

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
OCTOBER 11, 2005
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, October 11, 2005. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell 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 September 13 and September 20, 2005

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the September 13 and September 20, 2005 meetings as presented. The motion carried unanimously.

Mr. Don Overbay, Sunrise Rotary Club, Downtown Restrooms

Approximately one year ago, the Sunrise Rotary Club approached the Town Board to express their desire to construct restrooms in the downtown area. This was a project to commemorate the 100th Anniversary of the founding of Rotary. The formation of Rotary took place in Chicago, Illinois, and one of the first projects of the first organization was to construct some public restroom facilities in downtown Chicago. Rotary felt that construction of restrooms in the downtown area fit well with their 100th Anniversary and was a needed addition in the downtown area of Waynesville.

Don Overbay attended the meeting and reported that the restrooms were now complete and were used this past weekend during the Church Street Art and Craft Show. Mr. Overbay thanked the Board, Town Manager Lee Galloway and Public Works Director Fred Baker for working out the details, site location and preparation and utility connections for the restrooms. He also recognized Luis Quevado who designed the restrooms, Clark and Leatherwood for the construction and Josh Best for his work as the project manager. The total cost for the restrooms was \$50,000 and Mr. Overbay presented a proposal for the Town to partner with the Sunrise Rotary Club for the construction costs. The proposal requested \$5,000 per year from the Town for the next five years, with the funding to cease at the time when the expenses are paid in full. Commitments have been secured from area businesses and others to pay some of the expenses and the club will continue to solicit area businesses for additional donations.

Mr. Overbay said the Sunrise Rotary Club consists of 22 members, with weekly meetings at 6:00 a.m. on Wednesday mornings. The Club has a line of credit with a local bank set up to repay the loan for this project within five years. However, they expect to repay the loan within two and one-half to three years. Some contributors to date include banks and local businesses, \$10,000; Downtown Waynesville Association \$1,500; Tourism Development Authority \$1,000.

Manager Galloway said the Sunrise Rotary Club provided something for the community that was needed and it was recommended that the Town's contribution be paid in full so that the Rotary Club would not have to pay the interest on the loan.

Alderman Brown moved, seconded by Alderman Caldwell to authorize the payment of \$25,000 as the Town's one-half contribution toward the costs of the restroom project and thanked the Sunrise Rotary Club for their project. The motion carried unanimously.

Mr. Overbay thanked the Board and Town Staff for their help on this project. He said an open house is scheduled to recognize all those involved with the project and he will notify the Board of the date and time for this event.

Ms. Victoria Young, Haywood Community Partnership, Mountain Area Resource Council (MARC)

Victoria Young and Denise Mathis attended the Board meeting to present a proposal regarding a \$125,000 grant received from the Robert Wood Johnson Foundation about one and one-half years ago and a new grant being applied for. Only eleven grants were awarded in the United States and Haywood County was the only recipient in North Carolina. Another grant is being applied for in the amount of \$750,000. This grant application requires matching funds and MARC will be going into each community to request funding based on the 55 years and older population in each community. Waynesville's pro rated amount would be \$10,980 per year for five years. Ms. Young said Haywood County is being asked to contribute \$180,000 per year for five years.

Once the first grant was received, each community was surveyed to determine the needs of the aging population. This study was necessary before an application could be submitted for the \$750,000 grant. The plan is designed to put resources back into the communities to meet those needs. Teams are to be developed in each community, with tools such as a web site, networking and collaboration to create better communication and networking throughout the community.

Denise Mathis said the total project will be in excess of two million dollars. Sites for computers are needed for the first year, with an approximate cost for equipment at \$24,480. The \$10,980 requested from the Town will be used for this purpose. Part of this community plan will be enhancement of existing services. Ms. Mathis explained that a lot of churches will be utilized in this project. Haywood County is being used as a "pilot project" to meet the needs of the community. It is hoped that policies will be established from this project which will change the face of aging. Ms. Mathis said it is an honor to have received this grant. The State of North Carolina rates #11 in the United States in population of senior adults and Haywood County ranks #four or #five in the State of North Carolina. This project is designed to further partnerships and will put the infrastructure in place for the aging population. Ms. Mathis said she believes in this community and the people who do not have a voice.

Alderman Brown said he applauds the efforts of MARC. However, he expressed concern that this project could remain self supporting if implemented and that a system would be in place to

provide financial support to keep it running. Ms. Mathis said the grant application is due in Michigan by November 2, 2005. She added that she could get information that the Board needs.

Alderman Caldwell said Alderman Feichter and he met with Ms. Mathis and Ms. Young regarding this project and felt that it was a project that could be valuable for the community.

Finance Officer Caldwell said that based upon policies approved by the Town Board, several items are needed before funds exceeding \$5,000 can be distributed to non profit agencies. These items include a copy of the Internal Revenue Service determination letter, list of Board of Directors and number of times meetings were held during the past year, copies of minutes of their annual board meeting, the current budget and the latest audited or reviewed financial statements. It was the consensus of the Board that this project was supported; however, they would like to see the financial information regarding this project before committing the funds requested for the next five years.

Paving Issues With Cardinal Drive and Wrenn Way in Laurel Ridge

At the meeting of September 13, 2005, a group from Cardinal Drive and Wrenn Way appeared before the Board to express their dissatisfaction with the chip seal (BST treatment) of their street in 2004. The group asked that the Town Board take some action to correct what they felt to be a poor paving job. A meeting was arranged for Tuesday, September 27 with NCDOT District Engineer Joel Setzer and Bill Parrish, supervisor of the BST application. Town representatives included Mayor Foy, Alderman Caldwell and Public Works Director Fred Baker.

There was a consensus at the meeting that some remedial work was warranted. Mr. Baker developed a report as a result of the meeting, listing several options which might be considered to address the complaints. The following options were given:

- 1) Attempt to repair flushing and bleeding in the curve at the top of Wrenn Way by adding more stone and rolling with a steel wheel on a hot summer day. Cost: very little (possibly by NCDOT).
- 2) Install an overlay on just the Wrenn Way curve and three intersections. Cost: 55 tons - \$3,000.
- 3) Overlay all of Wrenn Way including the Cardinal Drive intersections and the Cardinal Drive/Little Mountain intersection. Cost: 60 tons - \$8,500.
- 4) Overlay all of Wrenn Way and Cardinal Drive that received BST. Cost: \$31,000 for 1 ½".

Mayor Foy said the Town's policy is to use the BST application for streets above 2,800 ft. elevation. However, there is some work on Cardinal Drive and Wrenn Way which isn't good. The State indicated that they would do some corrective work but not until next year. It was felt that it would be better for the work to be done this year.

Alderman Moore felt that option #4 would be the best option. Alderman Brown asked about the other streets that have been paved using the BST method. Public Works Director Fred Baker felt that the Town should continue to use the BST method on some streets. He added that this particular job was not as good as some other streets that have been done and the Board has heard

from the neighborhood that it should be corrected. Alderman Brown asked if the Town should go back and look at its paving policy. Mr. Baker said he did not want to take the surface treatment out of the policy, especially for budgetary issues. Mr. Baker also recommended that we look at using the BST method of paving on a street by street basis. He felt that the quality work is better on Cardinal Drive than on Wrenn Way and the curves. Alderman Caldwell said when this complaint was investigated last year, it was determined that it was a poor job.

Alderman Brown moved, seconded by Alderman Caldwell, to appropriate \$31,000 as estimated in Option #4 and to overlay all of Wrenn Way and Cardinal Drive with a 1 ½" overlay. The motion carried unanimously.

Award Bid for New Street Sweeper Truck

At the meeting of September 20, there was an agenda item regarding the award of the bid for the new street sweeper. The existing Tymco model the Town owns was purchased in late 1994. Bid specifications were prepared by the Public Works Department and they were substantially based upon the VT650 Model sweeper offered by Johnston Sweeper Company. In bidding equipment, it is customary to use specifications from one manufacturer and give other bidders the opportunity to note any exceptions they might have to the written specifications.

At the meeting of September 20, representatives of Twin States Equipment appeared and placed doubts about the proposals from the three companies and if the specifications had been met. Since that meeting, Town Manager Galloway reviewed the proposals and bid specifications further and consulted with Town Mechanic Edwin Fish, Public Works Director Fred Baker and Assistant Public Works Director Robert Hyatt.

Representatives from two of the companies who bid on the street sweeper attended the meeting.

Alderman Brown moved that the Town reject all bids and readvertise, adding that at this point this is the only fair way for the Town to handle the bids for a new street sweeper truck, second by Alderman Caldwell. The motion carried unanimously.

Annexation Petition - 54 Jacobs Drive - Terry Morgan and Gail Morgan

A petition for voluntary annexation was received from Terry and Gail Morgan for the property they own at 54 Jacobs Drive. This street is located off of Felmet Street and runs northward from the Asheville Road at the corporate limit line. The Morgans have requested sewer service for their property, and the Town requires the petition for annexation when requesting sewer service.

Alderman Caldwell moved, seconded by Alderman Moore, to instruct Town Clerk Phyllis McClure to investigate the sufficiency of the petition for annexation submitted by Terry and Gail Morgan for the property located at 54 Jacobs Drive. The motion carried unanimously. (Res. No. 17-05)

Weapons for Retiring/Deceased Police Officers

Manager Galloway said a number of police officers have reached retirement age since he became town manager in 1994. Traditionally that officer has been awarded their service weapon as a retirement gift and usually the department creates a shadow box with police patches, weapon, badge and other memorabilia. Manager Galloway said in those cases criteria used to award a service weapon to a retiring officer has been when the officer has 25 years of service or 20 years of service and at least 55 years of age. This is the same criteria used to determine when police officers are eligible to begin drawing the state mandated Separation Allowance for police officers. Manager Galloway felt that some standards should be officially established to follow in terms of the award of these weapons.

Alderman Moore moved, seconded by Alderman Brown, to amend the Town's Personnel Policy to include a policy to award police officers their service weapon if they have 25 years of service, or if they have 20 years of service and are at least 55 years of age. This award must be recommended by both the Police Chief and Town Manager. The motion carried unanimously.

Water Storage Response Plan

Public Works Director Fred Baker said in 1997 the Town adopted a water response plan regarding interconnection with other systems. In 2002 another plan regarding conservation and demand management was written for the Town out of Raleigh. Mr. Baker said this is a good draft policy to improve the protection of the Town's water resources in the event of a severe water shortage and the policy was recommended for approval.

Alderman Brown moved, seconded by Alderman Moore, to adopt the Water Storage Response Plan as presented. The motion carried unanimously.

Pay Study Recommendations

Town Manager Galloway said following the presentation of the consultants who prepared the Staffing and Pay and Classification Studies, he met with Human Resources Manager Margaret Langston and Finance Director Eddie Caldwell and began analyzing the final report. Mr. Caldwell and Ms. Langston reviewed the assignment of the Town's personnel to various positions and pay grades and steps. Mr. Caldwell and Manager Galloway also began reviewing the financial cost of undertaking the pay plan. It was determined that implementation of the plan, including fringe benefits and the 3% cost of living increase would cost \$441,000 for one full year if all positions are filled during that year.

Manager Galloway said one of the challenges in implementing the pay study relates to health insurance. In adopting the budget it was decided that employees would begin contributing a portion of the cost for health insurance for family members through payroll deduction. It was proposed that those cost sharing would not take effect until the employees received their annual pay adjustment. It was recommended that the pay plan and cost of living and hospitalization deductions be implemented with payroll checks issued on November 16, 2005.

The plan contains two elements. The first is a cost of living increase, with every employee receiving 3%. The second element is a "market adjustment" with each position adjusted to put

them in line with what the consultant felt to be a reasonable wage for the position in view of area wages.

Alderman Brown said it is important to pay the Town's employees what they are worth and it is also important that they realize how this process is being done. Mayor Foy said during his tenure in office the Town has been good to employees in terms of providing the many benefits, including health insurance. Finance Officer Caldwell pointed out that health insurance costs are rising so fast that the Town will need to review each year and at some point in the future may no longer be able to fund.

Alderman Moore moved, seconded by Alderman Brown, to implement the pay study recommendations, including the 3% a cost of living increase and health insurance deductions with payroll checks issued on November 16, 2005. The motion carried unanimously.

Randy Mathis - Greenhill Cemetery Issues

At the meeting of September 20, several people attended to express concerns regarding recent changes at Greenhill Cemetery. In an attempt to improve maintenance and provide additional safety for those persons who mow and maintain the cemetery some changes were made by Town Personnel. Signs were placed at the cemetery and items such as night lights, statutes, loose flowers on the plots and other items which may be hazardous if thrown from a mower were removed and placed at the office for people to pick up. Flowers and other items were allowed to remain if placed on the headstone or appropriate vase.

Randy Mathis, 161 Riverbend Street, Waynesville, said he has a son buried at Greenhill Cemetery. Mr. Mathis said if the Town sells cemetery plots and deeds those lots to individuals, the Town has no right to remove articles from the cemetery plot, otherwise they are depriving the owner of its use, according to NCGS 14-72. Mr. Mathis also quoted NCGS 14-148 regarding tombstones and shrubbery. He said he personally mows the cemetery plot where his son is buried and asked the Board not to remove any other items from the cemetery.

Mayor Foy suggested that a cemetery committee be appointed to review regulations at the Greenhill Cemetery. Alderman Moore said when Fred Rathbone and Hank Ruff were responsible for maintenance of the cemetery the Town did not receive the volume of complaints that it is receiving now. He added that people should be notified before any changes are made at the cemetery.

Alderman Brown said there must be some way for the Town to maintain the cemetery now and in the future when all the lots are sold. At the present time when cemetery lots are sold a portion of the money received is placed in a perpetual care fund for future maintenance of the cemetery. Alderman Brown suggested that Town Attorney Griffin get an opinion from the Attorney General regarding ownership and maintenance of Greenhill Cemetery.

Mayor Foy said he received a request from Bob Breese to look at the cemetery with him and they found that a lot of work is needed in the top portion of the cemetery where turf is growing out of the stones, the tops of markers are scalped and some stones need extra attention. Mayor Foy said the cemetery has always had its problems. At one time vaults were not required and over time

those lots sank and dirt had to be hauled in to fill in the sunken spots. In the older portion of the cemetery family members of those buried there have passed away and there are no family members to maintain the stones. Mayor Foy said everyone wants a pretty cemetery and this is just one of the many problems the Town has to face.

Alderman Brown said the complaints received regarding Greenhill Cemetery have been embarrassing and this will not happen again. There will not be any other items removed from the cemetery until the Board has had an opportunity to review the situation and determine how this should be handled. He added that everyone wants a common goal and it should be determine whether the Town can restrict what is placed on a grave site.

One of the women attending the meeting said she bought four plots in 1989 and at that time was told that she could do anything that she wanted on those plots.

Charles Miller said in the older part of the cemetery there are many unkept headstones. He felt that there may be a group of people in Waynesville willing to reset some of the stones. He added that there was a company located between Marble and Murphy that could possibly help with this.

No action was taken. However, it was the consensus of the Board that the Town Attorney request an opinion from the Attorney General regarding the Town's responsibility of maintenance at Greenhill Cemetery. No other items are to be removed from the cemetery until the Board has had an opportunity to review the issue and determine what action is necessary.

Charles Miller - Waynesville Watershed

Charles Miller asked the Board if the Town received a variance on restrictions for the Virginia Rich Barnett property which is located in the watershed. Manager Galloway said a variance was received from the NC Division of Environmental Management on December 19, 1996 allowing the WS-1 Classification of the watershed to remain and allow Ms. Barnette to develop in the future three privately owned parcels totaling approximately 18 acres. One, referred to as the "potato patch" is approximately five acres and the other two are approximately six acres each. The construction of one house is allowed on each of the three lots. The septic tank for each house must be diverted to the other side of the ridge away from the watershed.

Miscellaneous Items

Alderman Moore said Bruce Hipps contacted him regarding a complaint that the Town empties a dumpster at Laurel Ridge at 5:00 a.m. in the morning and disturbs him. Manager Galloway will follow up on the complaint.

Alderman Moore said Tommy Brooks contacted him and asked that the Town spread some gravel on the sidewalk area which has been torn up.

Alderman Caldwell said Ada Moore contacted him and asked if the Town could patch the portion of Hazelwood Avenue in front of the Hazelwood Baptist Church.

Alderman Brown asked if the Town could use Haywood County's ordinance regarding junkyards and screening with fences. Attorney Griffin and Alderman Brown will review Haywood County's Ordinance.

Mayor Foy asked if the culvert on Welch Street could be widened and if the Town could require that a property owner remove a stump from the stream to avoid flooding situations in the future.

Alderman Brown asked that Manager Galloway speak with Haywood County Manager Jack Horton regarding the pancake house property and find out when the County will transfer the property to the Town. Manager Galloway said just last week a couple visited Town Hall and expressed interest in purchasing the property.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Moore, to adjourn the meeting at 9:25 p.m. The motion carried unanimously.

Phyllis R. McClure, Town Clerk
Henry B. Foy, Mayor