

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
MARCH 23, 2004
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, March 23, 2004. 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 Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of March 9, 2004

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minutes of the March 9, 2004 meeting as presented. The motion carried unanimously.

Jeffrey Willett - NC Chapter of American Planning Association

Mr. Jeffrey Willett with the Division of Community Assistance in Asheville and who serves on the Executive Committee of the N. C. Chapter of the American Planning Association attended the meeting to present the Smart Growth Award to the Town of Waynesville for their unique land development standards. Mr. Willett said he has seen many zoning ordinances, but the Town of Waynesville was at "the top of the heap" in putting design and people first. Mr. Willett said the Town of Waynesville has done a great job and he could not say enough good things about this ordinance.

The award was accepted by the Board. Mayor Foy said without this very "cohesive" Board the Land Development Standards could not have been done, adding that Waynesville still has a lot of work to do to implement these standards.

American Legion - Request to Dig Ramps on the Watershed

Carroll Smathers, on behalf of The American Legion, thanked the Board for their cooperation and support of the American Legion in the past. He asked permission to dig ramps on the watershed the last week in April for the upcoming Ramp Convention. He also asked permission for some Boy Scouts to join them this year so they could be involved in digging the ramps for a couple of days. He added that they have insurance to cover this and it will count as a field trip for the Boy Scouts.

Alderman Brown moved, seconded by Alderman Feichter, to allow the American Legion to enter the watershed to dig ramps. The motion carried unanimously.

Alderman Feichter asked if the ramps are continuing to flourish. Mr. Smathers said when they gather ramps they are pulled up in a way so they will continue their growth. They felt that it was important to involve the Boy Scouts so they could pass this along to them. The Board said they were

glad this information is being passed along to the Boy Scouts. Mr. Smathers added that they will leave the area like they found it and thanked the Board for allowing them to dig the ramps.

Public Hearing - Annexation of Buck Ridge Development

Attorney Griffin opened the public hearing. The following persons spoke.

Garnell Day, 110 Wing Haven Heights, Waynesville said he is the President of the Hawk's Crest Association and would like to know how this annexation would affect their development. The issue of annexation for their area was discussed in 1999 and at that time some of the residents were in favor and others were not.

Attorney Griffin said the only area being considered for annexation at this time is the area being requested by Buck Ridge Development.

Alderman Brown moved, seconded by Alderman Caldwell, to annex the 29.3 acre tract located off U.S. Route 276 as requested by Buck Ridge Development. The motion carried unanimously. (Ord. No. 6-04)

Folkmoot Request for Funding

Linda Manes, this year's Folkmoot President, expressed appreciation for the Board's consideration of their funding request. She introduced the other Folkmoot representatives present at the meeting.

Jackie Bolden, Folkmoot Director explained how their new location is being used as a meeting place for other groups, some at no cost and some at a recovery cost. She feels it has been working very well for them, with adequate room, etc., but coming up with funds has been very difficult. Jackie Bolden said the only area not being used in the former Hazelwood School is the old auditorium and this is because they did not have enough funds for renovation. This will be Folkmoot's 21st year. A documentary on Folkmoot was recently televised on Public TV and Folkmoot has been working with the same gentleman who did the documentary regarding a future documentary. They hope to have another type of Folkmoot Celebration beginning in September 2005 which would include music, dance and crafts involving Native Americans.

George Escaravage, Past President and this year's Capital Campaign Chairman, explained that Folkmoot's capital campaign goal is one million dollars. They hope to receive 3/4 of this goal from local governments and are requesting appropriations of one hundred fifty-thousand dollars (\$150,000) from the Town of Waynesville, to be funded over a three-year period beginning with the 2004-2005 fiscal year. They recently made a presentation to the Haywood County Commissioners for funding from Haywood County. A \$10,000 pledge was recently received from Rotary.

Mr. Escaravage said Folkmoot has a valuable impact on this area, bringing 30,000 people to downtown Waynesville area with a parade and International Festival Day. He asked that the Board review this request with a "business sense", considering the economic impact Folkmoot has on this area and how vital it is to the community.

Alderman Moore said Folkmoot has done a lot of work on the former Hazelwood School and it looks good. Alderman Feichter said she taught at this school and when the new school was built she was concerned that the old school would turn into a derelict building. She is very proud of the work Folkmoot has been doing. Mayor Foy said Folkmoot is certainly doing some exciting things.

Mr. Escaravage said once appropriations have been made by local governments, they intend to go to the community at large to get help from them.

Flora McDonald Gammon, one of the Folkmoot Board Members said all their board members live and shop in Waynesville and Haywood County. They see people every day who are interested in Folkmoot. Folkmoot does so much educationally, reaching everyone in Haywood County with the parade, International Day, and performances for the public, in the school system, nursing homes, etc.

Board Members expressed appreciation for the efforts of Folkmoot and thanked them for coming to the meeting. Their funding request will be considered during the budget process. Alderman Caldwell, on behalf of the ARC, thanked Folkmoot for bringing their performances to the group homes. No action was taken.

American Tower Company Location Site

Town Manager Galloway said several years ago, the Town entered an agreement with American Tower to allow the location of their monopole cell tower and related equipment on sites the Town owns in Shingle Cove and on Reservoir Drive. Both towers are adjacent to water reservoirs of the Town. When the agreement was negotiated, it was the opinion of the Board then in office that it would be better to have a few taller towers at higher elevations than a multitude of shorter towers spread across town. There was also a requirement in the cell tower ordinance that cellular telephone companies make efforts to locate on the same towers rather than have separate towers.

American Tower has now approached the Town seeking the addition of some equipment on the tower they own on Reservoir Drive. Two new companies wish to locate on the tower at this site. There is room for a fifth company's antenna within the monopole, but not a sixth company's antenna, but a small antenna could be placed on the outside of the pole. The wiring would need to be located on the outside portion of the pole; however, to make it less conspicuous, the wires would be painted to match the existing pole. American Tower has submitted a drawing of what the tower would look like with the addition of the equipment from two companies.

In the near future, the Town will begin construction of a new water reservoir on this tract of land. Because of space limitations, the Town cannot give up additional land to American Tower for the equipment cabinets of the two new companies. The company is asking that they be allowed to stack the electrical cabinets on the site.

Mayor Foy said the Town currently leases two sites for cellular towers at \$1,000 per month each and beginning this year will receive a 15% increase for the next five years.

Liz Hill, representing American Towers, attended the meeting to answer questions. She said the site will still be a flagpole monopole design if two additional carriers are added. One of the carriers will

be located on the outside portion of the pole and painted to match the pole.

Attorney Griffin said he feels the request is not an issue involving the lease, but rather a modification of the permit which was issued. Manager Galloway said Planning and Zoning Manager John Swift indicated that the lease only allows five carriers, and the additional one will need to be renegotiated into the contract. The Board said they did not have any problems with the appearance of the pole

Ms. Hill said she will have the contract negotiator for American Tower contact Manager Galloway. No action was taken.

Downtown Waynesville Association Request for Street Closings - 2004

Downtown Waynesville Association has requested several street closings for various events during 2004. They are as follows:

June 25, July 9 & 23 and August 6 - Friday Night Street Dances 5:30 p.m. until 9:30 p.m.

July 16 - Folkmoot Parade

July 24 - International Festival Day

October 9 - Church Street Art & Craft Show

October 16 - Haywood County Apple Harvest Festival

November 29 - Waynesville Christmas Parade

Alderman Moore moved, seconded by Alderman Feichter, to approve the street closings for 2004 as requested by the Downtown Waynesville Association. The motion carried unanimously.

Grant Application Approval North Carolina Department of Transportation Pedestrian Planning

Manager Galloway said in one of his last projects, recently resigned planner Paul Benson prepared an application to the North Carolina Department of Transportation for Bicycle and Pedestrian Planning Grant Funds. The amount of the project is \$15,000, with the grant application seeking \$12,000 and the Town providing \$3,000. Under this application, a firm would be hired to do the following:

1. Map the Town's existing sidewalks.
2. Identify pedestrian centers such as community centers, schools, parks, churches, high density housing, etc.
3. Based upon this information in 1 and 2, identify areas where new connections and pedestrian facility improvements are needed.
4. With the help of a steering committee, the plan could prioritize the needed improvements and serve as a basis for budgeting town funds and for seeking outside funding assistance for greenways, sidewalks and other pedestrian facilities.

During the last few years, the Town has dramatically increased the amount of money which is budgeted for sidewalk construction. With encouragement from people like National Walkable Communities Advocate Dan Burden and various people in the community, the Town has tried to interconnect existing sidewalks. It is felt that it is time to have an outside resource to take a look at the Town's layout of existing sidewalks and determine how to get the most in terms of constructing

the most needed and desired sidewalk links.

Alderman Brown moved, seconded by Alderman Feichter, to approve the grant application and pledge the matching funds of \$3,000. The motion carried unanimously.

Mayor Foy said it would be helpful to contact Dan Burden or someone who could draw Russ Avenue as the Town would like to see it. This would mean a lot to the Town as well as the property owners.

Alderman Feichter said there is a fund through NC Department of Transportation to retro fit rather than redesign or reconstruct. If the Town is ready, we will be that much further ahead.

Proposal of ADW Architects, p.a. Facilities Study

Manager Galloway said several months ago, the Board asked him to secure a proposal from a firm to prepare a facilities study for the town. This recommendation came about when Alderman Moore noted the difficult, overcrowded conditions under which the Police Department was attempting to operate. This led to a discussion about the challenges for the Fire Department in accessing and exiting the main station when there is so much vehicular traffic on Main Street. It was then concluded that a firm should be hired to make an assessment of the Town's operations, develop a Space Needs Assessment and determine if the Town might make better use of its existing facilities.

Manager Galloway contacted the N. C. League of Municipalities and other managers in North Carolina seeking names of firms which specialized in these type studies. ADW Architects of Charlotte was given high recommendations from other managers.

Manager Galloway met with Jim Powell of ADW Architects. His firm has offered to do a Space Needs Study for the Police, Fire, Public Works and Town Hall at a cost of \$6,500. In addition, his firm proposes to do a Space Relocation Study, giving the Board a variety of possibilities for each department as it relates to their space needs. The cost of the Space Relocation Study would be a fee which would not exceed \$10,000. In addition, there would be associated costs for the firm which the Town would reimburse, but these would not exceed \$1,500.

Manager Galloway recommended that the Board accept the proposal of ADW Architects, and that the firm be asked to proceed with both of these studies as soon as their schedule permits. The space needs study should take approximately seven to ten weeks to complete, and the Space Relocation Study should take two to three months. Allowing some time between studies, the work should be completed within eight months.

Alderman Brown moved, seconded by Alderman Feichter, to accept the proposal from ADW Architects as outlined in their letter of March 17, 2004, for the Space Needs Study (\$6,500) and Space Relocation Study (\$10,000), plus associated costs not to exceed \$1,500. The motion carried unanimously. (Cont. No. 1-04)

Greenway Council

Manager Galloway said Ms. Claire Stewart, Recreation Director for Haywood County, contacted the

Town about the formation of a Greenway Council. This relates back to the County's decision to become involved in the greenway development throughout the county and to attempt to get these interconnected. The County has hired a Greenway Coordinator, Tony Sexton, and Tim Plowman has been meeting with him to attempt to resolve some difficult issues with the Waynesville Greenway between Lake Junaluska and the Town's Park.

Ms. Stewart has asked that the Town appoint a representative to serve on the Greenway Council. This could be either an elected official or a town employee. Ms. Stewart indicates that the group would likely meet on a monthly basis, with the first meeting to be held in May. Manager Galloway asked if any of the Board Members would like to be appointed to the Council, and if not, he recommended that Tim Plowman be named as the Town's representative.

Alderman Caldwell moved, seconded by Alderman Moore, to appoint Tim Plowman as the Town's representative on the Greenway Council. The motion carried unanimously.

Settlement of Law Suit - Mack Sparks vs Town of Waynesville

A few years ago, the Town made improvements to Country Club Drive where it intersects with Breezemont Drive and Brad Street. To improve safety for motorists and to enhance visibility, the Town cut down the peak of the hill on Country Club Drive and constructed sidewalks along the street. In doing so, the Town inadvertently entered upon lands owned by Mr. Mack Sparks and some of these improvements were actually on his property.

Mr. Sparks filed a law suit against the Town over what was alleged to be a "taking" by the Town. In a previous court decision, Judge Downs ruled that there was in fact a "taking" by the Town. As a result of this, there have been efforts to settle the case by finding a figure to which both parties could agree. The figure of \$23,750 has been found to be acceptable to Mr. Sparks, and it is recommended that the Board approve a settlement in that amount.

Alderman Brown moved, seconded by Alderman Feichter, to authorize \$23,750 be appropriated to settle the case of Sparks vs Town of Waynesville. The motion carried unanimously.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Moore, to adjourn the meeting at 8:08 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor