

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
JANUARY 12, 1999  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, January 12, 1999. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, Kenneth Moore, Sam Wiggins and James Williamson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of November 24 and December 8, 1998

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the November 24 and December 8, 1998 meetings as presented. The motion carried unanimously.

Review of Utilities for Haywood Mountain Home - 50 Henson Drive

Town Manager Galloway reported that the Board received a request several months ago from Haywood Mountain Home to grant water, sewer and electric service at no charge. This home is a detention facility for juveniles who might be runaways or who might need to be held for some relatively minor charge or because they could not make bond. The Board approved the request to grant free utilities; however, it was with the recommendation that there be an initial limit of six months in order for the Board to determine how much money was actually being released. The six months have now passed; however, the home did not begin operation until November. It is recommended that another six months of free utilities be allowed in order to develop a history of utility usage. The Board can then consider the Town's contribution as a yearly dollar amount rather than unlimited free utilities since utilities can vary from month to month.

Bill Noland reported that the Haywood Mountain Home did not open until November and fourteen children have been served to date, ranging in age from 3 - 17 years old.

Alderman Williamson moved, seconded by Alderman Caldwell, to grant an additional six (6) months of free water, sewer and electric so that a history of usage can be developed and a dollar amount established during budget time as the Town's contribution. The motion carried unanimously.

Amendments to Insurance Agreements

Town Manager Galloway said that during the 1980's the North Carolina League of Municipalities established various insurance programs. These insurance programs are insurance pools, with the membership limited to the cities and towns of North Carolina as well as ABC Boards, Housing Authorities and other entities related to municipal government. The Town currently participates in

all three insurance programs; Health, Property and Workers Compensation. The Town's membership in these pools has saved the Town of Waynesville thousands and thousands of dollars, as the "profits" are shared by the local governments rather than by stock holders of private insurance companies.

These insurance programs fall under a Board of Trustees of the Risk Management Services, and this Board includes elected and appointed officials from various municipal governments in the State. At times, there are Board members who wish to withdraw from the programs and purchase their insurance coverage from private companies. This sometimes makes it difficult for the Risk Management Service to properly plan and project the insurance premium quotes that they make to each local government in April of each year for inclusion in the next budget for that local government.

The Board of Trustees has asked that the members approve an amendment to the agreement on each of the three insurance programs which would require a ninety (90) day advance notice if a member wants to leave the insurance program. If a member leaves the pool and fails to give the ninety (90) day notice, the amendment would allow the pool to charge a 2% "exiting fee". Manager Galloway said that the content of the amendment could be used by a town that is in the process of seeking an insurance quotation, as Waynesville intends to do this year. We would give the League notice of a tentative intent to withdraw pending receipt and acceptance of a renewal quote or a quote from another company.

Alderman Wiggins said that he felt that any Town should be able to give the 90 days notice. Alderman Moore asked if the Insurance Company would notify the Town if they decided to discontinue the Town's coverage. Manager Galloway said that they were required to notify the Town. Alderman Williamson asked if we intended to accept other bids on insurance. Manager Galloway said that the Town tries to accept bids on insurance every three years. Health insurance was bid two years ago and Worker's Compensation and Property/Liability was bid three years ago. Board members indicated that they wanted the option to receive bids on all three insurances either as a lump sum bid or separate bids.

#### Medical, Life and Disability (MIT)

Alderman Wiggins moved, seconded by Alderman Caldwell, and the motion carried unanimously, to approve the following amendments to the Interlocal Agreement for a Group Self Insurance Fund for Medical, Life and Disability (MIT):

\*Amendment #1 Severability

\*Amendment #2 Ninety Days' Notice of Withdrawal and Exiting Fee for failure to give timely notice

\*Amendment #3 Ninety Days' Notice Required for Expulsion By Trustees

#### Workers' Compensation (NCIRMA)

Alderman Caldwell moved, seconded by Alderman Moore, and the motion carried unanimously, to approve the following amendments to the Workers' Compensation (NCIRMA):

\*Amendment #1 Severability

\*Amendment #2 Ninety Days' Notice of Withdrawal and Exiting Fee for failure to give timely notice

\*Amendment #3 Ninety Days' Notice Required for Expulsion By Trustees

### Property and Liability (IRFFNC)

Alderman Wiggins moved, seconded by Alderman Caldwell, and the motion carried unanimously, to approve the following amendments to Property and Liability (IRFFNC):

\*Amendment #1 Severability

\*Amendment #2 Ninety Days' Notice of Withdrawal and Exiting Fee for failure to give timely notice of termination

Alderman Williamson moved, seconded by Alderman Moore, to bid all three insurance coverages this year. The motion carried unanimously.

### Request of Don Norris Regarding Skateboard Regulations

Mr. Don Norris attended the meeting and presented a letter to the Board regarding problems he has encountered with young people skateboarding on Depot Street. Mr. Norris said that he has worked with young people for thirty years of his life. However, there are three (3) young boys with skateboards jumping up on a concrete planter in front of his building. Mr. Norris said that he has spoken with them and asked them to refrain from this activity because of the possibility of injury and the damage being done to the building, shrubs in planter, plaster damage, paint scarring and the possibility of a broken plate-glass window. They continue to return, especially on Sunday afternoons when the business is closed. Mr. Norris said that he has spoken with the Police Department twice and they have spoken to the skateboarders once.

Mr. Norris said that he was aware of an ordinance which prohibits skateboarding in the Municipal Service District (Downtown Waynesville). Mr. Norris asked if the prohibited area for skateboarding described in the ordinance could be extended to include Depot Street. Town Attorney Bonfoey said when this ordinance was adopted, the downtown area was the only area experiencing a problem with skateboarding. Attorney Bonfoey added that a description of the area was needed in order for the ordinance to be enforceable. Town Manager Galloway suggested that the Police Department be included in the decision if the area is to be expanded, because there may be other areas which the Police Department may be experiencing problems with skateboarders. There was also discussion regarding insurance, liability and the possibility of the creation of a skateboard park. Manager Galloway said that he met with the skateboarders and their parents several months ago. At one time Ron Muse and Kenny Wyatt spoke about their intentions of opening up a skateboard park. Alderman Caldwell moved, seconded by Alderman Moore, to instruct Town Manager Galloway to talk with the Police Department and touch base with Kenny Wyatt regarding his intentions of creating a skateboard park and report to the Board at their next regular meeting. The motion carried unanimously.

### Minor Subdivision - John W. And Myra Bottoms - Stovall Street

Dr. and Mrs. John Bottoms own a 7.1 acre tract of property at the end of Stovall Street. The land is zoned "R-2" Medium Density Residential and they are creating two new lots, one lot for each dwelling, and the balance of the property would be left for future use. The two lots have access to public water and sewer. The plat meets or exceeds Town requirements and town staff recommends approval.

Alderman Wiggins moved, seconded by Alderman Caldwell, to approve the minor subdivision for John W. And Myra Bottoms located on Stovall Street. The motion carried unanimously.

#### Report of the Town Attorney on Mediation Process with Eleanor Coffey Regarding Law Suit Against the Town

Town Attorney Bonfoey reported on the mediation process with Mrs. Lyle Coffey held in Asheville on December 19, 1998. This mediation process was an attempt to resolve a law suit filed against the Town due to the condemnation and order to demolish a structure owned by Mrs. Coffey at the corner of Westwood Circle and Georgia Avenue. Attorney Bonfoey said that he thought a compromise had been reached during the mediation process to allow Mrs. Coffey to bring the structure into compliance within one (1) year or demolish. However, a letter was received from Mrs. Coffey's attorney withdrawing the offer made during the mediation process and stating their desire for the following conditions: 1) To allow the property to be used commercially; and 2) to be allowed to bring the property up to commercial code.

Alderman Wiggins wished to go on record stating that he was opposed to the mediation process. Alderman Wiggins felt that the property was condemned and has been in a state of disrepair for twenty (20) years with nothing being done except putting up some plywood. Alderman Wiggins said he felt that this was a weakness on the Town's part if the Town starts offering solutions with mediation.

Town Attorney said that any offers made during the mediation process are not official unless the Board agrees and takes action.

Alderman Wiggins moved, seconded by Alderman Caldwell, to reject the offer of settlement made by Mrs. Coffey through her attorney. The motion carried unanimously.

#### Report of the Town Attorney Regarding Watershed Property

Attorney Bonfoey reported that he sent letters to both the Lanning property owners and the owners of the mining property but to date communications have not been received from either. Attorney Bonfoey said that he will now send letters to the property owners notifying them that condemnation proceedings will begin.

#### Zoning Concerns - Alderman Kenneth Moore

Alderman Moore expressed concern with the zoning process used for the Hazelwood area when Hazelwood merged with Waynesville, and in particular the property located at the corner of

Westwood Circle and Georgia Avenue belonging to Mrs. Lyle Coffey. Alderman Moore asked why the Town did not send individual letters to each property owner. Attorney Bonfoey explained that the requirements were different for rezoning a large area. Instead of letters being sent to each property owner, the Town can place notice of the public hearing for the rezoning in a newspaper with general circulation. Manager Galloway said that he could only recall two objections during the rezoning process. Manager Galloway said that the Coffey property was rezoned residential because the structure contained three electric meters and when the structure was used several years before, it was used as two apartment units and one store. No action was taken.

Little Mountain/Laurel Ridge Water Tank

Town Manager Galloway said that the Town received bids on the new tank and the structure for the booster pump station which would serve the upper Little Mountain area as well as Laurel Ridge South. The Town’s water tank on Little Mountain is too small and in need of enlargement, and Piedmont Golf Development Corporation needed a larger water tank so that they could develop more property on Laurel Ridge South. Since both the Town and Piedmont Golf Development Corporation would benefit, there was an agreement to split the costs.

Bids were received as follows:

<u>Bidder</u>	<u>Alternate - A</u>	<u>Alternate - B</u>	<u>Alternate - C</u>
Thorpe Construction	No Bid	\$243,900.00	No Bid
Hobson Construction	\$392,800.00	\$386,000.00	\$384,000.00
Buckeye Construction	\$415,000.00	\$410,000.00	\$400,000.00

Piedmont Golf has indicated that they are still willing to pay the 50% of the cost of the project, however, the Town would like to have written verification of this decision.

Alderman Williamson moved, seconded by Alderman Moore, to tentatively approve the award to Thorpe Construction Company in the amount of \$243,900, subject to Piedmont’s agreement to bear 50% of the costs. The motion carried unanimously.

Concern of Alderman Williamson - Sulphur Springs Road

Alderman Williamson asked why the paving along Sulphur Springs Road was not finished. Manager Galloway said that the Town did not accept the work done by Public Service Company of NC (PSCNC). Manager Galloway said that they will have to come back in the Spring and tear out the pavement, recompact the subsurface and then repave the portion of the street with the pavement cut. He also reported that PSCNC has a contract with APAC for this work. Manager Galloway added that it is very difficult to do paving at this time of the year because asphalt plants are closed and availability of asphalt is limited. After further discussion it was determined that PSCNC should be ready to complete this work sometime in March of 1999.

### Concern of Aldermen Williamson - Replacement of Christmas Decorations

Alderman Williamson made a motion, seconded by Alderman Moore, that the Town's Christmas decorations be discarded and new decorations be purchased by November of 1999. Alderman Williamson said that the decorations used by the Town this year "looked like they had come out of the Titanic after it was dug out of the mud", and that they were "pitiful". Town Manager Galloway asked if the Board would like to know how much the Town's Christmas decorations cost. Alderman Williamson said he did not care, that donations could be accepted and the plate passed around to get the money for these decorations. Manager Galloway said that the Town has approximately 156 decorations at an approximate cost of \$200 each, totaling \$35,000 or more.

Mayor Foy called for a vote on the motion to replace the Christmas decorations and the motion carried unanimously.

### Traffic Light - Georgia Avenue at Former Hazelwood Town Hall

Alderman Moore said that he understood that the Waynesville Police Department wanted to remove the traffic light in front of the former Hazelwood Town Hall on Georgia Avenue. Alderman Moore said that the traffic light was placed in this location for a reason; to slow traffic on this road and because of the Waynesville Middle School located further out the road.

Town Manager Galloway said that he had not heard anything recently regarding this traffic light. However, this issue was discussed by the Board after the merger of Hazelwood and Waynesville and it was decided that the traffic light should remain at Georgia Avenue.

### Discussion Regarding Asheville Highway

Several people attended the meeting to discuss the Asheville Highway. Mayor Foy announced that the Board was not planning to discuss the Asheville Highway at tonight's meeting. Mayor Foy said that a meeting was scheduled on Monday, January 18, 1999, at 6:00 p.m., in the Haywood County Commissioner's Board Room. The Waynesville Board of Aldermen, Haywood County Commissioners and N.C. Department of Transportation Planners will be present. Mayor Foy said that he, along with Town Manager Galloway, Haywood County Manager Jack Horton, and Haywood County Chairman Jim Stevens plan to meet on January 13 to establish ground rules for this meeting. Mayor Foy announced that plans for the Asheville Highway were in his office for anyone who would like to review them. No action was taken.

### Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 7:55 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

Henry B. Foy  
Mayor