

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
MARCH 23, 1999
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, March 23, 1999. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, 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 March 9, 1999

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the March 9, 1999 meeting as presented. The motion carried unanimously.

Public Hearing - Proposed Lights at Dutch Fisher Field

At the meeting of the Board on March 9, 1999, a request came from the Mountaineer Little League for assistance from the Town in placing poles and erecting lights at the softball field at Dutch Fisher Field in the Hazelwood Park. The Board suggested that a public hearing be held to give citizens an opportunity to offer their input on the matter.

Letters were mailed to all property owners abutting Westwood Circle, between the park and Georgia Avenue and between the railroad track and Richland Creek, informing them of the public hearing, and requesting their input either orally at tonight's meeting or in written form. No written comments were received.

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

William E. Anders, 380 Westwood Circle, asked if the lights would be used for the young ladies softball league and if it would be possible to install lights at the playground and shed areas to discourage people from coming to these areas late at night and "partying". The Board told Mr. Anders that if lights are installed the Town would require that they be turned off by 10:00 p.m. The Board added that it may be possible to install security lights at the playground and shed areas because some problems have been experienced at these locations.

Doug McClure, director of the girls' softball league, said that their games are usually over by 9:00 p.m. or 9:30 p.m. He added that additional lighting in this area would discourage problems with drunks, etc., at night.

Barbara Anders, 380 Westwood Circle, said at one time there was a gate at the entrance to the park

which was locked at night. She said the gate is still there but needs repaired. She asked that the gate be repaired and locked again at night to keep the traffic out.

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

Alderman Williamson moved, seconded by Alderman Caldwell, to proceed with the installation of lighting at the Dutch Fisher Field, provide two (2) security lights and reactivate the gate at the entrance to the park. The motion carried unanimously.

Request by Vaughn Rhinehart for Maintenance of a Portion of Locust Drive

The Board received a request from Vaughn Rhinehart that the Town maintain the last portion of Locust Drive. Following the merger of Hazelwood and Waynesville, the Town resurfaced Locust Drive up to a certain point. Mr. Rhinehart requested that we resurface more of the street, indicating that it was turned over to the Town of Hazelwood.

Following Mr. Rhinehart's request, Town Clerk Phyllis McClure researched the records of the Town of Hazelwood. She found a reference to the annexation of Mr. Rhinehart's property in 1979 and several notes on attempts to resolve water pressure problems on that street which were due to the higher elevations. Ms. McClure was unable to find reference that the Town of Hazelwood ever accepted the entire road for maintenance. In May, 1981, the Hazelwood Board of Aldermen passed a resolution requesting that the NCDOT turn over a portion (.30 miles in length) of Locust Drive for maintenance responsibilities to the Town.

In checking the Powell Bill records for several years prior to the merger of the two towns, it was found that the Town was claiming .76 of a mile of Locust Drive for Powell Bill funding. After the merger, a surveyor was hired to measure the streets to determine what .76 of one mile covered beginning at Plott Creek Road. It was discovered that it does not go to the end of the paved roadway surface. After Mr. Rhinehart presented his request last summer, Surveyor Bob Moore was hired to survey Locust Drive and to measure the road widths. According to this survey it was found that when Locust Drive leaves Plott Creek Road, it is an adequate street, with sufficient width of pavement to qualify the street for State maintenance funding under the Powell Bill. For most of the length, the width of asphalt is between 18 and 22 feet, but as the street continues, it becomes more narrow. There is 145 feet of road that is 16 feet wide, and, at the far end of the road, the pavement width drops to 11 feet. This size road does not meet Town standards and would not be accepted for maintenance by the Town of Waynesville. Since the final 229 feet has only 11 feet of asphalt, that explains the reason that the Town was claiming .76 miles for Powell Bill funding, because once it drops below 16 feet in pavement width, it is no longer eligible for funding.

Vaughn Rhinehart said that he built the road and the Town of Hazelwood paved and maintained it. Mr. Rhinehart added that he gave the Town of Hazelwood a 30' easement for the entire street. Town Manager Galloway said that the Town of Waynesville does not have a document to show that Locust Drive was dedicated to the Town of Hazelwood or the Town of Waynesville. Mayor Foy added that if a document does not exist, Mr. Rhinehart should meet with Town Staff to determine the needed right-of-way.

Alderman Wiggins said it has been implied and assumed that Locust Drive was maintained by the Town of Hazelwood, and the Town of Waynesville assumed that it was a Town street, otherwise they would not have paved it. Alderman Wiggins added that even though the Town does not have a legal document it should accept the responsibility that the Town assumed that Locust Drive was a Town street.

Town Attorney Bonfoey said that if the Town can obtain the necessary right-of-way and accepts dedication that Locust Drive would then officially become a Town street.

Alderman Moore, formerly Hazelwood's Police Chief, said that he remembers that the Town of Hazelwood provided Police and Fire protection and garbage pickup for Locust Drive. Alderman Moore said that a reservoir was located at the top of the hill with a pumping station.

It was the consensus of the Board that Mr. Rhinehart meet with Town Staff to obtain the necessary right-of-ways for Locust Drive.

Barber Orchard Water Situation

Town Manager Galloway said that several articles have appeared in the local newspaper regarding the wells which have traces of pesticides in the Barber Orchard area. On March 16, Manager Galloway attended a meeting at the Pleasant Balsam Church. State Toxicologist, Dr. Ken Rudo, spoke regarding this issue, and he indicated that in his past experience, in situations such as this, the contamination spread and was not likely to disappear. As of last week, nine wells had been tested and all contained the pesticide traces in excess of the maximum limits allowed. More samples have been taken and they are awaiting results of those tests. There is a plan to test all of the wells in that area, plus the springs from which people secure their water supply.

Manager Galloway said at this meeting, the people were concerned about the potential health effects and how best to resolve the matter. Although there were no conclusions reached, there was some support for the extension of a public water supply to serve the area. Manager Galloway explained to them that the Town has water to supply the area, but getting it to them is not easy. This area is located approximately three (3) miles away from the end of the Town's existing water lines. It would require a pumping station to provide satisfactory water pressure, and a water tank to assure enough water storage and fire flows. A rough estimate for this project would be around \$1,500,000.

Manager Galloway said that he spoke with County Manager Jack Horton at the meeting regarding other solutions. Manager Galloway said that the first step to take, would be to have a Preliminary Engineering Report (PER) done to determine the best course of action to resolve the problem. Manager Galloway said that he has spoken with John Coxey of McGill Associates, and he indicated that a PER could probably be done for a few thousand dollars. Manager Galloway said that he has spoken with Haywood County Manager Jack Horton and it seems that the cost can be split between the Town and County. Manager Galloway said that he has also spoken to representatives of Region A and they have several ideas. One of the residents of the Barber Orchard area has contacted Senator Edwards' office and Congressman Taylor's office has also been contacted.

Manager Galloway said that there are approximately 50 to 60 homes in and around the orchard that may be served by a public water line extended to their area. In addition, there are a much larger number of homes along and adjacent to Old Balsam Road which would likely be potential water customers if a water line ran through this area. Manager Galloway requested that the Mayor and Board of Aldermen authorize that funds be expended from the Water Fund to share in the cost of a Preliminary Engineering Report for the resolution of the water situation in the Barber Orchard area.

There was some discussion about the possibility of the establishment of a sanitary district for this area. Alderman Moore said he felt that the Town should help their neighbors in any way that they could. Alderman Williamson asked about how long it would take to extend a water line to this area. Manager Galloway said that it would take at least six months, and probably more. Manager Galloway added that it would take some time to obtain easements across the three miles of private property.

Alderman Wiggins moved, seconded by Alderman Caldwell, to fund up to \$2,500 for a Preliminary Engineering Report, with the cost to be shared equally with Haywood County. If the total amount exceeds \$5,000 the issue will be brought back to the Board for additional approval. The motion carried unanimously.

Speed Limits

Brown Avenue Between Hazelwood Avenue and Riverbend Street - Reduce to 25 mph

The Waynesville Police Department has received comments and complaints from several residents along Brown Avenue, between Hazelwood Avenue and Riverbend Street, about the excessive speed of vehicles. Many of these violators are trucks cutting through this area going from the rock quarry to the concrete plant. Upon investigation of their complaints, the Police Department recommends that the speed limit be reduced to 25 mph.

Hazelwood Avenue Between Camelot Drive and Elysinia Avenue - Reduce to 20 mph

The Waynesville Police Department has investigated the speed limit on Hazelwood Avenue as it passes through the business area of Hazelwood. One side of the street is posted at 20 mph and the other side is not posted. Any street passing through a downtown business area should carry a 20 mph speed limit. It could be that the 20 mph posted on one side was intended for both sides, but we have been unable to find verification. It is recommended by the Police Department that traffic traveling in either direction on Hazelwood Avenue should be limited to a speed limit of 20 mph.

Alderman Moore moved, seconded by Alderman Wiggins, to reduce the speed limit between Hazelwood Avenue and Riverbend Street to 25 miles per hour and to reduce the speed limit on Hazelwood Avenue between Camelot Drive and Elysinia Avenue to 20 miles per hour. The motion carried unanimously. (Ord. No. 6-99)

Concerns of Aldermen Kenneth Moore

Parking Problems on Narrow Streets

Alderman Moore said that he has had a lot of complaints about parking on streets, especially where the streets are narrow. Two of the streets he named were Grimball Drive and Camelot Drive. Mrs. Lawrence Jones, a resident of Grimball Drive, attended the meeting and said that parking on Grimball Drive is a problem. Town Attorney Bonfoey said that according to the Town's Ordinances it is a violation to park on a street if less than ten (10) feet of roadway is left open. Town Manager Galloway will ask the Police Chief to investigate the parking issue.

Citations Issued for Parking in Fire Lane

Alderman Moore said that he is aware of several citations which have been issued to be people parking in the fire lane at K Mart. Alderman Moore felt that warning tickets should be issued with the first violation, then regular citations should be issued. A gentleman in the audience said that he had received a citation, but felt that others parking in the fire lane were not issued citations. Town Attorney Bonfoey pointed out that parking in a fire lane is a violation which can create a dangerous situation if a fire does occur in a building. Town Manager Galloway will investigate the complaint.

Litter Problems

Alderman Moore said that he has spoken with Captain Mitchell with the North Carolina Department of Corrections and he has given him several dates when inmates from the facility can do clean-up work for the Town of Waynesville. Mayor Foy appointed Alderman Moore to coordinate clean-up times with the NCDOT for the inmates to pick up litter along the roads.

Dr. Phil Medford said if litter wasn't thrown down it would not have to be picked up and Mib Medford stressed the importance of education.

Alderman Wiggins said that the litter problem is greater than just pickup. He said that there needs to be some kind of organized approach. Alderman Wiggins said that several issues should be addressed; 1) education within the school system would be effective over a long range basis, 2) an enforcement program with "teeth" is needed, and 3) litter pickup is necessary until some type of program is adopted. Alderman Wiggins added that help is also needed from the Police Department and that a citizen's committee should be formed to come up with a plan to approach the litter program.

Alderman Moore said that litter is a problem in other areas as well. On a recent ride to Cherokee, he said that there was a tremendous amount of litter along the side of the road from Balsam all the way to Cherokee.

It was a consensus of the Board that Alderman Wiggins work to form a committee to find solutions to clean up the litter problem in Waynesville.

Mib Medford commended the Board on taking steps to approach the litter problem.

Trees at Waynesville Post Office

Mib Medford said that the trees at the Waynesville Post Office, which have been located there for more than 100 years, were incorrectly pruned over the years and will now be removed because they are no longer safe. Approximately 15-20 years ago seeds were obtained by the Mountain Research Station and replanted. Trees grown from those seeds will now be replanted at the Post Office.

Frances Fowler - Request for Electricity at Fowler's Produce Stand

Ms. Francis Fowler said that she owns Fowler's Produce Stand and that she has applied for electricity and has been refused. Ms. Fowler said that she opens at 9:00 a.m. and closes at 6:00 p.m. She has requested electricity in order to operate a food stamp machine.

Town Manager Galloway said that the produce stand is an illegal non-conforming building because it is located too close to the right-of-way. If the Town approves electricity to the building it could be considered an expansion of the building and the Town can not legally grant an expansion of an illegal non-conforming use.

Ms. Fowler pointed out that a produce stand is located further up the road across from Dayco and that they recently remodeled their building and now have electricity.

Attorney Bonfoey will investigate the request and make a recommendation.

Watershed Property

Ms. Romaine Wilson, along with other heirs of the Lanning/Bumgarner property at Waynesville's Watershed, attended the meeting regarding recent letters received from Attorney Bonfoey regarding condemnation of this property. They were concerned with possible damage to the property if the Town enters the property to conduct borings to determine which five (5) acres would be suitable for the location of a Chlorine contact tank. It was determined that the property owners should come by Town Hall to look at a map in the Town Manager's office.

Adjournment

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

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor