

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
MAY 13, 1997  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, May 13, 1997. Members present were Mayor Pro Tem Gary Caldwell, Aldermen Earl Clark, Kenneth Moore and James Williamson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Michael Bonfoey. Mayor Pro Tem Gary Caldwell called the meeting to order at 7:00 p.m.

Approval of Minutes

Alderman Williamson moved, seconded by Alderman Clark, to approve the minutes of the April 22, 1997 meeting as presented. The motion carried unanimously.

Public Hearing - Amendment to Sect. 154.006, 154.117.1 and 154.033 - Large Child Day Care Home

Donnie and Jerri Griffith, 201 Assembly Street, have requested that the Town amend sections of the Zoning Ordinance which would permit a Large Child Day Care Home as a conditional use in the R-2 zoning district. Attorney Bonfoey opened the public hearing; the following persons spoke:

Donnie Griffith, said that he had met all the requirements by the Health Department, Fire Department and the State of North Carolina for this day care center. Mr. Griffith said that he and his wife have operated this day care business in their home for the past three (3) years, but did not know that this use was not allowed in the R-2 zoning district. He said they were able to obtain all their permits from the state and were requesting the amendments to the Town's Zoning Ordinance in order to continue the operation of their day care center.

The Planning Board reviewed this request and has recommended the following amendments:

**I. Amend Section 154.006 to add the following:**

Large Child Day Care Home. A day care facility which is authorized to routinely provide care to a maximum of twelve (12) children when any child present is pre-school-aged or school-aged.

**II. Amend Section 154.033 District Use Regulations to add the following:**

	<u>Zoning Districts</u>									
<u>Use</u>	R-1	R-5	R-2	R-4	R-3	C-1	C-2	C-3	C-4	I-1 I-2
Large Child Day Care Homes	C		C	C	C					

**III. Add the following section to Chapter 154.**

154.117.1 Large Child Day Care Homes

Large Child Day Care Homes may be permitted as a conditional use in the R-1, R-2, R-3 and R-4 zoning districts, provided the following requirements are met:

- (A) Large Child Day Care Homes shall provide services for no more than twelve (12) children.
- (B) Large Child Day Care Homes shall be licensed by the North Carolina Division of Child Development.
- (C) All day care homes shall comply with all building code and fire safety code requirements. A letter of compliance shall be submitted to the Board of Adjustment.
- (D) The Board of Adjustment shall receive written notice from the Haywood County Health Department regarding compliance with North Carolina health codes for day care homes.
- (E) The parking requirements of Section 154.060 for Day Nursery & Private Kindergartens shall be met.
- (F) Signage shall comply with Section 154.083.
- (G) Day care homes shall provide an outdoor recreational area of at least 25 square feet per child and the area shall be surrounded by a sturdy fence at least four feet in height.
- (H) The Board of Adjustment may require a densely planted vegetative buffer as necessary to protect adjacent properties.

Alderman Clark moved, seconded by Alderman Williamson, to approve the amendments as recommended by the Planning Board. The motion carried unanimously. (Ord. No. 17-97)

#### Public Hearings - Annexations

##### Ken Stahl - Property Located Next to US 23/74 Bypass

This property is located next to the US 23/74 Bypass, on Phillips Road just south of the K-Mart Shopping Center. The Town Clerk has investigated the sufficiency of the petition for annexation and found everything to be in order. Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing.

Alderman Williamson moved, seconded by Alderman Moore, to annex the property, as requested by Ken Stahl, effective 05-13-97. The motion carried unanimously. (Ord. No. 18-97)

##### Jimmy and Virginia Farmer - Property off Greenview Drive

This property is located off Greenview Drive and makes up the right-of-way of Cliff Drive. The right-of-way is needed to connect to Emil Massaro's 14 acre tract which was recently annexed. The Town Clerk has investigated the sufficiency of the petition for annexation and found everything to be in order. Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing.

Alderman Williamson moved, seconded by Alderman Moore, to annex the property, as requested by Jimmy and Virginia Farmer effective 05-13-97. The motion carried unanimously. (Ord. No. 18-97)

##### Eugene and Margot Harpe - Property off Greenview Drive

This property is located off Greenview Drive and makes up the right-of-way of Cliff Drive. The right-of-way is needed to connect to Emil Massaro's 14 acre tract which was recently annexed. The Town Clerk has investigated the petition for annexation and found everything to be in order. Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing.

Alderman Williamson moved, seconded by Alderman Moore, to annex the property, as requested by Eugene and Margot Harpe, effective 05-13-97. The motion carried unanimously. (Ord. No. 19-97)

#### Sherry M. Young - Property off Greenview Drive

This property is located off Greenview Drive and makes up the right-of-way of Cliff Drive. The right-of-way is needed to connect to Emil Massaro's 14 acre tract which was recently annexed. The Town Clerk has investigated the petition for annexation and found everything to be in order. Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing.

Alderman Moore moved, seconded by Alderman Williamson, to annex the property, as requested by Sherry M. Young, effective 05-13-97. The motion carried unanimously. (Ord. No. 20-97)

#### Amendment to Section 154.034 - Canopies

A public hearing was held on April 8, 1997, regarding an amendment requested by Mr. Tom Morgan which concerns setback requirements for canopies. The amendment is as follows:

“Front yard setbacks for canopies shall be measured from the support structures closest to a public street or road provided the canopy cover does not extend toward the street more than fifteen (15) feet from the base of the canopy support. This requirement applies only to properties in commercial and industrial zoning districts”.

At their meeting of March 17, 1997, the Planning Board reviewed this amendment and recommended that this change should only apply to properties in commercial and industrial zoning districts.

Town Manager Galloway said that at the present time the Town's ordinance has a maximum height requirement of 35 feet, but does not state a minimum height requirement. Manager Galloway advised that if the Board wishes to have a minimum height, they could request that the Planning Board review the matter.

Alderman Clark moved, seconded by Alderman Williamson, to approve the amendment as recommended by the Planning Board, and ask that the Planning Board review a minimum height requirement for canopies. The motion carried unanimously. (Ord. No. 21-97)

#### Mr. Richard Metzkie - North Scenic Circle - Concerns Regarding Water and Roads

Mr. Richard Metzkie, a resident of North Scenic Circle, said that he had spent the past three (3) years dealing with an inadequate water system. Mr. Metzkie said the 10,000 gallon tank currently being

used is inadequate for this area, and that the water system needed to be resolved. Mr. Metzkie said that the residents in this area have also experienced problems due to damaged roads. This damage is occurring because of the large trucks which travel the roads for construction purposes.

Mayor Pro Tem Caldwell told Mr. Metzkie that the Town was currently in the process of negotiating with Laurel Ridge to find a site to locate a new water tank which would hold 80,000 - 100,000 gallons of water. Town Manager Galloway said the Town had planned to locate the new water tank on property owned by Mr. Eubanks who lives in Alabama; however, a telephone call received last week from Mr. Eubanks indicated that the Town would not be able to place the new water tank on this site. The Town is looking at another possible site for placement of the water tank. Manager Galloway also said that the areas of roadway on Scenic Circle (above the pond) and Eagle Fork Road were both scheduled to be paved.

Mayor Pro Tem Caldwell expressed appreciation to Mr. Metzkie for bringing the items of concern to the attention of the Board.

#### Ordinances Directing the Building Inspector to Remove or Demolish Property

##### Thomas Sinkford Property - Corner of Belleview and Craven Road

An abandoned mobile home is located on a tract of land located at the corner of Belleview and Craven Road. The mobile home is vacant, has been broken into and vandalized, and has been opened to people and weather. Despite repeated efforts, the Code Enforcement Officers have been unable to contact the owner of the property and the taxes on the property are unpaid. All of the legal requirements for efforts of notification have been fulfilled and the Board may authorize the removal or demolition of the mobile home by adoption of an ordinance. All costs associated with the demolition will be assessed against the property and a lien will be filed to assure collection of the costs.

Alderman Williamson moved, seconded by Alderman Clark, to adopt an ordinance to demolish the property. The motion carried unanimously. (Ord. No. 22-97)

##### Charles Turner - Rogers Road

A burned out house is located just outside the corporate limits off of Allens Creek Road. The house burned several years ago and the former owners are deceased. The heirs seem to have no interest in the property. All the necessary hearings have been held and the heirs have been notified. Since they have taken no action to repair or demolish the structure, the Code Enforcement Officers have requested that the Board adopt an ordinance which authorizes the Town to remove or demolish the structure. All costs associated with the demolition will be assessed against the property and a lien will be filed to assure collection of the costs.

Alderman Moore moved, seconded by Alderman Williamson, to adopt an ordinance to demolish the property. The motion carried unanimously. (Ord. No. 23-97)

#### Reappointment of Planning Board and Board of Adjustment Members

Town Manager Galloway said there are several members of the Planning Board and Board of Adjustment whose terms expire on May 31, 1997. Zoning Director/Planning Officer John Swift has contacted each of these individuals. They are as follows:

**Planning Board** - Lee Bouknight and Linda Howell are both willing to serve another three year term. Earl Mashburn has declined reappointment.

**Board of Adjustment** - Mike Erwin, Ken Stahl, York Painter and Boyd Medford are all willing to serve another three year term.

Alderman Moore moved, seconded by Alderman Williamson, to recommend to the Haywood County Commissioners that Nancy Francis be appointed to serve a three year term on the Planning Board to fill the vacancy created by Earl Mashburn. The three year term will expire May 31, 2000. The motion carried unanimously.

Alderman Moore moved, seconded by Alderman Williamson, to reappoint Lee Bouknight to the Planning Board to serve another three year term to expire May 31, 2000. The motion carried unanimously.

Alderman Moore moved, seconded by Alderman Williamson, to recommend to the Haywood County Commissioners the reappointment of Linda Howell to serve another three year term to expire May 31, 2000. The motion carried unanimously.

Alderman Williamson moved, seconded by Alderman Clark, to reappoint the following members to the Board of Adjustment to serve another three year term to expire May 31, 2000: Mike Erwin and Ken Stahl. The motion carried unanimously.

Alderman Williamson moved, seconded by Alderman Clark, to recommend to the Haywood County Commissioners the reappointment of York Painter and Boyd Medford to the Board of Adjustment to serve another three year term to expire May 31, 2000. The motion carried unanimously.

#### Resolution Regarding Citizen Participation Plan for Community Development Block Grant Programs

Town Manager Galloway explained that when the Town received the 1995 grant for the Community Development Block Grant Program, a plan for citizen participation in the public input process should have been adopted. Under this plan, the Board agrees to hold public hearings on any amendments to the grant after it is approved. Finally, the Board would agree to hold a public hearing at the conclusion of the grant to assess the performance of the program.

Although this citizen participation plan was not formally adopted, the Board has been following this procedure throughout the Community Development Block Grant Program. There has only been one amendment when a home was in poor condition and was replaced by a doublewide mobile home. The Board should officially adopt this plan.

Alderman Moore moved, seconded by Alderman Williamson, to adopt the Citizen Participation Plan

for Community Development Block Grant Programs as presented. The motion carried unanimously.

#### Minor Subdivision Plat - Stan Greenberg - Dayco Parking Lot

Town Manager Galloway said the Town has received a request from Stan Greenberg for a minor subdivision on a 1.38 acre lot on Hyatt Creek Road. At the present time, this lot serves as a parking area for Dayco employees, and it is owned by Dayco Products, Inc. Mr. Greenberg is a real estate agent who represents the owners of property north of this parking area, and he was attempting to secure the 1.38 acre tract from Dayco to assure that the property owner would not be blocked from access to Hyatt Creek Road. The plat meets or exceeds Town standards and Town staff recommends approval of the minor subdivision.

Alderman Clark moved, seconded by Alderman Williamson, to approve the minor subdivision. The motion carried unanimously.

#### Roof at Public Works Facility

Finance Officer Eddie Caldwell said two years ago, the Board authorized \$40,000 in the budget of the Public Works Fund for the repairs of the roof at the Public Works building. The original plan was to replace the metal plates around the edges of the building; however, it was discovered that the manufacturer of those plates has ceased operations and the contractors we contacted were unable to find satisfactory substitutes. During the past several months, our public works staff has been working with contractors for the replacement of the entire roof. Only two proposals on the work were received, one from Freedom Contracting Group of Asheville for \$108,732 and the other from Norris Corporation of Waynesville for \$71,637.

Alderman Williamson moved, seconded by Alderman Clark, to award the bid to Norris Corporation in the amount of \$71,637, subject to their submitting shop drawings indicating that the proposed roof could be satisfactorily installed over the existing roof. The motion carried unanimously.

#### Bids on Repair Work to Electric Substation

Town Manager Galloway said that as part of the work to upgrade and improve our electric substation, the Town has been advised of the need to replace some of the circuit breakers. Booth and Associates was hired to handle the design specifications and the bidding of the work. Bids were opened this past Wednesday at Booth's office in Raleigh. The apparent low bidder was WESCO Distribution. Booth has reviewed the bids and recommended that the bid be awarded to WESCO, Inc., in the amount of \$54,546.00. This bid includes the electronic relay package and the 2457D breaker control switch. Bids received were as follows:

Alderman Williamson moved, seconded by Alderman Moore, to award the bid to WESCO Distribution for repairs at the electric substation in the amount of \$54,546.00, as recommended. The motion carried unanimously.

#### Storm Drainage Project - Sulphur Springs Road at Sixth Street

Mr. Melvin Allen, 902 Sulphur Springs Road, said that an addition to his house was built on top of a drainage tile and that he has a problem with drainage and sewer when it rains hard. Mr. Allen wanted to know what the Town was going to do to help the drainage situation on Sulphur Springs Road. The residents in this area wanted to know if the drainage went into the creek. Town Manager Galloway explained that the drainage tile underneath Mr. Allens' house has collapsed, causing the water to back up. Manager Galloway said that Town Engineer Fred Baker has investigated the drainage problem on Sulphur Springs Road. Estimated costs to install another pipe would be approximately \$5,500 and easements from three of the property owners would be necessary to make these improvements. One of the property owners, Ms. Ferguson, has agreed to grant the Town an easement; however, the other two property owners have not. Mr. Allen and other residents in the Sulphur Springs Road were concerned with the proposed location of the new drain line, especially the area where the Town would need to cross over an existing sewer line. Those residents also felt that runoff in this area had increased with construction in the Eagles Nest Road area. Alderman Williamson requested that Public Works/Utilities Director Fred Baker look at the area and make another recommendation. Town Attorney Bonfoey recommended that the Board take the advice of the Town's engineer. Manager Galloway said more information would be available by the June 10th meeting.

#### Agreement on Carolina Power and Light Paystation

Finance Officer Eddie Caldwell said that Carolina Power and Light has decided to subcontract the operation of their utility bill pay stations to American Payment Systems of Hamden, Connecticut. Since the merger with the Town of Hazelwood, the former Hazelwood Town Hall has served as a paystation for CP&L bills and the Town has been paid at a rate of 30 cents per bill collected. American Payment Systems has negotiated a rate of 25 cents per bill collected and are proposing to install new computer equipment which will make the collection process faster, requiring less time from our personnel. Annual revenue from CP&L bill collection has been about \$9,000; with the decrease in collection proposed by American Payment Systems the annual revenue will drop to about \$7,500. It is recommended that the Town continue to serve as a CP&L paystation. The agreement can be evaluated after a period of time to see if the Town wishes to continue with this service.

Tax Collector Beverly Guy said from January 1996 through December 1996 the Town collected \$5,000,000 for CP&L. Ms. Guy said that citizens have appreciated being able to come to Waynesville and make their CP&L payment. With the new equipment to be used for CP&L payments the Town will only be able to take a payment if the customer has their bill or account number.

Town Manager Galloway said that Tax Collector Beverly Guy was doing a great job in operating the office located in the former Hazelwood Town Hall. Board members expressed their appreciation to Ms. Guy.

Alderman Williamson moved, seconded by Alderman Clark, to approve the agreement with American Payment Systems for the Town to continue to serve as a CP&L paystation, at a rate of 25 cents per bill collected. The motion carried unanimously. (Contract No. 7-97)

#### Ms. Joyce Hughes - Sewage Problem on Sulphur Springs Road

Ms. Joyce Hughes, 818 Sulphur Springs Road, presented a list of people who live in the Sulphur Springs Road area who have had a problem with sewer when it rains. Ms. Hughes said that she has had little cooperation with Town employees in dealing with the sewer problems. Mr. and Mrs. Brookshire said they have rented motel rooms several times because they cannot flush their toilets when it rains. Mr. and Mrs. Brookshire said they have lived at this location for 37 years and have experienced this problem for the past 15 years. Mr. W. Lee Allen, 900 Sulphur Springs Road, agreed that he has had some of the same problems for the past 15 - 20 years.

Town Manager Galloway said in the past the Town has contracted with a company who video tapes the sewer lines to help the Town locate areas in which the sewer lines are damaged and causing infiltration of water. It is difficult to find contractors who do this type work, however, the Town will be searching for another contractor in order to help identify the cause of the problem.

#### Cancellation of Meeting of May 27, 1997

Town Manager Galloway said on Wednesday, May 28, 1997, the North Carolina League of Municipalities will be holding Town Hall Day in Raleigh. Since the Board of Aldermen is scheduled to leave for Raleigh on Tuesday, May 27, it is requested that the regularly scheduled meeting of May 27 be canceled.

Alderman Moore moved, seconded by Alderman Clark, to cancel the meeting of May 27, 1997. The motion carried unanimously.

#### Citizen Complaint - Dick Young - South Richland Street

Mr. Dick Young attended the meeting to ask the Board of Aldermen to take action against Ron Muse by requiring him to sow grass within ten (10) days on his property located on South Richland Street. Mr. Young also asked that the Town require removal of gas tanks at the railroad tracks in the same area. Other complaints by Mr. Young related to junked cars, dogs, debris, weeds, and a house on Goodyear Street which is beginning to cave in and should be condemned. Mr. Young asked that the

Town condemn a two story grey house which is boarded up and located on Boyd Avenue. Property owners who attended the meeting also complained about flooding on Goodyear Street which they think is caused by Mr. Muse filling in the property on South Richland Street.

Alderman Williamson moved, seconded by Alderman Moore, to give Ron Muse ten (10) days to clean up the property on South Richland Street and sow it in grass or have the Town clean up the property and sow it in grass. The motion died due to lack of a vote.

Attorney Bonfoey advised the Board that the Town could not enter private property to do this type work. Attorney Bonfoey will review the Town's ordinances to see if Mr. Muse is in violation. Attorney Bonfoey added that Mr. Muse has removed the building debris from the property and has approval from the State for the work which he has done on the lot. If Mr. Muse is not in violation, Attorney Bonfoey said it would be the responsibility of the property owners in this area to swear out a warrant against Mr. Muse; in order for the Town to take action it is necessary to prove to the Courts that Mr. Muse has violated one of the Town's Ordinances.

Town Manager Galloway said that the Town has been investigating the possibility of a project on Meadow Street to help with drainage. Manager Galloway said that approval from the Railroad is needed for this project but has not been granted yet.

It was the consensus of the Board to have Town Staff investigate the complaints against Mr. Muse by visiting the property on South Richland Street to see if any of the Town's Ordinances have been violated.

#### Presentation of Fiscal year 1997-1998 Budget

Town Manager Galloway distributed the proposed budget for Fiscal Year 1997-1998 for the Town of Waynesville. Manager Galloway recommended that the Board schedule a Budget Workshop for Tuesday, May 20, from 4:00 - 7:00 p.m. to review the proposed budget. Manager Galloway thanked Finance Officer Eddie Caldwell, adding that it is good to have a Finance Officer who puts a lot of the budget work together beforehand.

#### Request for Donation - Antique Tractor Club

Alderman Caldwell said he received a telephone call from Gil Henry requesting that the Town provide sponsorship in the amount of a \$300 donation for the Antique Tractor Club. Alderman Caldwell said the Antique Tractor Club has planned a parade from Russ Avenue to Main Street.

Alderman Williamson moved, seconded by Alderman Moore, to approve the \$300 donation for the Antique Tractor Club as requested. The motion carried unanimously.

#### Welcome to Waynesville Sign

Town Manager Galloway reported that a draft has been prepared by High Country Sign for the Town's new "Welcome to Waynesville Sign" which is to be placed on Walnut Street at the First

Citizens Bank. No action was necessary.

Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Moore, to adjourn the meeting at 8:55 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Gary Caldwell  
Mayor Pro Tem