

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
SEPTEMBER 26, 2000
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, September 26, 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 September 12, 2000

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the September 12, 2000 meeting as presented. The motion carried unanimously.

Adoption of Paving Policy

At the last meeting approximately 20 residents of Valley View Terrace attended the meeting to request that their street be resurfaced with asphalt rather than the recently applied "chip seal". It was the consensus of the Board to study the issue for a couple of weeks before making any decisions.

Public Works Director Fred Baker attended the meeting and explained the different types of paving used on the Town's streets, asphalt overlay and bituminous surface treatment (bst), commonly referred to as "chip seal". Asphalt overlay is used on the majority of streets in Town. In the past, streets with low volume traffic have been paved using BST. Asphalt overlay costs about four times as much as BST, but lasts about twice as long. Mr. Baker explained that using BST has advantages on some of the steeper streets during inclement weather conditions. Mr. Baker proposed adoption of the following paving guidelines:

To consider using BST for paving on streets which meet the following conditions:

- 1) If the street is located at an elevation of more than 2,850 feet; or
- 2) If the elevation is less than 2,850 feet and has:
150 vehicles or less per day; or slopes of 12% or greater.

Mr. Baker pointed out that if these guidelines are adopted it will increase the Town's paving budget by approximately 10% per year.

Town Manager Galloway said that the Town receives approximately \$380,000 in Powell Bill monies each year. A recent change now allows some of this money to be spent on sidewalk projects and the Town spends \$60,000 - \$80,000 per year for this purpose. Mr. Baker said that the Town also has 12 bridges and recently completed a \$285,000 project on the Scates Street bridge. Both Manager Galloway and Public Works Director Fred Baker felt that the Town should continue using the BST method of paving to stay within the paving budget each year.

Alderman Feichter said that she would be willing to adopt a policy which is fair and equitable, and she did not feel that the "chip seal" type of paving could be totally eliminated. Mayor Foy said that this type of surface does have its place; however he did not feel that Valley View Terrace was a suitable location for this type of paving. Alderman Caldwell and Alderman Moore felt that Valley View Terrace should be repaved using asphalt overlay. Alderman Caldwell also felt that residents should be notified before "chip seal" is used on their street.

Alderman Brown moved, seconded by Alderman Feichter, to adopt the paving policy recommended by Public Works Director Fred Baker. The motion carried with three (3) ayes (Brown, Feichter and Foy) and two (2) nays (Caldwell and Moore).

Decision Regarding Paving on Valley View Terrace

Alderman Moore moved, seconded by Alderman Caldwell, to repave Valley View Terrace with 1" I-2 surface pavement. The motion carried with four (4) ayes (Caldwell, Feichter, Foy, Moore) and one (1) nay (Brown). Public Works Director Fred Baker will contact WNC Paving to proceed with this work. Mr. Baker said that the asphalt plant will be open until December 1st and he felt that this work can be completed during the months of October or November, 2000.

Final Plat - Town Ridge Development - Dick McCotter

Attorney Jack Kersten, representing Dick McCotter, attended the meeting to request approval of a 35 lot subdivision. Mr. Dick McCotter owns a 44 acre tract of land at the end of Government, First, Second, Garner and Fourth Streets. The 35 lots represent Phase I of the Town Ridge Development totaling 18.161 acres. The property is zoned "R-4" Medium Density Residential District with mobile homes and Town Staff recommends approval of the plat with the following condition: that a surety bond be provided for sidewalk repairs and landscaping.

Attorney Kersten had some questions regarding bonding for landscaping. Attorney Bonfoey suggested the possibility of placing a lien on the property that the owner comply with the landscaping on each individual lot if sold before landscaping is done. If the area to be landscaped is the common area it is clear that this could be bonded the same as any infrastructure.

Alderman Brown moved, seconded by Alderman Feichter to approve the 35 lot final subdivision plat for Town Ridge Development as requested subject to a surety bond for sidewalk repairs and landscaping. The motion carried unanimously.

Public Hearing - Amendments to Sections 154.006, 154.107.1 and 154.033 Regarding Group Homes for Developmentally Disabled Adults

The Planning Board unanimously recommended amendments to Chapter 154 regarding Group Care Homes to permit nine (9) bed facilities as a permitted use in all residential districts. The amendments also require a one-half mile distance between each Family Care Home and each Group Care Home as well as a one-half mile separation between Family Care Homes and Group Care Homes. All Group Care Homes located within the Town's land use jurisdiction currently have six or less beds and it is unlikely that a facility of more than six beds will be constructed because of the enormous construction cost. The Planning Board believes Group Care Homes to be a residential use of property which should be permitted in all residential zoning districts and seven, eight or nine bed

number of members on the Community Appearance Commission from seven (7) to nine (9). The motion carried unanimously. (Ord. No. 24-00)

Public Hearing - Adding Section 154.083 to Add Section Regarding Neon

The Historic Preservation Commission asked town staff to draft an amendment to the sign ordinance to eliminate neon signs from being constructed on the exterior areas of commercial or industrial zoned buildings. The Commission felt neon signs are not compatible with other permitted signs and they create a community appearance problem. The proposed amendment was reviewed and recommended by the Planning Board by a vote of four (4) ayes and three (3) nays. The proposed amendment will still allow the placement of neon signs on the inside of windows and door lites. The proposed amendment is as follows:

Amend Section 154.083 to add the following:

154.083(B)(6) Neon Signs. Neon signs are prohibited unless they are attached to the inside of windows and/or door lites.

Attorney Bonfoey opened the public hearing. Ron Fleenor, Historic Preservation Commission (HPC) Member, said that there are some neon signs in Waynesville which the HPC felt were done in bad taste and the Commission requested that John Swift draft an ordinance to ban neon signs on the outside of buildings. Mr. Fleenor suggested that regulations regarding neon signs be adopted if they are not banned.

Philan Medford, 99 Pisgah Drive, said that “Sense of Place” is what identifies and makes a community special and she supported the banning of neon signs completely. Ms. Medford explained that businesses which usually have neon signs (i.e. McDonald’s) also have other signs which can be installed in the place of the neon signs. She added that statistics show that the banning of neon signs has not hurt development in other communities. Attorney Bonfoey closed the public hearing.

Alderman Feichter said if neon signs are banned, existing neon signs would be grandfathered in. Attorney Bonfoey pointed out that the Town adopted an Ordinance fifteen years ago which allowed neon signs. There were some questions regarding the wording of the proposed amendment and Board Members felt that some clarification was needed.

Alderman Moore moved, seconded by Alderman Caldwell, to return the proposed amendment to the Planning Board for clarification. The motion carried unanimously.

Report from Town Clerk Regarding Petition for Voluntary Annexation by Martin & Elizabeth Sheveling, 116.8 Acres - Fiddlin Lane at Laurel Ridge

At the meeting of September 12, 2000, Mr. And Mrs. Sheveling submitted a petition for annexation of their property into the Town. At that time, a resolution was adopted instructing Town Clerk Phyllis McClure to investigate the sufficiency of the petition. That has been done and the petition was found to be sufficient to meet the requirements of the State Law.

Alderman Moore moved, seconded by Alderman Feichter, to adopt a resolution to set the date of the public hearing regarding the annexation request for Tuesday, October 10, 2000. The motion carried

unanimously. (Res. No. 21-00)

Reappointments - Parks and Recreation Advisory Commission

The terms of Don Frady and Kitty Eaker on the Parks and Recreation Advisory Commission will expire on September 30, 2000. Both Mr. Frady and Ms. Eaker have agreed to serve an additional three year term on the Commission.

Alderman Moore moved, seconded by Alderman Feichter, to reappoint Don Frady and Kitty Eaker to serve on the Parks and Recreation Advisory Commission. Their terms will expire on September 29, 2003. The motion carried unanimously.

Erect Plaque in Memory of Donnie Pankiw at the Waynesville Tennis Courts

Parks and Recreation Director Mike Smith requested, on behalf of the Pankiw family, the erection of a plaque in memory of Donnie Pankiw. This request was endorsed by the Parks and Recreation Advisory Commission.

Donnie Pankiw was a young man who exemplified the Christian athlete both on the court and in the classroom. Donnie was 20 years old when he and three teammates and their coach were tragically killed in a motor vehicle accident in May of 1977 while on their way to the sectional playoffs. Donnie was three days from graduation from Anderson Junior College where he was to have graduated Magna Cum Laude. Donnie played No. 1 singles for the Tuscola Tennis Team and finished his high school career with a record of 35-3. His fondest personal memory was that he never lost a match at home. During his senior year, he was named Outstanding Athlete of Western North Carolina.

For a number of years, the Waynesville Recreation Department sponsored the Donnie Pankiw Memorial Open Tennis Tournament with the support of a number of private sponsors. In recent years, the participation in this tournament has dropped, and the Department made several changes hoping to spur interest and increase the participation. Regardless of these efforts, in 1999, participation dropped to the point that some of the divisions in the tournament had no entries. In the 2000-2001 fiscal year, the department decided to discontinue the tournament.

Alderman Feichter moved, seconded by Alderman Caldwell, to approve the placement of a plaque at the Waynesville tennis courts in memory of Donnie Pankiw. The Parks and Recreation Advisory Commission will be responsible for handling this plaque. The motion carried unanimously.

Application to North Carolina Housing Finance Agency for \$300,000 Housing Rehabilitation Grant

The Town has recently received information from Benchmark, Inc., about the Single Family Home Rehabilitation Program Grants available from the N.C. Housing Finance Agency. A grant of \$300,000 is available and would be used for the rehabilitation of eleven or more homes. These funds are different than Community Development Block Grant Funds in that assistance under the Housing Finance Agency is given in the form of a zero percent interest, thirty year deferred loans, repayable to the Agency. These funds are restricted to owner occupied dwellings.

Under the proposal from Benchmark, they would prepare the application for the grant at no cost to

the Town, and if awarded, that firm would be used to administer the grant. While no matching funds are required, Benchmark suggests that the Town offer to contribute \$11,000 toward the program as traditionally, those communities that make a pledge of some funds have been more likely to be funded than those which do not. This \$11,000 would not be required until the 2001-2002 budget and could be incorporated during the budget workshops next spring. The deadline for the application is September 29.

Alderman Moore moved, seconded by Alderman Feichter, to approve the application to the North Carolina Housing Finance Agency for \$300,000 Housing Rehabilitation Grant and to approve the \$11,000 pledge as recommended by Benchmark. The motion carried unanimously.

Award of Bid - Water Tanks on Eagle Nest Mountain

On Thursday, September 14, bids were opened for the construction of the water tanks on the third phase of the Town’s water system on Eagle Nest Mountain. The fourth phase tank and the water lines necessary to connect that tank to the Town’s system will be paid entirely by Mr. Sherrill Johnson who is developing the property on the north side of Eagle Nest Mountain.

In addition to funding the fourth phase of the system, Mr. Johnson is also funding a significant share of the third phase water tank as well as pump station upgrades necessary to boost water in sufficient volumes to satisfy the upper systems. The bids were received as follows:

Description	Quantity Unit		The Crom Corp.		Precon Corp.	
			Unit Price	Amt	Unit Price	Amt.
Div. I: PHASE III TANK						
a) Mobilization, Bonding Temporary Facilities	L.S.	L.S.	L.S.	\$15,000	L.S.	\$6,000
b) Allowance for Testing			\$ 5,000	5,000	\$ 5,000	\$5,000
c) Rock Excavation	1000	c/y.	\$ 40	\$400,000	40	\$40,000
d) 160,000-Ga. Prestressed Concrete Tank Construction	L.S.	L.S.	L.S.	\$222,000	L.S.	\$227,000
Subtotal, Division I				\$282,000		\$278,000
Div. II: PHASE IV TANK						
a) Mobilization, Bonding, Temporary Facilities	L.S.	L.S.	L.S.	\$ 15,000	L.S.	\$ 5,000
b) Allowance for Testing			\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
c) 160,000-Gal. Prestressed Concrete Tank Construction	L.S.	L.S.		\$120,000		\$190,387
Subtotal, Division II				\$140,000		\$200,387
TOTAL BID - DIVISIONS I & II				\$422,000		\$478,387
If awarded both Divisions, Deduct:				\$ 21,000		\$ 3,000

Public Works Director Fred Baker said that the bids submitted were considerably higher than expected. However, he felt confident that he could negotiate the amounts to within 10% of contingency. If not, he recommended that an alternative design be considered. Mr. Baker has discussed this with the low bidder, Crom Corporation, and recommends that the bid be awarded to Crom Corporation, contingent upon successful negotiations.

Mr. Baker said that the Town has received \$75,000 from Sherill Johnson and \$50,000 from Piedmont Golf Development Corporation, leaving the Town's portion at \$50,000 for the Division I Project. The Division II Project is to be paid entirely by Mr. Johnson. If both projects are done at the same time the cost will be lower. Bids were higher than expected based upon the expected rock excavation during site preparation. This expense may not be necessary according to the test dig.

Alderman Brown moved, seconded by Alderman Caldwell, to accept the low bid from Crom Corporation, contingent upon negotiations by the Town Manager and Town Engineer successfully obtaining a bid that meets the budget within a 10% contingency, and based upon the receipt of monies to be paid by Sherill Johnson for the Division II water tank project. The motion carried unanimously. (Cont. No. 12-00)

Award of Bids on Wastewater Plant Screw Pumps

On Wednesday, October 20, the Town accepted bids on screw pumps for the wastewater treatment plant. These bids are now being reviewed by the engineers on this particular project, Mattern and Craig. The bids were received as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Allowance 1</u>	<u>Total Bid Price</u>
Buckeye Construction Co., Inc.	\$203,050	\$144,950	\$348,000
Clark & Leatherwood, Inc.	\$228,879	\$144,950	\$373,879
J. S. Haren Company	\$219,050	\$144,950	\$364,000
Mountain Shore Construction Co.	\$174,750	\$144,950	\$319,700
S. L. Wilson, Inc.	\$290,050	\$144,950	\$435,000

Public Works Director Fred Baker said that the pumps at the Wastewater Treatment Plant are over twenty years old and obsolete. The potential for a wastewater spill to Richland Creek is greatly reduced by this project. The Town budgeted \$240,000 for this project and Mr. Baker did not feel that better bids could be received by rebidding. The low bidder, Mountain Shore Construction Co. built the Eagle Nest pump station and the Town was pleased with their work. It is recommended that the bid be awarded to Mountain Shore Construction Company in the amount of \$319,700.

Alderman Caldwell moved, seconded by Alderman Feichter, to award the bid for the wastewater plant screw pumps to Mountain Shore Construction in the amount of \$319,700. The motion carried unanimously. (Cont. No. 13-00)

Action Regarding Maple Grove Sewer Line

Town Manager Galloway said this past spring there were problems in securing easements for one property for a sewer line between the Maple Grove Methodist Church and Route 19. An easement

was needed to get around a storm drainage culvert behind the former location of the Country Food Store at the corner of Russ Avenue and Route 19. The owners of the property refused to sign the easement, and Public Works Director Fred Baker has been working with McGill Associates to find an alternate route.

The engineers have found an alternate route and the individuals along that route are agreeable to signing the easement. A revised cost estimate was prepared and came in at \$216,000 which was more than what was originally expected. At their meeting on September 11, 2000, the Haywood County Commissioners voted to proceed with this project if the Town of Waynesville will maintain the prior agreement to pay 50% of the cost. In the 2000-2001 budget, the Town has an estimate of \$210,000. In the spring, the Town Board voted to abandon the project if an easement could not be secured around the storm drainage culvert. Because of that action, and with the slightly higher cost, it was felt that approval was needed from the Board to proceed with the alternate route.

Alderman Moore moved, seconded by Alderman Caldwell, to proceed with the Maple Grove sewer line project and accept the alternate route, splitting the cost 50% with Haywood County. The motion carried unanimously.

Adoption of Fees for Recreation Center

Parks and Recreation Director Mike Smith presented a proposed fee schedule for the Town’s new Recreation Center and the Waynesville Parks and Recreation Department Revenue Policy. Since the Haywood County Commissioners contributed \$140,000 toward the operating costs of the new center, it is proposed that for the first year, the fees charged for those who live outside the town be the same as the fees charged to those who live inside the town. It is recommended that decisions about non-resident fees to be charged after July 1, 2001, be delayed until after the County Commissioners determine the level of funding for Waynesville Recreation in the 2001-2002 fiscal year budget. Monthly reports will be prepared for presentation to the Haywood County Commissioners. The proposed fees are as follows:

<u>Membership Category</u>	<u>Daily</u>	<u>Monthly *</u>	<u>12 Visit Punch Card</u>	<u>Quarterly</u>	<u>6Months</u>
Family (max 4 members)**	\$15	\$45	\$120	\$147	\$282
Family (max 2 members)	\$ 8	\$35	\$ 60	\$117	\$222
Individual (adult-16 years & up)	\$ 5	\$25	\$45	\$ 87	\$162
Individual (child - ages 5 - 15)	\$ 3	\$15	\$27	\$ 57	\$102
Special (Sr. Citizen/Handicapped)	\$ 3	\$15	\$27	\$ 57	\$102

Children under age 5 are free

* Must sign up for year membership. Penalty for failing to keep the membership for the specified time = paying for the whole year in one lump sum the next time you register for membership.

** \$10 for each *additional* family member.

Corporate Rate Minimum of 5 employees \$20/per month/per person*

Town of Waynesville Employees

Town of Waynesville Employees and their immediate family members will receive free memberships to the Recreation Center. Immediate family member is defined as employee, spouse, or dependent children as outlined in our insurance guidelines. Member fees for programs and activities will still apply.

Alderman Feichter pointed out that the Wellness Committee encourages employees to participate in activities to improve their health. This past year has been a good year for employees which results in improved insurance rates for the Town. It was felt that free memberships to the Recreation Center is a good benefit for the Town's employees.

Alderman Brown moved, seconded by Alderman Feichter, to adopt the proposed fee schedule for the Town's new Recreation Center effective through June 30, 2001. All one year passes sold during that time will be renewable upon the one year anniversary. The motion carried unanimously.

Appointment - Community Appearance Commission

One of the Community Appearance Commission Members, Ms. Barbara Coulter, has submitted her resignation on the Commission. Mr. Ralph Feichter has expressed a willingness to serve on this commission, to fill the unexpired term of Ms. Coulter which will expire on March 1, 2003.

Alderman Moore moved, seconded by Alderman Caldwell, to appoint Mr. Ralph Feichter to fill the unexpired term (until March 1, 2003) of Ms. Barbara Coulter on the Community Appearance Commission. The motion carried unanimously.

Jerry Biller - 56 Titleist Drive - Water Problems

Mr. Jerry Biller, a resident at 56 Titleist Drive, requested time to speak to the Board regarding water problems. Mr. Biller said that he has lived in Waynesville for twenty years and was concerned with several water problems experienced at times in the Little Mountain area. Several years ago an ice storm moved through the area, leaving the residents without water for several days because the pumps required to serve this area were without electricity from Carolina Power and Light Company. Mr. Biller said that since he is at the end of the water line, water quality at times has also been poor, containing sediment and causing him to lose a couple of ice makers.

Mr. Biller said that several months ago, the Town contacted him regarding the replacement of his water meter because it was located in an area where automobiles were running over it and causing damage. Mr. Biller said that he had placed a pressure reducing valve and shut off with bleeder at the meter and the Town failed to replace these items when the water meter was replaced. On Labor Day weekend the water line broke at Mr. Biller's residence between the meter and the house. When he dug the line up he discovered that the pressure reducing valve and shut off were not replaced. Mr. Biller felt that this is the reason why the water line broke and he now had an \$85 water bill to pay.

Mr. Biller also expressed concern regarding the fire hydrants in the area which may not work properly and some drainage pipes which were left exposed and should have some type of warning. He felt that the Town should buy a generator to operate the pump stations in times of power outage.

Public Works Director Fred Baker said that the Town inherited this substandard water system from the developer, but with improvements made by the Town some things that have happened in the past

should not occur again. This system was built using 2" water line, which is inadequate for placement of fire hydrants. After this property was annexed in 1991, the Town began installing 6" water line and upgrading the system. Town Manager Galloway added that the new water tank serving this location has been in service for approximately 6 months. Mr. Baker said that he was unaware that these problems were continuing at Mr. Biller's location and since this is the end of the line there should be a flushing program in place. Mr. Baker said that he was told by the Town's crew that the water meter was moved at Mr. Biller's request about one year ago. He felt that if there was a problem with the pressure reducing valve it would have been evident at that time.

It was the consensus of the Board to request that Assistant Public Works Director Robert Hyatt meet with Mr. Biller on the morning of September 27 to attempt to resolve these issues.

Minor Subdivision Plat - John and Patricia Daniel

John and Patricia Daniel own a 7.646 acre tract (Lot #81 - Laurel Ridge Country Club) of property on High Ridge Road. The property is located in the "R-1" Low Density Residential District and the Daniels are requesting approval to subdivide the tract into a 3.155 acre lot and a 4.491 acre lot. The subdivision plat meets or exceeds Town standards and Town Staff recommends approval of the plat with the following condition: submit a revised plat the Town which contains certification blocks for the Town Manager and the Town Clerk to sign.

Alderman Feichter moved, seconded by Alderman Caldwell, to approve the minor subdivision plat for John and Patricia Daniel as requested, subject to the revision of a plat which contains certification blocks for the Town Manager and Town Clerk to sign. The motion carried unanimously.

Adjournment

With no further business, Alderman Moore moved, seconded by Alderman Caldwell, to adjourn the meeting at 9:28 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor