

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ALDERMEN
TOWN HALL – 9 SOUTH MAIN STREET
APRIL 12, 2011
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, April 11, 2011. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure, Purchasing Supervisor Julie Grasty, Planning Director Paul Benson and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of March 22, 2011

Alderman Caldwell moved, seconded by Alderman Roberson to approve the minutes of the April 11, 2011 meeting as presented. The motion carried unanimously.

Retirement of Narcotics Dog “Teddy” and Policy Amendment

As the Town Board adopted the 2010-2011 annual budget, funds were included for the purchase of a new narcotics dog. After many years of faithful and loyal service to the Town and Haywood County, Narcotics Dog “Teddy” has decided to retire. He has served the citizens of the community for over a decade, providing his services in seeking out illegal drugs and helping to eradicate the drug traffic and use in Waynesville and Haywood County.

“Teddy” is Waynesville’s first Narcotics Dog to reach retirement, and while the Town has a formal K-9 policy, we found that the policy did not address the manner in which the retirement of the canine is handled. An amendment to the policy is needed to allow “Teddy” to spend his retirement years with his partner, fellow officer Brandon Gilmore.

Narcotics Dog “Teddy” attended the Board Meeting with Officer Brandon Gilmore, Police Chief Bill Hollingsed and Lieutenant Brian Beck. Police Chief Hollingsed said Teddy has been an asset to the department and they were sorry to see him go. He was almost two years old when he came to Waynesville in 1999 and he is now fourteen years old. He has served almost twelve years. Most canines serve approximately six years. A plaque was presented to Officer Gilmore in honor of the time he has worked with Teddy. Chief Hollingsed read the plaque which will be displayed in the hallway next to the Canine Room at the Police Department. A bag of treats was presented to Officer “Teddy”. Officer Gilmore said he appreciates the opportunity to have worked with Teddy, adding that this has been quite an experience and Teddy has opened a lot of doors for him. Officer Gilmore is currently working with Teddy’s replacement, “Arek”. Arek is very active and doing well and it is hoped that he follows in Teddy’s footsteps. Waynesville received Arek in January 2011, but he was not capable of working until he became certified in March 2011. Mayor Brown congratulated Officer Gilmore and the Waynesville Police Department for their work with Teddy.

Alderman Feichter moved, seconded by Alderman Greeley to amend the policy to add the manner in which the retirement of a canine is handled and to grant permission for Officer Gilmore to purchase “Teddy” for \$1 so that he can spend his retirement years with his handler, Officer Gilmore. The motion carried unanimously.

Revised Land Development Standards

At the Board meeting of March 22, 2011, the public hearing on the revisions to the Land Development Standards was held. At the conclusion of the comment period, Town Attorney Griffin closed the public hearing.

In discussion following the public hearing, it was evident that there were still issues with the parking allowances in the different districts. Planning Director Paul Benson suggested some further revisions to the parking allowances in the Land Development Standards. He was asked to present some alternatives to the Board and provide some sketches of how the parking might look with various sized buildings. Those sketches were submitted for the Board to review, along with some comments submitted by Mr. Benson regarding parking.

The parking allowance would be for one row of parking in front of smaller buildings and up to three rows of parking in front of larger buildings. Mr. Benson was present at the meeting to answer questions regarding the new parking proposal.

Alderman Roberson said he has spoken with Mr. Benson and raised concerns about the number of rows of parking in front of a building and he provided additional options. An amendment to the text in Section 13.9 would allow only one bay of parking and Alderman Roberson said he likes this option as a possibility. Mr. Benson said this is slightly more restrictive than the recommendation of the committee. Mr. Benson said for residential areas it would specify just the side or rear parking except in the low density districts, RL and RN where one row would still be permitted for multi-family and mixed use developments. This would tighten up the neighborhood commercial standards and not allow parking in front in neighborhood commercial districts. It would only permit one row to the Type 3 and 4 parking as opposed to two rows for commercial.

Alderman Feichter said she believes the compromises that have been reached are beneficial to the town. She said this board has always been able to reach a compromise and work together and she is very proud of that. The committee that worked on the revisions did a great job. She believes this document provides the tools needed to allow the community to grow in a way that enhances the beauty of this community. Alderman Feichter said some municipalities feel that they don't need compromise and have very strict requirements. She would always choose to work with people who want to be in our community and find ways to accommodate them without throwing our standards out. This process provides standards we need to allow our community to grow and enhance our vision for this community. She feels that this compromise is what we need to focus on.

Alderman Caldwell felt that the compromises presented before were acceptable, but he will never be totally happy. However, he felt that this was a good compromise.

Alderman Greeley said as a business owner and resident, and after hearing the comments that the LDS were not user friendly and were anti-business, he knew this would be a big challenge.

However, he has been comfortable with the process and feels that it has been fair. Each Alderman had the opportunity to appoint someone to serve on the committee. They did not agree on everything, but there was good discussion and debate on positives and negatives. He feels good about the process and feels that this strikes a good compromise between no parking and unlimited parking. He is ready to support what the committee has suggested. The feedback from the public has been somewhat disappointing and he would like to have seen more citizen input.

Mayor Brown said it has been brought to his attention the number of units that would be allowed in some of the residential neighborhoods, such as the project on Assembly Street. There were some comments received by the Board. He feels that the Planning Board will have the latitude to make a project fit, even though the number of units has increased in the revised LDS. Paul Benson summarized the six findings of fact that the Planning Board must meet when approving a project.

Alderman Feichter added that it is important for the community to realize that the Planning Board and Board of Adjustment meetings are open to the public and citizens can attend and voice their concerns. If community members do not voice their opinions, they are not doing their job as a community member. Mayor Brown added that sometimes the developer seems to appear as the “heavyweights” and the community may not feel that they can speak to the issues. Given a strong Planning Board, the concerns of the community can be addressed.

Mayor Brown said last December Waynesville implemented conditional zoning for the Ingles project and he feels that Waynesville may be seeing more of this in the future.

Alderman Feichter moved, seconded by Alderman Greeley, to adopt the Land Development Standard revisions as proposed by the Committee and with the revisions recommended by the Planning Board.

Alderman Roberson moved to amend the motion to add the revisions to Section 9.3 to allow one row parking as opposed to two rows of parking, as presented by Planning Director Paul Benson, seconded by Alderman Feichter. The motion carried with three ayes (Roberson, Feichter, Greeley) and two nays (Brown, Caldwell).

A vote was then taken to adopt the Land Development Standard revisions as proposed by the Committee, with the revisions recommended by the Planning Board and the amendment to add the revisions to Section 9.3. The motion carried unanimously.

Report of Assets Sold - Purchasing Supervisor Julie Grasty

As required by the Town policy regarding the disposition of surplus equipment and materials, the Purchasing Supervisor must make reports of the items sold and compensation received to the Mayor and Aldermen. This report is to provide information on assets sold by the Town on the Gov-Deals system as well as sales conducted outside of the Gov-Deals system. Through the end of March, for the 2010-2011 fiscal year, sales of equipment and materials as surplus has exceeded \$65,000.

Purchasing Supervisor Julie Grasty presented the report for the second and third quarters of 2010-2011 for the Gov-Deals system. These totaled \$9,018.47 and included fitness equipment from the Recreation Center, Christmas decorations and mixed lots of various equipment.

Ms. Grasty also presented the report of the sales made outside of the Gov-Deals system for the first, second and third quarters of 2010-2011. These totaled \$19,794.80 and included miscellaneous metal, copper, wire, mulch sale, computers sold to employees and a 2006 Dodge Charger sold to Haywood Community College.

Manager Galloway said Gov-Deal has been a great tool for selling the surplus items. Ms. Grasty has done a great job and has been honest in advertising the items for sell so that the buyer always knows what they are getting and feels comfortable in bidding on the items. No action was necessary.

Replacement of 1996 Dodge Grand Caravan

In the summer of 1997, the Town purchased the 1996 Dodge Grand Caravan for use by the Town Board, Town Manager and others as needed. In 2005, the Town purchased a 2005 Toyota Prius used primarily by the Town Manager and later a 2008 Toyota Prius used by the Assistant Manager, department heads and employees traveling on behalf of the Town. After the purchase of the two Toyotas, the Dodge Van was used less; however, the Toyotas only hold four people. There are frequently schools, activities and/or programs to which more than four people will likely be traveling. Although the Prius vehicles are great on gas mileage, they do not allow much room for luggage for two people, much less for three or four. The Dodge Van is the most desirable vehicle to send out with employees and elected officials.

The Dodge Van now has 143,000 miles and is showing its wear after 14 years of use. Lead mechanic, Edwin Fish, has suggested that he would be much more comfortable if the van was not used for out of town travel. It is no longer a guaranteed safe vehicle. In preparing the 2010-2011 budget requests, a new van was included, but the request was removed before it ever reached the Board. It was noted that if there was the possibility of finding some funds toward the end of the fiscal year, the Board would be asked to consider the possibility of purchasing a new van. Manager Galloway said it is felt that the several funds could share in the cost of this vehicle.

The deadline to order a new van under State contract is April 28, and the price of such a vehicle is around \$22,000. Manager Galloway requested that the Town Board authorize town staff to search for a replacement van in that price range for use by the Board and Town Staff in the conduct of Town business. Purchasing Supervisor Julie Grasty reported to the Board that a 2011 White Dodge Caravan could be purchased on State Contract for \$21,148.

Alderman Roberson moved, seconded by Alderman Caldwell to approve the purchase of the new van up to \$22,000 in the 2010-2011 budget. The motion carried unanimously.

Community Development Block Grant Letter of Interest

The Town has continued to work with Mr. Hollis Fitch from Fitch Development Group of Charlotte regarding a Community Development Block Grant. Mr. Fitch would like to purchase the old hospital which is presently occupied by the Department of Social Services and Board of

Education and convert those buildings into senior housing. The Community Development Block Grant could be used as a loan from the Town toward the cost of infrastructure necessary as part of the cost to renovate and rehabilitate this building and provide the required appurtenances.

Initially, it appeared that Mr. Fitch would need approximately \$3,000 per unit from the Community Development Block Grant, an amount he would repay over a 20 years period with interest. Mr. Fitch has requested a revised letter seeking a loan of \$4,000 per unit for a total of \$212,000. A copy of the initial letter from Mr. Fitch and the Town's initial letter to him for the \$159,000 were provided for the Board to review. The request would be on the same basis, with the exception of seeking a grant of \$212,000.

Alderman Feichter moved, seconded by Alderman Roberson, to approve a letter of request to the Division of Community Assistance to apply for a Community Development Block Grant in the amount of \$212,000 regarding the housing project being proposed by Mr. Hollis Fitch from the Fitch Development Group as requested. The motion carried unanimously.

North Carolina Community Foundation Recreation Endowment

Manager Galloway said in 1994, the Town was negotiating with Carolina Power and Light for renewal of the Power Supply Agreement. At the conclusion of negotiations, Waynesville asked CP&L to donate \$25,000 toward the Town's Parks and Recreation Department, with the thought that the funds could be used on the expenses of the new Recreation Center which the Town hoped to build with the savings from the new Power Supply Agreement. CP&L agreed to the donation, but they asked that the Town establish an Endowment to which the money would be deposited.

A few years later, in 1997, the Town established an Endowment through the North Carolina Community Foundation, and contributed \$5,000 to establish that Endowment. Once this was established, CP&L contributed \$25,000 to the Endowment and there have been two other contributions to the Endowment over the years. The funds in the Endowment are invested and the Town receives an annual report on the status. Over the years, the Endowment has grown as the investment market was good and it shrunk as the investment market was poor. Some years, the Town received a "dividend" check when investments were good, and some years, when investments were poor, there was no "dividend".

A few months ago, Manager Galloway inquired as to whether the Endowment might be used for the Skate Park. After discussing with the Town Attorney and from reading the Agreement, it was felt that the Community Foundation did have the option of paying out the entire Endowment to the Town. Attorney Griffin suggested that Manager Galloway first write the Foundation to see if it was something they would even consider doing. This was done and a response was received. Manager Galloway provided several documents for the Board to review, including the Endowment Agreement, the letter to the Foundation and the response from the Foundation.

In the letter from the Foundation, it appears that closing an Endowment can be done, but they would first need a Resolution from the Town Board making this request. The Foundation's Executive Committee would then consider the request at their meeting on April 21.

As the Town searched for ways to raise funds for a Skate Park, Manager Galloway said he thought that the Endowment might be a resource that could be used toward the \$168,000 that is

needed. As of December 31, 2010, the Endowment totaled \$28,418.01, and that would be approximately 17% of the amount that is needed for the basic construction of the skate park.

Alderman Caldwell has worked toward building a skate park for several years and he thanked Manager Galloway for thinking about this possibility. Alderman Roberson suggested that if the money from the Endowment is used toward the skate park, the Town might consider reinvesting as the economy improves and money becomes available. Mayor Brown said he did not have a problem in making the request, adding that this is a very site specific project. It was added that Pepsi has contributed \$7,500 for the skate park over the next three years.

Alderman Greeley moved, seconded by Alderman Feichter, to formally request that the North Carolina Community Foundation Recreation Endowment distribute the gross principal and interest to the Town of Waynesville for the purpose of construction of the skate park. The motion carried unanimously.

Water Purchase Agreement Junaluska Sanitary District

Over the past few months, the Board and Staff have had discussions about the Water Purchase Agreement between the Town and the Junaluska Sanitary District (JSD). At the Board meeting of March 22, 2011, Town Staff returned to the Board with the latest proposal from JSD, with a maximum daily average purchase of 750,000 gallons and a minimum of 200,000 gallons per day. The Town had previously proposed that JSD purchase a minimum of 350,000 gallons per day.

There was also wording in the proposal from JSD that required the Town to “charge” the JSD system, and Public Works Director Fred Baker expressed some concern about that wording, feeling it might require the Town to make sure that water pressure into the system would be adequate to fill the JSD’s tanks. Mr. Baker was not sure that was possible. It was his recommendation that the wording simply state that the Town would provide water at both water meters at a 100 pounds per square inch (psi) level. Should JSD need more force than that to fill their tanks, it may have to consider pumps to lift the water to fill the tanks, just as Waynesville does with several of its own tanks.

At the March 22 meeting, the Board did not take official action on the minimum; however, it was noted that the JSD was at risk of losing a grant from the North Carolina Rural Center unless they could work out their water purchase agreement with the Town of Waynesville. Not wanting the JSD to lose this funding, Town Staff and Mayor Brown had further discussions with representatives of JSD and agreed to accept the 200,000 gallon per day minimum purchase proposed by the JSD. JSD agreed to the change regarding the 100 psi water pressure. Mayor Brown executed the agreement on behalf of the Town so that JSD would not lose the \$500,000 grant from the Rural Center.

It was requested that the Town Board approve the agreement that has been worked out with the Junaluska Sanitary District. This would maintain the customer relationship for a minimum of ten years and would be beneficial to both parties to the agreement.

Alderman Caldwell moved, seconded by Alderman Greeley, to approve the agreement with Junaluska Sanitary District as recommended. The motion carried unanimously. (Cont. No. 3-11)

Upcoming Budget Meetings

Manager Galloway said he has been in budget meetings this week with Assistant Town Manager Alison Melnikova and Finance Director Eddie Caldwell and those meetings will continue next week. The numbers on property valuations are back from Haywood County and it was indicated that the values were up 4.4 percent. However, when allowances for historic properties, senior citizen exemptions, brownfield properties, land use and estimated property appeals are deducted, there is almost no increase in valuations. As a result, a revenue neutral tax rate could mean a one cent tax increase. It is still uncertain what changes will be seen by the State regarding sales tax, etc. Waynesville may repeat what was done before by adopting a budget and have expenditures that can't be expended until it is known what the revenue figures will be. A budget retreat has been scheduled May 13 from 12:30 p.m. until 5:00 p.m. No action was necessary.

Upcoming Retirements

Manager Galloway reported that during 2010 one employee retired. Four employees have filed for retirement so far in 2011. Those employees are Ralph Hannah, Bo Messer, Thomas McClure and Robert Stiles. No action was necessary.

Adjournment

It was the consensus of the Board to adjourn the meeting at 8:01 p.m.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor