

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
SEPTEMBER 9, 1997
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, September 9, 1997. Members present were Mayor Pro Tem Gary Caldwell, Aldermen Earl Clark, Kenneth Moore and James Williamson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Michael Bonfoey. Mayor Pro Tem Gary Caldwell called the meeting to order at 7:00 p.m.

Approval of Minutes - August 26, 1997

Alderman Williamson moved, seconded by Alderman Clark, to approve the minutes of the August 26, 1997 meeting as presented. The motion carried unanimously.

Public Hearing - Zoning Amendments to Sections 154.033, 154.104(B)(2), 154.093(E) and 154.094(A)(1)

Several amendments were recommended by the Planning Board which would allow residential planned unit developments as a conditional use in the R-2 zoning district. One of the sections being amended would require that in an R-2 zone, at least sixty-five percent (65%) of the tract being developed must be left undisturbed and in a natural state. Also, the site plan for these developments must be prepared, signed and sealed by a registered, professional landscape architect. Town Attorney Bonfoey opened the public hearing. The following persons spoke:

Coy Wood - 408 Friendship Circle, Waynesville, said that this amendment fits the property proposed for development on Belleview Road exactly; however, Mr. Wood asked if the Town would require this much property to be left undisturbed in other areas of Town. Mr. Wood said that the same developer has created an "eyesore" in Hazelwood with a development off Poplar Street and he asked the Board not to let this happen in other parts of Waynesville. Mr. Wood stated that he was opposed to the amendments.

Charles McDaniel - 227 Brook Street, Waynesville, said that he was opposed to the amendments and requested that approval be denied. Mr. McDaniel said that the Town already had an ordinance in place to handle development. Mr. McDaniel stated that he felt that conditional use permits should be approved by the Board of Aldermen since they were the elected officials.

Jack Faulkner - 134 Park Drive, Waynesville, said that he agreed with Coy Wood and Charles McDaniel. Mr. Faulkner presented a picture of one of the houses built on Poplar Street in Hazelwood. Mr. Faulkner said that he did not want this beside of him and he felt that most of the people in the neighborhood are against this.

Richard Miller - Waynesville said that the proposed amendments actually protect the R-2 zoning district. Mr. Miller said with the amendments he could not increase the density; only one unit per ½ acre is allowed with the development which he has proposed on Belleview and Burma Road. Mr. Miller said that the amendments allow better use of the land and allow more green area. Mr. Miller said that the project in Hazelwood referred to earlier is a high density project which is allowed in the R-4 zoning district but could not be built in the R-2 district. Mr. Miller said that in his proposed development, which is affected by these amendments, there would be a 20 foot separation between each of the detached single family dwelling units. Mr. Miller stated that according to studies the traffic flow is less in a clustered development than it is with individual houses. Mr. Miller said that the proposed amendments actually accomplish goals which the persons opposed to the amendments referred to. Attorney Bonfoey closed the public hearing.

Mayor Pro Tem Gary Caldwell said that Mayor Foy had worked closely with the Planning Board to develop the proposed amendments. Alderman Clark said that he had looked at and could see the area from his house which is proposed for development by Richard Miller on Belleview Road. Alderman Clark stated that he felt that the clustered development would provide better drainage since less area would be disturbed on the hillside.

Alderman Clark moved, seconded by Alderman Moore, to approve the amendments to Sections 154.033, 154.104(B)(2), 154.093(E) and 154.094(A)(1) as recommended by the Planning Board. The motion carried unanimously. (Ord. No. 38-97)

Public Hearing - Amendment to Section 153.31(I) Streets

Attorney Bonfoey opened the public hearing on the proposed amendment to Section 153.31(I) Streets. With this amendment all street plans will have to be prepared by a registered engineer. In addition, prior to acceptance of the streets by the Town, the designing engineer will provide a Certificate of Completion verifying that the streets were constructed in accordance with the approved road plans and specifications. No one spoke; Attorney Bonfoey closed the public hearing.

Alderman Clark moved, seconded by Alderman Caldwell, to approve the amendment to Section 153.31(I) Streets as recommended by the Planning Board. The motion carried unanimously. (Ord. No. 39-97)

Decision Regarding Rezoning Request - Key Development Corp. - Belleview Road - R-2 to R-3

Richard Miller of Key Development Corporation withdrew the request to rezone property located on Belleview Road from R-2 to R-3. No action was necessary.

Marcus Cable Company - Cable Franchise

At the meeting of August 26, 1997, two citizens appeared to express an interest in seeing the Black Entertainment Television Network (BET) added to the programming of Marcus Cable Company. Alderman Williamson suggested that they attend the meeting of September 9, and discuss the addition of this channel with Mr. Al Swiger, Area Manager of Marcus Cable Company.

Approximately twenty-five (25) people attended the meeting to request the addition of the BET channel to the programming of Marcus Cable Company. Ms. Edith Allen, who attended the previous meeting, stated that she was against renewal of the franchise. Edward Moore requested that the renewal of the franchise be denied. Ms. Eleanor Dalton said that she had requested the addition of this channel for several years. Lee Bouknight asked that Marcus Cable give the black community an opportunity to enjoy what they have to offer by adding the BET channel. Several other residents spoke in favor of adding the BET channel.

Mr. Al Swiger, Marcus Cable Area Manager, said that he had been in Waynesville for approximately three (3) years. Mr. Swiger said that very few people have approached him with the request to add BET. Mr. Swiger added that when someone requests a channel, he asks that they put their request in writing; this gives him something to work with when he presents the request to the corporate office. Mr. Swiger said that he has requested the addition of the BET channel in the budget for 1998. He added that he thought there was a good possibility that it would be added, however, there may be a cost associated with the additional channel which would be passed along to the consumer. Mr. Swiger said that he should have an answer by the first of the year whether this channel will be added to the programming of Marcus Cable.

At the suggestion of Mayor Pro Tem Gary Caldwell, it was the consensus of the Board to send a letter on behalf of the citizens of Waynesville requesting that the Black Entertainment Television Network Channel be added to the programming of Marcus Cable Company.

Tommy Nelson, 44 Orchard View Drive, asked why the Town of Clyde, Buncombe County and Black Mountain residents were required to pay only \$19.00 for maintenance services while the Town of Waynesville residents paid \$56.00 for the same services. Mr. Swiger said that in 1992 Towns voted on whether or not their communities wanted to be regulated. It will be necessary to review records to find out what Waynesville's position was at that time. The Marcus Cable Company Franchise Renewal will be placed on the agenda of the next regularly scheduled meeting.

Minor Subdivision Plat - Peterson - Vermont Drive

Town Manager Galloway said that the Petersons own a 3.421 acre tract of land on Vermont Drive. The land is zoned R-1, and the Petersons are dividing the tract into three (3) parcels. The lots meet or exceed Town standards and Town staff recommends approval of the plat.

Alderman Caldwell moved, seconded by Alderman Clark, to approve the minor subdivision plat on Vermont Drive. The motion carried unanimously.

Minor Subdivision Plat - Charlie Burgin - Laurel Ridge Drive

Town Manager Galloway said that Charlie Burgin is subdividing a 21.1 acre tract of property on Laurel Ridge Drive to create one new lot of 2.119 acres. The property is zoned as R-1 and meets or exceeds Town standards. Town staff recommends approval with the following condition:

(1) Need soil evaluation report for septic tank from Health Department.

Alderman Moore moved, seconded by Alderman Williamson, to approve the minor subdivision plat located on Laurel Ridge Drive for Charlie Burgin with the condition that a soil evaluation report for septic tank from the Health Department be submitted. The motion carried unanimously.

Minor Subdivision Plat - Piedmont Golf Development Corporation

Town Manager Galloway said that Piedmont Golf Development Corporation is creating a .505 acre lot, known as Lot 529, and it is located on Laurel Ridge Drive. The property is zoned R-1 and it meets or exceeds Town standards. Town staff recommends approval with the following condition:

(1) Need soil evaluation report for septic tank from Health Department

Alderman Williamson moved, seconded by Alderman Clark, to approve the minor subdivision located on Laurel Ridge Drive for Piedmont Golf Development Corporation. The motion carried unanimously.

Closed Session to Discuss Property Matter

Alderman Williamson moved, seconded by Alderman Moore, to adjourn to closed session to discuss a property matter at 8:03 p.m.

Alderman Williamson moved, seconded by Alderman Clark, to return to regular session at 8:40 p.m. Both motions carried.

Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Moore, to adjourn the meeting at 8:42 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor