

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
AUGUST 28, 2001
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, August 28, 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 August 14, 2001

Alderman Caldwell moved, seconded by Alderman Moore to approve the minutes of the August 14, 2001 meeting as presented. The motion carried unanimously.

Public Hearing - Installment Financing for Chlorine Contact Tank

At the last meeting a resolution was adopted authorizing the filing of an application for approval of a financing agreement authorized by N.C. General Statute 160A-20 for financing a chlorine contact tank and related improvements at the Water Plant. Bids were received on this project and the bid was tentatively awarded to the low bidder, Hobson Construction Company, in the amount of \$1,335,000.00, subject to the approval of the Local Government Commission. Under North Carolina regulations concerning lease-purchase agreements for installment financing, when the amount exceeds \$500,000.00, the Town of Waynesville must hold a public hearing on incurring such a debt. The Local Government Commission meets on September 4 and will consider this application at that time.

This project was originally planned as simply a means of complying with the federal requirement that treated water be in contact with chlorine for a minimum period of time before reaching the first customer on the system. In meeting that regulation, we could have just constructed a tank at or close to the water plant, with all treated water going into that tank prior to being piped back to the first customer, which is the plant itself.

A 1996 engineering study evaluated potential sites along Allens Creek Road. To reduce costs, sites which permitted an above ground storage tank are preferred over those requiring underground construction which would be required at the water plant site. The Study also evaluated other improvements needed to the water plant to allow for future growth and expansion as well as improve the operations of the plant. Several of these changes resulted in the project growing and the cost increasing over earlier projections. The size of the chlorine contact tank was increased from 500,000 to 750,000 gallons. This was done to accommodate an eventual water plant capacity of 12 million gallons a day rather than the 8 million which the 500,000 gallon tank would allow. It is proposed

that the tank be up-sized now rather than 15 or 20 years from now when the plant's production exceeds 8 million gallons per day.

Another issue which is being addressed is the construction of a back wash tank at the plant. At the present time, if power were out, the water plant's generator is not capable of operating the backwash pump so that the water filters may be washed regularly. By installing this tank, elevated so that gravity flow will supply the power to wash the filters, the water plant can be operated indefinitely when the power is out. Finally, the backwash tank replaces the existing plant water system. The existing pump and hydro pneumatic tank are inadequate to meet system demands.

The site originally selected for the chlorine contact tank met with strong opposition from the residents of the area. The alternate site, which was several thousand feet further from the water plant, required additional costs for the installation of water lines to interconnect the tank with the water plant as well as higher site grading costs.

Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing. No action was necessary.

Resolution Approving Financing Terms for Chlorine Contact Tank

Finance Director Eddie Caldwell solicited bids for financing the work required for the chlorine contact tank. Invitations were mailed to all the financial institutions which have offices within Haywood County. Five of these institutions responded, and their bids were opened on August 8, 2001. A summary of the bids is as follows:

The lowest bidder on this lease purchase arrangement was Branch Banking and Trust (BB&T), with a proposal of 4.67% on a ten-year lease period. It is the Town's intention to make a down payment sufficient to make the loan amount \$1,253,000. With the interest rate proposed by BB&T and the ten-year loan period, the annual payment on that amount will be \$159,679. In the current budget, an annual payment of \$160,000 has been reserved.

Finance Director Eddie Caldwell has recommended that the proposal of BB&T be accepted. BB&T has been the successful bidder on most of the Town's lease purchase agreements over the past several years and the Town has developed an excellent relationship with that institution.

Alderman Moore moved, seconded by Alderman Feichter, to adopt a resolution approving financing terms. The motion carried unanimously. (Res. No. 21-01)

Appointment of ABC Board Member

The three-year term of Mr. A. P. Evans on the ABC Board expired August 15, 2001. Mr. Evans has indicated that he would like to continue his service on the ABC Board.

Alderman Caldwell moved, seconded by Alderman Moore, to appoint Mr. A. P. Evans to serve another three-year term on the ABC Board. That term will expire August 15, 2004. The motion carried unanimously.

Announcement of Award of Local Law Enforcement Block Grant

The Town of Waynesville Police Department has been designated to receive a Local Law Enforcement Block Grant in the amount of \$10,267.00, with a required 10% match by the Town. One of the requirements of this grant is that the Town formally announce its award at a regular Board meeting. In addition, the Town must have a plan in place to discuss the proposed expenditures of these funds.

The Police Department proposes an Advisory Board meeting with representation from the Department, the District Attorney's Office, the court system, the public school system, churches and interested members of the community. At such time, there will be a discussion on the best means to expend these funds.

Town Manager Galloway said that the Department received a gift of more than 30 laptop computers which can be assigned to police officers and used in their patrol vehicles for the completion of reports. Certain computer software is needed in order for the laptop computers to be linked to the existing programs on the department's computer server. This would allow police officers to fill out reports on their laptop computers rather than report back to the police station each time. Early indications are that the department would like to use the grant funds to secure this computer software, and that will be presented to the Advisory Board.

No action was necessary.

The Open Door Street Closing Request

A letter was received from Mr. Don Shell, Chairperson of the Open Door Board of Directors advising that the Open Door will be celebrating its 5th anniversary on Sunday, September 9. As a part of the festivities, they plan to have food and music available to all who wish to attend. They anticipate that the numbers could reach as many as 400 people and perhaps more. The Open Door Board has requested that Commerce Street be closed between Depot Street and Smathers Street on Sunday, September 9, from 3:00 p.m. until 8:00 p.m.

Town Manager Galloway suggested that the Open Door make contact with Giles Chemical and Pierce Pottery, industries on Commerce Street to work through any problems which might be created for them by the street closing.

Alderman Feichter moved, seconded by Alderman Moore, to approve the closing of Commerce Street between Depot Street and Smathers Street on Sunday, September 9, from 3:00 p.m. until 8:00 p.m., contingent upon The Open Door receiving approval from Giles Chemical and Pierce Pottery. The motion carried unanimously.

Conservation Easement - Allens Creek Watershed

Town Manager Galloway said over the past several years, the Town has been involved in securing the privately held land in the Allens Creek Watershed. Three privately held parcels in the watershed are now under Town ownership. The first parcel secured came from negotiated purchase with Virginia Barnett, and this added 247 acres to the watershed. In addition, Ms. Barnett retained approximately 12 acres for future development; however, she agreed to a conservation easement on the portion retained to prevent damage to the Town's water supply. The Town was fortunate to be able to secure a \$250,000 grant from the Environmental Protection Agency and a \$100,000 grant from the State Division of Water Resources to assist with the \$445,400 purchase of this property.

The Town has now secured the remaining two parcels of privately held property in the watershed, a 15-acre tract from the Lanning Estate and 429-acre tract from Haywood Lumber and Mining Company. In order to secure these parcels, it was necessary to condemn the property. The Town was fortunate to be able to secure a \$500,000 grant from the N.C. Clean Water Management Trust Fund to assist with the purchase of this property and to protect the Town's valuable water supply.

When the previous Town Board accepted these grants, one of the conditions was that the Town would enter a conservation easement to assure that the entire watershed would be protected in the future. The three privately held tracts which the Town has secured in recent years would be placed in a conservation easement dedicated to the State of N.C. and administered by the Clean Water Management Trust Fund. The balance of the property owned by the Town and which is located in the Allens Creek Watershed, would be placed in a conservation easement dedicated to the Conservation Trust for North Carolina.

The Clean Water Management Trust Fund has a standard easement which they expect the Town to adopt with little if any change. Attorney Michael Bonfoey has a copy of that conservation easement

which will include the three parcels of privately held property which the Town has secured.

The Town Attorney has been working with the attorney for the Conservation Trust for N.C. on the easement for the portions of the watershed which the Town has owned for many decades. There is more flexibility in the easement with this organization, and a number of special local conditions have been added in an attempt to assure that the Town does not create a problem for itself at some later date. It is recommended that any lands below the dam, which includes the homes of the superintendent and the water treatment plant and grounds, and land which is in the "Rocky Branch Watershed" be excluded from the conservation easement since they are not actually feeding directly into the watershed making up the Town's water supply.

Attorney Bonfoey explained some of the changes that he recommends for the document. On Page 5 the time period in which action can be taken against the Town if the agreement is violated was thirty (30) days and Attorney Bonfoey recommends that it be changed to one hundred and twenty (120) days. Mediation would be attempted if there is a disagreement with the easement rather than nominal or punitive damage fees or attorney's fees being assessed. Alderman Brown suggested that the section regarding timber management be studied to allow this activity if it is not detrimental to the Town's water supply since it could be a source of revenue to the Town and may be beneficial to the watershed. Manager Galloway said the last time this was done was several years ago, possibly in the late 1970's. When an appraisal was done on the mining tract a timber value of \$228,000 value was given for 429 acres. A section was added to allow that ramps to be dug on the watershed property for the annual Ramp Festival in May. Manager Galloway said that hiking trails could be added on this portion of the watershed, however the conservation easement with the Clean Water Management will not allow this type of activity. Alderman Brown felt that a time frame should be negotiated for renewal of the easement, possibly fifty (50) years. This would allow any future Boards flexibility to allow for changes in the future.

It is hoped that in September the two easements may be adopted by the Board so that the Town will have completed the requirements and conditions of the grants received for the purchase of this land. No action was taken.

Presentation of Larry Leatherwood - Recreation Park Playground

Mr. Larry Leatherwood attended the meeting to present a proposal by the Haywood County Volunteer Center for a new community built playground to be located at the Waynesville Recreation Park. The Volunteer Center contracted Leathers and Associates to serve as architects for the project. Mr. Leatherwood has volunteered to take on the job as general coordinator for this project which will benefit children of Waynesville and Haywood County.

This new playground will be built totally by volunteers. A "Design Day" was held in May 2001 with students from two (2) elementary schools. John Dean, architect with Leathers & Associates met and received suggestions from the school children for what they wanted in the playground. Two of the main things the children wanted was to have a "Main Street" and a pavilion for their parents to sit in the shade while they played. The playground will be handicapped accessible. The construction time for this project will be Wednesday, April 17 through Sunday, April 21, 2002. Volunteers can

sign up for one or several committees for the project such as child care, children's, donated materials, food, fund raising, public relations, materials and tools. Volunteers can be skilled or unskilled and children can help with the construction.

Mr. Leatherwood said the City of Asheville has built three playgrounds and plans to build a fourth in the near future. The City of Asheville purchased a large number of small tools for their playground projects and they are willing to loan those tools to Waynesville.

Mr. Leatherwood is planning to speak to the Haywood County Commissioners on September 4, as well as civic groups, church groups and the community college. Fund raisers are planned and Bob Brannon will be one of the people involved in this portion of the project.

The Board thanked Mr. Leatherwood for his presentation.

Request for Gold Leafing on Welcome to Waynesville Sign

Mayor Foy said that Sandra Owen with the Mountain View Garden Club asked if the Town could add gold leafing to the Welcome to Waynesville sign on Walnut Street. The Mountain View Garden Club maintains the plantings at the sign. Town Manager Galloway will contact High Country Signs, the company who made the sign, to get a quote for this work and report back to the Board.

Re-flooring at the Recreation Center

Manager Galloway said about three or four months after the new Recreation Center opened, the wooden floor began to curl. This was brought to the attention of the contractor, McCarroll Construction. Reece, Noland and McElrath also came to look at the flooring. It was first thought that humidity could be the cause. However, when the humidity levels were tested this was not the cause. It was discovered that the floor was installed incorrectly. The work to correct the floor began on Sunday, August 26 and includes the gym, aerobics room and racquetball area. The floor is under warranty and will be repaired at no additional costs to the Town.

Town Manager Galloway said that Recreation Director Mike Smith has carried a heavy load for quite some time and has done a great job. Manager Galloway added that Mr. Smith is one of the most valuable department heads that the Town has. Mayor Foy pointed out that Mr. Smith has seen the new Recreation Center from its conception stage to its completion and handles the operation today. Mr. Smith is to be commended and is now a "bona fide expert". The other Aldermen agreed with Manager Galloway and Mayor Foy and Alderman Feichter said that Mr. Smith was not allowed to retire for a long time because the Town needed him.

Request by Mayor Foy for Presentation of Metis Software

Mayor Foy said he would like for the Aldermen to see the presentation of Metis software by Mr. Lee Shelton. Mr. Shelton has done a lot of preliminary work free of costs to the Town. Mayor Foy said this software would tie in with the Town's Land Use Study and will be helpful for planning purposes. Town Manager Galloway said that with this software allows goals and objectives to be

tied together. It will take a lot of time to enter the information into the computer. Alderman Brown asked Mayor Foy to coordinate the presentation for the Board.

75th Anniversary - Carolina Power & Light Company

Town Manager Galloway said Wednesday, August 29, marks the 75th Anniversary of the Town of Waynesville purchasing electricity from CP&L. The Board of Aldermen was invited to stop by Town Hall and have some refreshments and meet some of the CP&L staff.

Adjournment

With no further business, Alderman Feichter moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:42 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor