

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
JANUARY 13, 1998  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, January 13, 1998. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, Kenneth Moore, Sam Wiggins and James Williamson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Michael Bonfoey. Mayor Henry Foy called the meeting to order at 7:00 p.m.

Approval of Minutes

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the December 9, 1997 meeting as presented. The motion carried unanimously.

Public Hearings - Annexation

Several petitions for annexation were received from property owners along the Asheville Highway from persons wishing to connect to the Town's sewer collection lines which were installed along the Asheville Highway area in 1996 - 1997. These petitions were received during October and November of 1997 and their sufficiency was investigated by Town Clerk Phyllis McClure. These petitions were found to meet the requirements of the law, therefore, the Board called for the public hearings to be set for January 13, 1998. Town Attorney Michael Bonfoey opened the public hearings. No one appeared to speak at any of the hearings. They are as follows:

W. M. Hardy - Asheville Road - PIN # 8616-99-3915

Alderman Moore moved, seconded by Alderman Williamson, to approve the voluntary annexation requested by W. M. Hardy for property located on Asheville Road. The motion carried unanimously. (Ord. No. 1-98)

Sylva Church of Christ - 1539 Asheville Road - PIN #8616-90-3060

Alderman Williamson moved, seconded by Alderman Caldwell, to approve the voluntary annexation requested by Sylva Church of Christ for property located at 1539 Asheville Road. The motion carried unanimously. (Ord. No. 2-98)

Erich & Ina Dietrich - 1710 Asheville Road - PIN #8615-89-3702

Alderman Caldwell moved, seconded by Alderman Williamson, to approve the voluntary annexation requested by Erich & Ina Dietrich for property located at 1710 Asheville Road. The motion carried unanimously. (Ord. No. 3-98)

Arnold and Connie Bryson - 89 Felmet Street PIN #8616-80-2130

Alderman Williamson moved, seconded by Alderman Moore, to approve the voluntary annexation requested by Arnold and Connie Bryson for property located at 89 Felmet Street. The motion carried unanimously. (Ord. No. 4-98)

Eugene M. Ferguson - Asheville Road - Two Parcels - PIN #8615-89-3787/#8615-89-5711

Alderman Moore moved, seconded by Alderman Williamson, to approve the voluntary annexation requested by Eugene M. Ferguson for two parcels of property located on Asheville Road and Felmet Street. The motion carried unanimously. (Ord. No. 5-98)

Public Hearings - Zoning Ordinance Amendments

Attorney Bonfoey read the amendments recommended for approval by the Planning Board at their meeting on December 15, 1997. Attorney Bonfoey opened the public hearings. The following persons spoke:

John Burgin, 21 Wildcat Mountain Road, stated that he was a recently appointed member of the Land Use Planning Task Force Committee for the Town of Waynesville. John Burgin said that he was concerned with the changes recommended by the Planning Board, adding that he was not familiar with the changes. Attorney Bonfoey gave John Burgin a copy of the minutes from the Planning Board Meeting of December 15, 1997 for his reviewal.

Bill Burgin, stated that he had a problem with all the rules and regulations of the Town regarding development, adding that some of these rules are good and some are not. Bill Burgin stated that he felt that the general public was not aware of the proposed changes and that they did not have an opportunity to read them. Bill Burgin said that developers in this area are handicapped in that they have property to develop and their property is not being developed because it is currently on hold with the moratorium. Bill Burgin said that he was a developer and currently has property which he would like to develop.

Mr. Doug Van Noppen asked how people are made aware of the Town's meeting schedules.

Town Manager Galloway said that a schedule of the meeting times of the various boards of the Town of Waynesville is posted in Town Hall and that legal advertisements appear in the Enterprise Mountaineer regarding public hearings. Ms. Heidi Van Dine with the Enterprise Mountaineer also pointed out that the Enterprise Mountaineer makes note of the Town's meetings in their "Calendar of Events".

After reviewing the minutes of the December 15, 1997 Planning Board Meeting John Burgin said he felt that they were incorrect and that he did not recall the Land Use Task Force recommending any of these changes except for Section 154.093(A).

Richard Miller expressed concerns regarding the slope density and how it affected planned unit developments. Mr. Miller also had questions about the Historic District, how the public hearings for placement of buildings on the Historic District will be conducted and the process for notification of property owners.

Alderman Wiggins suggested that a representative of the recommending boards be present to report to the Board of Aldermen regarding the proposed amendments.

Kevin Ensley, a land surveyor in Waynesville, said that he, along with a couple of other people owned property in the Town's extraterritorial jurisdiction which they planned to develop. Kevin Ensley said that he had made an investment in this development approximately two years ago and that it was costing them money each month that the Town continued to have the moratorium on development. Mr. Ensley was also concerned that the proposed landscape ordinance would involve even more cost to developers. Mr. Ensley said with all these extra costs, people would not be able to afford to buy lots in Waynesville. Mr. Ensley said that he often worked on different projects with the Town's Director of Public Works and Zoning Director, adding that they do a good job for the Town. Mr. Ensley also said that the Town was extremely busy and that the Director of Public Works and Zoning Director need an assistant to help them with their work.

Mayor Foy said that the moratorium was placed on development because the Town's ordinances were inadequate.

Ron Fleenor spoke in support of the Town adopting ordinances regarding development. One of Mr. Fleenor's concerns was that some developers would remove all the trees from the hillsides.

Melissa Van Noppen expressed concern with the removal of trees with development, adding that she felt that developers and homeowners were not doing what they should be doing. Ms. Van Noppen said that it would be "aghast" if the moratorium was called off at this time before some regulations were developed. Ms. Van Noppen said that what the Town was doing was good; however, not everyone was going to like it.

Alderman Wiggins moved, seconded by Alderman Moore, to continue the public hearing until January 27, 1998, in order to contact the committees to obtain more information regarding the proposed amendments. The motion carried unanimously.

#### Update on Recreation Center

Rick Lee of Lee Architectural attended the meeting to update the Board on the proposed Recreation Center. Mr. Lee said that he has been working with Recreation and Parks Director Mike Smith and Recreation and Parks Athletic Director Donald Hummel. Mike Smith took the plans for the Center to the State Association Meeting and some of the items recommended for change were suggested at that meeting. Mr. Lee said that wooden structures are recommended for use in the swimming pool since chlorine is not as devastating to wood as it is to concrete or steel. Another recommended change is to have a store in the lobby area, which according to other Recreation Centers, is a good revenue producer with items such as racket balls, T-shirts, caps, etc. being sold. The ticket area

would also be located in the lobby area, with a concession area with tables and chairs to the side. A split system is recommended for the swimming pool so that if one system goes down the others will continue to work. The locker layout has been changed to allow changes in the corridors to the pool area which would allow persons to go into the family change room and take their child into the pool without ever leaving the child.

There was some discussion regarding handicapped accessibility to the suspended walking track. Rick Lee said that the installation of an elevator would cost approximately \$70,000. Another alternative would be the possibility of access from the second story by constructing a road and entrance at that location. Attorney Bonfoey will investigate to see if the Town is required to provide accessibility to the walking track.

Mr. Lee said that his plans were to accept bids in March, 1998 with construction to begin in April, 1998 with a construction completion time of approximately two (2) years. The Board thanked Rick Lee for his presentation.

#### Historic Preservation Commission - Appointment and Reappointment

The terms of Ms. Mib Medford and Mr. Alex Lesueur on the Historic Preservation Commission will expire on January 31, 1998. Ms. Medford has indicated that she would rather not be reappointed, but Mr. Lesueur has advised that he would like to continue to serve on the Commission. Mr. Ronald Fleenor, who resides at 306 Depot Street, has indicated an interest in serving on the Historic Preservation Commission.

Alderman Williamson moved, seconded by Alderman Moore, to reappoint Alex Lesueur and appoint Ron Fleenor to serve four (4) year terms on the Historic Preservation Commission. Their terms expire on January 31, 2002. The motion carried unanimously.

#### Extension of Moratorium - Cellular Towers

Mayor Foy said that Town Attorney Bonfoey has been working on a draft ordinance for the Town to address towers for the cellular telephone industry. The Town Attorney feels that Waynesville should have an ordinance similar to what the County adopts, and to at least be sure that there are no major conflicts between the two ordinances. Attorney Bonfoey said that Haywood County should adopt their ordinance in the Spring of 1998 and he has suggested that the moratorium on cellular towers be extended for an additional period of time, with a new expiration date of June 30, 1998.

Alderman Moore moved, seconded by Alderman Caldwell, to extend the moratorium on cellular towers until June 30, 1998 in order to allow time for Town Attorney Bonfoey to draft an ordinance. The motion carried unanimously.

#### Personal Protective Equipment Policy

Town Manager Galloway said that the Town currently supplies employees with equipment to meet OSHA requirements; however, a written policy is needed. Personnel Officer Margaret Langston and

OSHA Compliance Officer Jack Morgan have developed a Personal Protective Equipment Policy for the Town.

Alderman Wiggins moved, seconded by Alderman Caldwell, to approve the Personal Protective Equipment Policy as presented. The motion carried unanimously.

#### Boyd Avenue Bridge Project

Town Manager Galloway said that the Town received notification from the Department of Transportation that the Town could proceed with securing the necessary right-of-way easements from three property owners for the construction of the Boyd Avenue Bridge. Director of Public Works Fred Baker has been able to secure the necessary easements from Mr. and Mrs. Frank Childers and Mr. Richard Queen. The necessary right-of-way easement from Mr. Burton Green has not been secured at this time. It was the consensus of the Board for Mayor Foy to speak to Mr. Green to negotiate an agreement.

#### Funding Request from Folkmoot and HART

Town Manager Galloway said that several months ago, the Board received a letter from Ms. Jackie Bolden, Director of Folkmoot, requesting relief from Folkmoot's utility bill in the amount of \$3,720.85, for July, 1997, at the Waynesville Middle School. Alderman Wiggins said he understood that during this year there was a shortage of funds for Folkmoot due to the rock slide on Interstate 40. Alderman Wiggins suggested that the Board take care of the utility bill this year on a one time only basis, adding that Folkmoot brings a lot of revenue into the Town of Waynesville. Alderman Williamson expressed concern with making these contributions with taxpayers' money. Alderman Caldwell suggested that the utility bill be waived and then be considered as the Town's contribution to Folkmoot for the 1998-99 fiscal year. It was the consensus of the Board to determine what amounts Haywood County and any other municipalities contribute for Folkmoot each year.

Alderman Wiggins moved, seconded by Alderman Caldwell, to waive the electric debt in the amount of \$3,720.85 for Folkmoot, stipulating that this is a one time donation for this purpose. The motion carried unanimously.

Mayor Foy said that he had been approached by HART with the request that they be added to the Town's list for contributions, however, they failed to ask in time to be included in the 1997-1998 fiscal year budget. It was the consensus of the Board that they did not feel that a contribution could be made to HART during the current fiscal year; however, HART will be considered during the 1998-1999 fiscal year if a request is submitted.

#### Speed Limit - Edwards Street

Town Manager Galloway said that Alderman Moore previously requested that the speed limit on Edwards Street be investigated. No speed limit signs are posted on Edwards Street; and it is a policy that unless otherwise posted the speed limit on streets inside the corporate limits of Waynesville are thirty-five (35) miles per hour. The Police Department has conducted a study and recommended that

the speed limit be reduced to twenty (20) miles per hour. It was noted in the recommendation from the Police Department that Edwards Street was a dead end street.

Alderman Moore moved, seconded by Alderman Williamson, to reduce the speed limit to twenty (20) miles per hour on Edwards Street. The motion carried unanimously. (Ord. No. 6-98)

#### Housing Issues - Special Meeting Called

There was discussion regarding housing issues inside Waynesville's jurisdiction. It was the consensus of the Board that existing ordinances should be enforced and other ordinances adopted if necessary to help clean up the community. Board members also stressed the need to send a message to people in the community regarding the importance of upkeep and cleanliness of their properties. Town Manager Galloway asked the Board to be thinking about what they wanted to prohibit, the Town Attorney can then draft ordinances to enable the Town to enforce the violations. A special meeting was called for Tuesday, January 20, 1998 at 3:00 p.m. for the Board to tour Waynesville's housing jurisdiction.

#### Adjournment

With no further business, the meeting adjourned at 9:55 p.m.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor