

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
JULY 25, 2006
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, July 25, 2006. 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 19 and June 27, 2006

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the June 19, 2006 meeting as presented. The motion carried unanimously.

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the June 27, 2006 meeting as presented. The motion carried unanimously.

Declare Street Sweeper Surplus

Manager Galloway said a few months ago, approval was secured from the Town Board to enter an agreement with Gov-Deals under which the Town could use that resource as a way to market surplus equipment or supplies which are to be disposed of by the Town. At the present time, a 2004 Dodge Intrepid is being advertised on the Gov-Deals web site. When the auction of Town equipment was held last month, this unit was included in the auction with a minimum bid of \$4,000, but no one was willing to offer the minimum. The Dodge was advertised on Gov-Deals on July 17, and the bids have reached \$5,600 as of today, July 25, with two days left to bid.

It was requested that the Town Board declare the old street sweeper as surplus so that it can be added to the Gov-Deals site for public bidding. The Tymco 600 sweeper unit is on a 1995 Ford Cab and Chassis. It has given ten years of service to the Town and was replaced by the 2006 Johnson Street Sweeper earlier this summer. According to the agreement with Gov-Deals, they will not add an item to the web site until the elected officials have taken official action to declare the unit surplus.

Alderman Moore moved, seconded by Alderman Feichter, to declare the old street sweeper as surplus and that it be added to the Gov-Deals site for public bidding. The motion carried unanimously.

Proposed Ordinance Controlling Use of Engine Compression Brakes (Jake Brakes)

Mr. Charles Miller, a resident of Allens Creek Road, has appeared before the Town Board on a number of occasions to complain about trucks which use “jake brakes” on Allens Creek Road, disturbing the peace and quiet of that area. The trucks are particularly prevalent in that area since they drive to and from the rock crusher at the site further south on Allens Creek Road.

Police Chief Bill Hollingsed, Intern Alison Melnikova and Manager Lee Galloway have spent a good deal of time researching the Internet and talking with other law enforcement units in an attempt to find a way to deal with the situation in the community. All information was submitted to Town Attorney Woody Griffin, and as a result, a draft ordinance was proposed to the Town Board for consideration. At this time, it is proposed that the ordinance only apply to the Allens Creek area. Town Manager Galloway said there have also been complaints received in the Main Street and Depot Street areas, but these areas could be added later.

Charles Miller said he spoke with Roger Phillips, an ex truck driver who told him that these brakes will not work unless you are running about 4,000 rpm. Mr. Miller said a small percentage of the local drivers use these brakes, but drivers from other areas are the main violators.

It was the consensus of the Board that notification should be given to the local companies to make them aware of the new regulations and signs should be posted. Alderman Feichter asked that a report be made in six months to see how this is working.

Alderman Moore moved, seconded by Alderman Brown, to adopt the ordinance as proposed by Attorney Griffin to regulate the use of compression brakes. The motion carried unanimously. (Ord. No. 22-06)

There was some discussion about regulating the noise from motorcycles or other vehicles in the Main Street area. Attorney Griffin said there is a noise ordinance that regulates certain things such as stereos from automobiles but there is an exception that applies to equipment that is standard to motor vehicles. It was felt that this should be handled by the Police Department by diverting traffic in ways to stop the noise from traffic when there are events on Main Street.

Items Related to Loan on Fire Station

Manager Galloway said there are a few items that need to be approved by the Town in order to proceed with the Rural Development loan application for the fire station. Adoption of a resolution is needed authorizing the Mayor to execute forms necessary to obtain the loan. Manager Galloway read the list of forms required by Rural Development. Only two projects were funded in the State of North Carolina from funds left over from other states and the fire station was one of those projects.

Manager Galloway said the Town will need to obtain temporary financing in the amount of three million dollars. When the project is completed, Rural Development will pay off two million dollars. Permanent financing would remain for the one million. The total project cost is \$3,995,000 and \$995,000 of that amount will be taken out of fund balance. Interest rates are up slightly, however, a 4 ½ % interest rate is guaranteed and if it the rates go down, the Town would get the lower interest rate.

Manager Galloway said some of the documents needed include the Loan Resolution, Letter of Intent to Meet Conditions, Operating Budget, Equal Opportunity Agreement, Assurance Agreement, Request for Obligation of Funds, and several certifications.

Alderman Moore moved, seconded by Alderman Brown, to adopt the resolution to authorize Mayor Foy to execute the forms necessary to obtain a loan from Rural Development for the fire station project. The motion carried unanimously. (Res. No. 23-06)

Manager Galloway said next Tuesday he will be meeting with the Architects. They have sent in 30% complete plans for review by Building Inspections, Planning and Fire Department. Upon receipt of the comments from the Town, the Architects will contact the Department of Insurance to get their approval for the 30% completed plans.

Roscoe Wells - Tax Incentives for Developer of former Dayco Site

Mr. Wells presented copies of a power point presentation made by the Brownsfield Project Manager in North Carolina showing the tax exclusion rates. The first year is 90%; 2nd year 75%; 3rd year 50%; 4th year 30% and 5th year 10%. This includes any building that may go on the property, improvements and any mitigation costs which can be significant. Mr. Wells was concerned about some of the comments made by the Town Planning Staff, especially the comment that there were elements of the Land Use Plan that the staff did not support. This plan was voted on by the Board of Aldermen and supported wholeheartedly by people in the community. He said a recent interpretation of the ordinances cost an individual some \$40,000 to move a house twenty feet in order to comply with the ordinances. This is probably a higher percentage than what we are talking about in some of the things being brought up by the developer of the Dayco site. He asked that the Board be careful about applying these ordinance regulations indiscriminately and capriciously, otherwise it may be inviting a lawsuit. Mr. Wells said he found information on a web site that on another project, this group of developers ran into some problems and paid \$180,000 to hire a lobbyist. Mr. Wells said Dayco was built in 1941 and any development that goes in this location will probably remain there a lot longer than Dayco. He said he could not see how the developer can lay out something when contamination on the property has not been identified. Alderman Brown said the developer has spent \$150,000 that revealed something that prior reports had not revealed. The Brownsfield agreement is just as valuable to the developer as it is to the Town. The Board expressed appreciation to Mr. Wells for his interest.

Philan Medford - Development of Dayco Site

Philan Medford attended the meeting and asked to speak about the development of the former Dayco property. Ms. Medford presented images provided by the North Carolina Department of Commerce and photographs, some of which she felt illustrated Waynesville in a negative light. Ms. Medford said in 1998 she was involved with Smart Development and listed to speakers such as Dan Burden and various other consultants involved with helping towns with their codes.

Ms. Medford said she opposes relaxing design requirements on behalf of Brownfield sites, but does support parking for internal buildings. She said increased tree planting sizes produce

healthier trees, reducing the negative impacts of motor vehicles on human health issues and felt that the developer should talk with Waynesville's Horticulturist Jonathan Yates and the Haywood County Health Department regarding this issue. She spoke about the importance of sidewalks for safety issues, using the definitions currently in place, the need for glass to bring in light, firewalls and signage. Ms. Medford said there are Brownfield sites in small towns over the nation and it is important not to misuse the term Brownfield. Mayor Foy thanked Philan for her comments.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Brown to adjourn the meeting at 8:08 p.m. The motion carried unanimously.

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