

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
MARCH 11, 1997  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, March 11, 1997. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, Earl Clark, J. Kenneth Moore and James Williamson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes

Alderman Williamson moved, seconded by Alderman Caldwell, to approve the minutes of the February 25, 1997 meeting as presented. The motion carried unanimously.

Public Hearing - Annexation Request of Emil Massaro - Sanctuary Cove

A petition was received from Mr. Emil Massaro requesting satellite annexation of a 14.513 acre tract located on Cliff Drive in Sanctuary Cove, located about 1/4 mile from Oakdale Road. The tract has been divided into a 14 lot subdivision. The annexation petition has been investigated by the Town Clerk and found that it meets the requirements of a satellite annexation.

Town Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing.

Town Manager Galloway expressed concern regarding the street which accesses the 14.123 acres. There was a question regarding ownership of this street, who would be responsible for maintenance of the street and whether it would be dedicated to the Town. Usually with a satellite annexation there is a state maintained road which separates the existing city limits with the newly annexed area. It was the consensus of the Board to defer the matter until the issue of ownership of the road is resolved. Attorney Jack Kersten will research the issue.

Abandonment of Unimproved Street Between Assembly and Howell Streets

A public hearing was held on February 25, 1997, regarding a request by Mr. Richard Miller for the abandonment of the northern portion of the unimproved street between Assembly and Howell Streets which abuts his property. Other property owners along this unimproved street have asked that the entire street be abandoned rather than just the northern portion. However, if the entire street is abandoned Mr. Miller would not be able to access the utilities from Howell Street to serve his property. Another property owner, Ms. McMahan, currently accesses her property by passing over the section of unimproved street. Ms. McMahan does not have access to her property from East Street and if this is closed she could not access her property without passing over someone else's property.

One possible solution is that the Town trade property with Mr. Miller to relocate the easement and allow Mr. Miller to develop his property. Town Attorney Bonfoey said that a public hearing would be required for this matter.

Mr. Wendell Woods said this street has been a problem for years and that closing the street would solve all the problems. The property owners agreed to give Ms. McMahan an agreement to cross their property to access her property; however Mr. Woods said he did not want this agreement to be in writing and the other property owners did not want the agreement to pass to any new owners if Ms. McMahan sold her property.

Attorney Bonfoey recommended that the Board wait to take action until the issues which had been discussed were resolved.

Alderman Williamson moved, seconded by Alderman Moore, to defer the matter for two (2) weeks. The motion carried unanimously.

#### Draft Resolution - Richland Creek Action Committee

At the meeting of February 11, Mr. Dave Dudek, on behalf of the Richland Creek Action Committee, requested a resolution of support of the Richland Creek Action Committee regarding acceptance of easements for the trail, maintenance of the trail and support from the Town to work with the Committee to seek financial support for construction and development of the trail. Town Attorney Bonfoey prepared a draft resolution for the Board's review. Mayor Foy read the resolution of support.

Alderman Williamson moved, seconded by Alderman Moore, to adopt the resolution. The motion carried unanimously. (Res. No. 6-97)

#### Ordinance Directing the Building Inspector To Demolish Property at 104 Riverbend Street

The Building Inspectors have requested that the Board adopt an ordinance for the removal of a dilapidated house located at 104 Riverbend Street. The required public notices have been given and the necessary hearings have been held.

Alderman Caldwell moved, seconded by Alderman Clark, to adopt the ordinance for the removal of a dilapidated house located at 104 Riverbend Street. The motion carried unanimously. (Ord. No. 6-97)

#### Request by Haywood County EMS for Street Closing on May 17, 1997

The Haywood County EMS is planning to hold their annual Health Fair at the Courthouse on Saturday, May 17. They have requested that Main Street, between Depot Street and the Presbyterian Church, be closed on Saturday, May 17, beginning at 9:00 p.m. on Friday night (May 16) and reopened at 4:00 p.m. on Saturday.

It was the consensus of the Board to delay action on the request until the next meeting in order to make sure that this does not conflict with another event at that same time.

#### Resolution of Support of Legislative Proposals Supporting Downtown Revitalization

A number of bills have been introduced in the N.C. General Assembly which would help in the development and growth of downtown areas throughout North Carolina. The Downtown Waynesville Association has asked for the Board's endorsement of these bills by adopting a resolution. Ron Huelster, Downtown Waynesville Association Director, and Bruce Briggs, on behalf of the Historical Society, attended the meeting to ask the Board for their support of these bills.

Alderman Clark moved, seconded by Alderman Moore, to adopt a resolution in support of legislative proposals supporting downtown revitalization. The motion carried unanimously. (Res. No. 7-97)

#### Report on Petitions for Annexation

The Town Clerk has investigated three petitions for annexation and has found all three petitions to be in compliance.

##### A) Hendrix/Amick - 101/102 Magellan Drive

Alderman Williamson moved, seconded by Alderman Caldwell, to adopt a resolution to set the date for the public hearing for April 8, 1997. The motion carried unanimously. (Res. No. 8-97)

##### B) Robert and Juanita Garrett - 313 Crymes Cove Road

Alderman Moore moved, seconded by Alderman Williamson, to adopt a resolution to set the date for the public hearing for April 8, 1997. The motion carried unanimously. (Res. No. 9-97)

##### C) Thomas and Mary Miller - Wildcat Cliff Estates

Alderman Clark moved, seconded by Alderman Williamson, to adopt a resolution to set the date for the public hearing for April 8, 1997. The motion carried unanimously. (Res. No. 10-97)

#### Closed Session - Real Estate and Legal Matter

Alderman Clark moved, seconded by Alderman Williamson, to adjourn to closed session at 8:20 p.m. Alderman Caldwell moved, seconded by Alderman Williamson, to return to regular session at 8:48 p.m. Both motions carried unanimously.

#### Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore to adjourn the meeting at 8:50 p.m. The motion carried unanimously.

Town Clerk

Mayor