

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
MAY 12, 1998  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, May 12, 1998. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, J. Kenneth Moore, Sam Wiggins and James Williamson. 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 14 and 27, 1998

Alderman Wiggins moved, seconded by Alderman Moore, to approve the minutes of the April 14 and April 27, 1998 meetings as presented. The motion carried unanimously.

Public Hearing - Rezoning Request by Sandra Wilcher - 25 Leatherwood Road - R-2 to C-2

A request was received to rezone a .34 acre parcel of property, located at 25 Leatherwood Road, from R-2 to C-2. The Planning Board reviewed this request at their meeting of April 20, 1998, and voted to deny the request for rezoning, noting that the request was speculative in nature.

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

Ms. Sandra Wilcher, 25 Leatherwood Road, presented pictures and exhibits to the Board representing several locations beside her house. The first exhibit was property located beside her home used for storage of material by Angel Monument Company. The second exhibit represented a car wash. The third exhibit was Angel Monument Company. The fourth was a house owned by Haywood County, currently being used as a government home. Ms. Wilcher said that she had letters from two real estate agents who have noted that the property would be better suited as commercial. Ms. Wilcher said that this was a high traffic area with a six-way intersection and that it was dangerous for children to play in her front yard. Ms. Wilcher said that she would like to keep the property and possibly lease it as a real estate office. Ms. Wilcher said that a real estate agent recently approached her expressing interest in this arrangement.

Mr. Jack Burris, 82 Henson Drive, said that there were two houses between him and the property proposed for rezoning. Mr. Burris said that once this property is zoned commercial the next person will also request rezoning and soon a commercial zone will enter into a residential zone. Mr. Burris said there may be a real estate office move in first, then it could become a wine shop, tattoo parlor or a night club. Mr. Burris stated that he was opposed to the rezoning because it is a nice area and he would like to see the neighborhood protected.

Ms. Phyllis Ratcliffe said that she appreciated the fact that Ms. Wilcher wanted to do what is best with her property. Ms. Ratcliffe said, however, that when Ms. Wilcher bought her property all the other uses that she listed were already in existence except for the government house. Ms. Ratcliffe said that there had been no problem in this area other than noise. Ms. Ratcliffe said that the Ferguson apartments were “a headache” for this area and she did not think that other things such as this should be allowed in the neighborhood. Ms. Ratcliffe stated that she was opposed to the rezoning request.

Mr. Harry Booker, 42 Keller Street, stated that he was opposed to the rezoning request.

Mr. Joe Kirkpatrick, said that he was opposed to the rezoning to commercial because of the six-way intersection with unbelievable traffic and a car wash next door.

Mr. Hubert Gibson, 87 Henson Drive, stated that he was opposed to the rezoning.

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

Alderman Moore moved, seconded by Alderman Caldwell, to deny the request. The motion carried unanimously. Mayor Foy added that speculative zoning has “far reaching effects”, and that rezoning the property to commercial would not be a solution.

#### Resident Complaint - North Main Street Apartments and Surrounding Area

Ms. Sandra Wilcher, 25 Leatherwood Road, said that the lot beside her house which is used by Mr. Allen Angel, to store wood, rocks, old monuments, an old freezer and other items cause large rodents to come into her yard. Ms. Wilcher asked that the Town help with this problem if possible. Ms. Wilcher also described the property across the street, belonging to Eugene Ferguson, as unkept, a dump, and was formerly used as storage but now has people living in it. Ms. Wilcher said that the Rescue Squad, Fire Department, Police, etc., are called to the property often and she would like to see action to clean up these businesses.

Mr. Jack Burris said that he came to a meeting several years ago in which John Swift, the Town’s Planning Officer, tried to keep the apartments from being approved in these storage units. However, Mr. Burris said that when Mr. Ferguson’s attorney spoke to the Board the rooming units were approved. Mr. Burris said that he would appreciate anything that the Board could do regarding this situation.

Ms. Phyllis Ratcliffe said that Mr. Angel should clean up his property. Ms. Ratcliffe said that Mayor Foy and Alderman Williamson visited with Mr. Angel approximately six (6) years ago. At that time Mr. Angel agreed to build a fence and clean up the property. Mr. Angel did partially clean up the property at that time. However, the fence has never been built.

Attorney Bonfoey suggested that the Board adjourn to closed session so that he could give legal advice regarding property matters.

Alderman Wiggins moved, seconded by Alderman Williamson, to adjourn to closed session to discuss property matters. No vote was taken; therefore, the motion failed.

Alderman Williamson said that the North Main Street apartments were shut down at one time but have since reopened.

Attorney Bonfoey said that Jack Morgan, the Town's Code Enforcement Official, has been working with Mr. Ferguson to bring the apartments into compliance.

Town Manager Galloway said that there are six (6) separate units currently being used and that the last two storage units are vacant because they could not be brought into compliance. Manager Galloway said in the late 1980's Mr. Ferguson complied with the ordinance under "Rooming Houses" and that is how he is operating them at this time. Approximately two (2) years ago Mr. Ferguson was forced to bring the rooming units into compliance. At that time this involved tearing out one wall to convert two rooming units into one and removing all cooking appliances which are not allowed in rooming houses. Manager Galloway said that the owner has been working with Jack Morgan regarding the rooming units and that the owner has indicated that he may turn the building into a commercial office.

Alderman Williamson suggested that the property be condemned. Alderman Williamson said that the road could be repaired behind the building and grass sown, creating a nice entrance into Waynesville.

Alderman Wiggins said that there are always legal reasons why you can't do certain things. Alderman Wiggins said that the Town's ordinances should be changed in order to accomplish some of these things.

Alderman Williamson moved, seconded by Alderman Moore, to instruct Town Attorney Bonfoey to begin condemnation proceedings on the North Main Street apartment building. The motion carried unanimously.

#### Report on Bids For Former Hazelwood Town Hall - 1099 Brown Avenue

At the meeting of April 27, the Board tentatively accepted the bid of the Hazelwood Presbyterian Church in the amount of \$23,500 for the former Hazelwood Town Hall property located at 1099 Brown Avenue. This property was inherited by the Town of Waynesville in July, 1995, upon merger with the Town of Hazelwood. This offer was then advertised announcing that the offer was received and giving interested parties a ten (10) day period in which to submit an upset bid. One upset bid was received. Attorney Bonfoey opened the upset bid which was received from Mr. Ronnie Shelton in the amount of \$24,725.

Alderman Williamson moved, seconded by Alderman Caldwell, to tentatively accept the bid received from Mr. Ronnie Shelton in the amount of \$24,725 for the purchase of the property located at 1099 Brown Avenue, and to authorize another advertisement for upset bids on May 15, 1998. This issue will be placed on the agenda of the May 26, 1998 meeting. The motion carried unanimously.

#### Tentative Award of Bids for Financing the Multi-Use Recreational Facility

Finance Director Eddie Caldwell said that bids were opened on Thursday, April 30, at 3:00 p.m., from financial institutions interested in providing lease-purchase financing on the new multi-use recreational facility to be located in the Vance Street Park. Those bids were received as follows:

Mr. Caldwell said that this information will be submitted to the Local Government Commission. They will meet on Tuesday, June 2 and consider the Town's request to proceed with the project. After they have issued approval, the Town will then be able to officially award the lease-purchase agreement.

Alderman Williamson moved, seconded by Alderman Moore, to tentatively award the bid for the lease-purchase agreement on the multi-use recreational facility to Clyde Savings Bank for twenty (20) years at a fixed interest rate of 5.10%. The motion carried unanimously.

Mayor Foy thanked Finance Director Eddie Caldwell for his work in soliciting bids for a lease-purchase agreement on the new multi-use recreational facility.

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

Terms for some of the members of the Board of Adjustment and Planning Board will expire on May 31, 1998. Those members living inside the corporate limits are re-appointed by the Board of Aldermen. Those members living inside the one-mile extraterritorial jurisdiction are recommended to the Haywood County Board of Commissioners for re-appointment. All members have agreed to serve another three (3) year term.

#### Planning Board

Alderman Caldwell moved, seconded by Alderman Moore to reappoint Rex Feichter and Marty Prevost to the Planning Board to serve another three (3) year term to expire May 31, 2001 and to recommend to Haywood County that Merle Painter be re-appointed to serve another three (3) year term to expire May 31, 2001. The motion carried unanimously.

#### Board of Adjustment

Alderman Moore moved, seconded by Alderman Wiggins, to reappoint Joan Lesueur and Mack Noland to the Board of Adjustment to serve another three (3) year term to expire May 31, 2001, and to recommend to Haywood County that John Richardson be re-appointed to serve another three (3) year term to expire May 31, 2001. The motion carried unanimously.

### Authorization to Transfer Vehicle to Haywood County Sheriff's Department

Town Manager Galloway reported that one of the Town's vehicles, a 1985 Chevrolet Blazer, has been declared surplus. This vehicle was acquired by the Town through military surplus. The Haywood County Sheriff's Department has requested that the Town transfer the 1985 Chevrolet Blazer to their department. Town Manager Galloway said that he and Police Chief Frank Ross recommend this transfer.

Alderman Wiggins moved, seconded by Alderman Caldwell, to authorize the transfer of the 1985 Chevrolet Blazer to the Haywood County Sheriff's Department. The motion carried unanimously.

### Petition for Annexation - James and Esther Rosier - 1697 Crymes Cove Road

Town Manager Galloway said that a petition requesting annexation was received from James and Esther Rosier for property located at 1697 Crymes Cove Road. Manager Galloway added that several properties have been annexed in this area during the past two years.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt a resolution instructing the Town Clerk to investigate the sufficiency of the petition. The motion carried unanimously. (Res. No. 6-98)

### Resolution to Introduce a Local Bill in the NC General Assembly - Dilapidated, Abandoned, Vacant and Closed Structures

In a continuing effort to regulate dilapidated, abandoned, vacant and closed buildings and dwellings inside Waynesville's jurisdiction, Town Attorney Bonfoey presented a draft resolution requesting the introduction of a local bill in the North Carolina General Assembly, to grant authority to the Town of Waynesville to pass an ordinance to address dilapidated, abandoned, vacant and closed structures in the same manner as municipalities in counties with populations of over one hundred sixty-three thousand.

Alderman Wiggins moved, seconded by Alderman Moore, to adopt the resolution requesting the introduction of a local bill in the North Carolina General Assembly. The motion carried unanimously. (Res. No. 7-98)

### Minor Subdivision - Bill Plott - Plott Creek Road

Town Manager Galloway presented a request by Mr. Bill Plot for approval of a minor subdivision. This property consists of approximately twenty (20) acres, is located off of Plott Creek Road in the R-2 zoning district and is proposed as the site for the new Hazelwood Elementary School. The request meets all conditions for a minor subdivision and is recommended for approval by Town Staff.

Alderman Williamson moved, seconded by Alderman Moore, to approve the minor subdivision for Bill Plott. The motion carried unanimously.

### Closed Session - Property Matter

Alderman Williamson moved, seconded by Alderman Moore, to adjourn to closed session at 8:10 p.m. to discuss a property matter. The motion carried unanimously.

Return to Regular Session

Alderman Wiggins moved, seconded by Alderman Caldwell, to return to regular session at 8:30 p.m. The motion carried unanimously.

Distribution of Fiscal year 1998-1999 Town Budget

Town Manager Galloway and Finance Director Eddie Caldwell distributed copies of the proposed town budget for the 1998 - 1999 fiscal year. The Town Manager commended the work of the Finance Director in meeting with town department heads and supervisors in developing the document, and he also praised the work of the staff in Mr. Caldwell's department for their work in gathering information and preparing data included in the budget.

Town Manager Galloway then led the Board through an overview of the budget format, explaining the various sections of the document and noting that the finance department had prepared a number of colored pie charts to help the Board better comprehend the source of the revenues and the distribution of the expenditures. The Manager pointed out that there were several reports which showed comparisons of Waynesville's water, sewer, tax and proposed garbage rates with those of other local governments in North Carolina.

Board members asked a number of questions during the presentation, and the Manager and Finance Director attempted to answer these. The Board agreed that a Budget Work Session would be held at 4:00 p.m. on Wednesday, May 20, at the Town Hall. They also agreed to have a special meeting on Thursday, June 4, at 7:00 p.m., at which time the representatives of the MAPS company would present the results of the Personnel and Pay Study.

Adjournment

There being no further business, Alderman Williamson moved, seconded by Alderman Moore, to adjourn the meeting at 9:40 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor