

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
JULY 13, 2004
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, July 13, 2004. 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 Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of June 22, 2004

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the June 22, 2004 meeting as presented. The motion carried unanimously.

Public Hearing - Request to Close Unopened Alley off Pigeon Street

A few months ago, Branch Banking and Trust Company (BB&T), came into possession of a tract of land located at 489 Pigeon Street. The tract included a church building and some adjacent structures. On the east side of this property, there is an unopened 25' alley which runs between Hillside Road and Craven Street. BB&T has requested that this alley be closed and abandoned by the Town of Waynesville.

Under State law, when a municipality intends to close and abandon an alley, street or public right-of-way, a public hearing must be held with notice given to all the adjacent property owners. Notice was given by Certified Mail and an advertisement for this hearing placed in the Enterprise Mountaineer. If this alley is closed, State law stipulates that the width of the alley shall be divided, with the abutting property owners each receiving one-half the width.

Public Works Director Fred Baker has indicated that he has no problem with abandoning this alley. He cannot see its future use as a road or public right-of-way, particularly with the connection it makes to Hillside Road. It is highly unlikely that the Town would want to open that alley on to Hillside so close to the intersection with Pigeon Street and Thomas Park Drive. It would just create a more dangerous situation, and some improvements at that intersection have been made in recent years in an attempt to improve vehicular safety. Mr. Baker has asked that the Board retain an easement over this alley for utility and drainage purposes in the event that the Town may need to make water, sewer, electrical or storm water improvements through that area in the future. Manager Galloway said he concurs with Mr. Baker's suggestion. This was discussed with a representative of BB&T Bank, and they have no problem with such an easement.

Attorney Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public

hearing.

It was the consensus of the Board that the unopened alley would be closed, but the Town will reserve the right to utility access. Manager Galloway said utility easements are usually 20' in width, but he would speak with Public Works Director Fred Baker to get a specific description on the easement. Official action will be taken at the next meeting.

Continued Public Comments on Conservation Easement for Allens Creek Watershed

As directed by the Town Board, time was allowed on the agenda for those who wish to speak on the Allens Creek Watershed who may not have had the opportunity to do so previously. At the meeting of June 7, 2004, the Board indicated by consensus that this would be the final time that public comment on the easement will be listed as an item on the agenda. The following people spoke:

Bill Ross, former Public Works Director for the Town of Waynesville said in the late 1920's or early 1930's property was purchased for the watershed for \$1 per acre. Alderman Stringfield was involved in this purchase. At the next election Alderman Stringfield was voted out of office for wasting the Town's money. Mr. Ross said he did not want to see future Boards tied up by a decision made by the present Board. He asked that the Board allow the possibility that the watershed could someday be established as an enterprise fund. With proper handling this could be set up and supply more money than the water or sewer plants. A Forest Manager, as well as other employees, would be needed to mark timber and direct its falling. The timber could then be moved by helicopter to a staging area where lumber companies could bid on the timber. This competitive bidding process could produce better income amounts for the Town. This type of timbering would allow younger trees to grow without being shaded out by the larger timber. Western Carolina University wants to help the Town with this plan. If it doesn't work, it would still allow for other options.

Charles Miller, 727 Allens Creek Road, asked the Board before taking action to consider that 60% of the soil in the watershed is unfit for timber and 30% is marginal. Mr. Miller said the Board should look at the sedimentation coming into the reservoir now. He added that there are 27 endangered/rare species in the watershed area. Mr. Miller said a watershed protection committee has not been established and he feels that this was a requirement when the Town received the WS-1 rating on the watershed.

Dick Young, 191 Meadow Street, said he was opposed to the cutting of any timber in the watershed at all. He asked the Board to pass a resolution not to ever cut this timber because the watershed is a natural jewel. He suggested that the Town get into the bottled water business which he said has now surpassed the soft drink business.

Mayor Foy said this closes the public comment sessions for the Town. Mayor Foy said the priority of this Board is pure water and the Town owes to its citizens to look into every aspect. He said there are many things the Town can do as long as the purity of the watershed is maintained. This Board is looking into all the issues before a decision will be made. Mayor Foy thanked everyone for their input on this issue.

Alderman Kenneth Moore said there has been discussion about forming a watershed committee. He asked that a plan be formed and a consultant be hired to protect and maintain the Town's water. Alderman Moore said he would vote no, that the Town should leave the watershed in the same pristine condition it was found in. In 1996 the Town fought hard for the WS-1 Classification. He asked the Board not to "upset the apple cart" and the citizens should be the ones to tell the Board what should be done regarding the watershed.

No action was taken.

ElectriCities Cooperative Bid Agreement

At the meeting of June 22, the matter of a cooperative bid agreement with other members of ElectriCities was first discussed. At the time, Alderman Brown raised some concerns about the length of time of the agreement and the requirement contained that once a member purchases an item under the agreement, they must make that vendor their sole source provider for the remainder of the contract for that particular item. Alderman Brown was concerned that if the price of an item were to decline, the Town would have to still purchase the item through the agreement.

In checking further on this agreement, it was learned that Alderman Brown's assessment of the wording was correct. If the contract ElectriCities negotiated for the purchase of utility poles was for a three year period and Waynesville purchased poles in 2004 at a given price, the Town would be obligated to continue purchasing poles from the same vendor for a three year period even though the cost of the poles might drop. There is that down side to the agreement, and while there is the possibility that the price of an item might decline, it is more likely that the price would rise.

Manager Galloway said in checking, he was reminded that agreements such as this came about following some severe hurricanes in the southeast in the middle 1990s, and during the aftermath, it was very difficult to buy utility poles and other electrical equipment at a reasonable price.

In talking with our Purchasing Agent Ron Gillett, he has indicated that he felt it was not necessary for the Town to participate in the ElectriCities agreement. He felt that in an emergency situation, the Town could secure items that were needed through regular vendors or other municipal governments or investor owned utilities. On that basis, Manager Galloway asked that this matter be removed from consideration.

It was the consensus of the Board to remove the ElectriCities Cooperative Bid Agreement from consideration.

Town of Waynesville Code of Ordinances

Over the past several years, the Town of Waynesville has been involved in the recodification of the Code of Ordinances of the Town. Work on this project began in the late 1990s, but it was put on the back burner when the Board voted to go through the Land Use Study and the development of the Land Use Standards. As a result of that process, the Zoning, Subdivision, Flood and Erosion Ordinances and Standards were removed from the Town Code and became a part of the Land

Development Standards.

When those Standards were adopted in April, 2003, work resumed on the Town Code, and it was necessary to go back and add all the ordinances, other than those within the Land Development Standards, which had been passed since the work was put on the back burner.

The final version of the Town Code was prepared this spring, and the initial copies were received in late May. These were reviewed by Town Clerk Phyllis McClure and Town Manager Galloway in an attempt to assure that all changes had been incorporated. In June, copies were provided to the Town Attorney, Mayor and Board of Aldermen for review.

It was the consensus of the Board to delay action on this item until the next meeting.

Petitions For Annexation

- A) 1360 and 1336 Asheville Road – Louise Nelson
- B) Allens Creek Road – 8 acres – Judy Lanning Johnson/Michael B. Johnson
- C) 1520 Asheville Road – Haywood County Farm Bureau

Petitions were received from the owners of three properties in which annexations into the town have been requested. The Town's sewer use ordinance requires that whenever a property owner outside of the town wishes to connect to the Town's sewer system, the owner must simultaneously submit a petition for annexation into the corporate limits. The owners wish to connect the property to the town sewer and have submitted their petitions for annexation.

The next step in this process would be for the Board to pass a resolution instructing Town Clerk Phyllis McClure to investigate the sufficiency of the three petitions. She could then report back to the Board at the next scheduled meeting, giving the Board the opportunity to then decide whether to call for a public hearing on the annexation request.

Alderman Brown moved, seconded by Alderman Caldwell, to adopt a resolution instructing the Town Clerk to investigate the sufficiency of the petitions. The motion carried unanimously. (Res. No. 10-04)

Vacancy on the Community Appearance Commission

Tom Hines, member of the Community Appearance Commission, has resigned his seat on that body, and a replacement will be needed. Mr. Hines was in the midst of a term on the Commission that would have expired on March 1, 2007.

The name of Bill Skelton has been mentioned for this group. Mr. Skelton is the County Extension Director for Haywood County, a post he has held for almost three years, and he previously served in Mecklenburg and in Henderson Counties. He graduated from Clemson University with an undergraduate degree in horticulture in 1982 and a graduate degree in Agricultural Mechanization in 1983. He has shown a keen interest in the betterment of Waynesville and in making the

community more attractive through better and wiser landscaping. In learning that the Town has approved a position of a horticulturist in the 2004-2005 budget, he volunteered to help with the recruitment and applicant review process.

It is recommended that the Board appoint Mr. Skelton to fill the unexpired term of Tom Hines, through March 1, 2007.

Alderman Moore moved, seconded by Alderman Brown, to appoint Bill Skelton to fill the unexpired term of Tom Hines through March 1, 2007. The motion carried unanimously.

Boy Scout Troop 307

Mayor Foy recognized two boy scouts and their troop leader from Boy Scout Troop 370 at Longs Chapel. They are working on their merit badges and attendance at a town meeting is one of the requirements. No action was necessary.

Comments by Charles Miller Regarding Noise Pollution in Waynesville

Charles Miller said he was concerned with the noise in Waynesville. Recently he recorded the noises from jake brakes on trucks traveling along Allens Creek Road. Mr. Miller said it was usually not the local drivers who regularly hauled that used the jake brakes, but rather the haulers from other places such as Andrews, Cullowhee, Burnsville and Alexander. He asked the Board to consider adopting an ordinance regarding this unnecessary noise. Mr. Miller said he was told by a truck driver that the jake brakes are useless unless the truck is traveling faster than fifty-five miles per hour.

Mayor Foy pointed out that motorcycles traveling along Main Street also create a lot of noise. Dick Young suggested that a police officer be assigned to walk Main Street again and maybe this will help. Mr. Young asked if the Town could post signs.

Alderman Brown said at some point you have to decide how to approach the problem cost effectively. If more ordinances are adopted, it would take more officers to enforce them. You can't necessarily prohibit jake brakes because in some cases they may be necessary. Manager Galloway said about three years ago the issue of jake brakes was brought up. At that time, the Town researched the matter and could not find ordinances from other towns regarding this issue. Manager Galloway said town staff can research this issue again and let the Board know what their findings are.

Daniel Cox - Comments Regarding Street Repaving at Cardinal Drive and Wren Way

Daniel Cox said Cardinal Drive and Wren Way were recently repaved using the BST Surface Treatment of tar and gravel. Mr. Cox said these roads were in good condition and this was not necessary since Cardinal Drive was resurfaced about one year ago. It has created a mess which he has spoken to the Town about. The Street Department crew has been out to clean up the mess and has done a good job in doing so. Mr. Cox added that Waynesville is a great Town to live in. He

expressed appreciation for the Town's newsletter. No action was necessary.

Cancellation of July 26, 2004 Meeting

Alderman Brown moved, seconded by Alderman Feichter, to cancel the meeting of July 26, 2004. The motion carried unanimously.

Adjournment

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

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor