

AGENDA
REGULAR MEETING
TOWN OF WAYNESVILLE
TOWN HALL
APRIL 22, 2008
TUESDAY – 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, April 22, 2008. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, Kenneth Moore and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Assistant Fire Chief Joey Webb and Acting Town Attorney Steve Ellis. Mayor Brown called the meeting to order at 7:00 p.m.

Sarge's Animal Rescue Foundation Request for Street Closing for Sarge's Dog Walk

A letter was received from representatives of Sarge's Animal Rescue Foundation seeking the Board's approval to close some streets in the downtown area on Saturday, August 9, 2008, to allow the 3rd Annual Downtown Dog Walk. The event is scheduled to commence at 9:00 a.m. and has traditionally lasted for less than one hour.

The dogs and their walkers will be from the Courthouse to Depot Street, turning left onto Montgomery Street and continuing to Church Street, where they will turn left and go one block to Main Street where they will again turn left and proceed on North Main until reaching the Courthouse once again. At the Courthouse, there will be contests for the dogs and their owners.

In the past, this event has been well managed and run smoothly with no incidents. With the history of the Sarge's Dog Walk, town staff recommended that the Board grant approval.

Cynthia Morris and Nancy Bullock attended the meeting. Ms. Morris said last year more than \$20,000 was raised from this event. She is working with Buffy Messer with the Downtown Waynesville Association to get the downtown merchants involved with the walk. Alderman Feichter said this is a great way to draw attention to homeless animals, adding that she attended the event last year and had a great time.

Alderman Moore moved, seconded by Alderman Feichter, to approve the street closings as requested by Sarge's Animal Rescue Foundation on Saturday, August 9, 2008. The motion carried unanimously.

Resolution of Intent Identifying the Area Under Consideration for Annexation

Under North Carolina law, a municipal government is permitted to adopt a "Resolution of Intent" to identify those areas which are under consideration for annexation into the municipality. The area which is identified in covers what is essentially the entire drainage basin of Richland Creek. The Town of Waynesville certainly has no intention of annexing an area of

this magnitude, but by having this Resolution of Intent in place, it will speed the process should the Town decide to annex any property within the area described. This Resolution of Intent must be adopted or renewed every two years, supercedes Resolution No. 14-06 which was adopted May 9, 2006, and was recommended by Town Staff that the Resolution of Intent be adopted.

Alderman Caldwell moved, seconded by Alderman Feichter, to adopt the resolution of intent identifying the area under consideration of annexation as presented. The motion carried unanimously. (Res. No. 10-08)

Consideration of Manager's Recommendation on Fire District Taxes

At the Town Board's Retreat in January 2006, the issue of providing fire service to areas outside of the corporate limits was discussed. It was noted that there are three fire districts located outside of the corporate limits to which the Waynesville Fire Department responds to fires. These are the Big Cove, Camp Branch and South Waynesville Districts, and property located in these fire districts are assessed a fire district tax of six cents per \$100 in property valuation.

There are other properties outside of the corporate limits and outside of those fire districts to which the Waynesville Fire Department responds. If there are connections to the Town water system serving those properties, there should be a monthly charge added to the water bill to cover fire protection; however, a number of cases have been found where the charge is not added or where people have connected to the water system on their own without paying the connection fees or having Town authorization, and of course, not paying the fire fee.

A number of cases have also been found where properties are located in the three fire districts to which Waynesville responds and have water service with the Town. In those fire districts, 917 of these properties were paying the \$3.00 monthly fee on their water bill rather than paying the six cents per \$100 fire district tax.

There are also areas outside of the town that receive fire service from the town but which do not pay any fire district tax or a fee on a water bill since they are not on the water system. They are essentially getting fire service from the Town and enjoy the Class 5 fire rating on their insurance premiums, but they pay nothing for the benefit.

Ms. Alison Melnikova and Assistant Chief Joey Webb have been working with the County to seek a solution to this problem. Maps were prepared in 2007 which identified the areas outside of all the fire districts in the county not paying for fire service. This was mentioned to the County officials on a number of occasions, and town staff understands that work has been done on the maps. Last November, the Junaluska Fire Department approached the County Commissioners with this same issue of providing fire service to properties but not receiving compensation from a fire district tax since the property was not in their fire district. They were also told that the County was working on the problem.

The simplest solution to this problem would be to establish fire response areas for each of the fire departments in the county. Then, all property in those fire response areas would be assessed the fire district tax to which the County and the Departments have agreed. Of course, for

Waynesville, property within the corporate limits would not be assessed a fire district tax since that service is covered as part of the property tax.

A new tax year begins on July 1 and this matter has been on the table for more than two years. Town staff does not want to see another fiscal year begin with the Town and other fire departments in the county providing fire service but not receiving compensation for doing so. Waynesville would like to see the fire tax assessed on all property outside of the town to which the Waynesville Fire Department provides service.

Manager Galloway requested that the Town Board pass a resolution asking the County Commissioners to establish the new fire districts by July 1, 2008 and to assess the six cents per hundred fire tax in all areas served by the Waynesville Fire Department. Once this is done, the Town would drop the \$3.00 per month charge for fire service on water bills of those outside the town, and all fire service provided outside the town would be paid for through the fire district taxes.

Alderman Roberson moved, seconded by Alderman Moore, to adopt a resolution formally requesting that the Haywood County Commissioners establish these fire districts by July 1, 2008 as shown on the maps and establish a tax rate of six cents per \$100. The motion carried unanimously.

Consideration of Request for Local Bill Legislation to Permit Staggered Terms for Town Board Seats

At the Annual Retreat of the Town Board on April 11, 2008, the Board discussed staggered terms for elected officials. Under the present Town Charter, all four seats on the Town Board as well as the Mayor's post comes up for election every four years, with all five members serving concurrent terms.

Most communities in North Carolina and other states have elected officials with staggered terms. Under such an arrangement, if there were four Board members, two seats would be up for election every two years, but the election would be for four year terms. The Mayor's seat would also be a four-year term with an election held along when two of the four seats on the Board are up for election.

The advantage of the staggered terms would be that a community could avoid the situation where all five of the elected positions could change in one election. If such an event occurred, it would take a good while for the newly elected Board members to get their feet on the ground and to gain the knowledge needed to serve as Mayor and Aldermen.

During the next Town Board elections of 2011, the four candidates earning the most votes would, of course, be elected. To get the staggered terms in place, the two candidates earning the highest and second highest number of votes would earn four year terms and those seats would come up for election in 2015. The two candidates elected who earned the third and fourth highest number of votes would serve two year terms and would have to run again in 2013; however, when those seats came up in 2013, it would be for a four-year term. From that point

on, there would be elections every two years, with the first two seats up in 2015, 2019, 2023, 2027, and so on. The second two seats would have their two-year term in 2011 to 2013, but then those two seats would be up for election in 2013, 2017, 2021, 2025, and so on.

At the Board Retreat, it was suggested that this matter appear on the Town Board's agenda for the meeting of April 22 so that the Board might vote to request that the Senators and Representatives representing Waynesville could introduce a local bill that would change the Town's Charter to permit the staggered terms.

Alderman Caldwell said Waynesville's Board has always been consistent and worked well together. He was concerned that if elections become staggered, a group could be running for election every two years and may not have the welfare of the Town at heart. He felt that elections every four years worked the best for Waynesville.

Alderman Feichter said she has been a strong proponent of staggered elections for a long time, but she has never considered some of the things Alderman Caldwell has mentioned. She said this Board has good ideas about local government and about how this community works. This has been a cohesive Board and they have worked together through problems and have always come out with their heads held high. She would defer to Alderman Caldwell.

Alderman Roberson said Alderman Caldwell brought out some good points to consider and he was willing to defer the matter at the present time. Alderman Roberson said this is not a pressing matter and can be addressed at a later time.

Alderman Moore said Alderman Caldwell's points are well taken. He felt that if elections are held every two years it would be an added burden for taxpayers and it would seem that one election would just be over and you would go into another one.

Alderman Feichter said she hopes that the Board does a good enough job so they are not all defeated during an election because so much institutional knowledge would be lost if an entirely new Board is voted in at once.

Mayor Brown felt that the issue to change to staggered terms should not be presented to the Legislature unless there is a unanimous vote by the Board. No action was taken.

Consideration of Appointment Parks and Recreation Advisory Commission

Due to the death of Mrs. Dot Evans, there exists a vacancy on the Parks and Recreation Advisory Commission. Mrs. Evans was in the midst of a three-year term on this Commission with the expiration of that term scheduled for September 30, 2008.

Town Clerk Phyllis McClure has received two applications from citizens who have expressed an interest in serving on the Parks and Recreation Advisory Board. Both candidates have shown a great interest in the position and are quite familiar with the recreation department and the programs offered.

Alderman Caldwell moved, seconded by Alderman Feichter, to appoint Trina Sandridge to fill the unexpired term of Dot Evans on the Parks and Recreation Advisory Commission. This term expires September 30, 2008 and Ms. Sandridge would be eligible for reappointment to a three-year term at that time. The motion carried unanimously.

Larry Payne - Riverbend Street Code Violations

Larry Payne requested time to speak to the Board about Riverbend Street. Mr. Payne said he knew a lot of work had been done to clean up this area but there is still a lot to be done. There are tires that collect water and cause more mosquitos in the area. He said last year there were more mosquitos than he had seen in the past thirty-seven years. He said this is an eyesore and a shame that he has to live beside this. He presented photographs of the area to the Board.

Manager Galloway said the Town has been involved in several court cases recently regarding code violations. Mayor Brown said one case is currently pending and two citations have been issued for contempt on other cases. Alderman Feichter said sometimes it does seem that nothing is being done, but it can be a slow process. There is some work ongoing in this area currently. No action was taken.

Assistant to the Town Manager Alison Melnikova to Graduate from Municipal Administration Course

Manager Galloway said for the past year, traveling to Chapel Hill once every other month, Assistant to the Town Manager Alison Melnikova has been involved in the Municipal Administration Course. This is her last week and she will graduate Thursday at 11:00 a.m. Ms. Melnikova has been a great asset for the Town and she is to be congratulated on her accomplishment.

Update on New Fire Station, Police/Development Office and Substation

Manager Galloway said an inspection with Rural Development is scheduled for the new Fire Station on Thursday, April 24. A final list of items will be given at that time. The front driveway is now finished.

A lot of work has been done in the parking lot at the Police/Development office on East Street. The Local Government Commission will review the application for funding of this project on May 6. Work on this facility could begin toward the end of May.

The Local Government Commission is scheduled to review and approve the application for the substation on July 1. Finance Director Eddie Caldwell is currently in the process of gathering information to submit to the LGC for this project.

Land Development Standards

Alderman Caldwell asked about the status of reviewing the Land Development Standards. Manager Galloway said Planning Director Paul Benson will have a report to present to the

Board, hopefully at their May 13 meeting. Plans are to appoint a small group to review this document, including one appointee by each Alderman.

Brandon Green, said he attended the meeting because he has a vested interest in what happens with the Land Use Plan and wanted to express this to the Board. He said he has voiced his concern with several people and it is felt that we may be dragging our feet on this issue because we talk about revenue. The longer we sit we are losing revenue. He felt that this process needs to be started and we need to work with developers to get projects in Waynesville. He doesn't see how developments can be such an issue with parking, asking what does it matter if we have twelve parking spaces in front of this building.

Alderman Feichter said we need standards. Without standards people will do anything they want to do. Alderman Feichter added that the Town is not going to let a developer construct a building where the widened road is going to be.

Mayor Brown said it would help if the State will tell the Town where South Main Street is going to be located when it is widened. This Board is trying to get the best for this community.

Alderman Caldwell said he has served on the Board since 1995 and South Main Street has been a priority since then. Alderman Caldwell said he would love to see things started on the review of this document that will produce jobs for this area.

Alderman Roberson said Wal Mart and Home Depot have bought into this community with what they have brought into the area.

Tracy McCracken said she would not want to have buildings built within the right-of-way of South Main Street since the NC Department of Transportation has plans to widen this road. She asked that the Board consider the setback when granting approvals for projects.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 8:04 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor