

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

CALL TO ORDER

ITEM 1. APPROVAL OF MINUTES OF FEBRUARY 10, 2009

ITEM 2. GREAT SMOKY MOUNTAINS NATIONAL PARK

As you are likely aware, the Great Smoky Mountains National Park is celebrating its 75<sup>th</sup> 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.

At the Board meeting on Tuesday evening, Park Superintendent Dale Ditmanson will appear to discuss the park and its history and to make the Board members aware of some of the activities planned for the coming year. Assistant Town Manager Alison Melnikova and/or I 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 one we have attended. In addition, he has been evident at many events related to the park whether in North Carolina or Tennessee.

We look forward to hearing about the events planned this year leading up to an anniversary celebration on September 2, and Superintendent Ditmanson will likely touch on these at the meeting Tuesday.

ITEM 3. 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 has been received from Jeff and Ron Green for the rezoning of property they own on Long Street. They actually own two lots, with one lot in the

South Main Business District and the other in the Allens Creek Neighborhood District. Jeff and Ron Green 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.

A public hearing on the rezoning has been scheduled for February 24.

ITEM 4. PUBLIC HEARING - AMENDMENT TO SECTION 154.128  
S. 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 much 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. Attached you will see the proposed amendment to Chapter 154, Section 154.128, the South Main Business District.

#### ITEM 5. 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.

At the meeting on Tuesday evening, Purchasing Supervisor Julie Grasty will be on hand to discuss the process and the firm known as BidBridge. You will find information in this section explaining the process and providing the web site of BidBridge which provides additional information. It is hoped that this process will be formalized over the next several weeks with bids on the truck accepted during the spring.

#### ITEM 6. LAURA WOOLEY - REQUEST REGARDING DUMPSTERS

The Town recently received a request/recommendation from Ms. Laura Wooley of Smoky Mountain Logos, that the Town pass an ordinance that all dumpsters must be covered by lids. This would reduce the likelihood of debris blowing out of the dumpsters.

#### ITEM 7. NATIONAL ALLIANCE ON MENTAL ILLNESS FUNDING REQUEST

The Town has received a funding request from the National Alliance on Mental Illness for a contribution of \$2,000 for 2009. This request was made by Ms. Judy Sipes, Treasurer. The letter indicates that someone from the organization will be present at the meeting on February 24 to present the request to the Board.

This organization apparently 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.

For your information, we are including a copy of the organization's budget for 2009 which Ms. Sipes submitted to Mr. Caldwell. We have no indication as to what other grants the organization is seeking to make up the \$2,500 grant

revenue besides their request of \$2,000 from the Town of Waynesville. We also do not have a clear understanding of how the organization would spend its funds or what services they would provide that are not available from some other organization dealing with mental health.

NOTE: Requests of this nature are normally considered in the budget work sessions along with all requests from non-profit organizations. It is unclear to me whether this request was intended for the 2009-2010 fiscal year or for the 2009 calendar year.

ITEM 8. 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. You will recall that 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 over 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.

ITEM 9. STREET CLOSURE REQUEST  
HISTORIC FROG LEVEL MERCHANTS' ASSOCIATION

There follows a letter 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.

ITEM 10. 2009 STREET CLOSING REQUEST  
DOWNTOWN WAYNESVILLE ASSOCIATION

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

I will not recount each one of the items that has been requested but I will point out that 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.