

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
AUGUST 26, 2008
TUESDAY - 7:00 P.M.

CALL TO ORDER

ITEM 1. APPROVAL OF MINUTES OF AUGUST 12, 2008

ITEM 2. PUBLIC HEARING – ANNEXATION PETITION
4.4 ACRES ON LICKSTONE ROAD
OWNER – TROY MUSE

At previous Board meetings, a petition was received from Mr. Troy Muse for the annexation of a 4.4 acre tract of land he owns on Lickstone Road near its intersection with Pine Grove Drive. The Board adopted a resolution directing Town Clerk Phyllis McClure to investigate the sufficiency of that petition, and she found that it met all of the requirements of State law. The Board then set a public hearing date for the 26th of August to give any interested citizen the right to speak on the question of annexation.

Following the public hearing tonight, the Board could vote to accept the petition and annex this 4.4 acre tract into the Town. Should the Board decide to do so, it is suggested that the date of August 31, 2008, be used as the effective date of annexation.

ITEM 3. REQUEST BY CEDARWOOD DEVELOPMENT
FOR THE TOWN TO ACCEPT THE DEDICATION OF DAYCO DRIVE

When Cedarwood Development was working on plans for the Waynesville Crossings Shopping Center, they wanted to construct a road from South Main Street into the shopping center site, but that required a new railroad crossing. Norfolk-Southern declined to allow a new crossing unless the Town agreed to close three other crossings, and the Town reached agreement on the three crossings to be closed (Town Park, Shackford Street and Old Hickory Drive.)

Cedarwood began their negotiations with Norfolk and Southern about the new crossing which would be located behind the existing Hardees restaurant. Norfolk and Southern took the position that they would be able to close the new crossing for any reason after giving the shopping center owner a 30 day notice. Cedarwood knew that WalMart or Home Depot or any other retailer would balk over such a provision, and they approached the Town seeking help with a solution.

Upon inquiry, we learned that the 30 day closure notice was being required because the road leading

from South Main Street into the shopping center would be privately owned thus making the rail crossing a private crossing, owned by Cedarwood. We also learned that if it were a publicly owned crossing, the railroad would not have such a requirement. As a result, Cedarwood approached us to ask if the Town would accept a portion of the street, subsequently named Dayco Drive, if they built the street to Town standards.

Public Works Director Fred Baker and I conferred and agreed that we would recommend that the Town Board accept the road under those conditions. We did add a stipulation that the portion being dedicated to the Town must include an area on the west side of the railroad tracks where a truck could turn around if need be. Cedarwood had their engineer draw the right-of-way of Dayton Drive to include the entrance from South Main Street as well as the turn-around area on the west side of the tracks.

We will have a plat at the meeting showing you the area which Cedarwood wishes to dedicate to the Town of Waynesville.

ITEM 4. MR. LEONARD LOLLIS
REGADING ISSUES IN FROG LEVEL

At the meeting of August 12, 2008, some Board members mentioned complaints they have received from merchants in the Frog Level area about vagrants and people under the influence of alcohol loitering in the public space around Frog Level area. At that time, the Town Manager advised that the Assistant Manager, Alison Melnikova, was working with Chief of Police Bill Hollingsed to research the ordinances of other communities on issues such as this and what they might have done to deal with a problem of this nature.

Work on gathering these ordinances was done while the Manager was on vacation earlier this month and this have just been presented to the Town Attorney for his review.

Alderman Caldwell indicated that one of the businessmen in that area has asked him to go on a tour of the area to see the problems first hand. The Alderman asked that the Police Chief join him on the tour, and they met with some business people on Tuesday, August 19.

Mr. Leonard Lollis, owner of Junque Room II, has asked for time on the Town Board's agenda to discuss the problems in the Frog Level area, and he will be at the meeting on Tuesday, August 26.

ITEM 5. REQUEST FOR FINANCIAL SUPPORT
HAYWOOD COUNTY AGRICULTURAL AND ACTIVITY CENTER BOARD

In 2007, the Haywood County Agricultural and Activity Center Board approached the Town Board to seek sponsorship of a concert held in conjunction with the Haywood County Fair. The Town Board did authorize a contribution of \$2,500 as a Level II Sponsor for the event.

We have received a request from the Haywood County Agricultural and Activity Center Board that

the Town Board once again be a sponsor for the concert. You will find attached a letter of request and other information about the plans for the 2008 Haywood County Fair. The Fair Board plans to have Luke Bryan, a country music singer, perform on Saturday, September 27, and they are asking for sponsorships ranging from \$250 to \$5,000.

While preparing the 2008-2009 budget, we did not receive a request from the Fair Board for funding, so there is no money designated in the budget for this purpose. Any contribution made by the Town Board would have to be in addition to what has already been allocated for contributions to other agencies and non-profits.

ITEM 6. DISCUSSION REGARDING WATER SITUATION

In recent weeks, there has been a good deal of publicity about the drought conditions in our region and about water restrictions being implemented in other communities. We have attempted to keep you informed about the water level in our own reservoir at the head of Allens Creek. As noted in a recent report to you, a full pond is at 32 feet and as of Wednesday, August 20, the water level was 27 inches below the full pond.

The State requires that every community have a Response Plan in the event of a water shortage or water emergency. In the Town's plan, we have three different levels of severity. Under the first level, once the water level has dropped 48 inches or four feet below a full pond, we ask that the public begin voluntary water restrictions. Under the second level of severity, if the water level drops to 96 inches or 8 feet below a full pond, we implement mandatory restrictions. At the third level of severity, if the water drops to 168 inches or 14 feet below a full pond, we go on extreme measures with much more severe measures to force the conservation of water.

The Maggie Valley Sanitary District draws its water from two sources, Campbell Creek and Jonathan Creek. In recent weeks, the level of Campbell Creek has dropped to the point that they may no longer use that creek as a water source. As Jonathan Creek has some limitations, the MVSD has had to begin thinking about what they might do to secure additional water for their customers. Waynesville may be a possibility.

The Town of Canton draws its water from the Pigeon River, and in recent weeks, a number of news media sources have reported on the low flows in that water source. The Town of Canton is beginning to look at what they might do to secure additional water for their citizens. Waynesville may be a possibility.

As noted, our Water Shortage Response Plan does not call for voluntary restrictions until the reservoir drops 48 inches below full pond; however, that policy was written around Waynesville providing water to its own customers as well as to Lake Junaluska and the customers of the Junaluska Sanitary District. It was not drafted with thought given to assisting our neighboring communities of Maggie Valley and Canton, the latter also serving the Town of Clyde.

Now that these other systems are starting to experience water shortages and may need to look to

Waynesville for water, we would suggest that the Town Board may want to revisit the Policy and consider voluntary restrictions a bit sooner.

We do not know whether the Maggie Valley Sanitary District or the Town of Canton will actually reach a point where seeking water from Waynesville may be a necessity. But should that be the case, we would suggest that the Town of Waynesville might want to implement voluntary restrictions earlier, which may put us in a better position to be able to help our neighboring Haywood County towns should they need our help with providing water.

If the Board is supportive of this, we would suggest that the Mayor be authorized to call for a Water Shortage when the water level in the reservoir falls to 36 inches below full pond. Even with 7/10ths of an inch of rain on Saturday, August 16, the level of the reservoir has continued to drop and is falling faster. Without any rain, we may reach that level of 36 inches below full pond during the coming week.

If the Board approves this measure, we will begin a publicity campaign to ask citizens and businesses to begin taking whatever measures they can think of to reduce their level of water consumption. We would have a number of suggestions on how that might be done and publicize those to our citizens through the media, our web site, utility bills and any other means that we can think of when it might be available to us.

**ITEM 7. UTILITY RELOCATION AGREEMENT ON PLOTT CREEK ROAD WITH
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

A few years ago, the North Carolina Department of Transportation developed plans to reconstruct and widen Plott Creek Road in an area from Hazelwood Elementary School eastward to Richland Creek. There were a number of public meetings, and as you will recall, after the initial opposition, the DOT did do some redesign work to reduce the impact of the road and overcome some of the objections.

The Plott Creek Plan has lingered for some time, but now it appears that the DOT is starting to move forward with the project. Because of the construction, it will be necessary for the State to relocate a water line, but since the water line was already in place, the DOT will pay for the relocation out of the project costs. For this to occur, the Town Board needs to authorize an agreement between the Town and the DOT under which the Town would either perform the relocation of the water line through its own forces or through an outside contractor, with the DOT reimbursing those costs.

It is recommended that the Board accept this agreement and authorize Mayor Brown to sign the document on behalf of the Town.

**ITEM 8. CONSIDERATION OF REAPPOINTMENT/APPOINTMENT
ALCOHOLIC BEVERAGE CONTROL BOARD**

At the meeting of August 12, the expiration of the term of Wick Medford on the Alcoholic Beverage Control Board was discussed. It was noted that Mr. Medford now lives outside of the corporate limits of the town and there seemed to be a feeling on the Town Board that membership on the ABC

Board should be limited to individuals who live inside the corporate limits.

Mayor Brown asked that Town Staff seek the assistance of the news media in soliciting applications from individuals interested in serving on this particular Board. As a result, an excellent article appeared in the Mountaineer, and there have been four applications submitted for the Board's consideration. These are attached for your review. Mayor Brown also asked that the Aldermen think of other individuals who might make suitable members of the ABC Board. So Town Board members may have other names they wish to present to their fellow Board members for consideration.

All names might be presented Tuesday evening and one might be approved by the Board or you might wish to take additional time to consider an individual. As Mayor Brown advised at the last meeting, a sitting member remains on a board until a new appointment has been made and that individual takes office.

ITEM 9. TOWN BOARD MEETINGS OF SEPTEMBER 23 AND OCTOBER 14

During the new two months, there are some conflicts with two of the Board meetings which are scheduled. I wanted to mention these situations to the Board to see if there might be an interest or willingness to reschedule those meetings.

SEPTEMBER 23, 2008

The meeting of September 23, 2008, falls during the International City and County Managers' Conference in Richmond, Virginia. As you know, I customarily attend these conferences primarily for the educational benefit they provide. I would especially like to attend the conference for 2008, as I will be receiving an ICMA Service Award for my 35 years in local government.

With five Tuesdays during the month of September, the meeting might be rescheduled to Tuesday, September 30. If the Board would rather not reschedule that meeting, I would ask that I might be excused from attending so that I could attend the ICMA Conference in Richmond. Assistant Manager Alison Melnikova could fill in for me at the meeting in my absence.

OCTOBER 14, 2008

The North Carolina League of Municipalities will be holding its Annual Conference in Charlotte on October 11-14, 2008. This is a special year for the League as it will be celebrating its 100th Anniversary, and a great deal of work has gone into making this one of the finest conferences ever. The Carolina Municipal Association was created by 22 "founding members" at a meeting held in Charlotte in 1908. It was renamed the North Carolina Municipal Association in 1922 and the North Carolina League of Municipalities in a change of its constitution in 1934. Today, more than 540 municipalities in North Carolina are members of the League of Municipalities.

The League's Conference runs until about 3:00 p.m. on Tuesday, October 14, cutting it a little close for a return to Waynesville for a Board meeting at 7:00 p.m. on that date. We have not confirmed the number who will attend from Waynesville, but I wanted to ask if the Board might be interested

in rescheduling the Town Board meeting to Tuesday, October 21 or some other date in October to avoid the conflict with the League's 100th Conference.