

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
JANUARY 14, 2003
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, January 14, 2003. 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, Finance Officer Eddie Caldwell and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of December 10, 2002

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minutes of the December 10, 2002 meeting as presented. The motion carried unanimously.

Public Hearing on Petitions for Voluntary Annexation -

Carolina Farm Credit - 1510 Asheville Road

Roberta Haynes/Jacqueline Haynes - 2360 Russ Avenue

In previous meetings, the Town Board received petitions for the voluntary annexation of two properties into the corporate limits of Waynesville. The Board adopted a resolution directing Town Clerk Phyllis McClure to investigate the sufficiency of those petitions. A public hearing was then scheduled for this meeting giving those who object to the annexation the opportunity to publicly state those objections.

Attorney Bonfoey opened the public hearings. No one spoke; Attorney Bonfoey closed the public hearings.

Alderman Moore moved, seconded by Alderman Brown to adopt an ordinance annexing the properties located at 1510 Asheville Road and 2360 Russ Avenue effective 01-14-03. The motion carried unanimously. (Ord. No. 1-03)

Refund of Property Taxes - Charles Green - Bradley Street

A memorandum prepared by Tax Collector James Robertson was presented to the Board regarding the property taxes paid by Charles Green for a parcel of property he owns on Bradley Street. During the course of the property revaluations, Mr. Green discovered that although only 27% of this particular parcel of land lies within the corporate limits, he has been billed as if the entire tract was inside the Town. Essentially, Mr. Green has paid these taxes and is requesting a refund.

In researching this matter, the Tax Collector discovered that under State Law, when taxes have been overpaid, a taxpayer cannot request a refund for more than a five-year period. In the case of Mr.

Green, the 2002 tax bill has been corrected, and this counts as one of the five years. Mr. Robertson has calculated the amount of taxes which were paid, the amount which should have been paid and the refund to which Mr. Green is entitled. His figures reflect that Mr. Green would be entitled to a refund of \$443.40 for the other four years of 2001, 2000, 1999 and 1998, and this is shown in the documentation provided by Mr. Robertson. It is recommended by Town Staff that the Board authorize the refund of overpaid taxes in the amount of \$443.40 to Mr. Charles Green.

Alderman Caldwell moved, seconded by Alderman Moore, to authorize the refund of overpaid taxes in the amount of \$443.40 to Mr. Charles Green. The motion carried unanimously.

Designation of Local Official to Make Recommendations to the North Carolina Alcoholic Beverage Commission on ABC Permit Applications

When an individual applies to the North Carolina Alcoholic Beverage Commission for a license to sell alcoholic beverages, the State must conduct an investigation into the application. In doing so, the State contacts various local officials to determine if the property is zoned properly for the sale of the products in that specific zone, if the structure fulfills the requirements of the North Carolina Building Code, if the person(s) seeking the license are of good character and whether there would be traffic problems involved.

With recent changes that have occurred in town staff, Town Manager Galloway recommended that the Town Board amend the list of individuals. From law enforcement, it is recommended that Police Chief Bill Hollingsed be added as the primary contact to approve the background and character of the applicants and to address traffic concerns. It is recommended that Captain Blaine Jones and Lieutenant Tim Brooks be named as the alternate contacts. It is also recommended that Jason Rogers be added to the list as the alternate to grant approval for building code compliance, with Alex Corbin being the primary contact. John Swift and Andrew Powell will remain listed as the officials dealing with zoning.

Alderman Moore moved, seconded by Alderman Brown to adopt a resolution designating the list of officials to the North Carolina Alcoholic Beverage Commission on ABC Permit Applications as follows: ZONING: John Swift (Alternate Andrew Powell), TRAFFIC: Police Chief Bill Hollingsed (Alternates Chuck Way and Tim Brooks), and BUILDING SAFETY: Alex Corbin (Alternate Jason Rogers) . The motion carried unanimously. (Res. No. 1-03)

DWA Inventory Reimbursement Tax

A memo prepared by DWA Director Ron Huelster concerning the Inventory Tax was presented to the Board. Manager Galloway said during the last session of the General Assembly, our legislators eliminated the reimbursements for the Inventory Tax which that same body repealed in the middle 1980's. As a means of replacing that Inventory Tax, the General Assembly granted local government the right to assess an additional one-half cent sales tax, and Haywood County passed this new tax with an effective date of December 1, 2002. For the 2002-2003 fiscal year, it is estimated that the Town will receive revenues of approximately \$195,000, but the amount in future years is undetermined.

For many years, according to Mr. Huelster's memo, when the Town was reimbursed the lost Inventory

Tax, about \$111,000 annually, the Town in turn reimbursed DWA for the Inventory Tax that they lost. This has been in the range of \$7,100 annually. Now, with the Inventory Tax gone, the Town is getting the sales tax revenues in its place, but the DWA is getting nothing to replace what they lost.

DWA is now requesting that the Town contribute a portion of the new half-cent sales tax revenues to offset the money lost by DWA. Manager Galloway said he felt that this is a reasonable and legitimate request. In addition, if the Town hopes to maintain the viable and progressive downtown which has attained a regional and statewide reputation, the Board should continue to provide strong financial support to the DWA. Manager Galloway said he would endorse a contribution of \$7,100 in the current budget, and would also recommend that the Town contribute an amount in the future, using the same growth rate or decline used for the overall sales tax revenues.

Mark Clasby and Ron Huelster attended the meeting. Mark Clasby President of the DWA, spoke to the Board regarding their request. Mr. Clasby said this money accounts for approximately 7% of their budget for the coming year. It will help DWA continue their revitalization of the downtown area.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the request by DWA to contribute \$7,100 in the current budget and to contribute an amount in the future, using the same growth rate or decline as the Town uses for the overall sales tax revenues. The motion carried unanimously.

Minor Subdivision - Raymond Brooks - Skyland Road

Raymond Brooks owns a 30+ acre tract of land at the end of Skyland Road. The property is located in the R-1 Low Density Residential Zoning District, and Mr. Brooks wants to create a new lot for his son. The new lot has a septic tank and a well. It 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 as requested by Raymond Brooks for property located at the end of Skyland Road. The motion carried unanimously.

Minor Subdivision - Eugene Ferguson - Intersection of Lansing Road and Shingle Cove Road

Eugene Ferguson has submitted a plat to subdivide 4.465 acres located where Lansing Road and Shingle Cove Road intersect, northeast of the Bypass above the Chestnut Park development. The 4.465 acres are platted to be five lots. Water and sewer have been approved, although a petition for annexation is required.

Town staff recommends the subdivision with the following conditions:

- 1) An easement should be shown to Lot No. 5:
- 2) Sewer and water must be completed. (Mr. Ferguson wants to build this himself rather than bond the work. He will not ask that the plat be signed until the sewer project is completed and accepted.)

Alderman Brown moved, seconded by Alderman Moore, to approve the minor subdivision requested by Eugene Ferguson with the conditions recommended by town staff. The motion carried unanimously.

Voluntary Petition for Annexation - Eugene Ferguson - Intersection of Lansing Road/Shingle Cove Road

In planning the development of the minor subdivision located at the intersection of Lansing Road and Shingle Cove Road, Eugene Ferguson wants to extend the sewer line to serve the five lots, and under the Town ordinance, he must request annexation along with requesting sewer service.

Alderman Brown moved, seconded by Alderman Feichter, to adopt a resolution directing the Town Clerk to investigate the sufficiency of the petition for annexation. The motion carried unanimously. (Res. No. 2-03)

Consideration of Resolution to N. C. Department of Transportation for South Main Street Speed Limits

It was recently noted that there were conflicting speed limit signs on South Main Street (U.S. 23 Business). Speed limits posted going south are not the same as speed limit signs going north, and this would be understandably confusing for motorists. Several years ago, soon after the merger of Waynesville and Hazelwood, the Police Department conducted a study of this situation. At that time, a recommendation was made to the Department of Transportation, but it seems to have fallen through the cracks.

The Police have conducted a new study of that section of road between Legion Drive and Hyatt Creek Road. In an attempt to make the situation as simple and as easy to understand as possible, the Police Department has recommended that the speed limit from downtown to Legion Drive be posted at 20 miles per hour and that the speed limit from Legion Drive to Hyatt Creek Road be posted at 35 miles per hour. This would be the same whether a motorist was heading north or south on that portion of Main Street.

The next step would be to adopt a resolution asking that the Department of Transportation approve these changes. As this is a street on the State Highway System, the Town can only recommend the changes and seek the approval of the State.

There is also a separate issue involved in the police report which concerns the recommendation regarding the school zone signs and lights located in the area close to what was Hazelwood School on Virginia Avenue. The police have recommended that these be relocated to Plott Creek Road to assist with the traffic situation in and around the new location of Hazelwood School. This issue will need to be discussed with the Department of Transportation since they are in control of both South Main Street and Plott Creek Road.

Manager Galloway said in reviewing the number of accidents along this roadway over the past year, it was found that out of 19 accidents, 8 of those occurred at the intersection of Pigeon Street and South Main Street where the speed limit is already 20 miles per hour. Alderman Feichter pointed out

that there is a lot of traffic at five points with a large number of vehicles turning left. However, the Police Department's report recommends and feels that a 35 mile per hour speed zone through the entire west end portion of South Main Street is safe. Manager Galloway said he has spoken with Public Works Director Fred Baker and hopefully the Town can work with NCDOT to install bulb-outs, trees, etc., in this area in the near future.

Alderman Brown moved, seconded by Alderman Caldwell, to adopt a resolution requesting that the N. C. Department of Transportation approve the changes in speed limits on South Main Street as recommended by the Police Department. The motion carried unanimously. (Res. No. 3-03)

Alderman Feichter asked Manager Galloway to convey thanks to the Police Chief and his staff for all the work they have done on this study.

Alderman Moore - Concerns Regarding Unsafe Entrance to Vance Street

Alderman Moore expressed concerns regarding the entrance to Vance Street from Walnut Street. Town Manager Galloway said this has been discussed in the past. Public Works Director Fred Baker tried to work with one of the property owners at the entrance to Vance Street but was unsuccessful. He also got a quote from the Engineering Firm of Mattern and Craig to redesign the drainage. However, the cost estimate came in at over \$300,000. Manager Galloway will pass these concerns along to Mr. Baker to see if he has some ideas for other solutions in this area.

Discussion Regarding Frozen Funds

Manager Galloway said as the 2002-2003 fiscal year began, the Board placed \$509,615 in expenditures into a "frozen" status. The funds were approved as part of the budget, but they were frozen and not authorized for expenditure. Manager Galloway and Finance Director Eddie Caldwell recommended this due to the uncertainty as to what the Governor and General Assembly might do in the fiscal year in dealing with the continuing financial crisis in the State budget.

Since the beginning of the fiscal year, the General Assembly passed new legislation which will make it very difficult, though not impossible for the Governor to take funds from the local governments in the future. These funds include the Utilities Franchise Taxes and Beer and Wine Taxes. These two combined total \$534,700 in General Funds revenues for the Town.

During the month of December, the Town received the first quarter's payment of the Utilities Franchise Tax, and it totaled \$127,005. With the receipt of those funds plus the action by the General Assembly in restricting the Governor's authority to take funds from local government, Manager Galloway said that he and Finance Director Caldwell felt comfortable in seeing some of the frozen expenditures freed for expenditures. Those funds recommended to be released total \$195,015 which still leaves about \$330,000 frozen until the Town receives a check March 15. Manager Galloway said the vehicles are recommended to be unfrozen in order for the Town to be able to get State Contract pricing in their bid process.

Alderman Brown moved, seconded by Alderman Feichter, to authorize the release of \$195,015 as recommended by Manager Galloway and Finance Director Caldwell. The motion carried

unanimously.

Presentation of Award for Millennium Lighting

Mayor Foy said the Millennium Lighting award for Waynesville's downtown area will be presented January 30 in Salisbury, NC.

Deceleration Lane - Russ Avenue

Mayor Foy said the construction of the deceleration lane on Russ Avenue in front of the Clyde Savings Bank which the Board tried to have stopped is now being installed. Concrete was poured for the island which was to be landscaped and contain a walkway. Andrew will look at this in the morning.

Possible Dates for Board of Aldermen Retreat

It was the consensus of the Board that February 28, 2003 be set as the date for the Board of Aldermen's Retreat. Manager Galloway said the Waynesville Country Club and the Staff of Southwestern Commission will both be available on this date.

Brook Street Storm Drainage

Manager Galloway reported that the Town's crews have now completed the storm drainage on Brook Street. There is still some finishing work to be done. Alderman Caldwell commended the Town employees for the work they have done on this project.

Rock Wall Repair on South Main Street

Alderman Feichter said she has seen the work being done to repair the rock wall on South Main Street. Manager Galloway said this was the idea of Andrew Powell who is working with the N. C. Department of Correction Inmates at Hazelwood, under the supervision of Mike Grasty, to make the repairs to the historic rock walls.

Report by Town Manager Regarding Relocation of Electric Lines On Hazelwood Avenue

Manager Galloway reported that he met with CP&L Representatives last week regarding the relocation of the electric lines on Hazelwood Avenue. They have reduced their estimate for this work to \$81,000. However, this issue is still being reviewed.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Moore, to adjourn the meeting at 8:00 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor