

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
MAY 25, 1999
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, May 25, 1999. 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 and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of May 11, 1999 and May 18, 1999

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the May 11 and May 18, 1999 meetings as presented. The motion carried unanimously.

Request by Tom Berres With American Tower Regarding on Site Locations for Telecommunication Towers

Town Manager Galloway reported that for some time, the Town has been working with some of the telecommunications tower companies regarding possible locations in Waynesville or the extra-territorial area. A conditional use permit to install a tower in West Waynesville near Lea Industries was granted by the Board of Adjustment a few weeks ago.

American Tower Corporation has spent considerable time developing technical data on the location needed for two more towers within the Town. Mr. Tom Berres, representing American Tower Corporation, has determined that one tower can be located on property the Town owns in Shingle Cove. The second tower would need to be located somewhere in the area of the corporate limits line at the north end of town. They have determined that the site of the town's water tank on Reservoir Drive would be well suited for this purpose.

Mr. Berres, on behalf of American Tower Corporation, presented a proposal for lease of the two properties for \$9,600 per year per tower site for five years with an additional nine five year renewals. The rent would also increase by 15% upon each renewal.

Town Attorney Bonfoey said that the telecommunication tower which is proposed is a Monopole design. According to the proposal submitted by American Tower, the Shingle Cove tower would be built to the maximum height of 180', and the Reservoir Drive tower would be built to 150'. Both Monopoles are to be constructed so that all antennas will be mounted inside the pole for the smoothest profile.

Board Members were concerned with setback requirements and property lines on the Reservoir Drive location. Mr. Tom Berres said that he was not sure where the property lines are located. However, one of the preliminary things that American Tower Corporation intends to do is to conduct a survey of the property. Town Attorney Bonfoey said that the reservoir was built sometime in the mid 1920's and this may be one reason why the property lines can not be located. Mr. Berres will work with Town Engineer Fred Baker regarding the property line locations. Mr. Berres said that towers are built large enough for other users to locate on the tower.

Jim Borne, with American Towers, also attended to answer questions. Alderman Williamson asked who charged any other companies who add onto the tower and Mr. Borne said that American Towers charges them. Alderman Williamson asked if American Towers would consider increasing the amount of their lease proposal to \$10,000 per year. Mr. Borne said that they would. Alderman Williamson then asked if American Tower would consider increasing their lease proposal to \$1,000 per month per site, increasing the total amount to \$12,000 per year per site. Mr. Borne said yes, that they would. Alderman Williamson pointed out that he would like to see the amount as much as possible in order to get as much money as possible for the taxpayers of Waynesville. Mr. Borne added that the amount which was proposed is a lease amount which American Towers proposes to other municipalities and he felt that it was a fair amount. However, he agreed that American Towers would increase their lease proposal to \$12,000 per year per site.

Alderman Williamson moved, seconded by Alderman Moore, to adopt a resolution of intent to enter into an agreement to lease the Shingle Cove site and the Reservoir Drive site for \$12,000 each per year. The motion carried unanimously. (Cont. No. 10-99/Res. No. 5-99)

Appointments/Reappointments - Board of Adjustment and Planning Board

The terms of several members of the Board of Adjustment and Planning Board will expire at the end of May. Contacts have been made to see if those whose terms are expiring are interested in continuing to serve on the boards.

Board of Adjustment

Shirley Ezell - does not wish to be reappointed.

Mack Noland - can be appointed to fill Ms. Ezell's position.

Keith Plemmons - does not wish to be reappointed.

Vacant - need replacement for alternate position from the one mile extraterritorial jurisdiction.

Planning Board

Jim Freeman - willing to serve another term.

Jennings Plemmons - willing to serve another term.

Vacant - need replacement for position from the one mile extraterritorial jurisdiction.

Alderman Williamson moved, seconded by Alderman Moore, and the motion carried unanimously. to appoint/reappoint the following persons. Their terms will expire on May 31, 2002:

- Mack Noland to fill the position of Shirley Ezell as an inside regular member on the Board of Adjustment.
- Reappoint Jim Freeman - Planning Board - Inside Member.
- Recommend Reappointment of Jennings Plemmons - Planning Board - County appointment.

Minor Subdivision - Charles Starnes - Meadowlark Lane

Mr. Charles Starnes owns a 5.53 acre tract of land beside the Junaluska Elementary School on Meadowlark Lane. He is subdividing the tract into a 1.862 acre lot and a 3.668 acre lot. The property is located in the R-1 Zoning District and the plat meets or exceeds Town standards. Septic tank permits were submitted for each lot, and the Junaluska Sanitary District provides public water to the lots. Town staff recommends approval.

Alderman Moore moved, seconded by Alderman Wiggins, to approve the minor subdivision located on Meadowlark Lark as requested by Mr. Charles Starnes. The motion carried unanimously.

Mr. Jack Faulkner - Questions Regarding Church Street Construction

Mr. Jack Faulkner attended the meeting to ask questions regarding the Church Street construction. Mr. Faulkner said that he had concern because there were physically impaired people who have had difficulty getting to the drive thru window at Town Hall. He also stated that he had heard there were sizable cost overruns on the project. Town Manager Galloway said that in the current year's budget there was \$40,000 in Powell Bill funds authorized for construction and \$10,000 more for paving on the Church Street project. He noted that \$66,000 had been requested for utility work on the project, as that was the estimate received from a contractor on the electrical work. The Board cut the \$66,000 by \$25,000 to construct rest rooms downtown, but that was done knowing that those funds would have to be replaced. When the bids came in on the electrical work, they were \$82,000. The total budget would have been around \$116,000, but it appears that the cost would be approximately \$130,000.

Mr. Faulkner said that people are being told that there would not be tax increases. He asked who authorizes the additional funds when a project is over budget. Mr. Faulkner added that most people are opposed to tax increases. Town Manager Galloway said that based on information received during the budget work sessions so far, the Board is opposed to a tax increase and there have been meetings held to cut the budget to avoid any tax increases.

Alderman Williamson said when the Board approved this project, the intention was to extend Montgomery Street and correct the visibility when entering Church Street, eliminate parking spaces on one side of Church Street and extend the sidewalk. Alderman Williamson said that he did not know at that time that there were granite curbs and brick crosswalks proposed. Town Manager Galloway said that the granite costs \$11.00/foot, as opposed to concrete at \$10.00/foot and that granite was proposed in order to match what exists on Main Street. Town Manager Galloway added that last October a gentleman who specializes in ways to slow traffic came to Waynesville and the type of design which is being constructed on Church Street is what came out of the meeting with

him.

No action was necessary.

Alderman Williamson - Concerns with Noise Ordinance

Alderman Williamson expressed concern with the Town's Noise Ordinance because when a resident calls the Waynesville Police Department regarding barking dogs a police officer is required to go out and listen to the dog bark for thirty minutes before issuing a citation. Mayor Foy said that wording could be added at the end of (7) Dogs and other Animals to read: "or citizen complainant". This would allow a citizen to take out a warrant rather than the officer, since an officer can not go out to arrest someone unless he can witness the incident. Alderman Wiggins asked if the time factor could be changed. Attorney Bonfoey said that if the time amount is reduced reasonable time would become questionable. Alderman Williamson said that the Police Department has been to a residence on Westwood Circle eight times and a police officer went again this morning and issued a citation.

Alderman Williamson moved, seconded by Alderman Moore, and the motion carried unanimously. to issue a warning on the first complaint and a citation on the second complaint and adopt an ordinance amending the Noise Ordinance as follows: (Ord. No. 9-99)

Section 97A-4. Noises prohibited, nuisances.

- (7) Dogs and other animals. The possession of a dog or other animal that barks or makes disturbing noises continuously or intermittently for more than **ten (10)** minutes after being notified by law enforcement personnel **or citizen complainant.**

Alderman Wiggins moved, seconded by Alderman Caldwell, and the motion carried unanimously to further amend the ordinance as follows: (Ord. No. 9-99)

Section 97A-5 Exceptions.

- (4) Sound emanating from regularly scheduled outdoor athletic events on the campus of **any Haywood County Public School.**

Section 97A-7. Violations

- (a) Any person who violates any portion of this article shall receive an oral **warning** to cease or abate the noise immediately, or within a reasonable time period. During nighttime or if a second violation occurs within sixty (60) days, an oral **warning** to cease or abate need not be issued prior to issuing a citation for violation of any portion of this article.
- (b) If the **oral warning** to cease or abate the noise is not complied with, the person or persons responsible for the violation may be charged with a violation of this article

and subject to a fine of *five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, pursuant to Section 1.8*

Request for Sewer Services - Petition for Annexation - Farmer - 29 Wildcat Mountain Road

Mr. David Farmer, 29 Wildcat Mountain Road, attended the meeting to request that the Town allow him to tap onto the Town's sewer line. Mr. Farmer said that he is experiencing problems with his septic tank and does not want to install a new tail line. Town Manager Galloway said that the Town has an ordinance which says that a resident outside the corporate limits of Waynesville who wishes to hook onto the Town's sewer is required to request annexation into the corporate limits of Waynesville. There is a portion of property belonging to Mr. Farmer's father which does not have the needed right-of-way and on which the Town's sewer line has been located for twenty years.

It was the consensus of the Board that Mr. Farmer talk with Town Engineer Fred Baker and work to resolve the needed right-of-way that Mr. Farmer be allowed to hook onto the Town's sewer upon submission of a petition for annexation. It was also the consensus of the Board that no action would be taken regarding the petition for annexation.

Closed Session - Legal Matter

Alderman Williamson moved, seconded by Alderman Moore, to adjourn to closed session at 8:15 p.m.

Alderman Wiggins moved, seconded by Alderman Moore, to return to regular session at 8:40 p.m. Both motions carried unanimously.

Recess Meeting Until Wednesday, May 26, at 4:00 p.m.

It was the consensus of the Board to recess the meeting until Wednesday, May 26, 1999, at 4:00 p.m. at Town Hall to continue discussions of the proposed 1999-2000 budget.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor