

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
JULY 12, 2005
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, July 12, 2005. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Kenneth Moore and Libba Feichter. 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 28, 2005

Alderman Caldwell moved, seconded by Alderman Feichter to approve the minutes of the June 28, 2005 meeting as presented. The motion carried unanimously.

Resolutions Regarding Insurance Programs North Carolina League of Municipalities

The Town of Waynesville belongs to and participates in the three insurance pools offered by the Risk Management Services under the North Carolina League of Municipalities. These include the Municipal Insurance Trust for health insurance benefits, the Interlocal Risk Management Agency for workers compensation benefits and the Interlocal Risk Financing Fund for property losses and liabilities.

These three programs were formed at different times and the membership agreements were written by different authors when the pools were formed. The League has now rewritten the membership agreement forms so that there is more consistency and with the intent of clarifying membership periods. There is also a rewrite of the section that deals with the indemnity of board members to protect those individuals while acting in good faith.

Alderman Brown moved, seconded by Alderman Feichter to adopt the resolutions and agreements as recommended. The motion carried unanimously. (Res. No. 12, 13 & 14-05)

Debt Setoff Program

The North Carolina League of Municipalities and the North Carolina Association of County Commissioners joined forces to gain General Assembly approval of a program designed to assist local governments in assuring payments of debts owed to governmental units. Under this program, a local government is able to file a record of the debt with what is essentially a collection agency, and that agency will establish a data base showing the debts of individuals to local governments in North Carolina. Should that individual be entitled to a refund from the North Carolina Department of Revenue for state income taxes, any debts owed a local government would first be deducted from the refund and paid into an account established for that

local government. Even the fee charged by the firm handling the program is assessed against the individual who is delinquent.

These debts might include water and sewer bills, electric bills, property taxes, parking tickets or other fees and charges due a municipality or county government. There are certain restrictions and rules about the size of the debt and the time line in which a claim may be filed. Many cities and counties have used this program across the state and it has been an excellent tool for them to use in collecting unpaid bills. The City of Asheville has used this program for a few years and is very satisfied with the results. In the first few months of 2005, Asheville had received more than \$100,000 in payments from this program.

In the past, Manager Galloway said he has seen a listing of local governments and the amount they receive from participation in this program, and invariably, some of the larger figures are in small municipalities similar to Waynesville with electric systems. People will move and leave an electric bill which is not covered by the amount of deposit. It is felt this will certainly assist the Town in cutting down outstanding accounts.

Tax Collector James Robertson was tasked with the responsibility of investigating this program and submitting a report on his findings which was distributed to the Board. In talking with League officials, James asked what steps were necessary for the Town to participate. The Town was advised that the Mayor and Board of Aldermen should be aware of the program and should approve the Memorandum of Understanding and Agreement for participation. Alderman Brown said this program does work, he has witnessed it through the Court System with court appointed attorneys. Mr. Robertson said he has ways of collecting unpaid taxes, and this program will help in collecting unpaid utility bills and any other unpaid fees as well. All unpaid fees can be added together and turned in for collection once the delinquent amount equals at least \$50. Alderman Feichter expressed appreciation for the job that Mr. Robertson has done.

Alderman Brown moved, seconded by Alderman Caldwell, to approve entering into the Memorandum of Understanding and Agreement for participation in the NC Local Government Debt Setoff Clearinghouse Program. The motion carried unanimously. (Cont. No. 13-05)

Forestry Management Plan Waynesville Watershed

During the Board's Retreat in April 2005, the status of the Allens Creek Watershed was discussed, as well as the Conservation Easements which the Board approved in October 2004. One of the requirements of those conservation easements is that the Town has a forestry management plan for oversight of the watershed. The Board authorized Manager Galloway to contact Dr. Peter Bates with the Department of Geosciences and Natural Resources Management at Western Carolina University to seek a proposal to develop a Forestry Management Plan for the watershed.

Manager Galloway said he has had several conversations with Dr. Bates since that time and explained what the Town would be looking for in the Forestry Management Plan. There is considerable interest in the development of this plan, not only from Western Carolina University, but from educational institutions and individuals in other areas of the country. Dr. Bates has

spent considerable time in discussions with individuals who specialize in testing for water quality and changes in that quality, for he realizes that the highest priority of the easement is to maintain the water quality. Water quality specialists want to implement state of the art type testing to assure that any forestry management practices in the watershed are not a detriment to the water quality, which is one of the Town's primary concerns.

Dr. Bates attended the meeting to present the proposal to develop the Forestry Management Plan. He said the purpose is to prepare a Forest Management Plan for the Watershed which will be consistent with terms outlined in the Conservation Easement which would work to compliment the water quality. This will be a state of the art plan and has received the attention of several forestry experts throughout the Country who are very excited to work in such an important project where there is an active watershed situation. Particular attention will be paid to water quality and any forest management use would compliment this water quality. This will be an excellent educational opportunity for the many students at Western Carolina and other institutions involved with this project. This is also an opportunity to develop a model plan for the Southeastern United States as well as the Country.

Involvement by the Town of Waynesville is a very important part of this project. Some decisions and judgement calls to be decided upon need to come from the Town, possibly through a citizen advisory committee, which has yet to be appointed. The time line is to hopefully come to an agreement between now and August 2005 and complete the plan by April 2007. The estimated cost of the plan is \$50,000, most of which is included in the 2005-2006 fiscal year budget. The agreement will be between WCU and the Town of Waynesville. Dr. Bates said some of the people involved in this project will be working in the watershed and others may not be in the watershed. Alderman Feichter asked about some of the things which will take place in the watershed, things that have not been done in the past. This may give the Town information that has not been available to the Town in the past.

Some of the baseline data will be collected for an extended period of time to get an idea of what the water quality is in the watershed before any activities occur. Whenever there is activity or foresting it will be in a very small area. Coring of the reservoir will be conducted, which can provide historic rates of sedimentation and which streams the sedimentation came from and what has taken place in the watershed since it began. By using some of these activities and through a management plan the Town may be able to alleviate mis-managements in the past. It will be up to the Town to determine who will implement or oversee the plan.

Development of this plan is seen as an educational opportunity for students at Western Carolina University since students will be involved in collecting data. Alderman Feichter said this is a wonderful resource for an educational opportunity for students and she is glad to see that utilized. Manager Galloway said one of the best features is to make this a model forest so that others can come here and see how it is supposed to be done right. This is a goal of WCU and the Town.

Mayor Foy asked about timber harvesting on the watershed. Dr. Bates said when the assessment is completed, any timber harvesting would be designed for the health of the watershed. Diversity helps to keep a healthy forest and a diverse forest is more resilient to whatever occurs. This is

why you don't treat the whole watershed at once but rather a small portion at one time. The watershed area would be divided into small areas and timbering would be done to improve the watershed. Over a twenty-year period you would go throughout the entire watershed, treating some areas and not treating others. There may be some areas where timbering would occur, involving about 400 acres per year. Different types of harvesting would be done in different areas, involving a variety of different harvesting based on the findings of the study when complete in 2007.

Dr. Bates said for more than 100 years the City of Boston, Massachusetts has been overseeing their watershed, which involves four or five watersheds. New York City has also been overseeing their watershed. There are farms, private land, etc., within their watershed, which affects the quality of water since these private lands can be sold. Within three to four months he would like to see involvement from the community in Waynesville with the appointment of a committee of approximately five members. Mayor Foy said he would like to see a video of the latest methods of removing timber if one is available.

Funds for the Forestry Management Plan have been included in the 2005-2006 budget. Since the work will likely take 18 months or more, it is anticipated that additional funds will need to be appropriated in the 2006-2007 budget. Manager Galloway said this is a long term project which will take a considerable amount of time, but the Town wants to assure that things are done right.

The Board thanked Dr. Bates for attending the meeting and answering questions. He will attend the next meeting on August 9, 2005. No action was taken.

Request for Haywood County Commissioners to Add Walnut Trail to State Road System

Walnut Trail is the name of the road which extends from State Route 209 into the property occupied by the wastewater treatment plant. In 1964, the Town constructed the bridge and the road serving the treatment plant at the same time as the plant was built. Since then, the Town has provided the maintenance of this road and the bridge, and even in the past year, we did extensive patching and applied a BST or chip seal coat to the surface of that road.

Since 1964, a number of homes have developed along Walnut Trail, and there is a good deal of residential traffic using the road and bridge in addition to town vehicles and private vehicles attempting to reach the wastewater plant. The repairs to the road surface were not an expensive item, but it is all at local cost since the road is located outside of the corporate limits and not eligible for Powell Bill funds. Our main concern is for the future cost of extensive maintenance or even replacement of the bridge.

With this volume of traffic using the road and bridge, Public Works Director Fred Baker approached the State to see if they would consider taking over this road for State maintenance. The Department of Transportation has indicated that the request must come from the County Commissioners, since the road is located in the County rather than in the Town. It was requested that the Town Board officially ask the County Commissioners to seek DOT agreement to add this road to the State system.

Manager Galloway said some of the residents on this road are not in support of putting the road on the State system. At present, some residents run cattle on and near this road and there are cattle guards on the road. It is unlikely that the State would allow those cattle guards to remain, meaning the residents would have to assure that their cattle are properly fenced and secure. The residents are also in a position of being perfectly happy with the road and bridge as it is since the Town is paying for all maintenance; consequently, they have no reason to want the DOT to assume responsibility.

With the likelihood that the bridge will need replacing in the not too distant future, it is felt to be in the Town's best interest to seek State oversight of this road.

Alderman Moore moved, seconded by Alderman Brown, to ask the Haywood County Commissioners to request that Walnut Trail be added to the State Road System. The motion carried unanimously.

Resolution Two Million Gallon Water Tank

On Wednesday, July 6, Town personnel met with representatives of Home Trust Bank on closing the loan for the two million gallon water tank on Reservoir Drive. While reviewing the documents included in the package, there was one which had not been adopted and signed by the Mayor and Board of Aldermen. This document, which is called an "Incumbency Certificate", indicates that the Mayor and Board of Aldermen were serving as members of the Board of Aldermen when the resolution awarding the financing to Home Trust Bank was approved and that they continue to serve in that capacity. It was requested that this document be approved so that financing of the tank can proceed. The tank is already under construction.

Alderman Brown moved, seconded by Alderman Feichter, to approve the resolution, to be dated the same date as closing July 6, 2005. The motion carried unanimously. (Res. No. 15-05)

Agreement With WynnComm Telephone and Voice Over Internet Systems

For several months, the Town of Waynesville and Haywood County has been involved in discussions with WynnComm about the installation of a fiber optic cable from the Hi-Tech Center to the office of Charter Communications on Sulphur Springs Road. In addition, the negotiations involved the connection of all Town and County facilities to this fiber optic line and the installation of new Voice Over Internet Data System and all new equipment for these facilities.

This project began when John Howell, a Waynesville resident and former manager of the Sammons Cable System, was contracted by Advantage West to oversee a grant awarded to expand broadband internet communications network in our region. Mr. Howell was able to reserve \$154,000 of this grant money for use in Haywood County, with the intention of linking Town and County facilities to the broadband system which will greatly speed the transfer of information between facilities. For instance, at present, Town employees frequently must refer to County GIS maps for information about a variety of topics, but to access this information, the Town purchases several computer disks each quarter for police, planning, manager, land use,

engineer and public works. This information on the disk is already a few months old when received. With the new fiber optic network, town staff members will be able to go to the county GIS maps and quickly download the information needed.

With the new fiber optic system, we will also have all of our offices within town linked for data transfer, something that now only occurs between the Finance Department and the branch office in the former Hazelwood Town Hall. With changes in the purchasing operation and with a desire to have a system wide complaint management system, this linking of offices is even more desirable. All Town and County offices will be provided new telephones and telephone systems. For the most part, the 125 telephones owned by the Town are five or more years old, and the Police Department had requested a new system in this year's budget at a cost of \$23,000. These telephones would be digital phones and the lines will allow access by phone or internet as needed in each office. The Town and County will also be co-dependent upon each other, as there will be two Voice Over Internet Controller Units, one on Town property and one on County property. If one unit goes out, the other unit will maintain power and operate both the Town and the County phone systems.

Manager Galloway said they have spoken with some counties and municipalities in the Piedmont area where WynnComm presently operates, and they have all given the company strong endorsements. Last week, representatives of Haywood County visited several of those governmental units and got good reviews of the equipment provided and work performed by WynnComm.

The owner of WynnComm is Jimmy Wynn, and he has a long professional and personal relationship with Mr. Jerry Michael, a local businessman who owns MiComm. The Town has worked with Mr. Michael for several years, and he provides the telephone systems and maintenance for Town Hall, Hazelwood, Public Works and Recreation. During that time, the Town has been very satisfied with the telephone equipment and the minimal amount of service needed.

Mr. Wynn is working on the details of the final proposal. It is requested that the Board give their tentative approval of the arrangements with WynnComm in order to assure that the grant from Advantage West will not be lost to another county in our region. Manager Galloway said they have been working with Town Attorney Woody Griffin on the agreement, and Mr. Wynn has participated in meetings to resolve issues related to the agreement. Manager Galloway said this fiber optic line and Voice Over Internet system would be a great enhancement to the communications systems for the Town and County.

John Howell was present at the meeting and explained that this fiber optic line would extend from Charter Communications to the Hi Tech Center. Residents along this route can also be networked to the system. E-mail addresses would change but telephone numbers would remain the same. Also within the system the last four digits of telephone numbers could be dialed to access another number within the system. Wi-Fi (wireless fidelity) wireless internet service access could be available on Main Street. Alderman Feichter asked if this could be beneficial in emergency situations. Mr. Howell said it would be good for the County, Town and for

Commerce. There are businesses who base their relocation on the availability of fiber optic systems.

Manager Galloway said at the present time the Town pays approximately \$2,501.01 per month to Bell South. With this proposal the Town would pay approximately \$1,636.00 per month to WynnComm. Speed for internet connections would be increased. The finished system is expected to be in place by November 2005.

It is hoped that Jerry Michael with MiComm can deliver the contract by July 13 so that the Town Attorney can review before signing. Attorney Griffin suggested that an indemnification agreement between the Town and County be made part of the contract.

Alderman Brown moved, seconded by Aldermen Moore, to authorize Manager Galloway to enter into a contract between the Town of Waynesville, Haywood County and WynnComm after the contract has been received, reviewed and approved by the Town Attorney. The motion carried unanimously. (Cont. No. 14-05)

Street Closing Request - Downtown Waynesville Association

When the Downtown Waynesville Association submitted their annual list of street closings for approval by the Town Board, the date of the second Main Street Block Party had not been confirmed. DWA and the merchants have now agreed on the date of Saturday, September 3, 2005 for the Block Party-Street Dance. The hours of this event will be between 5:30 and 10:00 p.m.

The first block party of the year was held on May 28th, was very successful, and a number of favorable comments were received.

Alderman Moore moved, seconded by Alderman Brown, to approve the request to close Main Street as requested on Saturday, September 3, 2005. The motion carried unanimously.

Dick Young - Request to Adopt Ordinance Prohibiting Registered Sex Offenders From Entering Town Owned Parks

Dick Young presented a copy of an ordinance adopted by the Town of Canton prohibiting registered sex offenders from entering Canton's Parks. Attorney Griffin said he has tried to call Canton Mayor Pat Smathers to discuss their ordinance and how it was drafted but has not spoken with him yet. Attorney Griffin and Town Manager Galloway contacted the Institute of Government and the Institute has some reservations about the Ordinance. There are several other issues being considered and it is the Town's position that if an ordinance is adopted it should be done in a manner that will be legally sound. No action was taken.

Discussion Regarding Town Landfill and Yard Waste

Alderman Feichter said she had a conversation with a friend regarding the Town's landfill and that there needs to be a clear understanding regarding what residents can put in black bags with

yard waste. Manager Galloway said attempts are being made to educate the public on this subject. A message has been placed on utility bills, an article will appear in the next newsletter and an article has been placed on the Town's web site.

Discussion Regarding Clean-Up

Alderman Moore asked about clean-up of several areas in the West Waynesville area and what additional steps the Town could take regarding this issue. Alderman Feichter said everyone is frustrated and Alderman Caldwell said the Town should consider adoption of a new ordinance which would require that people put buffering in some locations. Albert Henson attended the meeting and said his wife is on oxygen twenty-four hours per day and the trucks beside their home that are running in the early hours of the morning interfere with her breathing. Manager Galloway said a letter has been sent regarding parking these trucks on residential property.

Adjournment

With no further business, Alderman Feichter moved, seconded by Alderman Brown to adjourn the meeting at 9:05 p.m. The motion carried unanimously.

Phyllis R. McClure, Town Clerk

Henry B. Foy, Mayor