

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
FEBRUARY 10, 1998
TUESDAY, 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, February 10, 1998. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, J. 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 Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of January 29, 1998

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minutes of the January 29, 1998 meeting as presented. The motion carried unanimously.

Resolution - Consideration for Annexation

Under North Carolina law, to annex an area by involuntary annexation, a town must adopt a Resolution of Consideration to Annex, giving the description and a map of the area that is under consideration. After waiting for one year from the effective date of the resolution of consideration, the town may adopt a Resolution of Intent to actually annex. This Resolution of Consideration can be renewed every two years, preventing any delay when the decision is made to annex. In February 1992, the Board adopted a Resolution of Consideration, and it was renewed in January 1994 and then again in February 1996.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt a resolution identifying the area under consideration for annexation. The motion carried unanimously. (Res No. 1-98)

Ordinance Directing Building Inspector to Remove or Demolish Property Located at Cherokee Street

The building inspectors have inspected a house located at 324 Cherokee Street and found the building to be in a dilapidated condition, with an overgrown lot, creating a health and fire hazard. They have requested that the Board adopt an ordinance for the removal of the dilapidated house.

Alderman Wiggins moved, seconded by Alderman Caldwell, to adopt an ordinance directing the building inspector to remove or demolish the house located at 324 Cherokee Street. The motion carried unanimously. (Ord. No. 9-98)

1997 Delinquent Tax Report

A report of the 1997 delinquent taxes, prepared by Tax Collector Beverly Guy, was presented to the

Board. According to the report, as of February 3, 1998, 84.78% of the 1997 taxes have been collected. The Tax Collector will mail delinquent tax notices the week of February 23, 1998, followed by letters notifying those persons of possible enforced collection. A motion is required to authorize the Tax Collector to advertise those delinquent tax liens in the local newspaper on Wednesday, April 1, 1998.

Alderman Moore moved, seconded by Alderman Caldwell, to authorize the Tax Collector to advertise the delinquent tax liens in the local newspaper on Wednesday, April 1, 1998. The motion carried unanimously.

Minor Subdivision - The Newcastle Group IV, LLE

Tommy Boyd owns a 3+ acre tract of property at the corner of Russ Avenue and Howell Mill Road. He is subdividing the lot to create a new 1.36 acre parcel where the new Eckerds is to be located. The plat meets or exceeds Town standards and Town Staff recommends approval.

Alderman Moore moved, seconded by Alderman Williamson, to approve the minor subdivision as recommended. The motion carried unanimously.

Minor Subdivision - Hazelwood Investment Properties, Inc.

Attorney Jack Kersten, representing Tim Welch, presented a request by Hazelwood Investment Properties, Inc., to subdivide a 21.571 acre tract of property (the old Tannery property) into a 13.571 acre lot and an 8 acre lot. The property meets or exceeds Town standards and Town Staff recommends approval.

Alderman Williamson moved, seconded by Alderman Moore, to approve the minor subdivision as recommended. The motion carried unanimously.

Update on Proposed Recreation Center

Rick Lee, of Lee Architectural, attended the meeting to present an update on the proposed Recreation Center. Mr. Lee reported that upon reviewal of the proposed plans with the Insurance Commission, the swimming pool would need to be steel rather than wood. The reason for this change is that if there is a wooden structure and the space is larger than 12,000 square feet a sprinkler system is required. If the space is larger than 36,000 sq. ft. a two foot wall separation is required for fire safety purposes.

Mr. Lee also reported on his findings regarding ADA compliance of the mezzanine portion of the proposed Recreation Center. Mr. Lee said that he had spoken with Jeff Caner with the NC Department of Insurance as to whether an elevator is required to access the mezzanine area. Mr. Caner said that it was not required under the Handicapped Code. However, Regina Morgan, with the Department of Justice ADA Division in California said that it depends upon how the State views the mezzanine and whether the same things which can be done on the mezzanine level can be done on the first floor.

Town Attorney Bonfoey said that it was his opinion that the elevator is required to be in compliance with ADA and that the Town would not be in compliance to only have a driveway to access the mezzanine level. Attorney Bonfoey said that he had reviewed the Statutes and Federal Register Code, and he that ADA regulations have not all been litigated yet. The ADA addresses 1) accessibility to structure and 2) accessibility to programs.

Rick Lee said the installation of the elevator would cost approximately \$70,000, with yearly maintenance of approximately \$6,000. There was also some discussion regarding moving some of the programs offered by the Recreation Department to the mezzanine level to make the best use of this level.

It was the consensus of the Board to install the elevator at the proposed Recreation Center and to instruct the Recreation Task Force Committee to discuss with Rick Lee the possibility of moving some of the programs to the mezzanine level.

Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Moore, to adjourn the meeting at 7:40 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor