

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
NOVEMBER 24, 1998
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, November 24, 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 Acting Town Attorney Woodrow Griffith. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of November 10, 1998

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the November 10, 1998 meeting as presented. The motion carried unanimously.

Public Hearing - Submission of State Development Zone Application

The Planning and Zoning Office is submitting an application to the North Carolina Department of Commerce for the designation of a "State Developmental Zone" for 1990 Census Tracts 9809 and 9812. In addition to economic benefits, the Town's Community Development Block Grant applications will receive priority status when the zone is designated.

Town Manager Galloway said that \$4,000 credit per job is given for businesses creating jobs in this zone. Businesses can get a 7% tax credit for investing in machinery and equipment and up to \$1,000/employee credit is available for worker training. A public hearing must be conducted by the Board of Aldermen prior to submitting the application.

Attorney Griffith opened the public hearing. No one spoke; Attorney Griffith closed the public hearing.

Alderman Moore moved, seconded by Alderman Williamson, to proceed with the submission of the State Development Zone Application. The motion carried unanimously.

Resolution - State Funds for Regional Councils

In the mid-1980's, the North Carolina General Assembly allocated funds for each of the Regional Council of Governments in the State for the purpose of economic development. Region A is designated to receive \$48,015. The funds are distributed according to population of each of the local governments in the Region A jurisdiction, and the share which is designated for Waynesville is \$2,490.52. Although the Town may not receive these funds directly, a resolution must be passed requesting that the funds be released to the Region A Council of Governments.

Alderman Williamson moved, seconded by Alderman Caldwell, to adopt a resolution requesting that Waynesville's share of \$2,490.52 be released to the Region A Council of Governments. The motion carried unanimously. (Res. No. 23-98)

Final Subdivision Plat - Town Ridge Development

Attorney Jack Kersten, representing Dick McCotter, requested approval for a 35 lot subdivision located along Fourth Street. Attorney Kersten said that Mr. McCotter plans to develop 17.02 acres of the 44+ acre tract. The 35 single family lots will be served by Town water, sewer and electric systems, with all utilities being underground. Attorney Kersten said that there are no restrictions on the lots.

The Planning Board recommended approval of the Final Plat during their meeting on November 16, 1998. Town Staff recommends approval of the final plat with the following condition:

- (A) Prior to signing the final plat, to either complete the necessary improvements or to provide a surety bond for the construction of the water system, sewer system, drainage system and street system. The surety bond or its equivalent must be in the amount equal to 1.25 times the estimated cost of the aforementioned improvements.

Alderman Caldwell moved, seconded by Alderman Wiggins to approve the final plat for Town Ridge Development subject to the condition recommended by Town Staff. The motion carried unanimously.

Historic District Study Committee

The Historic Preservation Commission has requested that action be taken to declare the Downtown Waynesville Area a Historic District. This process will necessitate some revision to land use requirements in the downtown area as they pertain to Historic Districts, as well as accurate map and ordinance amendment review by the Planning Board. Public Hearings will be held for the creation of this Historic District after all the preparatory work has been completed. The entire process will take at least three (3) months. The existing Historic District Study Committee must be dissolved since their work will now be taken up by the Commission.

Mayor Foy said that 61% of the buildings in the downtown area conform and 39% do not. The State requires that 60% of the buildings conform in order to establish this District. Town Manager Galloway said that the process is lengthy and will be reviewed by Downtown Waynesville Association, Historic Preservation Commission, Planning Board and Board of Aldermen. Property owners and adjacent property owners will be notified of the public hearing conducted by the Board of Aldermen.

Alderman Wiggins moved, seconded by Alderman Caldwell, to dissolve the Historic District Study Committee and to authorize and support the Historic Preservation Commission in establishing the Historic District classification for the Downtown Waynesville Area. The motion carried unanimously.

Cable Franchise Transfer

Town Manager Galloway said that Marcus Cable is being purchased by Mr. William Savoy, Vice President of Microsoft. Marcus Cable has requested authority to transfer their system to Vulcan Cable, which is the organization being created by Mr. Savoy. Manager Galloway reported that Mr. Savoy is also purchasing Charter Cable Company, a company which is larger than Marcus Cable. A report was prepared by Mr. David Harris to assist with the transfer issue and he assures that all is in compliance with the Federal Communications Commission guidelines and regulations. Mr. Harris also researched the financial capabilities of the new owner and learned that, being one of the richest men in America, Mr. Savoy will be paying cash for the purchases.

Manager Galloway said that Charter Communications has agreed to hold the basic rate until the Year 2000, provide Internet in the schools when available on cable, comply with customer service standards, improve the way telephone calls are handled, assure on-time service calls or grant a rebate to the subscriber. Manager Galloway said that Buncombe County has franchise agreements with four cable companies and receives the least number of complaints from Charter Communications. The current contract with Marcus Cable is for ten (10) years with the option to renew for five (5) additional years.

Alderman Wiggins moved, seconded by Alderman Moore, to adopt a resolution authorizing the transfer of the franchise agreement from Marcus Cable to Vulcan Cable. The motion carried unanimously. (Res. No. 24-98)

Cancellation of Meeting of December 22, 1998

It has been traditional for the Board to cancel the Board Meeting that falls during the week of Christmas.

Alderman Williamson moved, seconded by Alderman Moore, to cancel the meeting of December 22, 1998. The motion carried unanimously.

Asheville Highway

Ms. Mib Medford, on behalf of the citizens of Waynesville, thanked the Board for their efforts to make the Asheville Highway a safer entry into Waynesville. No action was necessary.

Francis Cove Road Water Line Project

Alderman Williamson moved, seconded by Alderman Moore, to prioritize three proposed projects as follows: 1) Francis Cove Road, 2) Haynes Mobile Home Park, and 3) Haywood County's Agricultural Center.

The Board of Aldermen previously asked that the estimates be combined and presented to Haywood County for approval. Alderman Wiggins felt that establishing priorities would be premature until the Board of Aldermen had the opportunity to discuss the projects with Haywood County. Alderman

Wiggins pointed out that estimates have not been received on all of the projects.

Mr. Wade Francis said that Haywood County has already voted on all three projects. Mr. Francis said that Haywood County also prepared a letter stating their willingness to pay 50% of the costs for the Francis Cove Road water line project. Town Manager Galloway said that the Town of Waynesville did receive a letter from Haywood County stating that the County committed \$25,000 in their budget for the Francis Cove Project for materials. Manager Galloway said that it has been estimated that this project will cost approximately \$250,000.00.

Alderman Williamson said that he would like to see the projects completed in the order in his motion. Alderman Wiggins felt that the Town had other needs at this time which need attention and felt that the Board of Aldermen needed to know Haywood County's position before priorities are established and that Haywood County should establish the priorities. Alderman Wiggins also stated that it would not be fair for the Town of Waynesville to spend \$100,000.00+ to extend water to Francis Cove Road when the residents along US 276 were told that money was not available in this fiscal year's budget to extend sewer in their area.

Alderman Moore said that these projects have been discussed during the past three (3) years that he has served on the Board of Aldermen and that he would like to see some progress made.

Town Manager Galloway pointed out that Haywood County's Agricultural Center is currently under construction and sewer is needed for this project before June, 1999.

Mr. Francis said that he understood that a \$200,000 grant was available if the water line project is extended to Hawk's Crest and he would like to see some of the money used toward the Francis Cove Road water line project. Board Members agreed that the \$200,000 grant would help toward the costs, and that the Town would have additional revenue because a large number of residents in this area could use the Town's water system.

The motion carried with four (4) ayes and one (1) nay (Wiggins).

Concerns of Alderman Moore - Police Escorts for Funeral Services and Bank Escorts for Town Hall

Alderman Moore expressed concern with the following issues:

- 1) Alderman Moore said that approximately thirty (30) people had spoken to him in the past two (2) months regarding the lack of Police escorts for funeral services. Alderman Moore said that this is an important service to the residents of Waynesville and that the Town should live up to its reputation for providing this service.
- 2) Alderman Moore expressed concern that the Police Officers do not take the bank deposits for Town Hall each day.

Alderman Williamson said that Police Escorts for Funeral Services were discussed at the Retreat. Town Manager Galloway said that it was discussed at the Retreat and the decision was made that

Police Escorts would continue for Funeral Services and Mr. Galloway stated that he was not aware that this was not being done since neither of these items had been brought to his attention.

Alderman Moore moved, seconded by Alderman Wiggins, to require that escort for funeral services be done by the Waynesville Police Department and that they contact representatives of the funeral homes and request that they give the Police Department ample notice for this service. The motion carried unanimously.

Group From Assembly/Howell Street Regarding Proposed Family Care Home

Mr. Wendell Woods and others asked what the Town's position was at this time regarding a proposed family care home to be located on Assembly Street. Alderman Wiggins told Mr. Woods that this was a legal issue which the Board of Aldermen needed to discuss in closed session. No action was necessary.

Closed Session to Discuss Legal Matter and Personnel Matter

Alderman Williamson moved, seconded by Alderman Moore, to adjourn to closed session at 8:13 p.m. to discuss a legal matter and personnel matter. The motion carried unanimously.

Alderman Wiggins moved, seconded by Alderman Moore, to return to regular session at 9:10 p.m. The motion carried unanimously.

Legal Issue - Family Care Homes

Attorney Griffin reported that the Town recently adopted an ordinance which prohibits a family care home from being located within one-half mile of an existing family care home. Attorney Griffin said that the proposed family care home to be located off of Assembly Street could possibly result in some type of litigation with the Town. Attorney Griffin said that discussions are currently underway and that recent correspondence will need to be reviewed. He also reported that no permits have been issued for the proposed facility.

Adjournment

Alderman Williamson moved, seconded by Alderman Caldwell, to adjourn the meeting at 9:16 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor