

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
NOVEMBER 13, 2001  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, November 13, 2001. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell 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 October 23 and October 31, 2001

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the October 23, 2001 meeting as presented.

Alderman Brown moved, seconded by Alderman Caldwell to approve the minutes of the October 31, 2001 meeting as presented. Both motions carried unanimously.

Public Hearing - Request of Haywood County for Zoning Ordinance Amendment Section 154.033 - Governmental Facilities/Services in the I-1 Zoning District

The Haywood County Board of Commissioners recently placed an option to purchase the former site of the A. C. Lawrence Leather Company off of Hazelwood Avenue. It is their intention to construct the new court house and jail on this property. This property is zoned I-1, Heavy Commercial Zone. In the I-1 Zone, governmental facilities and services are not stated as a permitted use. The County Commissioners have applied for an amendment to the zoning ordinance so that governmental facilities and services would be listed as a permitted use in the I-1 Zone. The Planning Board reviewed this request at their meeting on October 15, 2001 and voted to recommend approval to the Board of Aldermen.

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

Haywood County Manager Jack Horton said he appreciated the Town's time and consideration on the County's request. Mr. Horton explained the County's original plan to renovate the Courthouse and build a parking lot on Main Street and build the law enforcement facility in the Hazelwood area. They came up with a design. However, there was a problem with not enough suitable property adjacent to the satellite jail and the cost for additional property was more than the County was willing to pay. They began to look at another property, the former A. C. Lawrence Leather Co. property located off of Hazelwood Avenue. The property originally consisted of 21 acres when it was operated as the tannery. It was later split into two properties with 8 acres owned by Giles Chemical Corporation and 13.578 acres owned by Hazelwood Investments (Tim Welch). The

County entered into an agreement with an option to purchase which expires Thursday, November 15, 2001. The Commissioners also voted to consider combining the Justice Center and Jail on this one piece of property. Mr. Horton said he has met with Waynesville's Zoning Manager John Swift, Town Manager Lee Galloway and Public Works Director Fred Baker to see what is required to allow governmental use in the I-1 zoning district. Mr. Horton said in most areas, governmental uses are allowed in the industrial zones and he was not sure why Waynesville did not. The Planning Board recently reviewed this request and recommended approval. Mr. Horton asked for the Board's favorable consideration of the County's request.

Carol James, 313 Depot Street, said she could appreciate the County's consideration of the property in Hazelwood for the new Justice Center which could improve the look and spur growth in the community. However, she opposed the granting of the variance requested by the County for this purpose and for several reasons. First she felt that the County's decision was premature in looking for a site for a new Justice Center because needs must drive this decision, not location, size or politics. Ms. James felt that although Haywood County has pressing needs in the District Court issues, the most pressing needs in this area are for jobs and she did not feel that the County was doing much to address this issue.

Ms. James said when industries look for sites they look for those which have infrastructure in place. This area is losing jobs and has a slowing economy. She said it is important to preserve the properties which have this infrastructure in place, to upgrade if needed and list those properties with the State of North Carolina so they can market them for industrial possibilities. Ms. James said the community leaders must look at the issues facing this community and that the new Justice Center is not critical at this time.

Attorney Burt Smith, Main Street, Waynesville, said that he was an investor on Main Street and attended the meeting to represent others who are heavily invested in Main Street in Waynesville. Attorney Smith said he has heard what the County has to say but it is difficult to tell what the intentions of the County really are. He felt that there was a need to pay attention to the orderly continued growth of Waynesville and by moving the Justice Center it was like the head being cut off and the feet being placed where the head was. Clients have asked him to report on what was said at tonight's meeting and that is why he asked that a court reporter be present at the meeting with him. Attorney Smith asked that this type of governmental use not be allowed in this zone as applied for.

Roscoe Wells, 220 Ridge Road, asked where this request fit in with the Land Use Plan that the Town is working on at this time. Mr. Wells said that he has spoken with the people in Hazelwood and they say Waynesville needs jobs, not a new Justice Center. Mr. Wells asked the Board to look at the long range plans of Waynesville.

No one else spoke; Attorney Bonfoey closed the public hearing. Mayor Foy said he was told that the Hazelwood property was not the only property being looked at by the County.

Jack Horton said the County has not made a final decision. They are looking at two facilities, the justice center and the law enforcement facility. This option to purchase this particular property runs through Thursday, November 14. The option to purchase contains two stipulations regarding the

property, 1) that the property pass the environmental testing and 2) that the property be zoned to allow governmental uses. Mountain Environmental is doing the testing on the property and they expect to receive the test results by Wednesday, November 14<sup>th</sup>. The County has not requested an extension of the option to purchase and is not sure if they could get an extension.

Alderman Brown moved, seconded by Mayor Foy, to table this matter until a report is received from Haywood County regarding the environmental tests being conducted on the property. The motion failed with two ayes (Brown/Foy) and two nays (Caldwell/Moore)

Town Manager Galloway asked Attorney Bonfoey if a motion could be made to approve the amendment subject to the receipt of satisfactory environmental test results. Attorney Bonfoey said this would not be possible.

County Manager Horton said he did not feel that this property could be considered a prime industrial site because it does not join the railroad tracks, 1/3 of the property is located in the flood plain and the price for the property is \$45,000 - \$55,000 per acre. He also felt that other industrial space was available such as the former Dayco Plant, Lea Industries, and the property where the fertilizer plant was located.

Alderman Caldwell moved, seconded by Alderman Moore, to approve the amendment to Section 154.033 to add governmental facilities/services as a permitted use in the I-1 zoning district. The motion failed with two ayes (Caldwell/Moore) and two nays (Brown/Foy).

Alderman Brown moved, seconded by Mayor Foy, to amend the original motion to read to table this matter until the meeting of December 11 at which time Alderman Feichter will be in attendance. The motion failed with two ayes (Brown/Foy) and two nays (Caldwell/Moore).

Alderman Moore said the Planning Board recommended approval of this request at their meeting on October 15. Alderman Moore added that this proposed property located off of Hazelwood Avenue has been vacant for the past ten (10) years and an industry has not been placed there yet. Dayco has been empty for the past six (6) years. Alderman Moore felt that there would not be any industry moving to this area unless Waynesville goes after industry themselves. Alderman Moore said he would not knock anyone out of using the land.

Haywood County Attorney Chip Killian said the County will either have the environmental reports and the extension of the contract to purchase or it won't.

County Manager Jack Horton said the County is trying to do what is in the best interest of the citizens of Haywood County. Mr. Horton said that the issue of the justice center continues to grow and divide this community and needed to be resolved.

Alderman Caldwell moved, seconded by Alderman Moore, to place the item on the agenda of November 27 meeting. The motion failed with two ayes (Caldwell/Moore) and two nays (Brown/Foy).

### Discussion Regarding Speed Limit on Commerce Street - Frog Level Area

The Police Department has conducted a study of traffic issues in the Frog Level area of Waynesville. At the present time, the speed limit on Commerce Street is not posted, and under North Carolina law, if not posted, it is set at 35 miles per hour. With the heavy amount of foot traffic and the commercial nature of the area, the Police Department recommends that the Commerce Street speed limit be set at 20 miles per hour, the same as on Depot and Smathers Street.

Carol James also felt that the speed limit along Dellwood Road to its intersection with Depot Street should be lowered. It was the consensus of the Board to instruct Town Manager Galloway to have the Police Department study the area along Dellwood Road from its intersection with Depot Street to the stop light at its intersection with Russ Avenue.

Alderman Moore moved, seconded by Alderman Brown, to reduce the speed limit on Commerce Street to twenty (20) miles per hour. The motion carried unanimously. (Ord. No. 28-01)

### Discussion Regarding Speed Limit - Mountain View Drive Area

After receiving complaints about speeding, the Police Department conducted a study of the Blink Bonny neighborhood. The speed limit is presently 35 miles per hour on all streets in the area, and it is the opinion of the Department that with many hidden driveways and numerous children in the area, a lower speed limit is desirable. Patrol Officer David Jones conducted a telephone survey of a number of residents in the area, and they were unanimous in support of lowering the speed limit.

It is the recommendation of the Police Department that the speed limit be posted at 25 miles per hour on Blink Bonny Drive, Timothy Lane, Mountain View Drive, Sloan Drive and Pine Drive. Manager Galloway recommended that Ethel Lane, a short, dead-end street leading off Mountain View Drive be added to the list.

Alderman Brown moved, seconded by Alderman Caldwell, to reduce the speed limit on Blink Bonny Drive, Timothy Lane, Mountain View Drive, Sloan Drive, Pine Drive and Ethel Lane to twenty-five (25) miles per hour. The motion carried unanimously. (Ord. No. 29-01)

### Agreement With Department of Transportation & Haywood County Regarding Sidewalk Construction Along U.S. 23 - Asheville Road

In developing plans for the construction of the Asheville Road, the NC Department of Transportation agreed to include sidewalks along the west side of the reconstructed road. In projects of this nature, the DOT will contribute 80% of the cost of the sidewalks, and local governments must pledge 20% of the cost.

In 1997, when the request for sidewalks was first submitted to DOT, the Haywood County Commissioners expressed their support for sharing in the expense of these sidewalks. Town Manager Galloway has approached the present County Commissioners, and they have also indicated

that they will share in these costs. At present, it is estimated that the cost of the sidewalk between Marshall Street and Howell Mill Road will be approximately \$125,181. Of that amount, the Town and County would contribute \$25,036 or \$12,518 each as their 20% match. In addition, the agreement with the DOT calls for the Town to pledge to maintain the sidewalks between Marshall Street and Howell Mill Road.

At the present time, this area is located outside of the corporate limits, and Manager Galloway has consulted with Town Attorney Mike Bonfoey to be sure that the Town could be financially involved in this project. Mr. Bonfoey has indicated that since this is part of a Public Transportation System, a Recreational Greenway Walking Project, the State statutes did permit the Town to participate.

When an application was being made to the DOT for a Transportation 21 Enhancement Grant for a greenway between Lake Junaluska and downtown Waynesville, the Town included a branch sidewalk along Howell Mill Road between the Asheville Road and Blue Ridge Paper. This will create a loop for those who wish to connect their walking route from the Vance Street Park out North Main Street and the Asheville Road, to Howell Mill Road and back to the Vance Street Park. It will be considered a walking/exercise path under the auspices of the Recreation Department.

In addition to the sidewalks between Marshall Street and Howell Mill Road, there is another sidewalk addressed in the agreement with the DOT. In the Town's Enhancement Grant, the Town has proposed that the sidewalk be extended between Howell Mill Road the Industrial Park Drive at the High Tech Center. The DOT has agreed to include this in the U.S. Route 23 project, and they will provide 80% of the estimated cost of \$38,340. Haywood County would be obligated for the 20% portion of \$7,668; however, it was planned that those funds would come from the Enhancement Grant and not from the County funds. Mr. Galloway received a telephone call on Friday, November 9 which indicated that there could be a problem with the Enhancement Grant paying for a portion of the \$7,688. This could be because by doing so, State money would be matched with State money and this may not be possible.

Manager Galloway said the Haywood County Commissioners have not formally approved the agreement, but he attended their meeting when this was discussed and sensed that they did agree.

Mib Medford, a member of the Richland Creek Greenway Committee, said it is important to include this portion of the sidewalk now because when Highway 23 is widened, a retaining wall will need to be constructed at the railroad tracks.

Alderman Brown moved, seconded by Alderman Caldwell, to approve the agreement with the NC Department of Transportation regarding sidewalk construction along US 23 - Asheville Road, and that the Town pay the \$7,668 if Haywood County does not pay one-half and if the grant money cannot be used for this purpose. The motion carried unanimously. (Cont. No.17-01)

#### Community Development Block Grant Plan to Further Fair Housing

All recipients of Community Development Block Grants must have a plan in place to further fair housing for the citizens of their community. The plan proposed for the Town of Waynesville as

developed by Town Staff was presented to the Board for their review. This plan is essentially the same as in prior grant periods, with changes in the list of the Citizens Participation Committee to reflect the new appointments which the Board recently made.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the Community Development Block Grant Plan as presented. The motion carried unanimously.

#### Board of Adjustment Members

Ms. Joan Lesueur recently submitted her resignation from the Board of Adjustment, since she and her husband Alexander have moved to Lexington, Kentucky. At the present time, there are three vacancies on this Board, and being short several members often creates difficulties in scheduling meetings.

The Town is in need of one regular member from inside the corporate limits and one regular and one alternate member from the extraterritorial area. The alternate members may attend all meetings of the Board of Adjustment, but they serve as substitutes to the regular members and only vote on issues when the regular members are absent or unable to vote.

Town Manager Galloway asked Board Members to consider individuals inside the corporate limits and within the extraterritorial jurisdiction who might be suited to fill these positions.

#### Ron Fleenor - Frog Level Area

Ron Fleenor attended the meeting to discuss some concerns regarding the Frog Level area. Mr. Fleenor presented a picture with one Christmas decoration on one of the utility poles in Frog Level. He asked if the Town intended to hang any more. Town Manager Galloway said that the Town's Electric Department is in the process of installing the Christmas decorations in Waynesville. Three new decorations were ordered for the Frog Level area. No action was necessary.

#### Report by Attorney Bonfoey Regarding Water Shed Property Acquisition

Attorney Bonfoey reported that the owners of the remaining water shed property have agreed to settle for \$642,855. This averages \$1,500 per acre for the remaining 428.57 acres. During the condemnation process, the Town has already paid \$228,000 into the Court System for this property. This leaves \$415,855 to be paid. Town Manager Galloway said the Town has received grants to reimburse the \$228,000 which has already been paid and the Town currently has \$1,041,000 available in unappropriated cash in the water fund.

Alderman Moore moved, seconded by Alderman Brown, to approve the additional \$434,855, making a total of \$642,855, to purchase the remaining 428.57 acres of property in Waynesville's watershed. The motion carried unanimously.

Town Manager Galloway said he has been working with the Conservation Trust of North Carolina regarding a conservation easement for the watershed property. The Board has expressed some

concerns with the easement being so restrictive. Mr. Galloway has spoken with Charles Rowe and he is currently working on a draft document for the Town to review. He has indicated that he will try to incorporate best management practices which allow professional foresters to perform certain types of timber cutting on the water shed property.

#### Upcoming Land Use Planning Meetings

Town Manager Galloway said that he met with Benchmark today to discuss and to determine the status of the Land Use Study and come to an agreement with timetables for this process. The Final Land Use Plan will be presented the week after Thanksgiving, on November 29. The Committee will meet again on December 17<sup>th</sup>. Phase II will include discussion regarding further consideration of the concept of neighborhood zones at a meeting in December. Manager Galloway added that Cornelius and Greensboro have areas which contain neighborhood zoning. The Plan will then be presented to the Planning Board in January and the Town Board will conduct a special meeting in February.

Mayor Foy expressed concern that some Committee Members may be losing interest because the Town is required to come up with ideas rather than Benchmark. Alderman Brown pointed out that the plan needs to be something that everyone is satisfied with.

#### Adjournment

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

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor