

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
FEBRUARY 25, 1997
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, February 25, 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, Director of Public Works Fred Baker 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 11, 1997 meeting as presented. The motion carried unanimously.

Presentation of Criminal Investigator Certifications by Justice Academy Staff

Police Chief Frank Ross said that several members of the Waynesville Police Department recently completed one of the most challenging and difficult Criminal Investigator Certification Programs. In December, 1996, all six officers assigned to the investigations division received their certifications. Chief Ross added that this took a tremendous commitment, not only on the part of the officers but their families and friends as well.

Scott Hartley and Robert Leathers from the Justice Academy attended the meeting to present the certifications. Mr. Hartley said that Waynesville is the first agency in the State to have all their officers in the criminal investigations division certified. Mr. Leathers said that a great deal is invested in officers receiving this certification by their agency, fellow citizens, board members, the State of North Carolina and family members; however officers who become certified give back to the community everything that has been invested in them. Police Officers receiving their certificates were Iris Davis, Sean Sojack, John Thompson, Scott Muse, Keith Moore and Don Swanger.

Public Hearing - Abandonment of Unimproved Street Between Assembly and Howell Streets

In January, Mr. Richard Miller appeared before the Board to request that the northern portion of an unimproved street between Howell and Assembly Streets be abandoned. Mr. Miller owns property on both sides of the unimproved street, and by having it abandoned, additional property would be available to him for development. Other property owners along the area of the unimproved street have asked that the entire street be abandoned rather than just the northern portion. Town Attorney Bonfoey opened the public hearing.

Richard Miller said that there was a question regarding the existing utilities. If the entire portion of the unimproved street is abandoned Mr. Miller would not be able to access the utilities for his property from Howell Street. He requested a utility easement from his property to Howell Street in order to access the sewer line if the entire street is abandoned.

Wendell Woods, 327 Howell Street, said that he would like to see the entire portion closed, then the Town would not have to maintain the property, instead each property owner would be responsible for the property which adjoins their property.

Director of Public Works Fred Baker said if this unimproved street is abandoned the Town would need to retain the utility easement. No one else spoke; Attorney Bonfoey closed the public hearing.

Ms. McMahan said that her property could not be accessed without passing over someone else's property if the entire portion is closed.

Town Manager Galloway suggested a legal agreement giving property owners access to their property and giving Richard Miller a right-of-way for the utilities. Fred Baker suggested the possibility of relocating the right-of-way to access the utilities for Mr. Miller. Town Attorney Bonfoey will investigate and report at the next meeting.

Public Hearing - Rezoning of 2.34 Acres Located Between Carolina Avenue, Hazelwood Avenue, Brown Avenue and Camelot Drive From R-4 to C-2

Several weeks ago the Board asked that the Planning Board review the zoning which was assigned to a block of property located in former downtown Hazelwood. The Hazelwood Presbyterian Church, two residential structures, several commercial operations and the old Hazelwood Town Hall are located in this block of property. The Planning Board met on January 20, 1997, and recommended that the property in this entire block be rezoned from R-2 to C-2.

Attorney Bonfoey opened the public hearing.

Harold Kirkendall, one of the owners of Steve's Alignment spoke in favor of the rezoning request. Mr. Kirkendall presented a plat indicating that the old Hazelwood Town Hall building could be partially located on his property. Town Staff will look into this matter. No one else spoke; Attorney Bonfoey closed the public hearing.

Alderman Williamson moved, seconded by Alderman Clark, to approve the rezoning of the 2.34 acres located between Carolina Avenue, Hazelwood Avenue, Brown Avenue and Camelot Drive from R-4 to C-2. The motion carried unanimously. (Ord. No. 5-97)

Public Hearing - Public Input Regarding Renewal of the Franchise Agreement with Marcus Cable

Town Manager Galloway said the first step in the franchise renewal process is to hold a public hearing in order to give citizens of the Town the opportunity to comment on the franchise renewal. The cable company and the Town will then begin negotiating a new franchise agreement. Marcus

Cable Manager Al Swiger was present to hear comments. Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing. No action was necessary.

Request by Downtown Waynesville Association for Street Closings During 1997

The Downtown Waynesville Association has requested street closings for events during 1997 as follows:

Super Cruise '97 - Saturday, June 7. Close Miller Street, at Miller and Main and Miller and Haywood. Close Montgomery Street at the edge of Furniture Village and the edge of Massie Furniture.

Friday Night Street Dances - July 11 and 25, August 8 and 22. Close Main Street at Depot intersection to end of Courthouse lawn, 6:00 p.m. to 9:30 p.m.

Folkmoot Parade, Friday, July 18 - 1:00 p.m., starting at Main and Academy and ending at Courthouse. Street to be closed as parade progresses.

International Festival Day - July 26. Close Main Street from Pigeon and Main to Walnut and Main, July 25 at 9:00 p.m. through July 26 until 6:30 p.m.

Church Street Art & Craft Show - October 11. Close Main Street from Pigeon and Main to edge of Courthouse lawn, October 10 at 9:00 p.m. through October 11 until 6:30 p.m. Post "No Parking After 9:00 P.M." signs during day along Main Street.

Apple Festival - October 18. Close Main Street from lower Courthouse parking lot to Depot and Main intersection on Saturday, October 18 from 7:00 a.m. to 6:30 p.m.

Waynesville Christmas Parade - December 1. Parade starts at 4:00 p.m. Close Main Street as parade progresses. Close Hazel and Boundary at Walnut and N. Main at 2:00 p.m. Close Walnut at N. Main at 3:00 p.m. and leave closed until 5:30 p.m. or all floats have finished parade. Close Walnut at bridge intersection at 3:00 p.m. directing them toward N. Main. Leave closed until parade finished.

Alderman Moore expressed concern with closing Main Street since it is a State maintained road. Richard Miller said that he had contacted the North Carolina Department of Transportation in Raleigh regarding the closing of Main Street with the Church Street Art and Craft Show. Mr. Miller said that they told him there was no problem with closing Main Street as long as the Town Board voted on the closing.

Alderman Williamson moved, seconded by Alderman Moore, to approve the street closings as requested. The motion carried unanimously.

Petition for Annexation by Robert and Juanita Garrett for Property at 313 Crymes Cove Road

A petition for a contiguous annexation was received from Robert and Juanita Garrett for property they own at 313 Crymes Cove Road. This property is located near the end of Children Street and adjoins four lots on the north side of the street which were annexed into the Town a few months ago.

Alderman Clark moved, seconded by Alderman Williamson, to adopt a resolution instructing the Town Clerk to investigate the sufficiency of the petition. The motion carried unanimously. (Res. No. 4-97)

Petition for Annexation by Thomas and Mary Miller for Property in Wildcat Cliff Estates

A petition for a non-contiguous annexation was received from Thomas and Mary Miller for property they own in Wildcat Cliff Estates. This property is located on Cliff Drive, within a quarter mile of the intersection with Oakdale Road.

Alderman Caldwell moved, seconded by Alderman Williamson, to adopt a resolution instructing the Town Clerk to investigate the sufficiency of the petition. The motion carried unanimously. (Res. No. 5-97)

Dellwood Sewer Line Project Easements and Impact Fees

Town Manager Galloway said in Phase I of the Dellwood sewer line project the sewer line would be extended from Queen's Farm to Lake Junaluska. The cost for this portion of the project will be paid jointly by the Town and Haywood County. The town has applied for a \$200,000 grant from the Appalachian Regional Council. Phase II will be an extension of the sewer line from Queen's Farm to the top of Dellwood Hill and would be paid for by Haywood County. Phase III is an extension of the sewer line from Lake Junaluska to Maple Grove Church and would be paid for by the Town. All three of these projects will be bid at the same time.

Manager Galloway said the Town has several issues which need to be resolved. The first issue is that the Town is currently at the point when we need to get easements from property owners along the proposed sewer line project. The second issue is fees. State Guidelines could be used for impact fees for those who wish to connect to the sewer. Outside rates would be charged for properties outside the city limits. At the present time the Town has a policy which requires that persons who are interested in connecting to the sewer and live outside city limits petition the town to annex their property. Although the Town may not be interested in annexing property in this area at the present time, there may be interest in the future. Town Attorney Bonfoey will investigate the possibility of development of an agreement between the property owner and the Town to enable the property owner to receive sewer services and reserve the right for the Town to annex the property in the future. Town Manager Galloway said that there would also need to be an agreement as to who would be responsible for billing and who would own the lines since the Maggie Valley Sanitary District serves the area from Maggie Valley to Queen's Farm. An annexation agreement may be needed between the Towns of Maggie Valley and Waynesville since some of this area is closer to the corporate limits of Maggie Valley than Waynesville. Alderman Clark stated that he did not feel

that the Town should extend these services using tax money from the Town's citizens; this is the purpose of the policy which requires that property owners request annexation when receiving sewer services; otherwise if they already receive this service they no longer wish to be annexed. Alderman Clark added that an annexation study may be good for this area.

Mayor Foy said annexation laws are getting very shaky. It was the consensus of the Board to have Town Attorney Bonfoey research the issue and report at the next meeting, to see if an agreement could be attached to the property to allow extension of sewer services outside Town and reserve the right for the Town to annex the property in the future.

Reschedule Board Meeting of March 25, 1997

Town Manager Galloway requested that the regular meeting of March 25, 1997 be rescheduled for Monday, March 24, 1997 in order for him to attend a hearing conducted by the North Carolina Utilities Commission in Raleigh on Wednesday, March 26th at 9:30 a.m., on the issue of natural gas service for Western Haywood County. It was the consensus of the Board to reschedule the regular meeting of Tuesday, March 25, 1997, to be held on Monday, March 24, 1997.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Clark, to adjourn the meeting at 8:45 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor