

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
APRIL 8, 1997  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, April 8, 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 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 Clark, to approve the minutes of the March 24, 1997 meeting as presented. The motion carried unanimously.

Public Hearings - Amendments

Amendment to Section 154.034 - Canopies

Mr. Tom Morgan requested an amendment regarding setback requirements for canopies. This proposed amendment was recommended for approval by the Planning Board as follows:

“Front yard setbacks for canopies shall be measured from the support structures closest to a public road, provided the canopy cover does not extend toward the street more than fifteen (15) feet from the base of the canopy support. This requirement applies only to properties in commercial and industrial zoning districts”.

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

It was the consensus of the Board to delay action until the next meeting.

Amendment to Section 154.014.1 - Landscape Structures

The Planning Board reviewed and recommended approval of the following amendment in order to define and clarify landscape structures:

“Landscape structures should not detract or interfere with adjacent properties. Therefore, landscape structures shall not be erected within ten (10) feet of the front yard right-of-way or edge of traveled way, whichever is greater. The structures shall not be located within the minimum side yard or rear yard setback areas. No landscape structure shall be erected on a double-frontage lot within twenty-five (25) feet of the rear yard right-of-way or traveled way. Landscape structures consist of hard or soft landscape features which are decorative and add to the beauty of the property and surrounding

areas. These include, but are not limited to, sculptures, fountains, gazebos, reflective pools, pergolas, pavilion kiosks and picnic table furniture. All landscape structure and treatment plans should be submitted to a subcommittee of the Planning Board for approval. Natural landscaping treatments such as shrubbery, flowers and trees are not restricted by this ordinance”.

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

It was the consensus of the Board to delay action on this amendment until the next meeting.

#### Amendment to Section 154.014(B)(5)(e) - Residential Planned Unit Developments

The Planning Board reviewed and recommended approval of the following amendment:

“A residential planned unit development shall consist of at least four (4) dwelling units”.

Attorney Bonfoey opened the public hearing. Attorney Jack Kersten spoke in favor of the amendment. Attorney Bonfoey closed the public hearing.

Alderman Williamson moved, seconded by Alderman Moore, to adopt an ordinance to amend Section 154.014(B)(5)(e) as presented. The motion carried unanimously. (Ord. No. 10-97)

#### Public Hearings - Annexation

##### Hendrix/Amick - 101/102 Magellan Drive

Maria Hendrix and Margot Amick requested annexation of two parcels located at 101 and 102 Magellan Drive. Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing.

Alderman Williamson moved, seconded by Alderman Moore, to approve annexation of the property located at 101 and 102 Magellan Drive effective April 8, 1997. The motion carried unanimously. (Ord. No. 11-97)

##### Garrett - 313 Crymes Cove Road

Robert and Juanita Garrett requested annexation of property located at 313 Crymes Cove Road. Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing.

Alderman Clark moved, seconded by Alderman Williamson, to approve annexation of the property located at 313 Crymes Cove Road effective April 8, 1997. The motion carried unanimously. (Ord. No. 12-97)

##### Miller - Wildcat Cliff Estates

Thomas and Mary Joe Miller requested annexation of property located in Wildcat Cliff Estates, on the opposite side of Cliff Drive from the 14 acres owned by Emil Massaro which was annexed on March 24, 1997. Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey

closed the public hearing.

Alderman Williamson moved, seconded by Alderman Caldwell, to approve the annexation of property located at Wildcat Cliff Estates effective April 8, 1997. The motion carried unanimously. (Ord. No. 13-97)

#### Hazard Communication Policy

Town Manager Galloway said the Town is continually attempting to have in place all safety measures which are required by the Occupational Safety and Health Act (OSHA). As a part of this process the Town must adopt a Hazard Communication Policy. This policy is to assure that the Town has identified hazardous chemicals in the work place and that the Town's employees are trained in how to deal with these chemicals. Personnel Director Margaret Langston and OSHA Compliance Officer Jack Morgan have worked on the document and feel that it complies with the OSHA requirements.

Alderman Caldwell moved, seconded by Alderman Clark, to adopt the Hazard Communication Policy as presented. The motion carried unanimously.

#### Ordinance Directing the Building Inspector to Post Notice that Property not to be Occupied Until Repaired - Hillside Road - Ester Casey House

Town Manager Galloway said there were three structures which have fallen into a state of disrepair located at the corner of Pigeon Street and Hillside Road and listed in the name of Ester Casey. The property is also overgrown and there is a variety of debris on the tract.

The building inspectors have notified the owner and held the mandatory public hearings, as required by law. The building inspectors gave orders for the owner of the property to mow the overgrown property, remove debris and board up the structures to prohibit entry. At the present time the property owner has indicated that she did not have the resources to bring the structures into compliance with the housing code. The next step is for the Board to declare the property as being unfit for human habitation and authorize the building inspectors to place notices on the houses that they may not be occupied. It also authorizes the building inspectors to mow the overgrown property and remove debris. The costs associated with this matter will be assessed against the property and a lien will be filed to assure collection of the costs at some future point.

Alderman Williamson moved, seconded by Alderman Clark, to adopt the ordinance authorizing the building inspectors to post the property located at the corner of Pigeon Street and Hillside Road, mow and remove debris. The motion carried unanimously. (Ord. No. 14-97)

#### Award of Bids for the Installation of the Sludge Disposal Equipment at the Wastewater Plant

Town Manager Galloway said in February, 1997 bid results were presented to the Board for the process of stabilizing the sludge from the wastewater treatment plant so that it may be applied to farm land. At that time, the Board tentatively awarded the bid to RDP for the purchase of equipment

in the amount of \$435,885.

On March 20, 1997, a bid opening was held for the installation, and three bidders appeared as General Contractors. At that time only two bids were received for the electrical work. On the second bid opening, again only two bid were received for the electrical work. The bid results were as follows:

GENERAL CONTRACTOR WORK:

Dellinger, Inc.	\$451,500
Hickory Construction Co.	\$429,000
Mountain Shore Construction Co.	\$317,000

ELECTRICAL CONTRACTOR WORK:

Brevard Electric Company	\$ 69,300
Haynes Electric Company	\$100,000

The bids have been reviewed by McGill Associates, and they have recommended that Contract No. 1 be awarded to Mountain Shore Construction Company at their bid price of \$317,000, Contract No. 2 be awarded to Brevard Electric Company at their bid price of \$69,300, and that the equipment contract be formerly awarded to RDP Company at their bid price of \$435,885.

Alderman Clark moved, seconded by Alderman Caldwell, to award the bid received from Mountain Shore Construction Company in the amount of \$317,000, for the general contractor work, to award the bid received from Brevard Electric Company in the amount of \$69,300, for the electrical contractor work, and to award the bid to RDP Company in the amount of \$435,885, for the purchase of equipment. The motion carried unanimously.

Petition for Annexation - Ken Stahl - Located off Route 23/74 Bypass

A petition was received from Ken Stahl, requesting voluntary annexation of three acres located off the Route 23/74 Bypass, south of the K-Mart Shopping Center.

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. 14-97)

Petitions for Annexation - Eugene & Margoth Harpe/Sherry M. Young

Attorney Jack Kersten presented two petitions requesting voluntary annexation for property located at the entrance to property belonging to Emil Massaro at Sanctuary Cove which was recently annexed. These annexation requests are needed, along with the voluntary annexation request by Jimmy and Virginia Farmer for a portion of the street accessing the property of Emil Massaro which is necessary in order to resolve the question of ownership and responsibility for maintenance of the

street.

Alderman Williamson moved, seconded by Alderman Moore, to adopt resolutions instructing the Town Clerk to investigate the sufficiency of the petitions. The motion carried unanimously. (Res. No. 15-97) (Res. No. 16-97)

#### Clarification of Right of Way - Annexation Request - Emil Massaro - Sanctuary Cove

Attorney Jack Kersten presented for the record a drawing of the landscaped area entering the property belonging to Mr. Emil Massaro which was annexed at the meeting of March 24, 1997. The property is located at Sanctuary Cove (about 1/4 mile from Oakdale Road). Attorney Kersten felt that it was necessary to clarify that although the landscaped area is located in the Town's right-of-way, the Town would not be responsible for maintenance of the landscaped area or stone structure at the entrance to this property. Attorney Kersten said this request had been reviewed and approved by Director of Public Works/Utilities Fred Baker. No action was necessary.

#### Natural Gas Service

Town Manager Galloway said on Wednesday, March 26, 1997, the North Carolina Utilities Commission held a hearing in Raleigh on the request of Public Service Company of North Carolina to use the Expansion Fund for extension of the natural gas line from Canton to Western Haywood County. It was asked if the Town would consider agreeing to contribute an amount equal to the property taxes they would collect on the gas line back to the Expansion Fund for a five year period. Public Service estimates that the value of the system within Waynesville could be as much as \$4,500,000. On the basis of a 40 cent tax rate, the amount the Town would collect and contribute to the Expansion Fund each year would be in the range of \$15,000 to \$20,000. After the five year period the Town would then collect the tax revenues.

Alderman Caldwell moved, seconded by Alderman Williamson, to adopt a resolution to approve and authorize the provision of assistance in the extension of Public Service Company's utility services into and through the Town in order to promote economic development, such assistance in the form of five (5) annual payments to the N.C. Utilities Commission for deposit with the N.C. State Treasurer in PSC's Expansion Fund, of an amount equal to one hundred percent (100%) of the ad valorem tax revenues received or collected annually by the Town from PSC on natural gas facilities constructed in the Town as a part of the expansion project. The motion carried unanimously. (Res. No. 17-97)

#### Historic Preservation Commission - Reappointment

Town Manager Galloway said the term of Bob Breese had expired on the Historic Preservation Commission.

Alderman Moore moved, seconded by Alderman Clark, to reappoint Bob Breese to another four (4) year term to expire on January 31, 2001. The motion carried unanimously.

Closed Session - Real Estate Matter

Alderman Moore moved, seconded by Alderman Williamson, to adjourn to closed session at 7:55 p.m. to discuss a real estate matter.

Alderman Clark moved, seconded by Alderman Caldwell, to return to regular session at 8:27 p.m. Both motions carried unanimously.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 8:29 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor