

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
JANUARY 25, 2000
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, January 25, 2000. 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 January 11, 2000

Alderman Feichter moved, seconded by Alderman Moore, to approve the minutes of the January 11, 2000 meeting as presented. The motion carried unanimously.

Public Meeting - Risk Management Plans and Offsite Consequence Analysis for Water and Wastewater Treatment Plants

Both the Waynesville Water and Wastewater Treatment Plants store chlorine in excess of the 2,500 pound threshold set by the Environmental Protection Agency. By storage in those volumes, the Town must develop and implement a Chemical Safety Risk Management Plan.

Water Plant Superintendent Kyle Cook and Wastewater Treatment Plant Superintendent David Smith have worked with Public Works Director Fred Baker to develop their plans, identifying what hazardous chemicals are stored at their facilities and to provide a plan to deal with a disaster. Both Kyle Cook and David Smith attended the meeting to participate in the discussion and address any concerns raised by citizens.

Kyle Cook reported that during the past five (5) years there have been no accidents at Waynesville's Water Plant. Mr. Cook said that they have complied with the requirements of the Environmental Protection Agency (EPA), including audits, investigations and that the Water Plant has created a policy in place to handle problems if they arise. Notification has been received from the EPA that the plan has been accepted.

Alderman Brown asked how the chlorine is received at the Water Plant and whether the deliveries are covered under the Town's regulations. Mr. Cook said that the chlorine is delivered by truck and that the shipments are covered by DOT regulations when they are on the road. Mr. Cook said that they receive chlorine shipments every 3 - 4 months and that the Town has been fortunate to buy from the same supplier for the past several years. He added that the Town has received good service from this company and their prices are reasonable. Alderman Feichter asked if there was a notification process for evacuation. Mr. Cook said that the Water Plant has a list of authorities to notify in case

of an emergency and there is an evacuation plan in place for the Water Plant employees. Mr. Cook said that the Water Plant still needs to install an alarm system for the outside employees. This will be placed in the budget for next year. The inside alarm system has already been installed.

David Smith, Wastewater Treatment Plant (WWTP) Superintendent, said that the same regulations that apply to the WWTP also apply to the Water Treatment Plant. Mr. Smith said that the WWTP has followed the same process and that the WWTP has the same process management plan in place. Mr. Smith said that the WWTP uses approximately 14 - 15 tons of chlorine per year, with one chlorine cylinder in use and four on hand. He added that the WWTP does not have their warning system installed at this time, but this will be budgeted in the next fiscal year.

Mayor Foy expressed appreciation for the terrific job that both Kyle Cook and David Smith are doing for the Town. Alderman Feichter added that while the Board of Aldermen toured the Town's facilities, she was impressed with the level of professionalism displayed by the employees.

Public Works Director Fred Baker said that if questions arise from the Board or from the citizens, they should contact Kyle Cook at the Water Treatment Plant or David Smith at the Wastewater Treatment Plant.

Alderman Brown moved, seconded by Alderman Caldwell, to enter into the records the acceptance of the plans as presented by the Water Treatment Plant and the Wastewater Treatment Plant. The motion carried unanimously.

Proposal to Purchase Property Next to Smathers Street, Between Fourth and Norris Streets, From Mr. Ben Smathers

At the last meeting, a proposal was presented from Mr. Smathers to settle the question of the location of a storm drainage line on his lot. He proposed that the Town either purchase the .434 acre parcel for \$25,000, relocate the storm drainage line off of his property; or he would remove the line.

Town Manager Galloway said that it would cost \$8,650 to relocate the storm drainage line. The Board authorized Town Manager Galloway to approach Mr. Smathers with an offer to pay him the same amount to purchase the property that it would cost to relocate the storm drainage line, or the authority to negotiate beyond that amount if necessary. This has been done, and Mr. Smathers has agreed to accept \$10,000 for the property. This will resolve all issues regarding the Town's use of his property for streets, utility poles, sewer lines and the storm drainage line.

Alderman Feichter moved, seconded by Alderman Caldwell, to purchase the property located next to Smathers Street, between Fourth and Norris Streets, from Mr. Ben Smathers, in the amount of \$10,000. The motion carried unanimously.

Request by Wildcat Property Homeowner's Association For Removal of Stop Sign on Wildcat Mountain Road

At the meeting of December 14, 1999, the Board voted to accept the recommendations of the street

and police departments for several traffic safety improvements along Sanctuary Drive. These included the placement of “Stop” signs on all streets connecting to Sanctuary Drive as well as both Sanctuary Drive and Wildcat Mountain Road where those two streets intersect. In addition, there were speed limits set and signs posted, and some reflective markers placed along the edge of the road. All of this work was accomplished earlier this month.

Almost immediately, the Town received telephone calls complaining about the “Stop” sign posted on Wildcat Mountain Road where it intersects with Sanctuary Drive. A formal request was received from Ms. Barbara Shiffler, President of the Wildcat Property Owner’s Association, requesting that the “Stop” sign be removed and replaced with a “Slow” sign.

There was some discussion regarding the “Stop” signs at Sanctuary Drive and Wildcat Mountain Road and which one should be removed. Town Manager Galloway said that Ms. Shiffler called the Town Hall this morning to say that she could not attend tonight’s meeting due to the recent snow. It was the consensus of the Board to delay action on this request until the next meeting, in order for Ms. Shiffler to attend at the meeting.

Resolution Identifying the Area Under Consideration for Annexation

Town Manager Galloway said that every two years, a municipality may adopt a “Resolution” which identifies areas which the Town might annex. This is in accordance with North Carolina General Statute 160A-49(I). By having this resolution in place, it would speed the process of an involuntary annexation. Without having the resolution in place, when the Town decided to annex an area, a Resolution of Intent to Annex would then have to be adopted and there would be a wait of one year after the adoption of the Resolution before the property actually came into the municipality. Town Manager Galloway added that this is not something that the Town is doing differently. This resolution identifies the same area that the resolution adopted two years ago identifies.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt the resolution identifying the area under consideration for annexation as presented. The motion carried unanimously. (Res. No. 1-2000)

Request for Utility Pole Relocation in Blink Bonny Subdivision

Town Manager Galloway said that during the autumn of 1999, the Town was contacted by a property owner in the Blink Bonny Subdivision about the location of a utility pole. At that time the property owner felt that the Town’s utility pole was on their property. The Electric Department personnel followed up on the complaint and relocated the pole to a point just behind the asphalt curb at the front of the lot. The new owner contacted the Electric Department again and indicated that the location of the pole was not satisfactory. They asked that it be moved seventeen feet to the south so that it was not directly in front of the spot where they wanted to place their modular home, or they wanted it relocated across the street. The relocation of the utility pole would create other problems, causing negative impacts to other, adjacent properties.

On December 1, Fred Baker, Robert Hyatt and John Yarborough approached Town Manager

Galloway to seek assistance in reaching a decision on the matter. They had been unsuccessful in reaching a solution which would be satisfactory to the property owner. Town Manager Galloway met with Robert Hyatt and John Yarborough at the site on the afternoon of December 1st and reviewed various alternatives to the situation. A cost analysis was made of each alternative, ranging from \$6,454 to add additional poles to move the pole off the right-of-way in front of the property in question to \$25,800 to remove the pole and put electric service underground. Relocating the pole eight feet would cost \$1,514 and would probably not be satisfactory to the property owner.

Ms. Fain and her father, Haley Grant, attended the meeting to present an appeal to the Mayor and Board of Aldermen. Ms. Fain said that the light from the utility pole shines directly into her window and she expressed safety concerns with the current location of the pole in times of inclement weather. Mr. Grant said that he had measured off 18 feet and did not feel that it should be a problem to move the pole this distance since he did not think that it would involve crossing or cutting trees on the adjacent property. Mr. Grant said that all the other poles in this area seemed to be on corner lots where properties join.

It was a consensus of the Board that Fred Baker and Haley Grant arrange a time to meet at the property to discuss the options and reach a resolution. A meeting time was arranged for 12:00 noon on Wednesday, January 26, 2000.

Mayor Foy asked Town Manager Galloway to talk with John Swift about the Town's requirement of a site plan for new homes, adding that this may help to avoid situations like this in the future.

Resolution Recommending Support for the Land and Water Conservation Program

Town Manager Galloway said that one of the main funding sources for so many park and recreation areas in North Carolina and other sections of our country is the Land and Water Conservation Fund. Manager Galloway said that during his 26+ years in local government, five of the six communities in which he served have been the recipients of grants through this Fund. He added that many of the facilities in the Town of Waynesville's Recreation Park are the direct result of funding from this program.

The North Carolina Recreation and Park Society has asked that local governments adopt resolutions in support of continued funding of the Land and Water Conservation Program.

Alderman Moore moved, seconded by Alderman Feichter, to adopt the resolution recommending support for the Land and Water Conservation Program. The motion carried unanimously. (Res. No. 2-2000)

Minor Subdivision Plat - Ron Muse - Laurel Ridge Country Club

Mr. Ron Muse is subdividing a 3.102 acre tract of land located on the left side of Number Two Fairway at Laurel Ridge Country Club. The "R-1" zoned property will be divided into three conforming lots. The subdivision meets or exceeds Town standards with the following exceptions:

1. Letter of approval from the Public Works and Utilities Director approving the main access drive;
2. Provide name on plat for the access drive;
3. Provide storm drainage plans and calculations;
4. Provide surety bond for water, sewer and drainage systems as well as for the private drive.

Ron Muse attended the meeting and said that this property was originally approved as a five lot planned unit development. Mr. Muse said that Laurel Ridge wanted fewer lots with larger buildings, and they asked that those buildings be moved as far away from the golf course as possible. Mr. Muse said that the access to these lots would be from the back of the property. A list of the four conditions was presented to Mr. Muse. He said that some of those conditions were in the process of being completed and that a fifth condition should be added to show the right-of-way going into lot #704 from lot #703 to allow access from the back of the property.

Alderman Brown moved, seconded by Alderman Moore, to approve the minor subdivision for Ron Muse at Laurel Ridge Country Club, subject to the four conditions recommended by town staff, as well as the fifth condition to show the right-of-way going into lot #704 from lot #703. The motion carried unanimously.

Request by Riley Inman - Oakdale Road

At the last meeting a motion was made and passed unanimously, to instruct Town Attorney Bonfoey to delay entering default for Riley Inman for failure to clean up the property on Oakdale Road until February 1, 2000. Mr. Inman said that the snow on the past Saturday had delayed his work in cleaning up the property. Alderman Caldwell and Alderman Feichter said that they have both visited the property and seen some progress in the work done by Mr. Inman.

Alderman Moore moved, seconded by Alderman Brown, to delay entering default for Riley Inman for failure to clean up the property on Oakdale Road until February 22, 2000. The motion carried unanimously.

Retreat Scheduled for February 18, 2000

Town Manager Galloway said that a tentative date of February 18, 2000 has been scheduled for the Board's Retreat. Bill Gibson and Steve Eller with Southwestern Commission will conduct the retreat. The Board will be notified as soon as this date is confirmed.

Discussion Regarding Sewer for Hawks Crest Development on 276

Town Manager Galloway said that a memo was in each Board Member's mailbox regarding the sewer service line coming from the Agricultural Center. The contractor has quoted a price of approximately \$16,000 to bore underneath the road to reach the Hawks Crest Development. This development is already connected to the Town's sewer and a pump is used to pump the sewer into the Town's lines. The pump has caused odor problems in the Thomas Park area. Public Works Director Fred Baker said that several years ago, the Hawks Crest Developer approached the Town

with a petition for annexation. At that time the Board rejected the request for annexation because the roads were substandard and there were inadequate right-of-ways. However, the board allowed the development to connect to the Town's sewer using a pump to pump the sewer from the development to the Town's sewer line. Mr. Baker said that if the development is connected directly to the Town's sewer it will eliminate the odor complaints from the Thomas Park area during the summer months.

The property owners of this development met with Town Manager Galloway and have asked that they not be required to petition for annexation at this time. In order to connect to the Town's sewer, the property owners will need to pay the \$16,000+ to bore underneath the road. A decision will need to be made within the next couple of weeks. Otherwise, if a contractor has to come back at a later time to do this work the amount could be much greater. Manager Galloway said that there are thirty-two property owners, and that only ten property owners live in this development year round. There are currently twenty-eight houses and four vacant lots. However, there are sixty-six undeveloped lots at the back of this development. Town Manager Galloway said that the property owners realize that once this property is contiguous to the city limits, they could be annexed.

It was the consensus of the Board to consider annexation of this property at a later time. The property owners will not be required to petition for annexation in order to connect to the Town's sewer, since technically they are already connected to the sewer and that approval was given by a previous Board. However, the property owners will need to pay the fee to bore underneath the road and connect to the Town's sewer.

Request by Alderman Caldwell for Reviewal of State Law Regarding Junked Vehicles

Alderman Caldwell asked if there were any changes in State Law which would allow the Town to require junked vehicles which are involved in businesses to be removed. Alderman Caldwell said that he continues to receive complaints regarding Sutton's Automotive located on South Main Street. Town Manager Galloway said that the State Law reads in such a way that junked vehicles are not in violation of the Town's junked vehicle ordinance if they are used in connection with a business. Town Manager Galloway said that in order to change State Law, the Board of Aldermen should write to their Legislators and request a change. Town Manager Galloway will ask Code Enforcement Official Jack Morgan to investigate Sutton's Automotive on South Main Street to see if other violations of the Town's ordinances may exist or if dangerous situations with leakage of anti-freeze, etc. may exist.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 8:15 p.m. The motion carried unanimously.

Phyllis R. McClure

Henry B. Foy

Town Clerk

Mayor