

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
FEBRUARY 22, 2000  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, February 22, 2000. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Libba Feichter and Kenneth Moore. 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 February 8, 2000

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the February 8, 2000 meeting as presented. The motion carried unanimously.

Action Regarding Riley Inman Property - Oakdale Road

At the meeting of January 25, the Board granted Mr. Riley Inman an extension until February 22, to clean the debris from the demolished mobile homes on his property on Oakdale Road and to have the chassis removed from the site. This was an extension to the original deadline and was granted due to snow and inclement weather during late January.

Mr. Inman attended the meeting and told the Board that the weather and wet ground has created a problem in his efforts to remove the debris from his property. He said that he only has one mobile home left because he worked on the property Monday, February 21<sup>st</sup> and hauled \$117 in materials to the landfill to dispose of. He felt that if he had a few more days he could complete the clean-up effort on his property.

Alderman Feichter said that it has been two months and one week ago since the Board began work on this procedure, and she did not feel that an extension of a couple of extra days would be realistic to complete the clean-up. Alderman Caldwell said that he had driven by the property and could see that quite a bit of work has been done.

Alderman Brown pointed out that after a default is entered, it would be approximately ten (10) days before a judgment would be entered.

Alderman Brown moved, seconded by Alderman Feichter, to authorize Attorney Bonfoey to enter a default on Wednesday, February 23, 2000, for Mr. Riley Inman regarding his failure to clean-up the debris from the property on Oakdale Road. The motion carried unanimously.

## Petition for Annexation - David C. Blevins - Haywood Oil Company - Asheville Road

A petition for voluntary satellite annexation has been received from Mr. David Blevins for the property where the Haywood Oil Company offices are located on the Asheville Road just north of Howell Mill Road. This property totals approximately 2.726 acres.

Mr. Blevins found out last week that he needed to connect this property to the Town's sewer system, and as required by the Sewer Use Ordinance, the contractor, Ron Leatherwood, was advised that a petition for annexation would be required. Although it is not required that the Board of Aldermen annex the property, the Sewer Use Ordinance requires that a request for sewer service from a property located outside of the corporate limits must be accompanied by a petition for annexation.

Alderman Brown said that Mr. Blevins called him regarding this matter. Alderman Brown said that he told Mr. Blevins that he did not think that the Town was doing satellite annexations at this time. Alderman Brown said that Mr. Blevins told him that he did not want to be annexed at this time, because he did not want the Town to have to provide police protection and other services, since this would be a satellite annexation. However, Mr. Blevins told him that he wanted to be treated like everyone else and would comply with the Town's regulations when the time comes as the Town grows in that direction.

There was discussion regarding the validity of a petition for annexation if the property owner who petitions for annexation sells the property. This is a concern for the Board, because if those property owners outside the corporate limits receive sewer services without being annexed, they don't have a desire to be annexed afterwards. Alderman Brown suggested the possibility of a document which restricts the property, obligating any future owner to comply with the annexation petition. Attorney Bonfoey said this may be a possibility.

Alderman Feichter moved, seconded by Alderman Moore, to instruct the Town Clerk to investigate the sufficiency of the petition. The motion carried unanimously. (Res. No. 5-2000)

## Request to Close Portion of Wall Street for Auction to be Held on March 31, April 1 & April 2, 2000

Mayor Foy said that Wilson and Terry Auction Company has requested to close a portion of Wall Street on the afternoon of Friday, March 31, all of April 1 and April 2, 2000. The firm intends to auction off the antiques of the estate of Ms. Nancy Dodd. Many of the items have been stored in the building beside Time Out Market Exxon on South Main Street. This building opens onto both Main and Wall Streets. Friday's auction is to be on the Main Street portion of the building and Saturday and Sunday, the auction will be on the Wall Street side of the building. The auction on Sunday will not begin until 1:00 p.m., due to the close proximity to the churches in downtown.

They have requested that the street be temporarily closed between Pigeon Street and the northeast corner of Ms. Dodd's building. This would allow ingress and egress to the Criminal Investigations Division and the lower levels of the Police and Fire Departments while the southern most portion of Wall Street is closed. Town Manager Galloway said it is requested that the street be closed beginning at 5:00 p.m. on Friday, March 31, until late in the evening on Sunday, April 2. With the

large amount of traffic using Wall Street in the late afternoons, Manager Galloway telephoned the auction company and asked if the time for closing Wall Street on Friday evening might be moved until 6:00 or 6:30 p.m. rather than 5:00 p.m. The firm has agreed to this time change. They have also agreed to provide an insurance certificate to cover the event.

Alderman Feichter moved, seconded by Alderman Caldwell, to grant the request by Wilson and Terry Auction Company to close the portion of Wall Street as requested, beginning at 6:30 p.m. on Friday, March 31 and ending late in the evening on Sunday, April 2, 2000. The motion carried unanimously.

#### Status of Outdoor Swimming Pool - Request by Representatives of Waynesville Swim Team

Debbie Davis, President of the Waynesville Swim Team, attended the meeting to speak to the Board regarding the closing of Waynesville's outdoor swimming pool. Ms. Davis said that the Waynesville Swim Team has 55 swimmers, ranging in age from five years to eighteen years. They are one of twelve teams belonging to the Mountain Swim Team. Ms. Davis said that Waynesville hosts an average of five meets per season and that the kick-off, involving 600 - 700 swimmers and their families, has been scheduled to be held in Waynesville in June 2000. This decision was made in September 1999, and was based upon action by the Board of Aldermen in August, 1999 to keep the swimming pool open for one additional season.

Ms. Davis said that she spoke with Recreation and Parks Director Mike Smith and was told that there was not enough room at the new Recreation Center to host the kick-off event in June. Ms. Davis also said that in the past, the Waynesville Swim Team has operated the concessions and that this is how they raise their money. She said at the new Recreation Center they would be unable to operate the concessions and would lose their money raising project. Ms. Davis added that Mike Smith could not confirm that the new Recreation Center could be completed by June.

Ms. Davis thanked the Board of Aldermen for their support during the past few years and urged the Board to work with the Waynesville Swim Team toward having a strong swim team for the children in this area and to keep the outdoor swimming pool open.

Mayor Foy said that the costs to operate the outdoor swimming pool were more than the Board of Aldermen could afford at this point. Estimates to repair the pool could be as much as \$400,000 and the leak in the pool has become worse, leaking up to 10,000 gallons per day. Town Manager Galloway added that the Board made the decision not to reopen the outdoor swimming pool when they received cost estimates to repair the pool. Those estimates were received this year and were not available when the Board voted last August to keep the swimming pool open for another season.

Tommy Parris, 49 Vance Street, said he read that the Board was considering a skateboard park and he asked if the Board would conduct a public hearing or notify adjacent property owners before turning the area of the outdoor swimming pool into a skateboard park. Town Manager Galloway said that if the Town develops this area into a skateboard park, property owners would be notified and the agenda for the Town's Board of Aldermen Meetings is posted at Town Hall and sent to the press.

Rick Lee of Lee Architectural said that he felt that the new recreation facility would be completed by June and that the facility was large enough to accommodate the swim meet.

Alderman Feichter said that she and Alderman Brown were elected to serve on this Board in November of 1999 and the first time they had seen cost estimates regarding the outdoor swimming pool was Friday, February 18, 1999. It was the consensus of the Board to request that the Town Manager speak with Recreation Director Mike Smith and that a decision be delayed on the matter until the Board has the opportunity to review the request as fairly as possible.

Closed Session to Discuss Legal Matter - Prime Contractor with Recreation Facility

Alderman Brown moved, seconded by Alderman Moore, to adjourn to closed session to discuss a legal matter involving a prime contractor with the Town's new recreation facility.

Mayor Foy moved, seconded by Alderman Brown, to return to regular session. Both motions carried unanimously.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:35 p.m. The motion carried unanimously.

---

Phyllis R. McClure  
Town Clerk

---

Henry B. Foy  
Mayor