

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
MARCH 22, 2005  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held its regular meeting on Tuesday, March 22, 2005. 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, Tax Collector James Robertson and Acting Town Attorney Steve Ellis. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of March 8, 2005

Alderman Caldwell moved, seconded by Alderman Brown to approve the minutes of the March 8, 2005 meeting as presented. The motion carried unanimously.

Jack Kersten - Request to Discuss Depot Street Parking

Attorney Jack Kersten, representing Jim Keener, requested time before the Board to discuss parking limitations on Depot Street. The parking time was increased from thirty minutes to one (1) hour on January 11, 2005.

Attorney Kersten said Mr. Keener has been in business on Depot Street for more than 20 years. The community is changing and recent work on Depot Street, which Attorney Kersten felt was great, has had an effect on Mr. Keener almost causing him to go out of business. Several parking spaces were lost with the work that was done. A new business on Depot Street wanted to increase the parking time limit from thirty minutes to two hours to allow more time for people to shop in their stores. However, this would not help Mr. Keener whose business is primarily to drop off and pick up sewing machines and vacuum cleaners for repair. People cannot walk from the nearby parking garage and carry these items. Attorney Kersten requested a type of variance for Mr. Keener to designate the two lower parking spaces as loading/unloading zones in front of his business to allow "quick in and out parking" or his business will cease. Attorney Kersten said he had to convince Mr. Keener that this is what is needed.

Mr. Kersten said Mr. Keener had a petition with approximately 260 signatures and he has already presented another petition to the Town with approximately 130 signatures. He added that Mr. Keener is not someone who wants to get back at his neighbors.

Mr. Keener said during the winter months he has about 35 customers per day. This number increases during the summer months to about 60 customers per day.

Alderman Brown said there are presently seven (7) parking spaces in this area. Attorney Kersten said there were ten before improvements were made to Depot Street. Alderman Brown said a variance is granted for extraordinary circumstances and at the last meeting it was felt that the one hour parking should be left alone for a while to see how it would work. However, Aldermen Brown and Feichter said the designation of two loading/unloading zone spaces may be the best solution.

Alderman Brown moved, seconded by Alderman Moore, to adopt an ordinance designating the two lower parking spaces on Depot Street as loading/unloading spaces with a fifteen (15) minute time limit. The motion carried unanimously. (Ord. No. 11-05)

Manager Galloway asked that the record reflect that one or two loading/unloading spaces were originally offered as an option by the Police Chief and Town Manager to ease the one (1) hour parking limit for Mr. Keener's business, but this offer was declined at that time. Attorney Kersten said he had to convince Mr. Keener that this was what was needed. Attorney Kersten also felt that two spaces were needed rather than one because it is difficult to back uphill if there is only one parking space and easier to pull into the space if there are two.

#### Tax Collector James Robertson - Request for Authority to Advertise Tax Liens

Each spring Tax Collector James Robertson requests time on the agenda to seek the Board's authority to advertise tax liens for sale on the unpaid real estate taxes due the Town of Waynesville. Under North Carolina law, at some point after the tax due date of January 6 of each year and prior to the end of the fiscal year on June 30, each governmental unit in North Carolina is required to advertise a list of the owners of real estate who are delinquent in their property tax payments. Tax Collector Robertson said the advertisement is scheduled for publication on Friday, March 25. Last year the advertisement was published around April 1<sup>st</sup>. He said the sooner this advertisement appears, the sooner the Town receives the money for the delinquent taxes.

Alderman Feichter said she appreciated Mr. Robertson's diligence and she is proud of the job he does. Mr. Robertson thanked the Board for their support, adding that it makes his job much easier.

Alderman Moore moved, seconded by Alderman Feichter, to authorize Tax Collector Robertson to advertise delinquent taxes for the Town of Waynesville. The motion carried unanimously.

#### Agreement/Application to the Rural Center for Grant for Water Line to Assist HVO, Inc.

In February it was reported that the Town of Waynesville, in partnership with Haywood County and Haywood Vocational Opportunities, has been awarded an Economic Stimulus Grant from the North Carolina Rural Center. This grant will pay one-half of the costs, up to \$125,000, for extending a twelve-inch water line to provide adequate fire flow to the new HVO facility. After HVO had completed their new building, they found that the six inch water lines in the area near the new facility were inadequate to meet the demands of the sprinkler system. As a result, they found that they would need to extend a twelve-inch line from the Town's 20 inch water line at the west end of Robinson Street, next to Richland Creek. It has now been determined that the 12"

line can be run across the old Tannery property owned by Tim Welch and Rick Wrenn, reducing the estimated cost closer to \$200,000.

With the help of Bill Gibson, Director of the Southwest Commission, tentative approval of a grant of one half the cost of the work, up to \$125,000 was granted. This grant was announced in Raleigh on February 22, 2005. The total project cost was originally estimated at between \$200,000 and \$250,000, and the local share of the project will be equally divided between Haywood County, the Town and HVO, with each contributing about one-third of the local share. Haywood County Commissioners approved at their meeting on Monday, March 21 to contribute 1/3 of the remaining total project cost after the grant is applied, with a maximum contribution of \$41,666.

The full application is to be submitted to the Rural Center by the Town no later than March 31, 2005. The Town Board must approve the agreement and designate an individual to be the contact for the Town. Manager Galloway said the application form was received on March 15, and the information for the application is not complete, but will continue to be gathered so that the full application may be submitted to the Rural Center prior to the deadline.

Alderman Brown moved, seconded by Alderman Moore, to adopt the resolution as presented for the Economic Infrastructure Grants Program, and that the Town's contribution for this water line project is to be one-third of the remaining total project cost after the grant is applied, with a maximum contribution of \$41,666. The motion carried unanimously. (Res. No. 4-05)

#### Voluntary Annexation Petition - Brian Birthright - 1855 Russ Avenue

A petition for voluntary annexation was received from Brian Birthright for property he owns at 1855 Russ Avenue, just south of Bargains on the west side of Russ Avenue. Dr. Birthright plans to open a veterinary office there, and he has requested connection to the Town's sewer service which is located on this property. As with any request from a property outside of the town, application for sewer service must be accompanied by an application for annexation into the Town.

The first step in pursuing annexation would be to adopt a resolution directing the Town Clerk to determine if the petition for annexation meets the requirements of State Law

Alderman Brown moved, seconded by Alderman Moore, to adopt a resolution instructing the Town Clerk to investigate the petition. The motion carried unanimously. (Res. No. 5-05)

#### Speed Limits on Country Club Drive

At a February meeting of the Town Board, it was noted that there were no speed limit signs posted on the double-lane portion of Country Club Drive between South Main Street and the entrance to the Country Club. It appears from previous actions of the Board, that there is a 20 mile per hour speed limit on Country Club Drive between Oakdale Road and the entrance to the Country Club at Ninevah Road. The balance of Country Club Drive, being the double-lane section between the entrance to the Country Club and South Main Street, has a speed limit of 30

miles per hour. It was requested that the Police Department look at this situation and make recommendations. A report was received from Police Chief Bill Hollingsed recommending that the speed limit for the entire length of Country Club Drive, from South Main Street to Oakdale Road, be posted at 20 miles per hour.

Alderman Moore moved, seconded by Alderman Brown, to adopt an ordinance to set the speed limit for the entire length of Country Club Drive, from South Main Street to Oakdale Road, at twenty (20) miles per hour as recommended by the Waynesville Police Department. The motion carried unanimously. (Ord. No. 12-05)

#### Roy Pressley - Request Permission to Dig Ramps on the Waynesville Watershed

Roy Pressley, with the American Legion, requested permission to dig ramps on the Waynesville Watershed for the upcoming Ramp Festival scheduled for Sunday, May 1, 2005. Mr. Pressley said the American Legion supports many of the area's youth programs and the Ramp Festival is one of the fundraisers held each year to support this purpose. Mr. Pressley asked that they be allowed to begin digging and gathering ramps April 15. He assured the Board that the ramps are being replenished since they only "spot dig" the ramps, alternating patches each year. He added that it takes ramps seven (7) years to regenerate.

Alderman Moore moved, seconded by Alderman Feichter, to grant permission for the American Legion to dig ramps on the watershed, beginning April 15 and coordinating this with the Water Plant Superintendent, for the annual Ramp Festival. The motion carried unanimously.

#### Electrical Rate Increase

Manager Galloway said an article is included in the Town's next quarterly newsletter regarding the electrical rate increase to be included on customer's bills after April 1. He added that a very good article by reporter Jeff Schmercker on the upcoming rate increase was in a recent edition of The Mountaineer. Manager Galloway said he spoke with Kevin O'Donnell, the Town's electric consultant, last week and Mr. O'Donnell said Progress Energy will need to go to the N. C. Utilities Commission for approval for a boost in the fuel adjustment before October which is normally when this is done. No action was necessary.

#### Special Meeting - Schematics for Police and Administrative Buildings

Town Manager Galloway said a special meeting is scheduled for Tuesday, March 29 beginning at 4:00 p.m. at Town Hall. ADW Architects will be present to discuss the schematics for the proposed renovations for the Police and Administrative buildings. No action was necessary.

#### Retreat Scheduled

The Annual Retreat for the Board of Aldermen is scheduled for Friday, April 8 from 8:00 a.m. until 5:00 p.m. The Retreat will be held at the Lake Logan Episcopal Center. No action was necessary.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Moore, to adjourn the meeting at 7:48 p.m. The motion carried unanimously.

Phyllis R. McClure  
Town Clerk

Henry B. Foy  
Mayor