

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
DECEMBER 14, 1999
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, December 14, 1999. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Libba Feichter and Kenneth Moore. 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 23, 1999

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the November 23, 1999 meeting as presented. The motion carried unanimously.

Riley Inman - Oakdale Road

During the past several months, the Town has been dealing with the Riley Inman family over the location of several mobile homes on a tract of land he owns on Oakdale Road. John Swift has tried to work with the Inmans to get them to create a minor subdivision so that the homes would be legal, but the process was going much slower than anyone would have liked. At the meeting of November 9, the Board ordered the Town Attorney to file a legal action against the Inmans for failure to comply with various ordinances of the Town. Attorney Bonfoey filed the suit on November 11. The Inmans have continued to work on removing one of the mobile homes which burned. After being served with the legal papers for the Town's law suit, the Inmans contacted the Town Attorney asking for an extension of time. Mr. Bonfoey advised the Inmans that such a request for extension would have to be submitted to the Mayor and Board of Aldermen, as staff did not have the power to delay the action any further.

Mr. Riley Inman attended the meeting and requested thirty (30) additional days to clean up the property on Oakdale Road. Attorney Bonfoey pointed out that the complaint was served to Mr. Inman on November 19, 1999 and that he has thirty (30) days, until December 19, to file an answer. Melvin Inman, Riley Inman's son, also attended the meeting. He said that by the time he and his father get off work, the dump is closed and that the only day they have to haul away the materials is on Saturday. Melvin Inman said he felt that he and his father could have this work done by the first of the year.

Alderman Brown moved, second by Alderman Caldwell, to instruct Town Attorney Bonfoey to convey to the Clerk of Court the Town of Waynesville Board of Aldermen's consent to extend the time for filing an answer for Mr. Riley Inman. This extension would allow an answer to be filed thirty (30) days from December 14, 1999 (January 14, 2000). The motion carried unanimously.

Alderman Feichter asked Mr. Inman if the Board could visit his property in about two weeks to see if any progress has been made. Mr. Inman said that the Board could visit his property.

Presentation of Fiscal Year 1998-1999 Audit - Bruce Kingshill

Bruce Kingshill, auditor with Ray, Bumgarner, Kingshill & Associates, attended the meeting to present the audit for the prior fiscal year. Mr. Kingshill explained that their firm conducts two types of audits for the Town of Waynesville, a general financial audit and compliance audit (for grants and awards received by the Town). Mr. Kingshill reported that there were no significant audit adjustments for the Town.

Mr. Kingshill presented graphs of revenues and expenditures for both the current year and prior year for the Town. He explained that without the Electric Fund, in order to balance the general fund budget, the Town would need to increase property taxes by .17/\$100. Mr. Kingshill said that overall the Town is in excellent financial shape. He added that it has been a pleasure working with Town Manager Lee Galloway, Finance Director Eddie Caldwell and other town staff, adding that the Town has a group of good employees who have the responsibility of handling the funds of the Town.

The Board commended Mr. Kingshill and his staff for their thorough work in auditing the Town's records. Town Manager Galloway said that the Town's financial stability is a reflection of good financial decisions on the part of the Town Boards in the past as well as good stewardship by the department heads and employees of the Town. He added that the Town has a very conscientious finance director and staff, and all of these elements are necessary to achieve the positive financial improvements that the Town has seen during the 1990's.

Alderman Brown moved, seconded by Alderman Moore, to accept the audit report as presented by Ray, Bumgarner, Kingshill & Associates. The motion carried unanimously.

Year End Cash Report - Eddie Caldwell, Finance Director

Finance Director Eddie Caldwell attended the meeting to present the year end cash report. Mr. Caldwell said as of June 30, 1999, the Town had \$4,318,210 cash available, compared to \$4,926,014 at June 30, 1998. With a total budget for General, Water, Sewer and Electric Funds of \$18,264,475, the \$4,318,210 cash available represents just under 24% of the total budget. Mr. Caldwell explained that although the Town has \$12,000,000 on hand in the form of cash and investments, a large portion of that money is committed for specific expenditures or must be held in reserve by State Statute.

Alderman Brown asked if it would be fair to say that the Town spends approximately 91% of their budget during a fiscal year. Town Manager Galloway said yes. However, the Town sometimes has projects completed late and that money from prior years is sometimes used to balance the next year's budget. Bruce Kingshill said that the Town does not have many budget amendments at the end of the year.

Alderman Brown moved, seconded by Alderman Moore, to accept the audit report for Fiscal Year 1998-1999 as presented by Ray, Bumgarner, Kingshill and Associates. The motion carried

unanimously.

Budget Ordinance Amendment - Recreation Capital Projects Fund

Under North Carolina Law, the required fiscal year has a time frame of July 1 of one year to June 30 of the following year. Any costs incurred during that time frame must go into that fiscal year if they are part of the normal budget. There is a special provision to allow the creation of a Capital Projects Fund for construction projects which may span two or more fiscal years.

When the construction of the recreation center was planned, the Board agreed to take a loan of up to \$5,000,000 on the project which will cost in the range of \$6,200,000. That loan is a 20 year, lease purchase agreement with Clyde Savings and Loan, with annual payments of \$405,000, on an interest rate of 5.1%.

For the balance of the project costs, the Board agreed that the General Fund and the Electric Fund would share equally in the expense. The money has previously been transferred from the Electric Fund for this project. This budget amendment officially transfers the \$582,855 share of the cost from the General Fund into the Recreation Capital Projects Fund.

Alderman Caldwell moved, seconded by Alderman Feichter, to adopt the budget ordinance amendment as presented. The motion carried unanimously. (Ord. No. 28-99)

Award of Bid for Main Street Lighting Project

For more than two years, the Town has had plans underway for placing decorative lighting along Main Street in the downtown area and a Committee has been working on plans for the project. Bids were received by Reece, Noland & McElrath, Consulting Engineers for this project, on November 16, 1999. They were as follows:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternatives</u>	
		<u>No. 1</u>	<u>No. 2</u>
Brevard Electric Co.	\$334,440.00	(-) 33,800.00	(-) 16,800.00
Electrics of Asheville	\$268,600.00	(-) 20,350.00	(-) 18,750.00
Hayes & Lunsford Elec. Contractors, Inc.	\$310,400.00	(-) 25,500.00	(-) 15,000.00
Haynes Electric Construction Co.	\$258,250.00	(-) 19,050.00	(-) 13,900.00

- Alternative No. 1: Eliminating all work associated with Church Street portion of project.
- Alternative No. 2: Eliminating all work associated with East Street and Police Department Plaza portion of project.

Jeff Reece with Reece, Noland & McElrath, attended the meeting. He said that it is recommended that the low bid of \$258,250 be awarded as presented by Haynes Electric Construction Company, with Alternate #1 which eliminates all the work associated with the Church Street portion of the project and reduces the bid by \$19,050. Some other minor deductions could save an estimated \$4,500. This would bring the proposal from Haynes down to \$234,700. When the cost of the \$132,144 for the lights is added, the total is \$366,844. With the Town's budget commitment of \$170,000, the pledge of \$17,500 from the Haywood County Commissioners and the \$87,000 raised through the fund-raising efforts from private donations, the total funds available come to \$274,000, leaving a deficit to undertake the project of \$92,844.

The Town Staff, DWA representatives and the electrical engineers have met several times to consider how to resolve this situation. The following is proposed:

1. The Town currently has \$60,000 in the 1999-2000 Electric Fund budget to replace Christmas decorations. This expense could be delayed or eliminated entirely, and the \$60,000 reappropriated for the underground lighting project.
2. Three lights could be eliminated without a detriment to the project. These three lights include one at the north end, near the Presbyterian Church and two at the south end, one at Academy Street and the second at the Way Inn. The elimination of the three lights will reduce the total project cost by an estimated \$13,685.
3. Downtown Waynesville Association has pledged to contribute \$6,000 in each of the next three years for the lighting project, for a total of \$18,000. These funds from DWA would come out of the \$10,000 which the Town contributes each year to the support of DWA.
4. The Town would increase the appropriation to the project by \$1,159.

Alderman Caldwell moved, seconded by Alderman Moore, to award the low bid to Haynes Electric Construction Company, using Alternate # 1 and the other negotiated items as proposed. The motion carried unanimously.

Recommendations Regarding Traffic Improvements Sanctuary Drive Area

Town Manager Galloway said that as a result of a recent wreck on Wildcat Mountain Road at the entrance to the Sanctuary, the Street Department and Police Department have been asked to meet with Mr. Emil Massaro and make recommendations for safety improvements. Their recommendations are as follows:

1. Posted speed limit on that portion of Wildcat Mountain Road and Sanctuary Drive within the corporate limits should be 25 miles per hour. In addition, it is also recommended that the side streets of Camellia Court, Marigold Court, Iris Lane and Begonia Trail also have a 25 mile per hour speed limit.

2. That a center line be painted on that portion of Wildcat Mountain Road and Sanctuary Drive located within the corporate limits.
3. That a stop sign be placed on both roads at the intersection of Wildcat Mountain Road and Sanctuary Drive, and on Camellia, Marigold, Iris and Begonia, which are public roads, and at Chloe Drive, which is a private road, where those streets intersect with Sanctuary Drive.
4. For the portion of Wildcat Mountain Road within the corporate limits, there is some debate as to whether guard rail, posts or a high curb should be installed. Due mainly to the lower cost, it is suggested that the posts with reflectors be installed as a means of preventing anyone from running off the edge of the pavement.

Alderman Brown moved, seconded by Alderman Moore, to adopt an ordinance establishing speed limits on the portions of Wildcat Mountain Road and Sanctuary Drive within the corporate limits at 25 miles per hour, and that the speed limit on the side streets of Camellia Court, Marigold Court, Iris Lane and Begonia Trail be established at 25 miles per hour. The motion carried unanimously. (Ord. No. 29-99)

Alderman Caldwell moved, seconded by Alderman Feichter, to make the other safety improvements as recommended by Town Staff. The motion carried unanimously.

Parking Regulations Regarding Commerce Street

Town Manager Galloway said in recent weeks, the Town has been doing some drainage and sidewalk work in Frog Level on Commerce and Depot Streets. In doing this work, it was noted that there are signs posted which limit the parking in front of Waynesville Supply Company and the adjacent business to thirty (30) minutes between 8 a.m. and 5 p.m. It is unclear as to how long these signs have been posted, but in making a review of the Town's minutes, the Town Clerk could not find that any official approval had been given to the signs.

It is recommended that the Town Board adopt an ordinance establishing a thirty (30) minute parking limit on any days except Sunday for the three spaces on Commerce Street between Depot Street and the private alley between the Wadham property and the Open Door.

Alderman Feichter moved, seconded by Alderman Caldwell, to adopt an ordinance to establish a thirty (30) minute parking limit for the three spaces on Commerce Street as recommended. The motion carried unanimously. (Ord. No. 30-99)

Estimated Costs of Corridor Study

At the last Board meeting, the need for a study of the zoning districts and the land uses along the section of Russ Avenue between the Route 23 Bypass and Route 19 was discussed. At that time Alderman Brown suggested that while this was underway, it might be wise to also consider an evaluation of the Asheville Road corridor, as the situations and conditions are so similar.

John Swift worked on a request for a proposal from Benchmark for this work. They have estimated that the cost to undertake the corridor plans, charettes, meetings, public hearings and services to range between \$40,000 to \$50,000, which is more than expected. Town Manager Galloway said that because of the size of the proposal, he has asked John Swift if there might be some alternatives for the Town. It should be determined if the State might contract for this type work or if there are other firms in the region which might perform the same type work.

Planning Board Chairman Rex Feichter said that the Planning Board would like to see a comprehensive land use study completed for the entire area of Waynesville. However, the Planning Board requested that the Russ Avenue Corridor be studied at this time because of the recent rezoning requests by Mr. Smith and others in this area.

Alderman Feichter said that there are people along the Russ Avenue corridor who have requested a rezoning of their properties and are waiting for something to be done. It was mentioned that it may be possible to adopt some amendments, possibly an amendment which would allow nonconforming uses to be grandfathered.

It was a consensus of the Board of Aldermen that they would like for something to be done for Mr. Smith, since he would like to sell his property and retire. It was suggested that John Swift work on a resolution for this matter and the Board agreed that they all support a Comprehensive Land Use Study for the Town of Waynesville.

Release of Bond - Pinnacle Ridge Developers

Town Manager Galloway said in 1996, Pinnacle Ridge Developers (Bobby McKay, Jerry Smith, Bill George, Paul George and Kevin Ensley) put up a surety bond through Aetna Casualty and Surety Company in the amount of \$66,548, to assure the completion of improvements to their development off of Old Balsam Road near the intersection of Hyatt Creek Road and South Main Street at the former site of the Dayco Plant. The required improvements have been made and were actually completed prior to May 12, 1999. It is the staff's recommendation that the Mayor and Aldermen approve the release of the bond.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the release of the bond in the amount of \$66,548 for Pinnacle Ridge Developers as recommended. The motion carried unanimously.

Minor Subdivision Plat - Mr. David Austin, Eagle Nest Road

Mr. David Austin owns a 4.122 acre lot on Eagle Nest Road, shown on the Haywood County tax maps as parcel 8606-30-1561. The lot abuts the Hicks, McCord and Mangum properties. Mr. Austin seeks approval from the Board of Aldermen to subdivide the parcel into a 2.171 acre lot and a 1.951 acre lot. Public water is available to the lots and soil evaluation reports for septic tanks have been issued by the Haywood County Health Department. The subdivision plat meets and exceeds Town standards and Town Staff recommends the approval of the plat.

Alderman Feichter moved, seconded by Alderman Moore, to approve the minor subdivision plat for Mr. David Austin on Eagle Nest Road as recommended. The motion carried unanimously.

Cancellation of Regularly Scheduled Meeting of December 28, 1999

In the past, due to its proximity to Christmas, the second regularly scheduled meeting of the Town Board has normally been canceled. It has been suggested that the Board take a tour of the facilities owned and operated by the Town of Waynesville.

Alderman Moore moved, seconded by Alderman Caldwell, to cancel the regular meeting of December 28, 1999 and schedule a special meeting Wednesday, December 29, 1999, at 9:00 a.m. for the Board to tour the Town's facilities. The motion carried unanimously.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 8:45 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor