

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
APRIL 25, 2000
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, April 25, 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 April 11, 2000

Alderman Feichter moved, seconded by Alderman Caldwell, to approve the minutes of the April 11, 2000 meeting with a correction on Page 4, Paragraph 3 to change the name of Alderman Clark to read Alderman Caldwell. The motion carried unanimously.

Public Hearing - Amendment to Section 154.176(B)

At the February Planning Board Meeting, there was discussion about the Town's Ordinance which requires that the Planning Board make recommendations to the Board of Aldermen within thirty-two days after a zoning text amendment is presented to the Planning Board. It is sometimes difficult for the Planning Board, Town Staff, Town Attorney and Board of Aldermen to thoroughly research those proposed amendments. The Planning Board recommended that Section 154.176(B) be amended to increase this time frame from thirty-two days to sixty-four days.

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

Alderman Brown moved, seconded by Alderman Feichter, to amend Section 154.176(B) as recommended by the Planning Board. The motion carried unanimously. (Ord. No. 6-00)

Public Hearing - Annexation - 64.462 Acres Located at Laurel Ridge Phase II South

At the meeting of March 28, the Board adopted a resolution to set the date for a public hearing regarding annexation of the 64.462 acres located at Laurel Ridge Phase II South for April 25.

Attorney Bonfoey opened the public hearing. The following persons spoke:

Mike Schoonover, owner of Lot #70 with Christine Regina, 10 Woody Lane, spoke in favor of the annexation. Mr. Schoonover said that he purchased this property and has lived at this address for one year and three months. During that time he has seen problems with the road and understood that there were also problems with the new water station. He said that some repairs were made to some portions of the road, with the exception of the Eagle Fork portion. Mr. Schoonover said that there was some erosion on portions of Woody Lane and at the fire hydrant at the intersection of Woody Lane and Glen Eagle. He said that he has spoken with Public Works Director Fred Baker, who indicated to him that the Town did not have a plan in place to complete the repair. Mr. Schoonover said that he was in favor

of the annexation, but he would like to see a plan of accountability to show who will be responsible for making any necessary repairs.

David Pope, Vice-President of Piedmont Golf Development Corporation (PGDC), said that there are problems with the road which will be corrected, that the deeds for both tank sites still need to be deeded to the Town and the 10,000 gallon water tank is to be completed. However, Mr. Pope said that he still needs to receive a punch list of items from the Town. Mr. Pope said that PGDC has worked hard for the past two years to take care of the residents in this area and that PGDC plans to take care of the road and satisfy the Town as well.

Jack Korber, 657 Woody Lane, said that there was a fire hydrant at the main water tank, but none past that point. Mr. Korber asked if there were plans to install fire hydrants further up the mountain, and if not, how the Fire Department plans to respond to possible fires.

Mr. Pope said that the water system for this area has been approved by the State. If adequate fire hydrants do not exist, Mr. Pope said that they will be installed.

Charles Hovis, 470 Woody Lane, said that his house was the second house built in this area and he was delighted to be this close to annexation. Mr. Hovis said that he has spoken with Fred Baker on several occasions and felt that he would require that the roads are brought "up to snuff" in this area.

No one else spoke. Attorney Bonfoey closed the public hearing.

Town Manager Galloway said that there are problems with the road and have been for quite some time. When some repairs were being made on Eagle Fork Road three to four years ago, some of these problems were pointed out to Mr. Bob Davis, who represented PGDC at that time. Manager Galloway said that the Town would not accept the roads until they meet the Town's specifications and the Town now requires compaction testing. Manager Galloway said that Robert Hyatt, Assistant Public Works Director, inspected the roads today and submitted a list with approximately ten items which need to be addressed.

David Pope said when he received a final punch list, PGDC will take care of those items. Mr. Pope added that PGDC would still be responsible for the roads in this area for twelve months after the Town accepts the roads.

Alderman Moore moved, seconded by Alderman Feichter, to adopt an ordinance annexing the 64.462 acres at Laurel Ridge Phase II south, effective June 1, 2000. The motion carried unanimously. (Ord. No. 7-00)

Public Hearing - Zoning of 64.462 Acres Located at Laurel Ridge Phase II South

At the meeting of March 28, it was explained that the 64.462 acres located at Laurel Ridge Phase II South was not a part of the Town's extraterritorial jurisdiction and was not zoned. During the Fall of 1999, when the Town first received the petitions for annexation, the Planning Board proceeded with the consideration of the proper zoning of this section and recommended that the property be zoned "R-1" Low Density Residential Zoning District if annexed.

Attorney Bonfoey opened the public hearing regarding the zoning of this property. No one spoke; Attorney Bonfoey closed the public hearing.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt an ordinance to zone the 64.462 acres located at Laurel Ridge Phase II South "R-1" Low Density Residential Zoning District. The motion carried unanimously. (Ord. No. 8-00)

Ms. Eleanor Dalton - Presentation of Proposal Concerning the Acquisition of the Instructional Materials Center

Ms. Eleanor Dalton, President of the Pigeon Community Development Club (PCDC), presented a proposal seeking assistance from the Town to help with the acquisition of the Instructional Materials Center located off of Pigeon Street. Ms. Dalton said that this proposal was presented to the Haywood County Board of Commissioners on April 3 and it was suggested by one of the Commissioners that they also come before the Waynesville Board of Aldermen to make a proposal.

Alderman Brown asked how the Club planned to approach the acquisition of the building financially. Ms. Dalton said that the Haywood County Board of Education plans to sell the facility for \$325,000, and at this time this amount does not fit into their budget. It is hoped that the Haywood County Board of Commissioners will purchase the building, lease it to their Club and in the future the Club hopes to eventually purchase the building from the Commissioners.

Alderman Brown asked if they had looked at the building to see exactly what they would be purchasing. Ms. Dalton said that one of the Commissioners, Wade Francis, said that the asbestos was removed and the building had a new tar roof. Alderman Brown asked about the Fines Creek School and if Ms. Dalton knew how it became a Community Center. Ms. Dalton said that she understood that the Fines Creek building was to be demolished, and this demolition was going to cost \$80,000. The Commissioners paid to have a new roof installed on the building then leased the building to the community development club for \$1 per year. Ms. Dalton added that this has now become one of the strongest community development clubs in Haywood County. However, Ms. Dalton said that the situation with the Instructional Materials Center and the Fines Creek School are entirely different issues.

Edward Moore, President of the PCDC, added that he understood that the old Maggie Valley School was to be sold for \$150,000 and that the money was donated for its purchase by a citizen. Mr. Moore said that the Instructional Materials Center building is needed in order to have a place for the young people, older people and young adults. This building is the last building of the black community used for school purposes and he would like to see it preserved for historic purposes. However, the purpose for this building is for the benefit of the entire community. Mr. Moore said that Evelyn Roberts will be the Youth Director for this Club. He said that Ms. Roberts was recently appointed to the Haywood County Recreation Advisory Commission, is a certified substance abuse counselor and a registered nurse by profession.

Mr. Moore said that their Club would like to purchase the entire 4.3 acres which goes with the building. Alderman Brown pointed out that some of the property is located in the flood zone.

Ms. Dalton said at the present time, the only things they have to depend on for community centers are churches and families, and that some people are not comfortable going to church. She said that not long ago there were no activities for the young people in this community to be involved in and they turned to other things. Ms. Dalton said the community wanted to turn this around and have good things. Their first fund raiser and "Community Fun Day" is planned for May 20. She said that the people in this community are strong and committed and even if they don't get this building, their Club will still survive. Ms. Dalton said that they appreciated any help that the Board of Aldermen could give them

to help acquire this building.

Mayor Foy said that this is a venture which won't happen overnight. He suggested that the Club talk with John McCracken with the Haywood County School System regarding maintenance of the building. Mr. Moore said that they have already obtained cost estimates for heating, electricity and taxes.

Attorney Bonfoey asked if the Club was incorporated. Ms. Dalton said that the Club is part of the many clubs under the Haywood County Board of Commissioners and that Haywood County Extension Agent Steve West oversees the Clubs. Ms. Dalton said that the Club was formed in February 2000, and they have a draft of their Bylaws which still need to be approved. She added that the Club is a State Community Development Club which is part of a State Organization.

Police Chief Bill Hollingsed attended the meeting, on behalf of KARE (Kids Advocacy Resource Effort). Chief Hollingsed said that KARE is in the process of trying to find a new facility, large enough for a "Children's Safety Village". He suggested that a partnership may be able to be formed between the Pigeon Community Development Club and KARE which could be conducive to the needs of both groups, and that they could share in the costs of the facility. Chief Hollingsed explained that the Children's Safety Village would have traffic and pedestrian safety, fire safety, along with other children's safety issues. The facility could be manned five days per week, since KARE's entire operation would be located in the facility.

Ed Moore said that the PCDC plans to meet on May 3 at 5:00 p.m. at the Jones Temple at the intersection of Thomas Park and Hillside Road. Mr. Moore suggested that if someone from KARE would like to speak with the Club about this proposal, he would be glad to place them on the agenda.

Chief Hollingsed said that they are in the process of applying for grant money, and he added that the chances of receiving grant money are increased when several aspects of the community can be brought in together.

Captain Sherman Cundiff with the Salvation Army said that he has been with the Salvation Army for approximately nine months now and agreed that this part of Waynesville does not have a lot of programs. He has been working with Linda Hyatt with the Haywood County School System regarding the possibility of some type of after school program to be located in the Salvation Army basement, however, space is limited. Mr. Cundiff said that the back part of the Salvation Army property joins the Instructional Materials property and he would like to see a soccer field and little league ball field in this area. Mr. Cundiff said that he would like to see the building purchased in order to have space for organizations such as the PCDC and also for programs for senior citizens, after school tutorial programs, Good Samaritan Clinic, Literacy Council, and an indoor gymnasium built at the back of the building. Mr. Cundiff said that he has met with Haywood County Manager Jack Horton and John McCracken with the Haywood County School System regarding this building and he would like for the Salvation Army to be a part of this.

No action was taken.

Approval of Items for Auction

Town Manager Galloway said that each year the Town of Waynesville holds an auction to dispose of a number of items which are no longer required by the Town's operation. For the past few years, this has been in conjunction with Haywood County's auction which seems to attract a larger group. This year the auction is planned for Saturday, May 6. Under State law, prior to disposing of certain materials

and equipment, the Town Board must declare them to be surplus and authorize the Town Manager or his designee to dispose of the items in a fair and equitable manner. In addition, Manager Galloway requested that he be authorized to pull items from the auction if it is found that some other department with the Town has a legitimate need for a particular item.

Alderman Moore moved, seconded by Alderman Feichter, to declare the list of items surplus and to authorize Town Manager Galloway to transfer items from one department to another prior to the auction on May 6. The motion carried unanimously.

Appointment to Alcoholic Beverage Control Board

Mayor Foy said that during the month of March, Mr. Bill Plott, a member of the Town's ABC Board, passed away. Mr. Plott was serving a term on the Board which was to run through August 15, 2000.

Alderman Caldwell moved, seconded by Alderman Feichter, to nominate John Summerow to fill the unexpired term of Bill Plott.

Alderman Brown moved, seconded by Alderman Moore, to nominate Jack Swanger to fill the unexpired term of Bill Plott.

The vote was three (3) (Caldwell, Feichter, Foy) in favor of John Summerow and two (2) (Brown, Moore) in favor of Jack Swanger.

Alderman Brown moved, seconded by Alderman Caldwell, to appoint John Summerow to fill the unexpired term of Bill Plott which expires August 15, 2000. The motion carried unanimously.

Selection Committee for Land Use Plan Consultant

During the Planning Retreat of the Board of Aldermen in February, 2000, the Board directed John Swift to prepare a Request for Proposal (RFP) package for a comprehensive land use plan. The RFP also requested a bid for the revision of Subdivision and Zoning Ordinances. Mr. Swift prepared the RFP packages and mailed them to eight (8) prospective consultants. On March 27, 2000, three very good proposals were submitted from Dr. Jerry Weitz, Benchmark Incorporated, and Land Design, Inc. Due to the scope and cost of the project, Mr. Swift requested assistance in choosing the best consultant.

Mayor Foy said that it is urgent that the Town proceed with this Land Use Study to fit in with Governor Hunt's Smart Growth Program. Mayor Foy said that he would like for the entire Board of Aldermen to serve on this committee, along with the following persons: Town Manager A. Lee Galloway, Planning Board Chairman Rex Feichter, Planning Board Member Emily Mashburn, D.C.A. Representative Jeff Fischbach, Public Works Director Fred Baker and Planning and Zoning Manager John Swift.

Alderman Brown moved, seconded by Alderman Moore, to appoint the ad hoc committee as recommended by Mayor Foy for the selection of the Land Use Planning Contract. The motion carried unanimously.

Rescind Previous Resolution Regarding Enterprize Park Taxes

Attorney Bonfoey said that the previous Board adopted a resolution on September 21, 1999 which instructed Town Staff not to issue any building permits for Enterprize Park until their taxes were paid.

Attorney Bonfoey reported that they have paid their 1998 taxes, however, they are currently appealing their 1999 tax assessment from Haywood County. Attorney Bonfoey said that technically the taxes which are being appealed cannot be collected and they are not due and payable until the appeal is adjudicated.

Town Manager Galloway said that Finance Director Eddie Caldwell will write a letter to Enterprize Park, advising them that interest continues to accrue on their unpaid taxes and if they pay the taxes now, after their appeal has been settled, any overpaid taxes will be refunded.

Alderman Brown moved, seconded by Alderman Feichter, to rescind the earlier resolution adopted on September 21, 1999. The motion carried unanimously.

Town Manager Galloway Report Regarding Budget and Summer Intern

Manager Galloway said that he and Finance Director Eddie Caldwell have spent a considerable amount of time on the Fiscal Year 2000 - 2001 Budget. The 22.5 million-dollar budget has now been cut to 19.5 million. Manager Galloway said that they hoped to have the document finished by next Thursday for distribution to the Board of Aldermen at their meeting on May 9. The Board can review the document and begin the process of conducting budget workshops, possibly the week of May 15.

Manager Galloway reported that a Senior Student from Western Carolina University will be working with the Town this summer, helping Fred Baker and John Swift. The intern is experienced in GIS and will help John Swift to gather information regarding the land use study on the Asheville Highway.

No action was necessary.

Asheville Highway (US Business 23) Project - Alderman Gavin Brown

Alderman Gavin Brown said that he understood from a reliable source that the plan for the Asheville Highway project is to remain as it was presented by Secretary Norris Tolson with NC Department of Transportation. No action was necessary, however, there was applause from the audience.

Adjournment

With no further business, Alderman Moore moved, seconded by Alderman Brown, to adjourn the meeting at 8:24 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor