

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
MARCH 27, 2001  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held its regular meeting on Tuesday, March 27, 2001. 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 March 13, 2001

Alderman Caldwell moved, seconded by Alderman Feichter to approve the minutes of the March 13, 2001 meeting as presented. The motion carried unanimously.

Request by Tax Collector Regarding Advertisement of Delinquent Taxes

Tax Collector James Robertson requested approval by the Board to advertise unpaid real estate taxes. Under State law, the Tax Collector of a municipal or county government is required to advertise any unpaid real estate taxes during the spring of each year. This must be done in the months which follow the last day to pay without interest charges, which is January 6 of each year. Once these have been advertised, unless an outside source pays the taxes and secures or purchases a lien against the property, the Town will have a lien against the property for the unpaid taxes. Mr. Robertson said that he has from March until June to advertise and the earlier the advertisement is done the better the collection rate is.

Alderman Feichter moved, seconded by Alderman Caldwell, to authorize Tax Collector James Robertson to proceed with advertising the unpaid real estate taxes. The motion carried unanimously.

Request of Tax Collector for Authority to Allow Haywood County Sheriff's Department to Assist With Collection of Unpaid Personal Property Taxes

Tax Collector James Robertson reported that since the Board authorized him to use all legal means to enforce the payment of unpaid taxes he has been successful in his efforts and has completed several bank garnishments. Mr. Robertson explained that he has worked closely with Haywood County Tax Collector David Francis in his collection efforts. This means of collection is used mainly for unpaid real estate property taxes. However, unpaid personal property taxes are more difficult and he requested authorization to request assistance from the Haywood County Sheriff's Department in these situations, since it involves someone actually going to the location where the personal property is located on which taxes have not been paid and taking the personal property. Mr. Robertson added that this is a last resort measure; he does everything in his power before taking this

action.

Alderman Moore moved, seconded by Alderman Brown, to authorize Tax Collector James Robertson to request help from the Haywood County Sheriff's Department in the collection of unpaid personal property taxes. The motion carried unanimously.

Town Manager Galloway said that James Robertson has put forth a lot of effort since becoming Tax Collector and he commended Mr. Robertson for those efforts. Manager Galloway added that in preparing this year's budget it was estimated that \$200 would be collected in the delinquent 1990 taxes. So far \$2,600 has been collected for 1990. Other years also have an increase in collection. Alderman Feichter said that tax collection was not a pleasant task but was a necessary task. Alderman Feichter, along with the other Board Members thanked Mr. Robertson for his work.

Mr. Robertson thanked the Board for their support which has allowed him to be successful in his collection efforts.

#### Presentation by Good Samaritan Clinic

Mark Clasby, Good Samaritan Clinic Board Member, attended the meeting to explain the work of the Clinic and the accomplishments of the past year and goals for the future.

Mr. Clasby said that the Good Samaritan Clinic opened approximately two years ago, in February 1999, beginning with Dr. Donald Teater and Executive Director Ginny McNair. The program provides primary medical care for persons aged 18 - 64 who are without medical insurance. The program has been very successful, working from three locations, Canton, Haywood Christian Ministries and Robinson Street. Since Haywood Christian Ministries is moving, the County has agreed to rent a house located behind the Health Department to the Clinic for \$1/year for the next ten years. During their time of operation since 1999, the Clinic has seen 1,400 persons. Medical treatment is also provided to inmates in the Haywood County Jail. Doctors in Haywood County and the Haywood Regional Medical Center provide diagnostic measures such as MRI's. Case management is provided for those cases in which psychological assistance is needed.

The Clinic also operates a prescription assistance program which has helped 256 people so far, mainly the elderly with Medicare which does not cover the complete cost of their prescriptions. Pharmaceutical companies offer free medications, however there is a lot of paperwork involved. One person handles this medication program for the clinic at a cost of \$16,000 per year. The Clinic is requesting assistance from the Town in the amount of \$5,000 during the next fiscal year. The Clinic has a total budget of \$150,000. Mr. Clasby added that the Clinic is currently helping Jackson County establish a similar program.

No action was necessary. The Board will consider the request by the Good Samaritan Clinic during their upcoming budget workshops.

#### Welcome to Girl Scout

Mayor Foy welcomed Rachael Sharpton and her mother Ms. Ruth Sharpton to the meeting. Rachael is a Girl Scout with Troop #093 and she is working on her Leadership Medal.

Award of Bids on Sludge Belt Press

Town Manager Galloway said that bids were opened on Tuesday, March 20 for a sludge belt press to be located at the Wastewater Treatment Plant. McGill Associates designed a plan for the replacement of this equipment and the bid proposals have been reviewed by McGill. The first time bids were received on the sludge belt press only two were received. The bids were readvertised and two bids were again received. Three bids are required the first time; however, two bids are acceptable if readvertised for a second time. The bids were as follows:

<u>Bid Item</u>	<u>Enviroquip, Inc.</u>	<u>Ashbrook Corporation</u>
Base Bid - Belt Press and Associated equipment	\$233,200.00	\$260,323.00
Alternate Bid No. 1 - Sludge Feed Pump	\$ 7,150.00	\$ 9,653.00
Alternate Bid No. 2 - Polymer Feed System	\$ 36,000.00	\$ 57,018.00

McGill Associates have recommended that the bid be awarded to Enviroquip, Inc., using Alternate Bid No. 1 for a total bid of \$240,350. The estimated costs for installation of the equipment brings the total to \$327,850. If this bid is awarded, the Town can order the equipment and begin taking proposals for this installation. \$340,000 is available in the Town's budget for this purpose.

Alderman Moore moved, seconded by Alderman Feichter, to award the bid for the sludge belt press to Enviroquip, Inc., using Alternate Bid No. 1 for a total bid of \$240,350. The motion carried unanimously.

Minor Subdivision Plat - Millard Earl Buchanan

Mr. Earl Buchanan owns a 15.54 acre lot a 147 Little Horse Road (off Wolfpen Road). The property is zoned "R-1" Low Density Residential and Mr. Buchanan is dividing his property to transfer a 1.013 acre parcel to his son. The subdivision plat meets or exceeds Town standards and Town Staff recommends approval of the plat.

Alderman Brown moved, seconded by Alderman Feichter, to approve the minor subdivision plat for Mr. Millard Earl Buchanan as presented. The motion carried unanimously.

Minor Subdivision Plat - Ingles Markets, Inc.

Ingles Markets is requesting approval of a four-lot minor subdivision plat. They are splitting a 3.899

acre tract of land located at the corner of Russ Avenue and Barber Boulevard. Part of the property is zoned "C-3" Highway Commercial District, and the other portion of the property is zoned "C-2" Secondary Business District.

Mr. Chuck Brown, with Charles K. Brown and Company attended the meeting on behalf of Clyde Savings to present the request for approval of the minor subdivision. Clyde Savings would like to purchase the corner lot on which to build a branch office and has an agreement with Ingles for the purchase of this lot with the condition that Clyde Savings get approval of the minor subdivision. Mr. Brown said attempts have been several times over the past few years to sell and/or develop this vacant property. However, there were problems in finding a "proper balance" with both the Town and the NC Department of Transportation. Mr. Brown said that Clyde Savings has been working with the Town over the past two years to attempt to resolve some of these issues.

At one time, there was a request to access Russ Avenue from all three of the lots facing Russ Avenue which was not approved. The subdivision as presented tonight allows access to the property from Barber Boulevard with a right in only lane and a right out only lane onto Russ Avenue. Town Manager Galloway said that a perfect solution would be for the N.C. Department of Transportation to approve a traffic light and cut onto Russ Avenue directly across from Frazier Street. However, this did not seem to be a possibility. Manager Galloway added that the design as presented was the best design that has ever been presented for this property.

Chuck Brown explained that the Clyde Savings building will face Russ Avenue with parking in front of the building for security purposes. The drive-thru will be located in back of the building. Photographs of other Clyde Savings buildings were presented.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minor subdivision for Ingles Markets, as presented by Clyde Savings, subject to the following conditions:

- 1) Water lines must be engineered and approved by the Town for lots 3 and 4. The construction of the water lines must be bonded or a letter of credit must be issued for their completion.
- 2) Construction of the sidewalks must be bonded.
- 3) The right turn lanes from Russ Avenue and onto Russ Avenue must be approved by the N.C. Department of Transportation.

The motion carried unanimously.

Although Clyde Savings is requesting approval of the minor subdivision, the property is owned by Ingles Markets, Inc. If all the conditions are met and the sale of the property is complete for lot #1 to Clyde Savings, they will then seek site plan approval from the Town.

#### Request by Haywood County Commissioners to Supply Water to the Barber's Orchard Area

At the meeting of March 13, 2001, there was discussion regarding the possibility of extending water from the Town of Waynesville to the residents in the Barber's Orchard area. Grant monies have been applied for by Haywood County and they plan to apply for more. If all grant monies are

received, they would total 2.3 million. A draft contract and agreement was presented by Haywood County for review and approval by the Town and Waynesville.

Manager Galloway highlighted part of the contract which included obligations of both Haywood County and Waynesville. Two pump stations would be required for this project. Those homes at higher elevations which require a pump would pay the minimum fee plus pumping fees. The County has set a minimum rate of \$16.40 per month for a 2,000 gallon minimum. If one pump is required, those persons would pay an additional \$6/month and if two pumps are required, an additional \$12/month would be required. (\$6/month/pump) Rates will be established by the Haywood County Commissioners and shall never be less than the Town's water rates for customers of a similar rate class or classes as may be set and approved by the Town Board of Aldermen, The Town shall notify the County Commissioners of any proposed change in the Town's water rates sixty (60) days before the new rates are to take effect. The new water system shall be constructed according to plans and specifications approved in writing by both the County and Town prior to the commencement of the construction. The Town will be solely responsible for the operation and maintenance of the water system after construction has been completed and the County turns over the operation and maintenance to the Town.

Manager Galloway said all those persons who are now inside Waynesville's corporate limits and currently receive water will continue to pay the Town's water rates. The Town will read the meters, bill customers and collect fees for the new system. After recouping the Town's costs, any additional money will be turned over to Haywood County.

Alderman Brown expressed concerns with the costs associated with pumping fees. Alderman Brown asked if the County was going to adopt a mandatory connection ordinance. His concern was that there may not be as many water connections as the County expects and the Town could be responsible for extra, unanticipated costs. Some Board members felt that there were a large number of people located along the Old Balsam Road who want to connect to the Town's water, as well as those residents who have wells which may be contaminated in the Barber's Orchard area.

Alderman Caldwell moved, seconded by Alderman Feichter, to accept and approve the contract and agreement between the Town of Waynesville and Haywood County to provide water service to the Barber's Orchard Community, with the clarification of 2c as follows: "Said rates may be amended from time to time by the County Commissioners and shall never be less than the Town's water rates for customers of a similar rate class or classes as may be set and approved by the Town Board of Aldermen." The motion carried with three ayes (Caldwell, Feichter, Foy) and two nays (Brown, Moore). (Cont. No. 4-01)

#### Petition for Annexation - Elise Palmer - 150 Francis Farm Road

At the meeting of March 13, a request was received from Ms. Elise Palmer to waive the annexation requirement and allow the connection to the sewer for one dwelling located at 150 Francis Farm Road. It was the consensus of the Board to enter into an agreement with Ms. Palmer which gives the Town the right to annex the property at a later time. The agreement will be recorded at the Haywood County Register of Deeds Office and will not only be binding for the present property

owner, but any property owner thereafter. Ms. Palmer was instructed to submit a petition for annexation and upon receipt of the petition, Town Clerk Phyllis McClure was instructed to investigate the sufficiency of the petition.

The petition for annexation was submitted on Friday, March 23 and a report was presented by Town Clerk McClure that the petition met the requirements for annexation.

Alderman Brown moved, seconded by Alderman Caldwell, to approve the sewer tap as requested by Ms. Elise Palmer subject to the execution of the agreement by Ms. Palmer. The motion carried unanimously.

Alderman Feichter moved, seconded by Alderman Caldwell, to set the date for the public hearing regarding the petition for annexation presented by Ms. Elise Palmer for the 13 acres located at 150 Francis Farm Road, for Tuesday, May 8, 2001. If the agreement is executed before this time, the public hearing will be canceled. The motion carried unanimously. (Res. No.10-01)

#### Board of Aldermen Retreat - Wednesday, April 4, 2001

Town Manager Galloway said that the Board of Aldermen's Retreat will be held Wednesday, April 4, 2001 at the Waynesville Country Club. The meeting will begin at 8:00 a.m and continue until 5:00 p.m. Future issues facing the Board will be discussed.

#### Complaints Regarding Property at 32 Broad Street

The Board discussed the property at 32 Broad Street on which they have received several complaints in the past for several automobiles and other unsightly issues on the property. Code Enforcement Official Jack Morgan has investigated the complaints numerous times and the automobiles do not fit the description of a junked motor vehicle. The Board asked the Town Manager and Town Attorney to advise if further action can be taken by the Town to order the owner to clean up the property within a certain time period.

#### Adjournment

With no further business, Alderman Moore moved, seconded by Alderman Caldwell, to adjourn the meeting at 9:09 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor