

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ALDERMEN
TOWN HALL – 9 SOUTH MAIN STREET
JULY 26, 2011
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, July 26, 2011. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, J. Wells Greeley and LeRoy Roberson. Absent was Alderman Libba Feichter. Also present were Town Manager A. Lee Galloway, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure, Town Attorney Woodrow Griffin, Purchasing Supervisor Julie Grasty and Planning Director Paul Benson. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of July 12, 2011

Alderman Greeley moved, seconded by Alderman Caldwell, to approve the minutes of the July 12, 2011 meeting as presented. The motion carried unanimously.

Public Hearing Amendment to Land Development Plan/Map Amendment Rezone 50 Acres (43 Properties) in the South Main Street Business District to the Hyatt Creek Regional Center

There have been changes in the South Main Street Corridor due to the redevelopment of the former Dayco Industrial site. The changes will be even more prevalent when the additional shopping area with Belks, Michael's and Pet Smart opens in the latter part of 2012. With these changes that have occurred and those to take place, the Planning Department recommended that another look be given to the South Main Street Business District and the relationship with the Hyatt Creek Regional Center.

Information was distributed to the Board from the Planning Department which included the Staff Report and maps of the areas under consideration and the minutes of the Planning Board meeting of June 20, 2011. The Planning Board voted unanimously to support the changes which have been recommended. All property owners affected by the changes were notified and the proper public notice appeared in the legal ads for the news source.

Planning Supervisor Paul Benson attended the meeting and gave an overview of the proposed amendments. Mr. Benson said the area is currently zoned South Main Street Business District and is proposed to be changed to the Hyatt Creek Regional Center. The other change is to amend the map. This area is located west of Allens Creek and Brown Avenue and has been Waynesville's priority for a NC Department of Transportation improvement project for a number of years. A feasibility study conducted by NCDOT includes significant road changes. The Hyatt Creek Regional Center better

accommodates larger building setbacks and also allows the Type 4 parking in front of buildings which was discussed this past April.

Attorney Griffin outlined the rules for public hearings and opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

Alderman Roberson asked about the rural area and if it contained buildable area. Mr. Benson said there is a developable piece of land that could be left rural, but when it is developed it will be more suitable to the proposed area. Some of the area is in the flood plain and is adjacent to the By-Pass.

Alderman Caldwell said this would benefit some of the property owners that were having difficulty developing their property with parking in the front. Mr. Benson said it is possible to develop property with more than one row with the Type 4 parking allowed in the Hyatt Creek Regional Center.

Alderman Caldwell moved, seconded by Alderman Roberson, to amend the Land Development Plan/Map. The motion carried unanimously.

Alderman Greeley moved, seconded by Alderman Caldwell, to rezone the 50 acres (43 properties) from the South Main Business District to the Hyatt Creek Regional Center. The motion carried unanimously. (Ord. No. 7-11)

Eric Yarrington Request Regarding Main Street Mile

In 2010, Eric Yarrington was the primary organizer of the Waynesville Main Street Mile. This event involved a run of one mile on Main Street between Auburn Park Drive and the Haywood County Courthouse. The funds raised in this event were donated to the Shriner's Hospital in Greenville, South Carolina.

After consulting with Waynesville Police Chief Bill Hollingsed and Downtown Waynesville Director Buffy Phillips, Mr. Yarrington scheduled the date of Friday, August 12 for the run. The web site for the event is www.waynesvillemainstreetmile.com which includes information about the various runs planned and contains photographs from the 2010 event.

Last year, the race was coordinated with the Police Department and there were no issues as things were very well planned and the event came off without a hitch. That is due in large part to the hard work of Mr. Yarrington. Mr. Yarrington was unable to attend the meeting. Mr. Jason Bodner represented Mr. Yarrington in seeking approval for the Main Street Mile.

Mr. Bodnar said last year's race raised \$4,000 for Shriners Hospital. There will be four races this year; high school and under, female, male and Police/Fire/EMS Team. The race is scheduled Friday, August 12 beginning at 6:30 p.m., with on-site registration between 5:00 and 6:00 p.m. Registration is also available on line. The street will be closed as the

runners progress in the race and will be coordinated through the Waynesville Police Department.

Alderman Greeley said the race brings people to downtown during the summer months. Good feedback was received last year with the beautiful scenery as runners came down Main Street with the beautiful mountains in the background.

Alderman Greeley moved, seconded by Alderman Roberson, to approve the request to temporarily close Main Street during the Main Street Mile Race. The motion carried unanimously.

Municipal Bridge Inspection Agreement Between Town and Department of Transportation

In the late 1970s and early 1980s, there were several highly publicized bridge failures on heavily traveled highways in the nation. One of particular note was on Interstate 95 in Connecticut. As a result of these bridge failures, the federal government developed a program to encourage the safety of the motoring public through the inspection of all bridges on public roads in the country. The federal government provides 80% of the cost of the inspections of bridges and 80% of the actual repair or construction of bridges.

In North Carolina, the State Department of Transportation administers these funds on behalf of the federal government, and there are various options available to the local governments under this program. One option would be for the municipal government to inspect their own bridges with their own staff of bridge inspectors and determine the engineering load ratings. A second option would be for the municipality to hire a qualified private engineering firm to perform the inspections and load ratings. The third option would be for the municipality to request that the State Department of Transportation employ a private engineering firm to perform inspections and load ratings. The Town of Waynesville has traditionally used the third option, contracting with the State to have their contractor perform these inspections and load ratings.

Public Works Director Fred Baker has reviewed the formal agreement between the Town and the NCDOT authorizing the State to hire a private engineering firm to inspect and load rate the municipality's bridges. He recommends approval of the agreement. Upon completion of the work, the NCDOT will invoice the municipality for 20% of the cost of the inspections, and the Town is to make prompt reimbursement. The State will be paying the 80% portion from the Federal-aid Highway Funds.

Manager Galloway said in the past, these agreements were for two year periods and had to be renewed every other year. The new agreement has a term of ten years, so this matter will not likely reappear on the agenda until 2021. It is a relatively simple agreement and there is really no reason not to run it for ten years. If in the future, the Town should become dissatisfied with the arrangement, the agreement may be cancelled with a thirty day written notice to the other party. A list of twelve bridges in Waynesville is included in the agreement. Manager Galloway pointed out that several bridges have been improved during the past seventeen years, including Boyd Avenue, Hendrix Street, Brookside Court

and Scates Street. Work is planned on the Walnut Trail Bridge and the rating system will determine how soon the others should be handled.

Town staff recommended approval of the agreement with the selection of Option C to have the NC DOT employ a private engineering firm to conduct inspections and load tests of the eleven bridges on the Town's Bridge Inventory List.

Alderman Roberson asked about private bridges with public access. Manager Galloway said there is no requirement because they are not on public streets. In order to be on the bridge program, the bridge must be at least 19 feet in length.

Alderman Caldwell moved, seconded by Alderman Roberson to approve the agreement with the North Carolina Department of Transportation for bridge inspections. The motion carried unanimously. (Cont. No. 12-11)

Fourth Quarter Surplus Property Report

Under Waynesville's Purchasing Policy, the Purchasing Supervisor is required to make a report to the Town Board each quarter on the assets of the Town which were sold. Purchasing Supervisor Julie Grasty has divided the report into two sections. One section shows the assets which were sold on Gov-Deals, which is similar to an E-Bay Program for governments. The other section shows the assets which were sold not using the Gov-Deals Program.

Traditionally, the Town places more valuable pieces of equipment and vehicles on Gov-Deals for auction. In the case of the 1995 Sewer Jet Truck, the Lake Junaluska Assembly had expressed an interest in that unit to help them in the maintenance of their sewer lines. Waynesville has, at times, provided the personnel and equipment to assist the Assembly in addressing sewer line problems, so it was felt to be advantageous for both the Town and the Assembly for them to have this sewer cleaning truck in their possession. Ms. Grasty checked on the Gov-Deals site to find comparable prices for similarly aged trucks and equipment and felt that the \$15,000 was a fair and reasonable sales price.

Ms. Grasty presented the report to the Board. Vehicles and equipment sold on Gov Deals during the fourth quarter totaled \$11,707.43. Other assets sold included a mulch sale in April in the amount of \$4,658.78 and the 1995 Sewer Jet Truck for \$15,000 for a total of \$19,725.88. The Board thanked Ms. Grasty for her presentation. No action was necessary.

Memorandum of Agreement between the Department of the Army, the Southeastern Power Administration and the Sponsors, Including the Town of Waynesville

In 1950, the Southeastern Power Administration (SEPA) was created by the Secretary of the Interior to carry out the functions assigned to the Secretary by the Flood Control Act of 1944. In 1977, SEPA was transferred to the newly created United States Department of Energy. SEPA is headquartered in Elberton, Georgia, and is responsible for marketing

electric power and energy generated at reservoirs operated by the United States Army Corps of Engineers. This power is marketed to more than 491 preference customers in the states of Georgia, Florida, Alabama, Mississippi, southern Illinois, Virginia, Tennessee, Kentucky, North Carolina, and South Carolina.

The Town of Waynesville is one of the preference customers and is provided some of this "cheap" power which is wheeled or transferred from the hydroelectric plants owned and operated by the Army Corp of Engineers, through the Tennessee Valley Authority and Progress Energy to the Town of Waynesville. For many years, the power supplied was in abundance and helped Waynesville hold down the cost of electricity to its customers. But in the past decade, the availability of the hydroelectric power has been greatly reduced. Part of the reason was the severe droughts that the southeast experienced during the period of 2002 to 2008, but a more significant reason was the failure of the Wolf Creek Dam on the Cumberland River in Kentucky in 2005. The dam creates Cumberland Lake, the largest lake in Kentucky covering 102.4 square miles. The Wolf Creek Dam is capable of generating 270 megawatts of power daily.

When seepage beneath the dam was discovered, the lake level was lowered and the volume of electricity produced was greatly reduced. As a result, Waynesville and other electric systems received lower volumes of cheap power from SEPA than in the past. Repairs on the dam are underway and should be completed in 2012 and will cost in excess of \$500 million dollars. Electric rates through SEPA are set to rise by 28% over a two year period, but even with the planned increase, the electric rates are still very attractive. In April, 2011, the Town received 569,823 kilowatts of power from SEPA at a cost of 2.3 cents per kilowatt. Waynesville pays in the six to seven cent range for power from Progress Energy.

Waynesville has been asked to join with other electric providers in signing a Memorandum of Agreement with the Department of the Army and SEPA to call for the maintenance, rehabilitation and modernization of the Cumberland River hydroelectric facilities owned by the Corp of Engineers. In doing so, the Town would be agreeing to the higher rates. In exchange, SEPA would allow the sponsors to continue to purchase the "cheap" power with the earliest termination date of October 1, 2029, such termination to become effective October 1, 2032.

Public Works Director Fred Baker has reviewed the agreement and Mr. Baker and Mr. Galloway have followed the discussions and negotiations on this Memorandum of Agreement for many months. It is felt to be in the Town of Waynesville's best interest to sign this agreement and place the Town in the position to continue to receive the power available through SEPA for an extended period of time.

Alderman Greeley moved, seconded by Alderman Roberson, to approve the Memorandum of Agreement between the Department of the Army, the Southeastern Power Administration and the Sponsors, including the Town of Waynesville as proposed. The motion carried unanimously. (Cont. No. 13-11)

Manager Updates

Manager Galloway reported on the work on the Municipal Building. The replacement of the basement windows under the drive thru will be an additional expense since they are not included in the original bid. The front door will be replaced with a historically accurate door. The same company will be replacing the window where the drive-thru was located. The windows in the back have been sanded and painted and are greatly improved.

The Council of Government Meeting was held on Monday, July 25 in Maggie Valley. One of the new issues is that Haywood County is having a feasibility study done for the possible purchase of the Hazelwood Prison Unit. The facility could be used to house inmates charged with misdemeanors and required to serve 0 – 60 days at a regional facility. There is also discussion that those serving at the facility could be used by local governments for work crews, litter collection, painting, snow removal and other uses.

Adjournment

With no further business, it was the consensus of the Board to adjourn the meeting at 7:58 p.m.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor