

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
FEBRUARY 24, 2009
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, February 24, 2009. 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, Town Attorney Woodrow Griffin, Assistant Town Manager Alison Melnikova, Planning Director Paul Benson and Purchasing Supervisor Julie Grasty. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of February 10, 2009

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the February 10, 2009 meeting as presented. The motion carried unanimously.

Great Smoky Mountains National Park

The Great Smoky Mountains National Park is celebrating its 75th Anniversary during 2009. Over the past 18 months, a series of meetings have been underway to discuss various activities in Western North Carolina and East Tennessee related to the anniversary celebration and leading up to an anniversary celebration on September 2.

Park Superintendent Dale Ditmanson attended the meeting to discuss the park and its history and to make the Board members aware of some of the activities planned for the coming year. Elaine Stewart with Friends of the Smokies also attended the meeting.

Assistant Town Manager Alison Melnikova and Manager Lee Galloway have attended all but one of the meetings to plan and discuss the anniversary, and Superintendent Ditmanson along with a number of park personnel have been at each of the meetings attended. Mr. Ditmanson has been evident at many events related to the park whether in North Carolina or Tennessee.

Mr. Ditmanson said more than 100 events are planned during this anniversary year, including a Proclamation Ceremony April 24 at Clingman's Dome. The Governors of North Carolina and Tennessee, along with other state and local dignitaries are expected to attend. Events are planned for the anniversary weekend of June 13 - 15 around the park, including Cades Cove and a groundbreaking ceremony of the newly planned Oconaluftee Visitor Center. Plans are to invite President Obama to the Rededication Ceremony on September 2, reminiscent of the 1940 dedication by Franklin D. Roosevelt, at Newfound Gap.

The Board of Aldermen thanked Mr. Ditmanson and Ms. Stewart for attending the meeting. Alderman Feichter said the Great Smoky Mountains National Park is a quickly recognized area that we are all very proud of. Mayor Brown added that venues to celebrate the Park's Anniversary locally are being planned by a group of people in Haywood County. Mayor Brown said at one time, a sign was displayed across Main Street that Waynesville was the "Gateway to the Smokies". This sign was taken down in the early 1970's, and he added that it would be wonderful for this sign to be recreated in some way. No action was necessary.

Public Hearing - Rezoning -0.25 Acre Lot at South Main Street at Long Street From Allens Creek Neighborhood District to South main Business District

A request was received from Jeff and Ron Green for the rezoning of property they own on Long Street. The Greens own two lots, one in the South Main Business District and the other in the Allens Creek Neighborhood District. They are requesting that the lot in the Allens Creek Neighborhood District be rezoned to the South Main Business District. That lot is approximately ¼ acres and when combined with the second lot of ¼ acres already in the South Main Business District, it would give the Greens a half acre lot in the South Main Business District.

There is interest on the part of the ABC Board to have the property rezoned so that an ABC Store might be located on the two lots. At the Planning Board meeting held on January 20, 2009, Planning Director Paul Benson reminded members that they could not just consider the use desired by the ABC Board but must consider all uses allowable in the South Main Business District. The property of the Greens is currently vacant and abuts a residential area. The lot requested for rezoning lies entirely within the 100-year flood plain and the majority of the lot already in the South Main Business District is also in the 100-year flood plain.

This matter was considered by the Planning Board on January 20, 2009, and by majority vote, that Board recommended approval of the zoning map amendment from the Allens Creek Neighborhood District to the South Main Business District.

Attorney Griffin opened the public hearing. The following persons spoke:

Jeffrey Green, Trustee of the property, said this property is divided with one half being zoned residential and the other half commercial. They would like to have the property zoned commercial. Mr. Green said there has never been anything on this property except a house about forty years ago.

Planning Director Paul Benson said the property is actually two separate lots under the same ownership.

Carolyn Cooper, 131 Franklin Street, said she owns property adjacent to this property and her property is behind the Old Town Bank. Ms. Cooper said she was upset that the trees along the creek on this property have already been cut. She added that she loved the creek and would like to keep the trees for wildlife. She asked the Board to consider what is put on this property and suggested a buffer or greenery similar to the row of cedar cypress between her property and Old Town Bank.

A letter was presented from property owners Gerald and Patricia, requesting that Carolyn Cooper be allowed to represent them at the Board meeting and voice their opposition to the rezoning of this property. Their letter stated “we are opposed to having businesses encroach onto residential areas, depriving residents of their legal right to a peaceful and safe home environment”.

Attorney Griffin closed the public hearing.

Mayor Brown said it is important not to consider what is being proposed for the property, but to consider all uses that would be allowed by the rezoning.

Alderman Roberson said he was concerned with the increase of traffic going through the residential neighborhood and the safety of the residents and children. The property has little use as residential, but does have use as commercial. His concern is for the safety of the people in the neighborhood.

Alderman Moore said in looking at maps, most of the property joining this property is already zoned commercial. He felt that rezoning the property would cause more traffic in this area.

Alderman Caldwell said whatever is done on this property will require a buffer and landscaping. Appearance is one of the issues.

Planning Director Paul Benson said a 10' wide buffer of evergreen trees would be required and the property cannot be developed within thirty feet of the creek. Mr. Benson further explained that adoption of the floodway maps will allow us to participate in the national Flood Insurance Program. Manager Galloway added that the flood map will have a major impact on a lot of areas.

Mayor Brown said the floodway comes up into these lots further than the map shows. Paul Benson said the new floodway maps have not been adopted yet, but will probably have an impact on these properties. New development and redevelopment will be affected. What is already located on the property will be grandfathered.

Alderman Feichter said the Board is currently looking at a very detailed study of the Land Development Standards adopted in 2003. She is concerned about making changes in bits and pieces instead of as a big picture.

Alderman Caldwell moved, seconded by Alderman Moore, to rezone the one-half acre lot at South Main Street and Long Street from Allens Creek Neighborhood District to South Main Business District. The motion carried unanimously. (Ord. No. 2-09)

Manager Galloway asked if Board Members would like for Town Staff to survey the residents of Long Street to see how they felt about making Long Street a dead end street. Board Members said they would like to see how the residents felt about this.

Mr. Green informed the Board that the ABC Board has withdrawn their request to purchase the property at Long Street.

Public Hearing - Amendment to Section 154.128 South Main Business District (B)(3) Regarding Yard Standards

At the meeting of March 11, 2008, Board members had a public hearing on the building setbacks in the South Main Business District. At the present time, the Land Development Standards specify setbacks which would very possibly allow buildings to be constructed within the areas needed for rights-of-way if South Main Street is widened in the future. There was discussion about the distance buildings should be located from the edge of the pavement, and Board members expressed concern that if the street were widened at some point in the future, road construction would force the demolition of some of the buildings.

The Board agreed that efforts should be made to put into place set back requirements now that would be far enough from the road so that future road construction would not force the demolition of structures built recently. In order to do this, the Planning Director has consulted with the Department of Transportation to determine what setback they might want or need in the future. By making these changes, it could result in a less intrusive road widening project in the future, preventing the unnecessary demolition of many buildings in the pathway of road construction. At that meeting on March 11, 2008, the Board voted to table the matter until further information was accumulated.

As development pressures have continued along South Main Street, there has been a desire to revisit the setback issue. Rather than vote to bring the matter off the table, the Board directed Town Staff to advertise for a new public hearing on the setbacks in the South Main Business District.

Planning Director Paul Benson presented a map of the area showing a comparison of the current maximum setback, future right-of-way and the proposed setback area. Mr. Benson explained the need to get away from situations where buildings could be constructed within the future setback area.

Attorney Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

The Board felt that clarity was still needed regarding issues such as a deceleration lane. Mr. Benson said he will speak with Public Works Director Fred Baker and they can develop a definition for clarification to present to the Planning Board for review and recommendation.

Alderman Feichter moved, seconded by Alderman Moore, to amend Section 154.128(B)(3) as presented. The motion carried unanimously. (Ord. No. 3-09)

Electronically Sealed Bidding Process Fire Pumper Apparatus

In development of the 2008-2009 annual budget, the need for a new fire pumper was anticipated. It was proposed that during the year, Town Staff would develop bid specifications for a new fire truck and solicit sealed bids from firms interested in providing the unit. Because of the long delay between the date of order and the date of delivery of a fire truck, it was anticipated that a

truck ordered during the 2008-2009 fiscal year would not actually be delivered until the 2009-2010 fiscal year. The new truck will become the first line truck at the new fire station on North Main Street and the present, 1989 fire pumper, will drop back to a reserve status.

Several years ago, the North Carolina League of Municipalities made available a new method by which a municipal government could make such a large purchase. This method has been called different things, but the most common name is "Reverse Auction". Under this form, pre-qualified bidders submit bids on a fire truck electronically, through their computer.

A company is hired to coordinate the bidding process and supplies all interested vendors with the same set of specifications for a fire truck. On the day of the bidding, vendors are at their computers and are allowed to continue to submit bids, going lower and lower, (similar to an auction, except in reverse), until the bidding stops and a final bidder has submitted the lowest bid. As noted, the bidders have been pre-qualified, so it is anticipated that the bidders understand the specifications and that whatever unit they bid will meet or exceed the specifications. If there are variations, the company handling the bids, in conjunction with the Town, will be allowed to accept or reject the low bidder.

Purchasing Supervisor Julie Grasty attended the meeting to explain the process and the firm known as BidBridge and answer questions. Ms. Grasty said this would be the first time Waynesville has participated in anything like this, but the process has worked in other areas, including the Charlotte McKlenburg School System. Manager Galloway said Carolina Beach was first in North Carolina to use this process.

Ms. Grasty explained that bidders can't see what others are bidding, just what order their bid is, whether it be first, second, or third place, etc. Three firms have confirmed that they are willing to participate in this process. Once the bid has been accepted and a PO is issued, it becomes a contract. \$40,000 has been budgeted for this truck and equipment. Just the truck is being bid in this process.

Mayor Brown asked what the cost to the Town would be. Ms. Grasty said there is no cost. The winning vendor pays 3%. If Waynesville doesn't like this process, we are not obligated to continue with other bids.

Ms. Grasty said the auction will be held on March 17 at 2:00 p.m., lasting approximately thirty minutes. All vendors participating will be prequalified. The auction will be available for viewing at the Waynesville Fire Department, Station 1.

Laura Wooley - Request Regarding Dumpsters

The Town recently received a request/recommendation from Ms. Laura Wooley of Smoky Mountain Logos, located at 72 Montgomery Street, that the Town pass an ordinance that all dumpsters must be covered by lids. Ms. Wooley said she belongs to the Waynesville Garden Club and has taken part in various clean up efforts. Lids have been removed from three dumpsters across the street from her. She checked with the Towns of Sylva and Dillsboro and they require that dumpsters have covers. The Towns of Maggie Valley and Canton do not have

this requirement. The Health Department requires that dumpsters belonging to restaurants have covers. Ms. Wooley said it is easier to keep trash in place than it is to pick it up. Manager Galloway said some of the businesses in Waynesville have already removed the lids, possibly to make it easier to throw debris into the dumpsters. Ms. Wooley said a nearby restaurant attached a rope so they could lift the lid and throw debris into their dumpster.

The Board of Alderman requested that Town Manager Galloway speak with Public Works and see what can be done. Alderman Feichter thanked Ms. Wooley for bringing this issue to the attention of the Board. Attorney Griffin said the Board could possibly look at this as being a remedy for stricter enforcement of littering. Ms. Wooley added that she contacted the private dumpster owner and they indicated that they would take care of the dumpsters across from her business.

National Alliance on Mental Illness Funding Request

The Town received a funding request from the National Alliance on Mental Illness for a contribution of \$2,000 for 2009. This request by letter was made by Ms. Judy Sipes, Treasurer for the organization.

This organization contacted Alderman Kenneth Moore who referred them to Finance Director Eddie Caldwell so that he could explain the requirements the Town has for organizations requesting funds from the Town. Ms. Sipes has submitted the information to Mr. Caldwell for his review. A copy of the organization's budget for 2009 was submitted to the Board.

Manager Galloway said requests of this nature are normally considered in the budget work sessions along with all requests from non-profit organizations. It was unclear whether this request was intended for the 2009-2010 fiscal year or for the 2009 calendar year.

Suzanne Gernandt attended the meeting. She said the National Alliance on Mental Illness is a national organization and within the last year the local unit of Haywood County was started. They have applied for their 501(c)(3) status. Monthly support meetings are being held and a proclamation for Mental Health Awareness was adopted by Mayor Brown. Their organization is an advocate for individuals that can't do so for themselves. They are requesting for funds to help them get off the ground.

Mayor Brown said the Town of Waynesville operates on a fiscal year budget from July 1 to June 30. Beginning in May 2009 the Board of Aldermen can consider the funding request if the organization has gained their 501(c)(3) status and if their Board of Directors is in place. No action was taken.

Eagle Nest Water System Request to Proceed With Soliciting Bids

On Friday, February 13, Town Attorney Woody Griffin, Public Works Director Fred Baker, Assistant Manager Alison Melnikova and Town Manager Lee Galloway met with officers of the Eagle Nest Homeowners' Association to discuss the proposed construction of the water system in Eagle Nest Estates. The estimated cost of this project is \$1,300,000, and a grant of

\$1,000,000 has been awarded by the State for this work. The additional \$300,000 would come from the lot owners of the Association.

The plans for this water system have been completed and submitted to the State Department of Environment and Natural Resources (DENR) and the plans were approved with only a few minor changes. The final bid specifications and system design are being prepared and should be available to prospective bidders by the end of the month of February.

Earlier this year, the Homeowners' Association sent out assessments to each lot owner in the Eagle Nest Estates Subdivision. Their plan is to collect the entire \$300,000 local share of the project cost, and homeowners are to have their assessments paid by April 1, 2009. The officers of the Association have proposed that their attorney, Steve Martin, work with Town Attorney Woody Griffin to prepare an agreement between the Association and the Town under which a trust fund or escrow account is established. The Association would pay the \$300,000 into this fund/account, and the Town would be able to draw out the annual loan payment of \$30,000 in each of the next ten years. All interest earnings in the fund/account would be given to the Association.

Details of this agreement will need to be worked out, but in concept, Mr. Griffin has indicated that he feels such an agreement will work. We have asked that the Local Government Commission also give their blessing to this type of arrangement. We have consulted with the State Division of Water Quality, which approved the grant for this project, and they are in agreement with the arrangement.

At this point, we would like to proceed with the advertisement for bidders for the work, and we feel that the Mayor and Board need to authorize this. It is our intention to open bids around April 7, 2009, and to present those bids to the Town Board for your approval on April 14, 2009.

By those dates, the Homeowners Association should have received the vast majority of the assessments billed earlier this year, and they will hopefully have their \$300,000 on hand to place in a trust/escrow account. It has been indicated to the officers of the Association that without the \$300,000 to place into the account, Town Staff will be unable to recommend to the Board that bids be awarded and the work authorized. So we could open bids on April 7 but then delay making a recommendation for award if the Association does not have the \$300,000 to back the interest free loan the Town will take for the project.

The other issue about making the award on April 14 concerns the length of time it is anticipated that it will take for the project to be constructed. We are anxious to see the work being as soon as possible this spring so that it may be completed within 2009, avoiding the cold weather next winter. There are more than two miles of water line to be installed, more than 13,000 feet of water line along with two water tanks and two pump stations. This could be a time-consuming project and the amount of rock encountered will determine the schedule.

Alderman Roberson moved, seconded by Alderman Feichter, to authorize town staff to proceed with bids for the Eagle Nest Water Project. The motion carried unanimously.

Street Closure Request Historic Frog Level Merchants' Association

A letter was received from the Historic Frog Level Merchants' Association in which a request is made for street closings in connection with the "Whole Bloomin' Thing Festival" scheduled for May 9, 2009 in Frog Level.

The request for the closing of the streets is as follows:

1. Closing Commerce Street from Panacea Coffee to Depot Street from the hours of 5:30 a.m. until 5:30 p.m. on May 9, 2009.
2. Closing Depot Street from Boundary Street at the railroad tracks to Water Street from the hours of 5:30 a.m. until 5:30 p.m. on May 9, 2009.

When the Town Board first approved the closing of Depot Street as this festival expanded two years ago, we learned afterward that all businesses in the area were not notified of the closings. Last year, we did not experience the same problem, so we would ask that if the Board approves the closings, one of the conditions be that all businesses in the Frog Level area be notified.

We have no objection to the closing and will work with the Frog Level Merchants' Association to implement this request, for this festival has grown and the number of people attending has increased each year. We will attempt to keep the overtime costs of town personnel down as much as possible in this regard, but with the detour that will have to be set up around Depot Street, police and street department personnel will be required.

Alderman Caldwell moved, seconded by Alderman Moore, to approve the street closing requests as requested by the Historic Frog Level Merchants' Association. The motion carried unanimously.

2009 Street Closing Request Downtown Waynesville Association

A memorandum was received from Buffy Messer, Executive Director of the Downtown Waynesville Association regarding the special events and requested street closings for the 2009 Calendar Year.

Manager Galloway said in several instances, Ms. Messer has volunteered the efforts of DWA staff or volunteers to assist with placing barricades at the start or removing barricades at the close of events. She realizes that this could save the Town money that might have to be spent on overtime pay and benefits.

Last year was the first time on the list for the Memorial Day Parade as it was an event connected to the Haywood County Bicentennial Celebration. As the Town did not have funds allocated for overtime to work this parade, personnel from the Waynesville Fire Department as well as officers from Haywood County and neighboring communities provided personnel to assist with traffic control. This helped us avoid an unbudgeted expense. In 2008-2009, funds were not allocated for overtime for this parade and in fact, personnel costs were scaled back somewhat

when we reduced the budget by 3%. The Memorial Day Parade has again appeared on the schedule, and since money is much tighter in 2008-2009 than last year, so we will be looking for assistance from the Fire Department and neighboring communities to help avoid an overtime expense for this event.

The list of events and activities which Ms. Messer has submitted appears to be reasonable and we would recommend your approval.

Alderman Moore moved, seconded by Alderman Caldwell to approve the list of street closings as requested by the Downtown Waynesville Association for 2009. The motion carried unanimously.

Report of Town Manager Galloway

Manager Galloway said Assistant Town Manager Alison Melnikova, Public Works Director Fred Baker and he attended a meeting in Asheville regarding the Stimulus Package. Approximately 350 people attended this meeting. Representatives from DEHNR were at the meeting to explain which projects would be funded through this package. Pam Hysong with Rural Development also attended. Projects available for funding through the Stimulus Package include those projects that are “shovel ready” and do not require a permit. The NC League of Municipalities has set up a web site to view the status of the stimulus package.

Retreat Date in April

It was noted that the Board discussed an additional one-half retreat day on April 17.

Update on Police Department/Development Office

Manager Galloway said a meeting was held with ADW Architects today and a tour was made of the facility. The walls are up now and you can see where the offices are going to be. Purchasing Manager Julie Grasty and Assistant Town Manager Alison Melnikova met with a representative of ADW Architects regarding furniture for the building. The scheduled completion date will be in approximately four months. Alderman Feichter said ADW has done a great job in utilizing space in the building. Manager Galloway added that it is exciting to see this project progressing. Construction is ahead of schedule and weather permitting, could be completed by the third week in June.

Dutch Fisher Park

Alderman Roberson said he visited the Dutch Fisher Park in Hazelwood. He said it appeared that a number of cars have been driving from the park to the Hickory Hollow Apartments. He walked along this area and did find a number of beer cans and other garbage in this area which is privately owned. It was felt that the Town should install an obstruction in this area to keep the cars from driving through.

Alderman Moore said he also visited the park. He asked if security lights could be installed on two existing utility poles. Manager Galloway said this area is on Progress Energy's system. Town staff is continuing to seek solutions for this area.

Hazelwood Unit of N. C. Department of Corrections

Alderman Caldwell expressed concerns and asked if the Board should take any action regarding the possibility that the Hazelwood of the NC Department of Corrections might be closed and the number of jobs that would be lost. Mayor Brown said that when the rumors began the Hazelwood unit could close, he sent letters to Representatives Phil Haire and Ray Rapp with his concerns. Mayor Brown said they both assured him they were doing everything they could regarding this situation.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore to adjourn the meeting at 9:17 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor