

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
JUNE 12, 2001  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held its regular meeting on Tuesday, June 12, 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, Town Attorney Michael Bonfoey, Public Works Director Fred Baker and Finance Officer Eddie Caldwell. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of May 8, 2001

Alderman Moore moved, seconded by Alderman Caldwell to approve the minutes of the May 8, 2001 meeting as presented. The motion carried unanimously.

Public Hearing - Fiscal Year 2001-2002 Budget

Attorney Bonfoey opened the public hearing on the proposed budget for Fiscal Year 2001-2001. No one spoke; Attorney Bonfoey closed the public hearing. This item will be placed on the agenda of the June 26 meeting.

Since some money expected to be received by municipalities has been frozen by the State, Town Manager Galloway said that the State has suggested that interim budgets may need to be adopted until these issues are resolved. Manager Galloway added that some items have been frozen in the Town's proposed budget until we can see if the money from the State will be received. If this money is received these items can then be unfrozen. Also, the Town requested \$200,000 from Haywood County for Recreation; however, the County has approved \$70,000 (\$12,000 more than last year).

Alderman Feichter expressed appreciation to Town Manager Galloway and Finance Officer Eddie Caldwell for the hours they have spent working on this budget and the manner in which they approached the problems facing the Town with the State. Manager Galloway said that the only way they could work with this budget on a comfortable level was to freeze some items. The State of North Carolina currently has an eight hundred fifty-two million dollar deficit. The North Carolina League of Municipalities is proposing that the State take the reimbursables and trade it for a ½ cent sales tax.

Ordinance to Demolish Dilapidated Structure - 114 Anthony Street

Code Enforcement Officer Jack Morgan has been attempting to bring the house at 114 Anthony Street into compliance with the housing codes of the Town. This property, owned by Ms. Ella Mae Beck, burned in July, 1999, and an arson investigation was conducted. However, it could not be determined how or who set the fire.

Mr. Morgan conducted the required hearings on the matter during the summer of 2000, but the husband of the granddaughter of the owner contacted him soon after the hearings and indicated his intention to rebuild the house. Jack attempted to work with them in this effort and delayed proceeding with the demolition. Nothing has been done on renovating the property. It is requested that the Town Board adopt an ordinance to demolish the structure.

Alderman Brown moved, seconded by Alderman Caldwell to adopt an ordinance to demolish the structure located at 114 Anthony Street. The motion carried unanimously. (Ord. No. 9-01)

#### Request for Purchase of Street Sweeper Body

In 1995, the Town purchased a Tymco Street Sweeper, and it has been a tremendous improvement over the previous street sweeper used by the Town's Street Department. While the truck remains in good mechanical condition, the body into which the sweeper sends the trash and debris is worn out and the metal is so thin it is nearly impossible to weld.

In the upcoming budget, it has been proposed that a new body be purchased to be mounted on the existing cab and chassis, with the amount being \$40,000. In the current year's budget it has been discovered that the Streets and Sanitation Department will likely be under spent by somewhere between \$80,000 and \$100,000. On that basis, it is requested that the Board approve the purchase of the new sweeper body from the current, 2000-2001 budget.

Town Manager Galloway said that the Town currently has 82 miles of streets to be maintained, and since both sides of the street are swept that doubles the number of miles. The life expectancy of this truck is about 7 - 8 years. In 2 - 3 more years the Town may need to purchase another truck and if this truck is still in operation the Town can use both trucks.

Alderman Moore moved, seconded by Alderman Feichter to approve the purchase of a new body for the street sweeper. The motion carried unanimously.

#### Public Works Director Fred Baker - Use of Banners on Utility Poles in Frog Level

At the Board meeting on May 8, 2001, a request was submitted that the Town of Waynesville hang banners in the Frog Level area. At that time, it was indicated that there were some issues to consider in evaluating whether to fulfill the request.

Public Works Director attended the meeting to explain his concerns about using the banners on the utility poles. Mr. Baker said one concern would be the time expended by the Electric Department personnel in installing and maintaining these banners. His main concern for this department is to keep the Town's electricity on and maintain the electrical lines. This department currently spends approximately 10% of their time on donation type activities. One of the differences between the poles on Main Street and those in Frog Level is that the poles on Main Street were metal and now concrete and are strictly street lights. The wooden utility poles in Frog Level carry the main three phase feeders leaving the substation and have other equipment attached such as transformers. The cable company and BellSouth also have lines on these poles. If the banners are attached to these poles it could create clearance problems.

One alternative suggested by Mr. Baker is that the banners be given to the property owners in this area and mounted on the buildings rather than the poles. A minimum clearance of eight feet would be needed to comply with the Town's sidewalk ordinance.

Ron Fleenor indicated that the Downtown Waynesville Association has offered to give the banners and brackets for the use of the property owners in the Frog Level area since they can no longer be used on Main Street.

Town Attorney Bonfoey questioned whether the banners would be in compliance with the Town's sign ordinance if they were installed on the buildings. The Town Attorney will investigate and report back at the next meeting.

#### Adoption of Greenway Master Plan/Resolution - Presentation by Tim Plowman

The Town of Waynesville was able to secure a \$200,000 grant from the N.C. Department of Transportation for the development of the "Town of Waynesville Greenway Trail System". In order to secure this grant, the Town must provide a \$50,000 match, but fortunately, through contributions from other agencies, like the Pigeon River Fund and Haywood Waterways, the only part that the Town must pay is \$10,000. This is appropriated in the upcoming 2001-2002 budget.

Mr. Dave Dudek, representing the Richland Creek Action Committee attended the meeting to explain the Master Plan for the Greenway and answer any questions the Board may have. Mr. Dudek thanked the Board for their continued leadership and support of this project. He presented an update on the Trail and distributed a color coded map of the Greenway. At this point, a phase is being discussed which will connect Lake Junaluska with Howell Mill Road, the Asheville Highway, the trails in the Town's existing park, and extend the trails through the downtown area toward the schools in the southern end of Town. Other phases call for trail extensions to Tuscola High School and Haywood Community College on the northeast and to the Blue Ridge Parkway at Balsam Gap to the southwest.

Mr. Dudek said in order to meet the administrative requirements of the T-21 Grant, a resolution needs to be adopted by the Town supporting the Greenway.

Alderman Feichter pointed out that at all the forums she has attended in the Land Use Planning Meetings, everyone expressed interest in the Greenway.

Alderman Brown commended Dave Dudek for his presentation, expressing appreciation for his insight, approach and down to earth outlook on this and other projects. The Board expressed appreciation for Tim Plowman, with the Town's Recreation Department and the Richland Creek Action Committee for all their work on this project.

Aldermen Moore moved, seconded by Alderman Feichter to adopt the resolution of support for the Town of Waynesville Greenway Trail System. The motion carried unanimously. (Res. No. 13-01)

#### Petition Regarding Safety Concerns on Country Club Drive

A petition has been submitted to the Town signed by approximately thirty (30) residents, most of

whom live in the general area near the intersection of Breezmont Drive and Brad Street. Over the past several years, the Town has made a number of attempts to improve traffic safety in this area. A few years ago, speed limits were lowered and additional signage was installed in an attempt to make drivers more aware of the traffic problems in the area. This past year, the Town lowered the peak of the hill at this intersection, attempting to improve visibility. Some traffic calming devices were also installed in an attempt to slow traffic.

Karen Klein who lives on Brad Street attended the meeting to speak to the Board. Jerry Miller, 669 Country Club Drive also spoke. Their main concerns were visibility, excessive speed, pedestrian safety and excessive truck traffic.

Public Works Director Fred Baker said that more work is planned for this area. Curb, gutter and sidewalk work needs to be finished. It is also proposed that trees be planted to be used as a canopy over the road. All these items are considered to be traffic calming devices which slow traffic. The installation of speed bumps was discussed, possibly temporary rubber speed bumps. Mr. Baker said that these are not usually installed in residential neighborhoods, mainly because of the noise and annoyance that they create for residents. Mr. Baker suggested that action be delayed until someone experienced in traffic calming techniques review the area and make a recommendation.

#### Annexation Petition - David Blevins- Haywood Oil Co./Time-Out Markets - Asheville Highway

During 2000, Mr. David Blevins petitioned for the annexation of the Haywood Oil Company property on the Asheville Road. He did so because an annexation petition is required in order to receive sewer service, and he did not want to be annexed initially. Town Attorney Mike Bonfoey worked out an agreement under which the Town would not annex the property at this time, but might do so at any point in the future. In this agreement, the property owner agrees that he would not oppose an annexation in the future, and it would also bind any future owner of the property.

Later, Mr. Blevins decided that he might prefer to be annexed, and he has discussed this matter with Town Clerk Phyllis McClure. In addition to the Haywood Oil Company property, Mr. Blevins has expressed an interest in having the adjacent property, Time-Out Markets annexed as well.

Alderman Moore moved, seconded by Alderman Caldwell to adopt a resolution instructing the Town Clerk to investigate the sufficiency of the petition. The motion carried unanimously. (Res. No.14-01)

#### Award of Installment Financing Proposals for the Belt Press at the Wastewater Treatment Plant

A few months ago, the Board awarded a contract to a Texas firm for the construction of a sludge belt press to be installed at the Wastewater Treatment Plant. While that firm is now manufacturing the press, the actual work of installing the equipment will be bid soon.

The Town's engineers have estimated the cost of installing the equipment, and when we add that onto the cost of the sludge belt press, it is estimated that approximately \$340,000 is needed to cover all costs associated with this project. On Wednesday, May 30, 2001, Finance Director Eddie Caldwell accepted proposals from all interested financial institutions in Haywood County and three submitted proposals. Those proposals were received as follows:

BB&T	10	5.03	44,194.31	441,943.10	First month's earnings on Escrow to pay closing expenses.
First Union	10	5.24	**	437,988.00	Town to pay all fees associated with financing.
First Citizen's	1-7 8-10	4.96 ***	43,946.06 ***	307,622.42 ***	Origination fee of \$300

\*\*\*Floating rate set at 69% of the prime rate with a floor of 4.96% and a cap of 7.00%.

In requesting bids, the Town instructed all bidders to enter a proposal for the ten-year financing term. It was anticipated that the lease purchase agreement would be for ten, equal annual installments. When the bids were received, it was discovered that First Citizens Bank proposed a set rate of 4.96% for the first seven years; however, in years 8, 9 and 10, they are proposing a variable interest rate which could be as low as 4.9% or as high as 7%. In discussing this matter, the Finance Director and Town Manager agreed that the only logical way to evaluate this bid from First Citizens was to take the worst-case scenario, and calculate an interest rate of 7% for those last three years. When this is done, Branch Banking and Trust was deemed to be the lowest bidder on the project, offering a level rate of 5.03% for the entire ten-year loan period.

It is recommended that the Town accept the proposal from Branch Banking and Trust for a ten-year lease-purchase agreement with a rate of 5.03% on \$340,000.

Alderman Brown moved, seconded by Alderman Feichter to adopt the resolution to award the installment financing proposals for the belt press at the Wastewater Treatment Plant to BB&T as recommended by the Town Manager and Finance Officer. The motion carried unanimously. (Res. No. 15-01)

Lori McLeod, President of the Waynesville Swim Team Regarding Recreation Center Fees for Parents

When the Recreation Center opened, it was the desire to make the use of the facility, with the exception of the swimming pool, free to those below the age of 16. When the financial operations report for the January-March, 2001, quarter were seen, it was felt that some changes were going to have to be made if revenue projects were to be met and to pay the cost of operating the facility. In mid-April, it was decided that a fee of \$1.00 would need to be implemented for everyone in the 6-15 age group, and to implement a fee of \$1.00 for any spectator entering the building. That meant that parents must pay \$1.00 to stay with their children while they swim, or who come to watch a basketball game or to watch a basketball practice or to watch their children practice on the swim team.

Ms. Lori McLeod, submitted a letter regarding a problem the Swim Team parents have with the policy recently implemented by the Town. Ms. McLeod originally planned to attend the Board Meeting, but a swim team meet was being held on the night of the meeting and Ms. McLeod called to ask the Board to consider the issue, and if needed she could attend a later meeting.

Mike Smith, Director of Parks and Recreation, said when the new Recreation Center opened there

was not a charge for those spectators who came to watch family members. However, there were people who came into the center and would go upstairs and use the exercise equipment, etc., causing problems since others using the equipment had paid for their memberships to use the equipment. In order to discourage this from happening it was decided that a \$1 spectator fee should be charged. There was discussion regarding whether this should be a policing issue. Mr. Smith said this fee was recommended by the Recreation and Parks Advisory Commission.

Alderman Caldwell moved, seconded by Alderman Feichter, to continue charging the \$1 spectator fee at this time. The motion carried unanimously.

#### Town Manager to be Appointed to NC League of Municipalities Board of Directors

Manager Galloway said that he has been asked to serve a two-year term by the NC League of Municipalities to represent the Western Region of the Managers Association and requested the Board's support.

It was the consensus of the Board to support this appointment.

#### David Erickson - Visit From Tourism Officials from the State of Vermont

David Erickson said on Saturday, June 16 a group of tourism officials from the State of Vermont would be visiting Waynesville. They plan to have lunch at Whitman's Bakery and he invited the Board members to stop by to greet them.

#### Mayor Foy - Request to Consider Beer and Wine Sales Outside Premises

Mayor Foy asked the Board Members to consider adoption of an ordinance which would prohibit beer and wine sales outside premises. At one time there was an ordinance regulating this activity, however, the ordinance was repealed at some point in time.

#### Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore to adjourn the meeting at 9:02 p.m. The motion carried unanimously.

---

Phyllis R. McClure  
Town Clerk

---

Henry B. Foy  
Mayor