

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ALDERMEN
TOWN HALL – 9 SOUTH MAIN STREET
FEBRUARY 28, 2012
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, February 28, 2012. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Julia Freeman, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Finance Director Eddie Caldwell, Public Works Director Fred Baker, Streets and Sanitation Superintendent Daryl Hannah, Planning Director Paul Benson and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Ms. Antionette Burchfield Corridor K Coalition

The Town was contacted by Ms. Antionette Burchfield on behalf of the Corridor K Coalition. This group is working to gain the completion of highways to open up the far western counties of North Carolina to economic development and tourism opportunities. Members of the Coalition Resource Team are appearing throughout the region to make public presentations and get more interest in seeing this work completed.

Ms. Burchfield presented a report to the Board on their work. She said resolutions are being sought from all local governments from Graham County to the Asheville area. These resolutions are being forwarded to Raleigh where a meeting will be held in April. Although there is some environmental opposition, they are moving forward and everything is going well. Funds for this project began to be received during the 1960's with 258 million dollars specifically earmarked for this project not related to any available stimulus monies. The road consists of 127 miles from I-40 near Waynesville into the far western portion of North Carolina. Recent rock slides have been devastating to some businesses and some businesses have been lost.

Mayor Brown asked about the time frame for this project. Ms. Burchfield said 2016 was the projected date but that date is now 2013 with hopes to begin property acquisition in the next year.

Mayor Brown thanked Ms. Burchfield for attending the meeting to present the information and said the Board will take under consideration the sample resolution regarding this project. No action was taken.

Approval of Minutes of February 14, 2012

Alderman Caldwell moved, seconded by Alderman Roberson, to approve the minutes of the February 14, 2012 meeting as presented. The motion carried unanimously.

Consideration of Request of Premier Chemicals to Rezone Property at 12 Commerce Street and 390 Smathers Street (6.7 acres) Central Business (CBD) to Commercial Industrial (C-1)

At the meeting of January 24, 2012, a public hearing was held on the request of Premier Chemicals, formerly Giles Chemical, for a change in the current Central Business District zoning to a Commercial Industrial Zoning area. This would be for their property located at 12 Commerce Street and at 390 Smathers Street. This incorporates 6.7 acres of land.

At the previous meeting, during the public hearing, a number of property owners adjacent to the industry spoke, and there was considerable concern among the neighboring businesses and residents about parking and traffic issues that have arisen with the location of the packaging facility of Premier Chemicals. Representatives of Premier Chemicals also spoke and explained their current and planned operations at the site. After all had spoken, the public hearing was closed by Town Attorney Woody Griffin.

Following the meeting, Premier Chemicals hosted a meeting at the Hazelwood Branch Office. Several board members attended that meeting and heard more about the plans the company has for the site. Many adjacent residents and business owners were present as well and there was a frank and open discussion about the issues which are often present when residential, commercial and industrial properties adjoin one another.

Giles Chemical has been in operation since 1950, and when the Land Development Standards were adopted, the property was placed in the Central Business District. In such a district, the industrial use of hazardous chemicals made the operation a heavy industrial operation, and that is not permitted in the Central Business District. As a non-conforming use, the industry was not eligible to expand, which is what the company wishes to do. In order to carry out their expansion, Premier Chemicals is requesting rezoning to the Commercial Industrial Zoning Classification. Such a zone will allow the company to expand operations; however, this would require a "no-rise" certification to the flood plain which must be submitted by the firm's engineers.

The Planning Board gave approval to the requested rezoning on a majority vote, but it was after receiving a considerable amount of public input on the matter. After the public hearing was closed and Board discussion ended on January 24, the Town Board tabled this matter. At the meeting of February 14, the Board voted to bring this matter back to the February 28 agenda, not to hear further public comment, as that was closed, but for further consideration by the Town Board.

Alderman Greeley said at the public hearing on January 24, the Board was dealing with two issues, a rezoning request and parking issue which was affecting the Frog Level community and its residents. At that point he made a motion to table the issue in order to obtain additional information. On February 8 a community meeting was held. Alderman Greeley commended the residents of the areas and Premier Chemical Co. for having this dialogue and making each other aware of what their concerns were. In this situation the business area abuts a residential area and he felt that the chemical company has made a due diligent effort to put buffers in place and resolve parking issues. He added that it is important to look at the impact of the chemical company in their commitment to make improvements. There may be some issues encountered in

their effort to expand their business, and some regulations that will need to be met from a federal arena before a building can be added on their property.

Alderman Roberson said he agrees with Alderman Greeley and that parking was the issue that stood out to him. The zoning now being requested by Premier Chemicals is the same zoning that was in place before the revised Land Development Standards were adopted. There are some environmental and flood plain regulations that have to be addressed. And the Board will need to look at this in the terms of what the zoning was before the Land Development Standards were adopted.

Alderman Caldwell said he also agrees with Alderman Greeley. Parking has seemed better in the times that he has driven through the area. He noticed that the truck staging is being handled differently now and trucks are not being parked in the street. He still feels that Premier Chemicals has federal and other issues to be resolved. Alderman Caldwell added that he has confidence in Engineer Patrick Bradshaw, representing Premier Chemicals and does not feel that he would recommend changes that would be in a harmful nature to the citizens in Waynesville.

Alderman Freeman said she attended the community meeting in Hazelwood and what the residents had to say was touching and she understands their situation, adding that it is unfortunate that there are issues that have to be battled with commercial and residential. She agrees with Alderman Greeley and hopes the improvements continue as Premier Chemicals continues and feels that they will be a good neighbor.

Alderman Roberson felt that the Board should support the Planning Board's recommendation.

Alderman Roberson moved, seconded by Alderman Greeley, to approve the rezoning as requested by Premier Chemicals to change the zoning from Central Business to Commercial Industrial. The motion carried unanimously. (Ord. No. 5-12)

Solid Waste Study Representatives of Land of Sky Regional Council

After the County Commissioners determined to close the transfer station at Jones Cove Road on July 1, 2012, the Mayor and Board were asked to approve a study of the Town's Solid Waste system. The intent of this study was to have an outside agency conduct an objective study of the Town's existing system and make recommendations on changes to become more efficient. It was felt that efficiency measures might place the town in a better position to deal with the higher costs of transporting the residential and commercial solid wastes to the White Oak Landfill.

Town staff contacted Bill Gibson at the Region A Council of Governments and Mr. Gibson suggested that the Town contact Region B, Land of Sky Regional Council. The Land of Sky personnel have much more experience with solid waste and have worked extensively with the solid waste system management throughout the region. The study began during the summer of 2011 and was completed in December. At the Town Board's planning retreat on Friday, February 17, the Board received a preview of what is contained in the report.

Representatives of Land of the Sky Regional Council, Denese Ballew and Brian Taylor attended the meeting to present the report and answer any questions the Board might have about the study.

The study is comprehensive, one that covers the various types of services which the Town's Sanitation Department provides – commercial and residential garbage service, recycling, yard waste, bulky waste (junk) and street sweeping.

As indicated at the Board Retreat, in order for the Town to transport the garbage from commercial and residential customers, there will have to be substantial changes to the manner in which all solid waste is collected. This may mean new equipment, new employees, different collection routes and perhaps changes in the days services are provided. It may also mean changes in rates and fees and the introduction of new fees. With the County forcing the towns and private haulers to transport wastes to the White Oak Landfill rather than Jones Cove Road, it is an excellent time to totally reassess how the Town delivers solid waste services.

Ms. Ballew said the Council of Government helps local governments in Western North Carolina Counties, including Transylvania, Buncombe and Haywood with planning, development and other issues. She began her presentation with some background on the study and presented economic analysis and baseline for the solid waste program.

Waynesville spends 1.45 million dollars on their entire solid waste program and half of this is commercial and residential solid waste which will be affected by the closure of the transfer station. A comparison was given of the cost effectiveness of Waynesville with other towns with some recommendations for areas of improvement. Waynesville manages 2,896 tons of commercial solid waste per year at a cost of \$137 per ton and 2,902 tons of residential solid waste at \$100 per ton. Waynesville serves 4,650 households with a current residential solid waste collection fee of \$6.50 per month. Commercial revenues include a current \$16.59 collection fee per month as well as dumpster lease fees.

Ms. Ballew said Waynesville's fees are low compared to other municipalities. Waynesville residents pay \$78 per year to Haywood County for landfill fees. Fees paid by Waynesville residents help to cover yard waste and recycling. Several options were outlined beginning after June 2012: 1) Waynesville could haul solid waste to White Oak and pay \$55 per ton tipping fee on commercial waste only; 2) Waynesville could haul solid waste to the transfer station in Buncombe County and 3) Waynesville could build its own Transfer Station on Town property to be operated by a private contractor. At the present time the Town pays a tipping fee only on disposal of commercial solid waste. The option of the Town building and operating their own transfer station may not be feasible because the tonnage collected by Waynesville alone is too low for this operation. Construction of the transfer station would cost 1.3 million dollars plus interest. If a transfer station is built, it would not be necessary to hire a new driver and purchase another loader. However, a \$55 per ton tipping fee would have to be paid to a private contractor to operate.

The recommended option is for Waynesville to haul solid waste to the White Oak Landfill. If this is done another rear loader will need to be purchased and one additional employee may be needed. This would be the most feasible option if the Town is not required to pay a residential tipping fee to Haywood County. Currently there is no tipping fee for residential solid waste and it has also been learned that Haywood County is willing to reimburse the Town for some of the hauling costs to the White Oak Landfill. It was also recommended that the Town enter into an

agreement with Haywood County regarding the tipping fees and hauling cost reimbursement. Another consideration is for the Town to haul the solid waste to the transfer station in Buncombe County.

Municipal solid waste disposal fees, according to the NC League of Municipalities (NCLM), average \$135/ton and Waynesville's fee is below the average at \$119/ton. Hauling to the White Oak Landfill will increase this fee to \$146/ton. Town staff can be commended on their efforts for improvements in efficiency. The Town currently staffs their trucks with the driver and one, and occasionally two other employees. The number of employees per truck can possibly be reduced and the tonnage per trip can be increased, reducing the number of trips to the landfill.

The recycling data by NCLM shows that Waynesville has a low participation in the recycling program. Higher rates of recycling will reduce the number of trips to the landfill and the tipping fees associated with it. Some suggestions were made to implement a roll out cart system, with an educational program to encourage recycling and increase the amount of recycling. A rear loader could be used rather than a flatbed truck to pick up recyclables which would hold more recycling and mean less trips to unload.

Ms. Ballew said the level of services offered by the Town is great. One of the most expensive services offered is the collection of yard waste because of the high labor and equipment costs. One recommendation is for the Town to issue bins to restrict the volume of yard waste, with charges assessed for volumes above the allowed amount. A backyard composting program is also recommended to help reduce the volume collected.

Manager Galloway said there are employees in the Streets/Sanitation Department that are cross trained in a variety of areas, including the cemetery and landfill, so once employees finish one job they move to another. There was some discussion about roll out bins, the cost to the Town and the possibility of requiring residents to purchase the bins. Ms. Ballew said Buncombe County purchased compost bins and offered them for sale to residents at the County's cost. More than 20,000 have been sold to residents over the years. Alderman Freeman asked if there were grant funds available for bins. Ms. Ballew said there were some available.

Public Works Director Fred Baker said the purpose of the study was to look at the issues associated with Haywood County closing the transfer station. Waynesville has known for years that the Town provided a "gold level of service" on yard waste. Beginning in June 2012 the Town will need to look at other ways to handle the services and may need to make some changes. Mr. Baker said he doesn't see any changes in leaf vacuuming, but does see some changes in tree debris collection.

Streets/Sanitation Superintendent Daryl Hannah said he has always known that Waynesville offers an exceptional level of services. He expressed appreciation to the work done on the study by Denese Ballew and Brian Taylor. Mr. Hannah added that town staff realizes that some changes will be necessary and will work to make these changes run smoothly for town residents.

It was the consensus of the Board for the Town to receive bids for the purchase of a new truck to haul solid waste to the White Oak Landfill. Manager Galloway said the Town recently

purchased a truck and the specifications should be the same for an additional truck. If bids are received the first week in April it may be possible to have the new truck delivered by July 1. It was also the consensus of the Board to ask Mayor Brown to discuss with Haywood County Commissioner Chairman Mark Swanger the possibility of an agreement with Haywood County. Appreciation was expressed to Public Works Director Fred Baker and Streets/Sanitation Superintendent Daryl Hannah for their work on this project. Manager Galloway added that town staff is investigating the possibility of applying for some grants on recycling carts.

Audit Proposal Fiscal Years 2012-2013, 2014 Audits

Ray, Bumgarner, Kingshill & Associates, PA, presented a proposal for a renewal of a new three year contract for auditing the town's financial records for fiscal years 2012, 2013 and 2014. The fee for each year is \$27,500, which is actually down from the \$28,000 fee for the fiscal year 2011 audit.

Manager Galloway said it has been his experience over the past 18 years that the Town receives an excellent product from Ray, Bumgarner, Kingshill & Associates. They have shown that they are thorough and accurate in their audit work and they are not afraid to point out any short comings that may exist in the Town's accounting or purchasing procedures. They have also been willing to look closely at the Town's operations and make suggestions on ways to improve. Town staff recommended that the Town Board approve the three year contract with Ray, Bumgarner, Kingshill & Associates, PA. Finance Director Eddie Caldwell added that it is nice to have someone local and if town staff has problems they are easily accessible by telephone.

Alderman Greeley moved, seconded by Alderman Freeman, to approve the contract proposal for Ray, Bumgarner, Kingshill & Associates, PA for auditing the town's financial records for fiscal years 2012, 2013 and 2014. The motion carried unanimously. (Cont. No. 1-12)

Resolution Building Reuse and Restoration Program North Carolina Rural Economic Development Center

Town staff was approached by the owners of the building which formerly housed the Strand Theater asking that the Town apply for a Building Reuse and Restoration Program Grant. This grant, if awarded, would provide funds to help with the cost of restoring this building to a productive use. The Town applied to the Rural Center for a similar grant to assist Haywood Vocational Opportunities with the restoration of the old Wellco Industrial building.

The firm, BrokenMedia, LLC, intends to continue their business of refurbishing bar code scanners for a worldwide market; however, they would like to restore the upper floor on the Main Street level as a multi-use facility with a 75 seat performance venue and meeting space, and allow technical, retail and warehouse space as well.

The grant application must be submitted to the North Carolina Rural Center by early March in order to be considered for this funding cycle. The Town has been working with the owners of the property in an attempt to make the rear of the property on Wall Street more user friendly. Town staff would like to extend sidewalk along the backs of the buildings on Wall Street and

would lose a few parking spaces on the opposite side of the street as the sidewalk is installed. This project would also help align the portion of Wall Street on the north side of East Street with the section of Wall Street on the south side of East Street. It is similar to what Town Staff had proposed to do for Mr. Richard Miller when he was seeking a Main Street Incentive Grant to renovate this same Strand Theater.

Ms. Lorraine Conard, co-owner of the building, attended the meeting to answer questions. Ms. Conard said their business is a bar code refurbishing business but they also needed warehouse space. When the Strand Theatre became available they decided to purchase the building. In working with the architect it was decided to preserve and refurbish one area for an 80 seat venue area, starting with a series of musical performers and other programs based upon the interests of the community. Former owners of the property, Joey Massie and Richard Miller, have both been very supportive and shared some of their ideas with them.

Assistant Town Manager Alison Melnikova said this grant is similar to a former grant applied for by Mr. Miller and a match is required. Those receiving a grant will be notified by June 2012. Public Works Director Fred Baker was able to adopt some of the plans for the Main Street application and this will count as the town's matching contribution toward the project. Town Manager Galloway and Public Works Director Baker have wanted to construct a sidewalk behind this building on Wall Street to offer safety for pedestrians. This addition of sidewalk would change the parking to create parallel parking and would line up this area of Wall Street to the area of Wall Street behind the Police Department.

Alderman Caldwell moved, seconded by Alderman Greeley, to adopt the resolution regarding the Building Reuse and Restoration Program with the North Carolina Rural Economic Development Center. The motion carried unanimously. (Res. No. 3-12)

Paul Benson – Flood Plain Prevention Ordinance Amendments

Planning Supervisor Paul Benson distributed copies of the Flood Plain Prevention Ordinance Amendments for the Board to review. This issue has been scheduled and advertised for a public hearing on Tuesday, March 13. Mr. Benson said this program began in 1981 with the maps adopted in 1983. It is almost impossible to pinpoint specific areas on the map from 1983. The new maps have more detail, but the same regulations. The twenty page ordinance is similar to what is in place now. The ordinance works by identifying the 100 year flood plain. Structures can be built within this area, but the building must be elevated. Nonresidential buildings can be built below the flood level, but it can be expensive to complete the necessary flood proofing of the building. Mr. Benson said the State does not have a summary of the changes, but in reviewing the document he does not see anything of sustenance except the new map, and the State requires that the most recent map be used. The flood plain area increased with the map, but this is outside of the Town's control. Alderman Greeley asked how this would affect insurance if your home is now included in the flood plain area on the revised map, but was not included before. Mr. Benson said individual homeowners may want to ask their insurance carrier about their policy. No action was necessary. The public hearing has been scheduled for March 13.

Manager Galloway said there has been an increase in building activity. Ingles received conditional zoning and they are now having some discussions about making some changes in their plans for expansion. The construction has begun on the new Belk, Pet Smart and Michael's in West Waynesville. There are other activities and interests on commercial development and it is hoped that results can be seen in the next couple of weeks. The ABC Store is once again looking at another building site. The sales tax is up slightly more than budgeted.

Special Meeting – Town Manager Selection Process

A special meeting of the Board of Aldermen is scheduled for Thursday, March 1 at 6:00 p.m. to continue in the Town Manager selection process.

Adjournment

With no further business it was the consensus of the Board to adjourn the meeting at 8:45 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor