

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
MARCH 24, 1997  
MONDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a special meeting on Monday, March 24, 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 and Acting Town Attorney Woodrow Griffin. Mayor Foy called the meeting to order at 7:01 p.m.

Approval of Minutes

Alderman Williamson moved, seconded by Alderman Caldwell, to approve the minutes of the March 11, 1997 meeting as presented. The motion carried unanimously.

Public Hearing - Proposed Amendment to Section 154.006

The Planning Board, at their meeting on March 3, 1997, reviewed and recommended approval of a proposed amendment to Section 154.006 regarding a change to the definition of "Lot". The amendment is as follows:

"Lot." - A parcel of land occupied or capable of being occupied by a building together with its customary accessory buildings, including the open space required by this ordinance. For the purpose of this ordinance, the word "lot" shall also mean any number of contiguous lots held in common ownership or by commonly owned entities upon which one principal building is to be erected for a single use. The word "lot" includes the words "plot" or "parcel".

Attorney Griffin opened the public hearing.

Attorney Jack Kersten, representing Wellco Enterprises, Inc., said the reason for this proposed amendment was to allow Wellco Enterprises, Inc., to expand their building over two separate lots. The amendment would allow this since the two lots are under common ownership and the expansion is for one principal building with a single use. The setback requirements along the outside boundaries would still need to be observed.

Richard Miller asked how the amendment would affect two lots under common ownership but in different zoning districts. Town Manager Galloway said a rezoning of the property could be requested, if a parcel was split between two zoning districts.

Attorney Griffin closed the public hearing.

Alderman Williamson moved, seconded by Alderman Moore, to adopt an ordinance to amend Section 154.006 regarding the definition of "Lot" as recommended. The motion carried unanimously. (Ord. No. 7-97)

Annexation Request of Emil Massaro - Sanctuary Cove  
Petition for Annexation - Jimmy and Virginia Farmer - Greenview Drive

A public hearing was held at the meeting of March 11, 1997, to consider the petition by Emil Massaro requesting satellite annexation of a 14.513 acre tract located on Cliff Drive in Sanctuary Cove, located about 1/4 mile from Oakdale Road. There was a question regarding ownership and responsibility for maintenance of the street which accesses the property.

Attorney Kersten presented a survey of the street in question and a petition from Jimmy and Virginia Farmer requesting annexation of that portion of the street accessing the property of Emil Massaro being considered for annexation. Town Manager Galloway said this would be adequate in order to resolve the question of ownership and responsibility for maintenance of the street.

Alderman Caldwell moved, seconded by Alderman Williamson, to instruct the Town Clerk to investigate the sufficiency of the petition for annexation from Jimmy and Virginia Farmer. The motion carried unanimously. (Res. No. 11-97)

Alderman Moore moved, seconded by Alderman Clark, to adopt an ordinance to approve the annexation requested by Emil Massaro of a 14.513 acre tract in Sanctuary Cove. The motion carried unanimously. (Ord. No. 8-97)

Abandonment of Unimproved Street Between Assembly and Howell Streets

A public hearing was held on February 25, 1997, regarding a request by Mr. Richard Miller for the abandonment of the northern portion of the unimproved street between Assembly and Howell Streets which abuts his property.

Town Manager Galloway explained the three options for the Board to consider: 1) Abandon the entire road; 2) Abandon none of the road; or 3) Abandon a portion of the road. Attorney Griffin read a portion of North Carolina General Statute 160A-299 which states ..."At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street, or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley."

Wendell Woods said that he would like for some problems to be addressed. Mr. Woods was concerned because utilities were installed in the unopened right-of-way to serve Mr. Miller's property; Mr. Woods felt that the utilities were not properly inspected and that the Town allowed them to be installed. Mr. Woods said he felt threatened and would like for the issue to be settled

in the proper way. Mr. Woods said that his attorney had advised him not to place any restrictions on the property such as a written right-of-way for Ms. McMahan or any future owners to access her property.

Alderman Moore moved, seconded by Alderman Williamson, to abandon the northern portion of the unimproved street between Assembly and Howell Streets, with the Town continuing to maintain a 30' right-of-way. The motion carried unanimously. (Ord. No. 9-97)

#### Request by Haywood County EMS to Close Main Street

At the last meeting a request was received from the Haywood County EMS to close Main Street beginning at 9:00 p.m. on Friday, May 16 and reopening at 4:00 p.m. on Saturday, May 17 for their Annual Health Fair. It was the consensus of the Board to delay action until the next meeting in order to confirm that this would not conflict with any other event. Town Clerk Phyllis McClure checked and found that the Democratic Convention will be at the courthouse on April 19 and that there are no other meetings scheduled on May 17.

Alderman Moore moved, seconded by Alderman Williamson, to approve the request to close Main Street at the red light at Depot and Main Street down to the Presbyterian Church intersection, beginning at 9:00 p.m. on Friday, May 16 and reopening at 4:00 p.m. on Saturday, May 17. The motion carried unanimously.

#### Resolution to Commit \$250,000 of the 1997/98 Community Development Block Grant for the 1997 Housing Preservation Grant

The Town has been asked by Mountain Projects to use a portion of the Community Development Block Grant Funds to leverage a 1997 Housing Preservation Grant from the State. This would not require any new money on the part of the Town of Waynesville and appropriation is contingent upon the successful funding of Waynesville's Community Development Block Grant and the Housing Preservation Grant from the U.S. Rural and Economic Development Services.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt a resolution to commit \$250,000 of the 1997/98 Community Development Block Grant for the 1997 Housing Preservation Grant. The motion carried unanimously.

#### Citizen Complaint - Property at Camelot Drive

Albert Arrington requested that the Board investigate a situation on Camelot Drive where a house was torn down and the building debris still remains, dog lots were built and the dogs continuously bark. Town Manager Galloway said the Town was aware of this situation and letters from the Building Inspector and Zoning Director have been mailed to the new property owners advising them of several violations which must be corrected. Mr. Arrington thanked the Board of Aldermen for all the improvements which have been made to his neighborhood since the merger of the Towns of Waynesville and Hazelwood. No action was necessary.

## Increase Membership and Appointment of Members to Parks and Recreation Advisory Commission

Alderman Williamson moved, seconded by Alderman Moore, to increase the membership of the Parks and Recreation Advisory Commission from five (5) members to seven (7) members. The motion carried unanimously. (Res. No. 13-97)

Alderman Williamson moved, seconded by Alderman Moore, to appoint David Steppleton to serve the remainder of the three year term of Denise Morris on the Parks and Recreation Advisory Commission. The term will expire on September 30, 1999. The motion carried with four (4) ayes and one (1) nay (Clark).

Alderman Clark moved to appoint Bill Teague to serve a three year term on the Parks and Recreation Advisory Commission. The motion failed for lack of a second.

Alderman Moore moved, seconded by Alderman Caldwell, to appoint Dorothy Evans to serve the remainder of the three year term of Mary Feichter on the Parks and Recreation Advisory Commission. The term will expire on September 30, 1999. The motion carried with four (4) ayes and one (1) nay (Clark).

## Discussion Regarding the Proposed Recreation Center

Alderman Clark said that since meeting with Haywood County on the proposed Recreation Center a lot of people have expressed concerns to him regarding the cost of the facility and how the Town could pay for it without the help of Haywood County. Alderman Clark said that before the Recreation Center is built the taxpayers of Waynesville should be allowed to vote on the issue. Alderman Clark said with a debt of approximately \$361,000 per year and approximately \$350,000 - \$400,000 per year in operating expenses for the Recreation Center and with a \$400,000 per year loss in the Town's budget with the closing of Dayco, it is possible that the Board may face a 10 to 11 cent tax increase. Alderman Clark said the Town is currently in the process of purchasing additional land in the watershed, and the Town should remain in a position to continue with needed improvements to water, sewer, streets and sidewalks.

Alderman Williamson said currently there are no figures regarding operating costs for the Recreation Center. Alderman Williamson said he would not vote for any tax increase, and does not want to scare the citizens with a tax increase. Alderman Williamson said while campaigning for Alderman, recreation was one of the items which he supported, and he felt that this is what the citizens of Waynesville want for both the young and old. Alderman Williamson said he felt that Waynesville was wealthy enough and has the staff and recreation commission to manage the recreation facility.

Alderman Caldwell said Waynesville is proceeding up front by building the proposed recreation center without Haywood County taking the initiative. Alderman Caldwell said natural gas is an incentive for Waynesville and it seems that Waynesville is the only one in Haywood County trying to draw industry into the County. Alderman Caldwell said it seems that Waynesville is taking care of the entire county with recreation and the Town will find some way to work this out.

Alderman Moore said the Board should listen to Alderman Clark but also thinks there are ways that the Town could make the proposed recreation center work. Alderman Moore said the Town should explore other areas of the Town to find ways to produce money to do some of the things which the Town would like to do.

Mayor Foy said he did not want to take a pessimistic outlook regarding the proposed Recreation Center. Mayor Foy said the Town has always dealt with water and sewer problems and would continue to deal with those type problems. Mayor Foy said the Town should improve the quality of life for its citizens and that the Recreation Center is vital to the citizens of Waynesville. Mayor Foy said the Town can't afford not to do this.

### Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Williamson, to adjourn the meeting at 8:10 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor