

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
OCTOBER 14, 1997  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, October 14, 1997. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, Kenneth Moore and James Williamson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Michael Bonfoey. Mayor Henry Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of September 23, 1997

Alderman Williamson moved, seconded by Alderman Moore, to approve the minutes of the September 23, 1997 meeting as presented. The motion carried unanimously.

Amendment to Minutes of September 9, 1997

Alderman Caldwell moved, seconded by Alderman Williamson, to amend the minutes of the September 9, 1997, meeting by changing the closed session title to read "Closed Session To Discuss a Personnel Matter". The motion carried unanimously.

Resignation of Alderman Earl Clark

Mayor Henry Foy read a letter of resignation from Alderman Earl Clark dated October 10, 1997. The letter stated by Alderman Clark that "...in view of personal reasons and my limited future employment with Dayco Corporation as well as possible relocation in another area, I hereby submit my resignation as Alderman of the Town of Waynesville effective at 5:00 p.m. on October 24, 1997." Mayor Foy said that Earl Clark has served as Alderman for the past fourteen (14) years. During that time he has served the Town well, and has been a part of significant changes in Waynesville, including the downtown revitalization project and purchase of the maintenance garage. Mayor Foy said that Earl Clark will be missed.

Alderman Williamson said that it had been a pleasure working with Alderman Clark during the past six years, adding that everyone would miss him.

Alderman Caldwell said that Alderman Clark has taught him a lot during the past two years.

Alderman Moore said that Alderman Clark would truly be missed; that he was always a "good soldier for the Fire Department" by handling the Firemen's Pension Fund. Alderman Moore wished Earl the best of luck in his new career.

Alderman Caldwell moved, seconded by Alderman Moore, to accept Alderman Clark's resignation. The motion carried unanimously.

### Marcus Cable Franchise Agreement - Second Reading

Edith Allen, 44 Pennant Drive, Waynesville, said that it seemed that the cry had not been heard by the people who requested the addition of the Black Entertainment Network Channel (BET) to Marcus Cable. Ms. Allen said that it was not just the black community who requested the addition of this channel and it seemed that Marcus Cable had discriminated against those people. Ms. Allen said that she was told that the cable franchise would not be approved until a decision was made by the middle of October regarding the addition of the BET channel. Ms. Allen said that a petition was circulating throughout Haywood County at this time regarding Marcus Cable.

Al Swiger, Area Manager of Marcus Cable, said that at a previous Board meeting he stated that he would try to get an answer by the middle of October regarding the addition of the BET channel. Mr. Swiger said that the request to add the BET channel had already been reviewed by three departments; Engineering, Marketing and Regulatory and was approved by all three. The final step for approval is through the corporate office and that decision will be made the day before Thanksgiving. Mr. Swiger stated that with the FCC ruling the Town Board could not judge which channels are included in Marcus Cable programming nor could they control the pricing to receive cable service.

Mayor Foy said that a letter was written by the Town and forwarded to the corporate office, on behalf of the citizens of Waynesville, requesting that the BET channel be added to the programming of Marcus Cable. Mayor Foy asked Town Attorney Bonfoey if the awarding of the franchise agreement with Marcus Cable could be based upon the availability of certain channels. Town Attorney Bonfoey said that the Town could not base the awarding of the franchise with Marcus Cable on the availability of certain channels. Mayor Foy added that he felt that Mr. Swiger has done all that he can to fulfill the requests of Waynesville's citizens. Mr. Swiger stated that he felt Marcus Cable has gone out of their way to see that the community is served and that they had spent over five million dollars for improvements to their system. Mayor Foy said that Marcus Cable has given the Town good service.

Town Manager Galloway said that citizens want to add channels all the time. Manager Galloway explained that the FCC requires that certain channels be carried on cable, leaving only a certain number of slots available for additional channels. If one of the existing channels is removed and replaced by a another requested channel, then other citizens would be upset. Mr. Swiger added that this is one reason for the upgrade of Marcus Cable; to add room making it possible for other channels to be available.

Town Attorney Bonfoey recommended that citizens write Mr. Marcus individually and get civic groups involved in requesting the addition of channels to the cable. Attorney Bonfoey said that the Board could delay a decision on renewal of the franchise agreement; however, it is not like the Town has different companies competing to serve cable to Waynesville. If the franchise is not approved Waynesville would not have a cable company to serve them.

Alderman Williamson moved, seconded by Alderman Moore, to postpone awarding the franchise to Marcus Cable until an answer is received from the corporate office regarding the addition of the BET channel. The motion failed with two (2) ayes (Moore, Williamson) and two nays (Caldwell, Foy).

#### Return of Escrow to Phil Mechanic for North Main Commons

Town Manager Galloway said that the resurfacing of the private road in the Planned Unit Development for North Main Commons has been completed, and Mr. Mechanic has requested that the \$7,800 deposited with the Town be returned. Mr. Mechanic submitted the \$7,800 to the Town to guarantee the completion of the improvements. Manager Galloway said that there were a few items which needed to be corrected prior to return of the escrow. They are as follows:

- 1) paved over 2" blowoff g.v.
- 2) missing c.o. cap in paving
- 3) damaged top on inlet

Alderman Williamson moved, seconded by Alderman Caldwell, to authorize the release of the \$7,800 escrow to Mr. Phil Mechanic upon completion of the items outlined by Town Manager Galloway. The motion carried unanimously.

#### Town of Clyde - Request that the Town of Waynesville Treat Clyde's Wastewater

Town of Clyde Alderman Carroll Mease requested that the Town of Waynesville treat their wastewater which could be transported through the Junaluska Sanitary District sewer lines to Waynesville's Wastewater Treatment Plant for treatment. Alderman Mease said that he had discussed this with Town Manager Lee Galloway and Director of Public Works/Utilities Fred Baker. Clyde's Town Manager Jimmy Green said that Clyde generates approximately 175,000 gallons of wastewater per day.

Alderman Williamson moved, seconded by Alderman Moore, to authorize the Town to enter into an agreement with the Town of Clyde for treatment of their wastewater. The motion carried unanimously. (Cont. No. 19-97)

#### Petitions for Annexation

Town Manager Galloway said that several petitions requesting annexation have been received from property owners along the Asheville Highway. The Town's policy requires submission of an annexation petition before a property owner is allowed to hook onto Waynesville's sewer. Four property owners have petitioned for annexation into the Town of Waynesville:

1. Sylva Church of Christ (Dayspring Christian Fellowship) -1539 Asheville Road
2. Dr. and Mrs. William Hardy - Asheville Road
3. Mr. and Mrs. Erich Dietrich - 1710 Asheville Road
4. Mr. and Mrs. Nathan Arnold Bryson- 89 Felmet Street

Alderman Moore moved, seconded by Alderman Williamson, to adopt a resolution to instruct the Town Clerk to investigate the sufficiency of the petitions. The motion carried unanimously. (Res. No. 28-97)

#### Minor Subdivision Plat - Hyatt Street - Mr. Luther Robinson and Ms. Lillian Rhudy

Town Manager Galloway said that Mr. Luther Robinson and Ms. Lillian Rhudy are subdividing a 2.165 acre lot into three new lots. The property is zoned R-4 and is located on Hyatt Street. The lots meet or exceed Town standards and town staff recommends approval.

Alderman Moore moved, seconded by Alderman Williamson, to approve the minor subdivision as recommended. The motion carried unanimously.

#### Minor Subdivision Plat - Lot 237 - Piedmont Golf Development Corporation

Bob Davis, President of Piedmont Golf Development Corporation, appeared at the meeting to request approval of a minor subdivision.

Piedmont Golf Development Corporation is creating a 2.231 acre lot which abuts High Ridge Road. The property is zoned R-1 and it meets or exceeds Town standards with the following conditions:

1. A water pressure disclaimer should be placed on the plat due to the lack of adequate pressure for this lot.
2. A soil evaluation report for septic tank should be submitted.
3. The road traversing Lot 237 is a private road and should be designated on the plat as "45' private right-of-way".
4. A name should be given to the private right-of-way.
5. Need to provide an engineer's estimate on the construction cost of the private road which will meet DOT design standards for streets and roads and then provide a surety bond in the amount required by Town to guarantee the improvements.

Alderman Williamson moved, seconded by Alderman Caldwell, to approve the minor subdivision for Lot 237 at Laurel Ridge for Piedmont Golf Development Corporation, subject to compliance with the conditions as recommended by Town Staff. The motion carried unanimously.

#### Minor Subdivision - Laurel Ridge South - Piedmont Golf Development Corporation

Bob Davis, President of Piedmont Golf Development Corporation requested approval of a minor subdivision along Wren Way.

Piedmont Golf Development Corporation is subdividing a 6.141 acre tract which abuts the Dogwood Pointe development along Wren Way. Five lots are being created by the division of R-1 zoned property. The lots meet or exceed Town standards and Town Staff recommends approval with the following conditions:

1. Need revised plat showing a 40' right-of-way for Wren Way.
2. Show revised water line easement for lot 206.
3. Need sewer line easement for the Clyde Green lot on Cardinal Lane.
4. Revise maximum density of plat to 1.4 units per acre.
5. Provide adequate surety bond for required water, sewer, drainage and road improvements.

Alderman Williamson moved, seconded by Alderman Caldwell, to approve the minor subdivision, subject to compliance with the conditions as recommended by Town Staff. The motion carried unanimously.

#### Approval of Street/Sanitation Supervisor Position

Town Manager Galloway said that the work of the Streets and Sanitation Department continues to grow, and the superintendent of this department also oversees the Cemetery Operation and the Garage at the Public Works Building. For some time, the Superintendent of this department has had an individual acting in the role of a supervisor or crew leader, but this individual has not been compensated for these additional responsibilities.

Town Manager Galloway said that he had spoken with Public Works Director Fred Baker, Street Superintendent John Cutshaw, and Personnel Officer Margaret Langston and it is recommended that a new job description be approved for a Sanitation and Streets Supervisor in a Pay Grade 9 which has a current minimum starting wage of \$8.73 per hour. Manager Galloway said that this would not create a new position, one of the employees would move into this slot.

Alderman Williamson moved, seconded by Alderman Caldwell, to approve the job description for Sanitation and Streets Supervisor as recommended. The motion carried unanimously.

#### Appointment of Sam Wiggins as Alderman

Mayor Foy said that he had been aware that Earl Clark was going to resign his position as alderman for some time; however, he was not sure when. Mayor Foy said that it was his duty as Mayor to be prepared for such an event and to find an individual to fill this position for the remaining two years of Earl Clark's term. Mayor Foy said that after a great deal of thought he would enthusiastically recommend Sam Wiggins to fill this term as alderman. Mayor Foy said that Sam Wiggins has been involved in industry and education and that his service to the Town of Waynesville and to this Board will be invaluable. Mayor Foy added that this Board has accomplished a great deal over the past few years and has several other items yet to be accomplished.

Alderman Caldwell moved, seconded by Alderman Williamson, to appoint Sam Wiggins to serve as alderman for the remaining two years. The motion carried unanimously.

Town Manager Galloway said that the appropriate arrangements would be made for Sam Wiggins to be sworn in as alderman at the meeting of October 28, 1997.

Department of Transportation Public Hearing - Asheville Highway Project

Town Manager Galloway reminded the Board that the Department of Transportation would conduct a public hearing on Tuesday, October 21, 1997, at 7:00 p.m., in the Tuscola High School Auditorium. The purpose of this public hearing is to discuss the proposed widening of US 23 Business (Asheville Road) from the Waynesville City Limits (Marshall Street/Woodland Drive) to SR 1801 (Jerry Liner Road). Town Manager Galloway said that he and Mayor Foy attended the DOT meeting in Sylva on October 14. At this Transportation Improvement Plan meeting Mayor Foy spoke, emphasizing the importance of the West Waynesville entrance and the "Frog Level" connector project. Mayor Foy added that Dan Burden's recent sessions on Walkable Communities has created a great deal of enthusiasm and left a favorable impression on the community. No action was necessary.

Adjournment

Alderman Williamson moved, seconded by Alderman Caldwell, 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