year, the Town would make the \$47,952.66 annual payment on the loan and would then need to apply for a rebate of \$2,867.43 from the federal government. Sometimes, checks from the federal government are not quick turnarounds, and the Town may be in the position of waiting several weeks for the rebate check.

At the present time, The Town has been into some water line projects with federal funds involved. The projects commenced in March and Waynesville has fronted the money from the onset and have yet to receive a reimbursement from the federal government. Although Waynesville has not been awaiting checks that entire time, they have been jumping through bureaucratic hoops for several months before application could be made for reimbursement. It was questioned if the Build America Bonds Program would be the same.

Finance Director Caldwell and Manager Galloway were a bit uncomfortable with the RBC proposal. It was felt that it may save the Town \$3,278.61 over a ten year period, but it will also require some additional time and effort to complete the paperwork, make application for the rebate and track the arrival of the rebate check or wire transfer. There is no guarantee that the program will last. There is the possibility that the U. S. Congress could rescind this Build America Bond Program and the rebates available under that program.

Waynesville has dealt with BB&T bank a number of times on lease-purchase agreements over the years, and the relationship has always been very good. It was also pointed out that everything went smoothly in the single lease-purchase agreement Waynesville had with RBC Bank.

It was the recommendation of town staff that the Town Board accept the proposed Lease-Purchase Agreement terms offered by BB&T, for a ten year period, with a 2.56% interest rate with a total Net Cash Outflow of \$454,880.90. While the seven year interest rate of 2.25% is attractive, a fire truck is a piece of equipment that should last a minimum of 20 years. Financing it for half its life at such a favorable interest rate is a good use of the Town's resources.

Alderman Greeley moved, seconded by Alderman Roberson, to accept the proposed Lease-Purchase Agreement terms offered by BB&T, for a ten year period, with a 2.56% interest rate with a total Net Cash Outflow of \$454,880.90 as recommended. The motion carried unanimously. (Res. No. 9-10)

Finance Department Completes Move to Hazelwood

Manager Galloway said the Finance Department reopened in the Hazelwood office at 280 Georgia Avenue on Monday, August 23. He expressed appreciation to Assistant Manager Alison Melnikova and Purchasing Supervisor Julie Grasty for coordinating the renovations to this building.

Some changes are being made to the Municipal Building, including removal of the drive through and replacement of all the windows on that side of the building. The new windows which will be double paned, energy efficient glass, will perfectly match the old windows that are removed. Purchasing Supervisor Julie Grasty is working with Haywood Builders on the windows and replacement brick.

Adjournment

With no further business, it was the consensus of the Board to adjourn the meeting at 8:40 p.m.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor