

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
SEPTEMBER 8, 1998
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, September 8, 1998. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, Kenneth Moore, Sam Wiggins and James Williamson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Planning and Zoning Manager John Swift and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of August 25, 1998

Alderman Caldwell moved, seconded by Alderman Moore, to amend and approve the minutes of the August 25, 1998 meeting, as suggested by Alderman Wiggins as follows: Page 5, Paragraph #4, 3rd sentence "It was also stated that Town Manager Galloway, Mayor Foy and Town Attorney Bonfoey be required to travel to Raleigh, North Carolina to meet with Mr. John Tote, Executive Director of the Mental Health Association of North Carolina to discuss the Town's position regarding the proposed family care home". The motion carried unanimously.

Public Hearing - Ordinance Regarding Wireless Communication Facilities

The Town has been in the process of developing an ordinance dealing with cellular towers. Ordinances from other communities have been reviewed and input has been solicited from both Bell Atlantic and Bell South. An ordinance was presented to the Board of Aldermen which has been reviewed and recommended for approval by the Planning Board.

Town Attorney Bonfoey opened the public hearing. Steven Lewotsky, representing SBA, Inc., Bell South, thanked the Town for doing such a good job with the wireless communication facilities ordinance. Mr. Lewotsky said that Planning and Zoning Manager John Swift has worked with his company thoroughly in helping to develop a good ordinance which his company can live with. Planning and Zoning Manager John Swift said that this is a good ordinance which is fair. No one else spoke. Attorney Bonfoey closed the public hearing.

Alderman Williamson moved, seconded by Alderman Moore, to adopt the ordinance regarding wireless communication facilities. The motion carried unanimously. (Ord. No. 28-98)

Public Hearing - Amendment to Section 154.033 Permitted Use Table

A request was received to consider an amendment to allow banks and other financial institutions as permitted uses in the I-1 Zoning District. This use is currently permitted in the C-1, C-2 and C-3 zones.

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

Alderman Williamson moved, seconded by Alderman Wiggins, to adopt the ordinance to amend Section 154.033 Permitted Use Table to allow banks and other financial institutions as a permitted use in the I-1 zoning district. The motion carried unanimously. (Ord. No. 29-98)

Public Hearing - to Consider a Moratorium on any Family Care Homes Being Located Within One-Half Mile of Another Family Care Home

In 1981, when the General Assembly adopted a State Statute requiring local governments to allow Family Care Homes as permitted uses in all residential zones, they gave local governments the power to prohibit one family care home from being located within one-half mile of another family care home.

At the last meeting, this issue was discussed, and it was suggested that the Board may want to adopt such an ordinance. While none of the Family Care Homes in Waynesville have presented any problems to their respective neighborhoods, the law does allow this power to local governments. This public hearing allows the Board to consider placing a moratorium on any family care homes being located within one-half mile of another family care home in order to allow time for the amendment to be reviewed by the Planning Board. Another public hearing will then be scheduled for an amendment to the zoning ordinance.

Jack Wadham commended the Board for considering this amendment, adding that it was a good step in trying to spread out group homes throughout the community.

Board members asked if a permit had been issued for the proposed family care home to be located on Assembly Street. Planning and Zoning Manager John Swift said that a permit has not been issued at this time. Board members asked if ownership of the property had been transferred from Richard Miller to the new owner. Mr. Swift said that as of two weeks ago the new owner had not closed on the property. Board members asked Mr. Swift when he became aware of the proposed family care home. Mr. Swift said that he received a telephone call in March or April of 1998 from a consulting firm in Raleigh, asking questions regarding family care homes and land use regulations in Waynesville.

Town Attorney Bonfoey said that family care homes are a permitted use and can't be prohibited entirely. However, the proposed amendment will prohibit the location of a family care home within one-half mile of another family care home.

Alderman Williamson moved, seconded by Alderman Moore, to place a moratorium on allowing a family care home from being located within one-half mile of another family care home. This moratorium is to begin immediately and extend until November 1, 1998. The motion carried unanimously.

Public Hearing - Community Development Block Grant Program

Almost all the work has been completed that was planned in the 1994 Community Development Block Grant and the Housing Preservation Grants that Planning and Zoning Manager John Swift was able

to secure for our community. Mr. Swift said that the Town may be able to secure a \$350,000 grant for the 1999 - 2000 Community Development Block Grant program. This could rehabilitate twenty low/moderate income, owner occupied dwellings within the corporate limits. The purpose of this public hearing is to give citizens the opportunity to make comments regarding the manner in which this grant proposal should be written.

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

Revisions to Personnel Policies

Town Manager Galloway said that when the MAPPS Group conducted the Classification and Pay Plan, their contract called for the preparation of the pay plan, job descriptions and revisions to the personnel policies. During the budget process, the Board adopted the pay plan and the job descriptions. Recommendations for revisions to the Personnel Policy were not ready at that time. The recommended revisions to the personnel policy are now complete and were presented to the Board for their review. Board Members raised several questions regarding the proposed revisions.

Alderman Wiggins moved, seconded by Alderman Moore, to schedule a special meeting as soon as possible in order for the Board to discuss the proposed Personnel Policy revisions. The motion carried unanimously.

Discussion of Fund Raising Committee For Recreation Endowment Fund

Alderman Wiggins said that he was not prepared to submit names of citizens to serve as the Chairman and Vice-Chairman of a Fund Raising Committee for the Recreation Endowment Fund. It was the consensus of the Board to table this issue until all Board Members were prepared to submit names for this Committee.

Minor Subdivision - Auburn Road - Ronald Morris

Town Manager Galloway said that Ronald Morris owns a 10+ acre tract of land on Auburn Road. He is dividing the property to create a new .721 acre lot. The property is zoned "R-2" and the subdivision plat meets or exceeds Town standards. Town staff recommends approval of the plat.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minor subdivision for Ronald Morris located on Auburn Road. The motion carried unanimously.

Greenhill Cemetery - Opening of Section 6 of Shook Division B

Alderman Williamson said that he had been approached by three families who were interested in purchasing cemetery lots in a new section of Greenhill Cemetery.

Alderman Williamson moved, seconded by Alderman Moore, to open and begin selling cemetery lots in Section 6 of the Shook Division B of the Greenhill Cemetery. The motion carried unanimously.

Speed Limit - Establish at 20 Miles Per Hour - Buxton Street and Lowell Street

Some Aldermen expressed concern regarding speed limits on several streets located inside Waynesville's corporate limits. The first was the speed limit on Buxton Street and Lowell Street, which Aldermen stated signs were not posted. The speed limit on streets inside Waynesville's corporate limits is 35 miles per hour unless posted otherwise. The second street was Country Club Drive, which Town Manager Galloway informed the Board that the Waynesville Police Department is currently investigating to recommend a speed limit to the Board. The third street was Smathers Street which has a speed limit of 35 miles per hour, except for a portion which is marked 20 miles per hour. Alderman Wiggins said that the speed limit needed to be a consistent along Smathers Street. Town Manager Galloway will investigate to see what the speed limit on Smathers Street is.

Alderman Williamson moved, seconded by Alderman Caldwell, to repeal existing ordinances regarding speed limits on Buxton Street and Lowell Street and establish and post signs for 20 mile per hour speed limits on both streets. The motion carried unanimously. (Ord. No. 30-98)

Alderman Request - Status of House on Frazier Street

Alderman Caldwell inquired about the status of a house on Frazier Street which the Town has been working with other organizations to help relocate the owner while the house is being rehabilitated. Town Manager Galloway said that the owner has agreed to relocate while the house is being rehabilitated, that Sergeant Banks in the Waynesville Police Department has requested the use of a Town truck to haul away debris from the house and that Mountain Projects is scheduled to repair the house. No action was necessary.

Citizen Concerns Regarding Hiring of New Police Chief and Waynesville's Form of Government

Albert "Red" Arrington asked if the Town's policies could be changed to take the "stress and strain" away from the Town Manager in making decisions of hiring the Police Chief and other Department Heads. Mr. Arrington felt that the Mayor and Board of Aldermen should have the authority to hire the Police Chief and other Department Heads. Mr. Arrington also asked who determined what educational requirements were needed for each position.

Mayor Foy said until 1976 the Town of Waynesville operated under the Mayor/Council form of government. In 1976 this was changed to the Manager/Council form of government and the Town of Waynesville has operated under that form of government since that time. Mayor Foy said that the only employees hired by the Board of Aldermen are the Town Manager and Town Attorney. The Town Manager is responsible for appointment and suspension of all other employees of the Town, subject to the direction of the Board. This authority is given through North Carolina General Statute 160-148. Mayor Foy said that he has worked under both forms of government during his time with the Town. Mayor Foy said that Waynesville's Town Manager is experienced, has training as a Town Manager and holds a degree in Town Government. Mayor Foy said that he has worked with Town Manager Galloway since he began work with the Town and that he had the highest regard for Manager Galloway's ethics, both as a Town Manager and as a person. Mayor Foy said that he considered Manager Galloway to be the best Town Manager in the State of North Carolina.

Town Attorney Bonfoey said that the only way that the authority to hire the police chief and other department heads could be given to the Board of Aldermen would be to change the form of government which Waynesville now has and go back to the Council/Mayor form of government. In order to do this, Waynesville's Charter would have to be changed through an act of Legislation by the State of North Carolina. Attorney Bonfoey said that there were nine areas which would require that the Town's Charter be changed. Those areas include if the Town changed its name, the method of election, form of government, the way the Mayor is selected, etc. One of the Town Manager's duties is to appoint and suspend employees and the only way that this responsibility can be changed is to either change the Town's Charter or for the Board to use the "bully pulpit". The Board of Aldermen does not have the authority to appoint and suspend any employees other than the Town Manager and Town Attorney.

Charles Miller, 727 Allens Creek Road, asked what the budget amount was for the Waynesville Police Department at the time that Police Chief Frank became Police Chief. Town Manager Galloway said that at that time the Police Department budget was 1.25 million and it is now almost 1.9 million. Mr. Miller said that he would like to see where there has been that much improvement in the Police Department. Mr. Miller said that he has spoken with Aldermen Moore, Williamson and Caldwell regarding speeding problems along Allens Creek Road. Mr. Miller asked if the speed limit could be lowered from 35 miles per hour to 25 miles per hour. Mr. Miller said that one time he called the dispatcher at the Waynesville Police Department, waited 45 minutes and that no one ever came. Mr. Miller said that the worst times for speeding were between 7 - 9 am and 4 - 6 p.m Alderman Williamson told Mr. Miller that if he called and did not receive a response that he should call the Town Manager. Mr. Miller also said that Allens Creek Road was in disrepair and that it has not been touched by the Town for more than one year. Mr. Miller presented a rock to the Board of Aldermen that he picked up in front of Allens Creek Baptist Church as proof that Allens Creek Road is not being swept.

Joe Moore, 197 Virginia Avenue, spoke regarding the selection process of Waynesville's Police Chief. Mr. Moore said that he had no opinion and no objection to out-of-state people. Mr. Moore asked who was responsible if the Police Chief did not work out. Mr. Moore said that the taxpayers feel that they have given the responsibility to the Board of Aldermen to hire and fire employees of the Town and they do not know that the Town Manager has this responsibility. Mr. Moore expressed concern that the morale of the Police Department may decline if a Police Chief is hired from another State other than North Carolina. Mr. Moore felt that a Police Chief should not be chosen by one person, but that the Board of Aldermen should have a voice in this decision.

James Robert Moore, 1102 South Main Street, said that the Town's records show that when the last Police Chief was hired the Town paid \$7,127.04 to move him to Waynesville and to send him to school to become certified in the State of North Carolina. Mr. Moore said that there are people in this area that could be hired to be Police Chief that would not cost the Town "a nickel" to send to school or to move to this area.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Wiggins, to adjourn the meeting at 8:22 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor