

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
MAY 14, 2002
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, May 14, 2002. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Kenneth Moore and Libba Feichter. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Town Attorney Michael Bonfoey and Intern Josh Ray. Mayor Henry Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of April 23, 2002

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the April 23, 2002 meeting as presented. The motion carried unanimously.

Public Hearing - Local Landmark Designation - 66 Commerce Street

The Town received a request from Color Collections, also known as L. Pierce Pottery, for a Local Landmark Designation at 66 Commerce Street. This property was formerly known as the J. B. Henry Warehouse, and it was built sometime between 1916 and 1924. The property was purchased in 1916 by Jennie and J. B. Henry, and when they sold it to R. T. Boyd and J. M. Palmer in 1924, it was described as the "J. B. Henry Warehouse Property".

The Waynesville Historic Preservation Commission met on April 3, 2002, and considered the request for the addition as a local landmark designation. The Commission voted unanimously to recommend approval of the designation.

Attorney Bonfoey opened the public hearing. The following persons spoke:

Ronnie James, 287 Saranac Lane, Waynesville, spoke in favor of the designation on behalf of the Frog Level Association. Mr. James said the work which has been done on this building is in keeping with the historic nature of the area. The building is beautiful inside and contains a lot of good handiwork.

Ron Fleenor, 31 Suyeta Park Drive, spoke in favor on behalf of the Historic Preservation Commission who reviewed and recommended local landmark designation for this building. Mr. Fleenor said the work which has been done is amazing. John Horton, with the NC Division of Archives, visited the site and was very pleased.

Jane Shearer, 66 Commerce Street, spoke representing the property owners and Pierce family. Ms. Shearer thanked the Board for considering this local landmark designation. She gave some of the building's history, that it was built between 1916 and 1924 and was known locally as Boyd Grocery

Warehouse. She added that the family has tried very hard to keep everything “as is”.

Carol James, 313 Depot Street, said she would like to reiterate what the others before have stated about the building. Ms. James said they have kept within the historic preservation guidelines and the Pierce family is making an impact on this area. They are very historic and preservation minded. Ms. James asked the Board to look favorably on the local historic landmark designation for this building.

No one else spoke; Attorney Bonfoey closed the public hearing.

Alderman Moore moved, seconded by Alderman Feichter, to adopt an ordinance designating the property located at 66 Commerce Street as a Local Historic Landmark Designation. The motion carried unanimously. (Ord. No. 5-02)

Civilian Police Academy - Presentation of \$500 Scholarship

The Civilian Police Academy Alumni Association holds several fundraisers each year. They have created a scholarship program for a deserving student who wishes to enroll in the criminal justice program at Haywood Community College. An extensive application process is used to determine the recipient of the \$500 scholarship and this decision is made by Haywood Community College.

Mayor Foy said the recipient of this year’s \$500 scholarship is Paige Snowden, a Tuscola High School Senior. Ms. Snowden was unable to attend tonight’s meeting due to a conflict. No action was taken by the Board. However, the presentation will be made to Ms. Snowden by the Civilian Police Academy at a later date.

Minor Subdivision - Clyde Savings Bank/Ingles Markets

In the spring of 2001, the Board of Aldermen approved a minor subdivision for Clyde Savings Bank for the property belonging to Ingles at the northwest corner of the intersection of Russ Avenue and Barber Boulevard. Following that approval, Ingles delayed selling the property to Clyde Savings, and when they finally did in December 2001, six months had passed since the subdivision plat was approved, making it null and void.

Since January 2002, staff has been working with representatives of Clyde Savings Bank on a new minor subdivision plat for the property. The Town’s outlook on development along Russ Avenue has changed in the past year, and there is a different view of how commercial development will appear along this major thoroughfare in the future. Clyde Savings has attempted to cooperate with the Town, changing their site plans a number of times to incorporate some of the issues discussed during the Land Use Planning Process.

Clyde Savings has worked with the NC Department of Transportation in developing a new private road connection to Russ Avenue, and the goal of both the Town and DOT has been to assure safety for motorists and pedestrians alike.

The proposed subdivision and site plan is not perfect. It would be preferable to have an overall site plan for the entire 4 acre tract which Ingles Markets owns and which includes this 1.266 acre tract which is being sold to Clyde Savings Bank. While the driveway access to Russ Avenue causes some concerns, it is almost at the center point between Barber Boulevard and a possible future extension of Frazier Street to the east side of Russ Avenue. At some future point, staff hopes an intersection will be created at Frazier Street, with access into the Barber property. Clyde Savings Bank has complied with all other requests made by the Town Staff and the Department of Transportation. It is recommended that the minor subdivision plat be approved.

Mr. Chuck Brown, representing Clyde Savings Bank, had a mylar which contained the signature of a representative of Ingles. Mr. Brown said this process began May 6, 1999 by working on a layout of this property. Various meetings have been held through March 2000 and on March 31, 2000 Clyde Savings Bank contracted to purchase the property from Ingles. After negotiations, a plan was submitted and approved by the Board of Aldermen on March 27, 2001. This approval expired requiring that the process begin again. Clyde Savings closed on the property December 31, 2001 and they began working with the Town and NCDOT regarding a curb cut solution. DOT's concern was safety on Russ Avenue and the future use of other adjoining properties was also a concern. DOT wanted a deceleration lane which has been included. There were concerns with an acceleration lane. A concrete median on Barber Boulevard would have created egress problems for Waffle House. Therefore, a painted median was preferred. A 100' median into the property was needed to control turns and stops and not back traffic back into the deceleration lane. An additional 4' right-of-way was given to DOT since they have future plans to widen the existing lanes on Russ Avenue and future sidewalks have been built into the plan. A crosswalk is shown across Barber Boulevard. The proposed building has been pushed as far to the front of the lot as possible and parking along the front has been removed except right up against the building. Landscaping is incorporated into the plan. Clyde Savings Bank now feels that this is a plan which can be accepted and approved. Mr. Brown presented pictures of what the proposed building will look like.

Alderman Gavin Brown said he has been educated in an area which he had no expertise. If the plan came before the Board tonight without any prior history, he would not approve it. Alderman Brown felt that this plan was a good solution and positive step in the right direction. He expressed appreciation to Chuck Brown, Philan Medford and Town Manager Galloway for the efforts they have made in reaching this solution. Alderman Brown added that this is not a "sell out" situation.

Alderman Libba Feichter said she has struggled with this and agrees with Alderman Brown. Alderman Feichter said this may not be the best solution but it is a workable solution. This is a difficult decision to make and she appreciates everything that everyone has contributed to this solution.

Alderman Kenneth Moore said Clyde Savings, Town Staff, Chuck Brown, Larry Clark and everyone else has done a wonderful job. Alderman Moore said it seemed that everything that had been done had backfired at some point in time. However, they kept going back and working with the Town Staff and others in working through these situations.

Alderman Gary Caldwell said he had concerns both with keeping this a walkable community and

not creating traffic problems. Alderman Caldwell felt that this new plan is the safest situation.

Mayor Foy said this request was first presented to the Board before the Land Use Planning process began. Mayor Foy said he appointed a Land Use Planning Committee and some of the members have been very upset with this plan and he can't let them down. Mayor Foy said the fault lies with not having a Land Use Planning group involved with this plan from its conception.

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minor subdivision located off Barber Boulevard as requested by Clyde Savings Bank. The motion carried with four (4) ayes (Brown, Caldwell, Feichter, Moore) and one (1) nay (Foy).

Early Payoff of Fire Truck

In 1998, the Town purchased a new KME Fire Pumper Truck at a cost of approximately \$226,000. After making a sizable down payment, the balance due on the truck was financed through the Rural Development Branch of the U.S. Department of Agriculture. Although the loan was for 15 years, the Town had planned to pay the truck off over a four-year period, using approximately \$50,000 annually toward that debt. A payment of \$50,000 was to be paid on May 23, 2002, and then a final payment of approximately \$40,000 was to be paid in May 2003.

With the interest rates on investments so low at this time, Finance Director Eddie Caldwell felt that the Town would be better off financially to pay off the fire truck early. He checked and found that if the total balance due was paid on May 23, 2002, the Town could save about \$2,170 in interest charges. Rather than \$50,000 now and \$40,000 next May, the Town could pay \$87,830.73 now and pay off the entire truck.

Alderman Brown moved, seconded by Alderman Moore, to pay off the fire truck early in the amount of \$87,803.73. The motion carried unanimously.

Lease From Norfolk Southern Railroad for Frog Level Parking Lot

The Town has been in communication with the Real Estate Branch of Norfolk Southern Corporation over the lease of a parcel of land at the southeast corner of the intersection of Depot Street and Commerce Street. It has been the intention of the Town to provide some additional parking in the Frog Level area, and approximately four years ago, the Town developed a sidewalk/landscape plan for this area, which included a sidewalk and planting islands for trees along the east side of Commerce Street.

At the meeting of April 23, Town Attorney Bonfoey mentioned that he had just received the proposed lease from the railroad and had only had time to make a quick review. He expressed some concerns over the wording of one section of the lease, as it seemed to restrict parking on the lot to private parking rather than allow it for public parking.

Manager Galloway said he has spoken with a representative of Norfolk Southern Corporation, expressing the concerns about the potential restrictions of public parking on the lot. The railroad

understood the concerns and suggested that this section be crossed out and initialed in the agreement.

The fee for the lease is \$200 monthly, which is the same amount the Town pays for a lease of a parking lot on Hazelwood Avenue in the middle of the Hazelwood Business Area. This would fulfill one of the commitments the Town made to the Frog Level Merchants Association to assist with providing more parking in that area. It would also allow the Town the opportunity to do some additional landscaping and sidewalk work to make the area more appealing.

Alderman Brown moved, seconded by Alderman Moore, to authorize Mayor Foy to enter into the lease agreement with Norfolk Southern Corporation for parking in the Frog Level area. The motion carried unanimously. (Cont. No. 6-02)

Resolution Requesting That Municipal Revenue Sources Be Made Secure

Alderman Feichter said she had just returned from a Transportation, Communication and Public Safety meeting in Raleigh. At that meeting, Andy Romanet with the NC League of Municipalities asked that all municipalities adopt a resolution that municipal revenue be made secure and that those revenues be distributed to local governments on a timely basis. Copies of this resolution should be sent to each municipality's legislative delegation. The League felt that this could help accomplish the goal of passing legislation that will restrict the authority of a governor to withhold local revenues that the General Assembly has provided to units of local government. Mayor Foy read a draft letter which he prepared to send to members of the legislative delegation.

Alderman Feichter moved, seconded by Alderman Caldwell, to adopt the resolution requesting that municipal revenue be made secure. The motion carried unanimously. (Res. No. 7-02)

Budget Workshop

It was the consensus of the Board that the next budget workshop be scheduled for Monday, May 20 at 5:00 p.m.

Town Hall Day - Special Meeting Scheduled

Town Manager Galloway said Town Hall Day will be held on June 11 this year which is the same day as the regular scheduled meeting of the Board. The Board felt that attendance at Town Hall Day this year was critical. It was the consensus of the Board to cancel the regular meeting of June 11 and schedule a special meeting on Tuesday, June 18 at 7:00 p.m.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:05 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor