

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
APRIL 26, 2005
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held its regular meeting on Tuesday, April 26, 2005. Members present were Mayor Henry Foy, Alderman 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 March 22, 2005

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the March 22, 2005 meeting as presented. The motion carried unanimously.

Cancellation of May 10, 2005 Meeting - Special Meeting Scheduled Thursday, May 12, 2005

The N. C. League of Municipalities Town Hall Day in Raleigh is scheduled for Wednesday, May 11, 2005. Board Members will need to leave Waynesville on the evening of Tuesday, May 10 which is the same date as the Board's regular meeting.

Alderman Brown moved, seconded by Alderman Feichter, to cancel the regular Board Meeting of May 10 and schedule a special meeting on Thursday, May 12, 2005 at 5:00 p.m. The motion carried unanimously.

Clerk's Report Regarding Annexation - Birthright, LLC, 1.4 Acre Tract Located at 1855 Russ Avenue

At the meeting of March 22 a petition for annexation was received from Brian Birthright for a veterinarian clinic at 1855 Russ Avenue. A resolution was adopted directing the Town Clerk to investigate the sufficiency of that petition.

Town Clerk McClure has completed her investigation and found that the petition meets the requirements of the State Statutes.

Alderman Brown moved, seconded by Alderman Caldwell, to set the public hearing date regarding the annexation for Thursday, May 12 at 5:00 p.m. The motion carried unanimously. (Res. No. 6-05)

Tentative Award of Two Million Gallon Water Tank

The Town has been planning to replace the one million-gallon water tank on Reservoir Drive for quite some time. This tank, located off East Street, was constructed around 1925 and has certainly served the citizens of Waynesville and the surrounding area well. About two years ago, the Town purchased additional property adjacent to the present tank for the construction of this new tank. The new tank is proposed at two million gallons, sized larger to account for the growth that has occurred and will be occurring in the East Waynesville area. The tank will also assist with water flows along Russ Avenue to the Bypass.

On Friday, April 8, 2005, McGill Associates, the Town's engineers on this project, opened bids on the two million gallon tank. They had earlier advertised for bids and did not have a sufficient number of bidders, but on April 8, they did have three bidders. There was concern about the prices for the tank and reworking of water line to serve the new tank; consequently, several alternatives were requested so that we would have some options. A two million-gallon prestressed concrete tank was preferred, and that is shown as Division A. But the alternatives included a 2,000,000 gallon tank made of bolted steel rather than prestressed concrete as well as a reduced sized tank of 1,500,000 gallons of either bolted steel or prestressed concrete. Base bids for a 2,000,000 gallon prestressed concrete tank were as follows:

Cooper Construction \$ 889,375.00
Buckeye Construction \$ 977,585.00
Payne, McGinn & Cummins \$1,468,450.00

The bid tabulation sheets along with the letter of recommendation from McGill Associates were presented to the Board for review. The proposals to provide the 2,000,000 gallon prestressed concrete tank ranged from \$889,375 to \$1,468,450. The alternate bid for a 2,000,000 gallon bolted steel tank ranged from \$861,122 to \$1,085,850.

In fairness to McGill Associates, the engineers are comfortable with either the prestressed concrete or the bolted steel tank in terms of construction, dependability or maintenance. Waynesville's recent experience has been with concrete tanks, and Fred Baker and Robert Hyatt are much more comfortable with the prestressed concrete tank as opposed to bolted steel. Fred and Robert feel that the long term maintenance costs will be less and that the initial work will be more satisfactory with the prestressed concrete. Manager Galloway agreed with their preferences, and for the \$28,253 difference in the cost, felt it is worth it to go with the prestressed concrete tank.

Town Staff recommended that the Mayor and Board make a tentative award to Cooper Construction of Hendersonville. The award would be subject to the public hearing on financing the tank set for May 12, and the authorization by the Local Government Commission at their meeting on June 7, 2005.

Alderman Moore moved, seconded by Alderman Brown to tentatively award the bid for the two million gallon water tank to Cooper Construction of Hendersonville in the amount of \$889,375 and to set the public hearing date regarding financing for Thursday, May 12 at 5:00 p.m. The motion carried unanimously.

Amendment to Code Section 54-153 Civil Enforcement of Parking Violations

During the past year, Town Attorney Woody Griffin has been working on several issues of importance to the Waynesville Police Department. One of these issues deals with the use of civilians to enforce parking violations within the Town of Waynesville.

During the year, and particularly in the periods of heavier tourism, downtown merchants have voiced complaints that there was not adequate enforcement of the parking regulations. With four police officers on duty, about 90 miles of streets to patrol and a host of other issues from meth labs to traffic control and accidents to work, it is difficult for police personnel to consistently put parking enforcement on the front burner. With the opening of the new Justice Center and the arrival of tourist season, there will be more demand for on street parking. The Town spent a lot of money to join Haywood County in the construction of the new parking deck. County employees, those who visit the Justice Center on a long term basis and merchants and the business community should be encouraged to get their vehicles off the main streets and into the parking deck, leaving the streets free for shoppers. The use of a civilian unit for more consistent enforcement of the parking regulations will certainly help in this matter.

There have been many graduates of the Civilian Police Academy who have expressed a desire and willingness to volunteer their time to help enforce the parking regulations within the Town. This was discussed with the Board a few years ago, and the Board voiced support on the condition that the individuals receive proper training in the procedures to follow and in dealing with the public.

Town Attorney Griffin and Police Chief Bill Hollingsed have worked together to make some additional changes to the current ordinance. They recommend that the following amendment to Section 54-153 of the Town Code be approved by the Board.

Existing:

All such persons as may be designated by the town manager to enforce the various provisions of this article shall attach to any vehicle violating the provisions thereof a notice to the owner or operator thereof that such a vehicle has been parked in violation of the provisions of the ordinances of the town and that such violation subjects the offender to a civil penalty as shown in the official schedule of fees and charges as set by the mayor and board of aldermen and maintained by the town clerk.

Proposed:

ADD THE FOLLOWING PARAGRAPH

Absent designation by the town manager of any person or persons as set forth herein, the enforcement of the various provisions of this article shall be under the authority of the Police Department of the Town of Waynesville. To this end, said police department shall have the authority to create a civilian unit for the purpose of enforcement of the provisions of this article, with the specific exception of the enforcement of those provisions which pursuant to the North

Carolina General Statutes are exclusively the responsibility of said police department. Said police department shall be responsible for the training and supervision of said civilian unit.

Alderman Brown asked about the Town's liability regarding worker's compensation, liability insurance and if this method would be cost effective. Manager Galloway said the Town does have some liability. Attorney Griffin said the civilians issuing citations would be acting as agents of the Town. He added that this may be something the Board would want to revisit in four to six months to see how it is going and if there needs to be some fine tuning. Alderman Feichter said the Police Chief and his department do their work in a professional manner and she had faith in how the training and supervision of this operation will be handled.

Alderman Brown moved, seconded by Alderman Feichter, to adopt an ordinance amending Section 54-154 as recommended. The motion carried unanimously. (Ord. No. 13-05)

Chuck Dickson Regarding Plott Creek Road Improvements

During early December, 2004, the Department of Transportation held a public meeting on the proposed improvements to Plott Creek Road. The DOT had hired KO Associates of Raleigh to design the improvements, and at that meeting, a number of residents and adjacent property owners were concerned about the proposed design.

For some reason, the Town of Waynesville was not advised of that public meeting in December and none of the elected officials or town staff attended. Representatives of the neighborhood surrounding Hazelwood Elementary School came to the Town Board in December and asked that the Board request an additional public meeting on the matter. The Town submitted such a request to the Department and a second public meeting was scheduled and held on April 20, 2005. In the aftermath of the initial public meeting, and based upon input received then, there were a number of changes to the earlier design. These were presented at the meeting on April 20.

Mr. Chuck Dickson requested time on the Board's agenda to address the proposed project by the Department of Transportation. Mr. Dickson thanked the Board for attending the recent meeting held at the Hazelwood Elementary School. At that meeting citizens felt that there had not been a problem with Plott Creek Road except for congestion at the Hazelwood Elementary School parking lot.

Residents felt that the straighter, wider proposed street was not designed to include consideration for pedestrians and was designed for a 40 mph speed design. Some lots along Plott Creek are affected more and others are affected less. All citizens would like to see a safer design for Plott Creek but do not want NCDOT to feel that the citizens want the project abandoned because of their concerns. They suggested that 1) contact be made with Chuck Francis or Principal Sherry Arrington regarding a joint plan with the Haywood County School System, Town of Waynesville and NCDOT. 2) Request that NCDOT be more context sensitive and redesign the two lane road in a way which would move people more safely.

Jennings Plemmons, representing North Hazelwood Missionary Baptist Church on Plott Creek Road, said the proposed plan for Plott Creek Road will take all the handicapped parking spaces

in front of the Church and will not allow space for a hearse for funerals. The Church Members feel that the redesign will create an unsafe situation. They would like for NCDOT to study the area further, using methods such as traffic counts and traffic calming features to create a safer design for Plott Creek. The Church would be willing to sacrifice a portion of their parking lot across the street in order to keep their front door access. Provisions for handicapped parking could be made in another area.

Alderman Brown said he was concerned that NCDOT would withdraw the money and abandon the Plott Creek project. Mayor Foy said it was important that specific concerns be addressed to NCDOT. It is not the intent of the Board to tell DOT how to design projects, but may be good to express the specific concerns of the citizens and the Board. Philan Medford said there are data driven statistics which show you can move more cars at 20 mph than 40 mph, as well as many other things to consider in street design. She added that there is a small roundabout project in Buncombe County that DOT used some of these study methods in its design.

Alderman Feichter said she would like to see Plott Creek Road and the surrounding neighborhood maintain its rural character. To make it a three-lane road and straighten the curves would lose the rural character. Alderman Moore said to keep the curve in the road would slow traffic.

Alderman Brown asked if the Board would like to include the Haywood County School System for their suggestions on the road design.

Manager Galloway said he spoke with DOT and KO representatives and he knows that they will not design a road which allows traffic to back out into the street. There are five spaces on the Hyatt Street side of the Church which could be used for handicapped parking.

Alderman Brown moved, seconded by Alderman Moore, to ask Manager Lee Galloway and Public Works Director Fred Baker to meet with NCDOT and Haywood County School Board Representatives to study this issue further and come up with a list of alternatives for Plott Creek based on the concerns of the residents and Church and that this information be in the form of a letter from Mayor Henry Foy with copies sent to Chuck Dickson and Jennings Plemmons. The motion carried unanimously.

Roscoe Wells - Proposed Expansion of Town Facilities

Roscoe Wells, 85 East Marshall Street, said a child born today will have a \$26,000 and rising debt at the National Level. He has heard the Board talk about infrastructure improvements and a new water tank which will be paid for by Waynesville taxpayers. The new Justice Facility will be paid for by taxpayers. The water lines where he lived and where he now lives are in need of repair. Before the Board starts buying more infrastructure, repairs should be made to what is now in place. He said the Police Department needs more space, but he did not think that he and Philan Medford need more space in a new Board Room. He asked the Board not to design for overflow. If more space is needed for a Board Meeting he suggested that the Recreation Center or other facility be used.

Mayor Foy said when he was first elected Mayor the Town had 106 employees and now this number has risen to 162. Waynesville is not like other Towns. The population growth has not grown as much as the tax base because people build homes which increase the tax base but those people are not year round residents.

Mr. Wells said 26% of the jobs in Haywood County are in public service. He asked the Board to be careful and cautious about going out for large expenditures. He added that he respects each Board Member and does not want to see the Town Board make the same mistake that the Haywood County Commissioners made or they may not be here after the next election.

Mib Medford - Vote on School Bonds

Mib Medford said the current Board of Aldermen is the best Board that Waynesville has ever had and she did not want to see a back lash on this Board. She asked that they be very careful.

Ms. Medford wanted everyone to know that this week they could vote on the Haywood County School Bonds.

Alderman Moore - Request to Tour Town Facilities

Alderman Moore said the Police Department is in need of expansion and a new Fire Department is needed. He suggested that the Board tour all the Town facilities to get a better idea of the expansion needs.

Mayor Foy pointed out that it is difficult for people to understand that you can't expand just one building at a time. It should all be done in a coordinated manner.

Adjournment

With no further business, Alderman Moore moved, seconded by Alderman Feichter, to adjourn the meeting at 8:20 p.m. The motion carried unanimously.

Phyllis R. McClure, Town Clerk

Henry B. Foy, Mayor