

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
NOVEMBER 9, 1999  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, November 9, 1999. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, J. 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 October 12, 1999

Alderman Wiggins said on page 8, in the item regarding the skateboard park, paragraph one, sentence two, the words "if possible" should be removed.

Alderman Caldwell moved, seconded by Alderman Williamson, to approve the minutes of the October 12, 1999 meeting as corrected. The motion carried unanimously.

Water Rate Schedule - Sherell Johnson Development - Eagle Nest

Town Manager Galloway said that in February, 1999, Mr. Sherell Johnson approached both the Town of Waynesville and the Maggie Valley Sanitary District (MVSD) about supplying water to his proposed development on Eagle Nest. The largest portion of this proposed development of residential property is located on the north side of Eagle Nest mountain overlooking Maggie Valley. The developer has proposed to construct approximately 500 homes over a number of years, and he prefers a public water supply as opposed to drilling wells to supply that many homes. MVSD has indicated that they are unable to serve water to this area due to its elevation. An agreement between the Town of Waynesville and the MVSD was prepared by the Attorney for MVSD, James Kirkpatrick II, and agreed upon by both the Town and MVSD.

Mr. Johnson has proposed to construct the entire water system, including several thousand feet of line, meters, hydrants and a 160,000 gallon water tank near the peak of Eagle Nest Mountain. In addition, the developer proposes to contribute \$75,000 toward construction costs of a larger, 160,000 gallon water tank (Phase 3 of the Town's system) where our current system ends along Eagle Nest Road. Mr. Johnson will invest more than \$750,000 in the utility improvements, and the Town will have virtually no capital cost for these. The Town will have around \$50,000 invested in the Phase 3 tank, but that had to be built anyway, and the Town's costs were reduced since Mr. Johnson is contributing \$75,000 toward the expense of that tank, and the Town and Piedmont Golf Development will split the remaining \$100,000.

Manager Galloway presented a proposed water rate structure for customers who must be served by pumps. At the present time, all customers on pumps pay a \$6.00/month pump fee in addition to their regular monthly water bill. It is proposed that the monthly pump fee for those customers inside the

corporate limits of Waynesville be reduced to \$4.00/month for each pump necessary to pump water to their homes (for example if three pumps are required, their monthly cost for pump fees would be \$12.00). For those customers outside the corporate limits of Waynesville, the pump fee would be \$6.00 per month, per pump. During the time when the homes are being built Mr. Johnson has agreed to pay a minimum bill of \$1,500 per month to cover the pumping costs. As more customers are connected, the amount required of Mr. Johnson would decline, as the customers would be paying for a portion of the pump fee cost. At the present time, if a customer discontinues their service through the winter months, the Town does not bill them any charges until they resume service in the spring. Under the new rate structure, the customers paying the pump fee cost will have to do so continually throughout the winter months in order to cover the minimum electric bill for the pumps from Carolina Power and Light Company. In the proposed water rate structure the average monthly water bill for customers inside the corporate limits using four pumps would be \$22 - \$30 and those outside corporate limits using four pumps would be \$35 - \$45.

Town Manager Galloway pointed out that the Town could sell water to this development which is inside Maggie Valley Sanitary District's jurisdiction, but the Town did not intend to sell water further into MVSD's jurisdiction without going to the MVSD.

Alderman Kenneth Moore asked the Town Manager if there were any problems which he could foresee with extending Waynesville's water to the other side of Eagle Nest Mountain. Town Manager Galloway said that undersized tanks could cause a problem and this is why the developer is installing larger tanks and upgrading the pumps. Once this work is completed, the developer plans to dedicate the equipment back to the Town. There is a potential of 500 homes once the development is fully complete.

Alderman Wiggins moved, seconded by Alderman Caldwell, to approve the proposed water rate structure for customers who must be served by pumps as presented. The motion carried unanimously.

#### Parking Spaces - Montgomery Street

Mayor Foy said that several months ago the Town received a request to remove the three parking spaces in front of Haywood Barber Shop, Cyber Café and Back Street Hair Studio. Those three spaces were eliminated (two regular spaces and one handicapped space). At the last meeting, the Board received a request from Mr. Hugh Massie of Haywood Barber Shop, that the three parking spaces be reinstated. Downtown Waynesville Association has proposed a compromise to the three businesses to leave the space vacant in front of Back Street Hair Studio, reinstall the handicapped space in front of Cyber Café and to reinstall a regular space to its north, in front of Haywood Barber Shop.

Alderman Moore moved, seconded by Alderman Caldwell, to reinstall two of the parking spaces (one regular and one handicapped) as recommended. The motion carried unanimously.

#### Lease Agreement with John Shubash - Property at Depot and Main Street

At the last meeting, the Board adopted a Resolution of Intent to enter a lease with Mr. John Shubash for a portion of the property at the southwest corner of the intersection of North Main and Depot

Streets. The Town Attorney and Town Manager were instructed to enter into discussions with Mr. Shubash and his attorney regarding the lease of the property and any conditions which may apply. The intent to enter a lease with Mr. Shubash has been advertised as required by law and as of this date no other offers have been submitted.

Mayor Foy said that after the last meeting it has been requested that action be delayed until after the Downtown Waynesville Association (DWA) meets on November 16 to discuss this issue. Mr. Shubash attended the meeting and also requested that action be delayed. Mr. Shubash said that his attorney and architect plan to meet with DWA on November 16. He added that there have been some justifiable concerns and ideas brought to his attention, and he suggested that everyone concerned meet to talk about these concerns.

It was the consensus of the Board to delay action until a later time.

Ms. Philan Medford said that this project affects all taxpayers of the community and that she, along with others had concerns regarding this project.

#### Lease Agreement With John Mercer - 5x5 Parcel at Town Hall

Mr. John Mercer is the new owner of the building formerly owned by Mr. John Bottoms and located directly behind the Town Hall. At the last meeting, the Board discussed a request from Mr. Mercer that he be allowed permission to construct a new fire escape on the east side of his building and include exit steps that would sit in the Town Hall parking lot. A resolution of intent to lease this property to Mr. Mercer was advertised and as of this date there have been no other offers made. Mr. Mercer has plans to renovate this building and create office space on the upper stories. It is recommended that the Town enter a lease with a minimal annual fee (\$25.00) and some type of hold-harmless clause to be incorporated into the lease by the Town Attorney. Mayor Foy added that the handicapped space in the Town Hall parking lot can be moved from its present location to the corner where the fire escape steps are proposed, allowing adequate space and a better location for the handicapped space.

Alderman Moore moved, seconded by Alderman Caldwell, to direct the Town Attorney to prepare an agreement with Mr. Mercer. The motion carried unanimously. (Contract No.18-99)

#### Resolution of Award of Bid - Scates Street Bridge

The Town has received bids on the demolition and replacement of the bridge on Scates Street next to the Haywood Vocational Opportunities building as follows:

Buckeye Construction	\$189,058.43
R. E. Burns & Sons	\$208,851.76
Taylor & Murphy	\$263,877.43

The bid tabulation sheet was prepared by Vaughn & Melton Engineers and Buckeye Construction Company of Canton was the low bidder with a proposal of \$189,058.43. The engineers have recommended acceptance of that bid. Once the Town Board approves the bid, it must be presented to the Federal Highway Administration for their approval, as they will be paying for 80% of the cost

of this project. The local, 20% share of the cost, will come from funds that the Town has received from the Powell Bill program. It is possible that some of the work may take place prior to the end of 1999. However, the Fish and Wildlife Commission has prohibited any work in the creek bed during the winter months due to the impact upon the fish. This would mean that most of the work would not take place until the spring.

Alderman Moore moved, seconded by Alderman Caldwell, to accept the low bid of \$189,058.43, as submitted by Buckeye Construction Company for the Scates Street bridge project. The motion carried unanimously.

#### Authorization to Proceed with Legal Action - Oakdale Road

At the last meeting, the Board received complaints regarding the placement of mobile homes on the property of Riley Inman on Oakdale Road. These mobile homes had been located without an approved minor subdivision and are not in compliance with the town codes. At that meeting, the Board instructed Town Staff to bring this property into compliance by the time of the next meeting. Town Staff has been unable to do so. However, Town Manager Galloway said that the Inmans have hired a surveyor to complete a two lot minor subdivision within two to three weeks and that the Inmans are in the process of tearing the first mobile home down and removing the material to the landfill. They also plan to tear the second mobile home down and remove the material since they cannot find another location for the mobile home. Town Attorney Bonfoey and Town Manager Galloway recommended that the Board delay action until the next meeting.

Cecil Brown attended the meeting and said that he received a copy of a letter sent to the Inmans by Attorney Bonfoey and Mr. Brown felt that the time had expired which was given to the Inmans to bring the property into compliance.

Alderman Caldwell moved, seconded by Alderman Williamson, to instruct the Town Attorney to proceed with the appropriate legal action. The motion carried unanimously.

#### Report by Mayor Foy Regarding ADA Task Force Committee

Mayor Foy reported that the ADA Task Force Committee will conduct their first meeting in December in order to begin their work after January 1, 2000.

#### Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Moore, to adjourn the meeting at 7:46 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor