

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
APRIL 11, 2000
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, April 11, 2000. 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 Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of March 28, 2000

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the March 28, 2000 meeting as presented. The motion carried unanimously.

Public Hearing - Request by Connie Schaller & David Ray to Rezone a Portion of a .383 Acre Lot at 60 Dolan Road From R-2 to R-4

Ms. Connie Schaller and Mr. David Ray have submitted a request on behalf of Ms. Betty M. Ray, own owns a .383 acre lot at 60 Dolan Road. A small portion of the east side of the lot is zoned R-2 Medium Density Residential, and the majority of the property is zoned R-4 Medium Residential with mobile homes. The petitioners want to place a double-wide mobile home on the lot; however, the area where they want to place the dwelling is within that portion of the lot which is zoned R-2 where mobile homes are not permitted. They are requesting a rezoning of the R-2 portion of the lot to an R-4 zoning classification.

Attorney Jack Kersten represented the petitioners. Attorney Kersten said that this property has been in the Ray family for 50 - 60 years and Ms. Ray is giving the property to David Ray and Connie Schaller who plan to be married. There is an existing small house on the property which will be turned into a workshop. Attorney Kersten said when the zoning line was originally drawn the property was divided between an R-2 zone and an R-4 zone. The petitioners planned to place the double wide on the portion of the property where the driveway is located. However, this portion is zoned R-2 and does not permit mobile homes.

Attorney Kersten said that the majority of the property is zoned R-4 and the rezoning of the remainder of the property would not adversely affect the surrounding properties. He added that in speaking with the neighbors they have indicated that they are in favor of the rezoning. In fact, one of the neighbors, Mr. Melton is cutting several trees off of his lot in order for the petitioners to move their double wide onto the property.

Ann Leatherwood spoke in favor of the rezoning stating that David Ray has been a good neighbor

and she felt that a mobile home would be an improvement to the community.

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

Alderman Moore moved, seconded by Alderman Feichter, to adopt an ordinance to rezone a portion of the property located at 60 Dolan Road from R-2 to R-4. The motion carried unanimously. (Ord. No. 4-2000)

Public Hearing - Request by Shirley Cagle for Zoning Text Amendment - Section 154.034

Eric Cagle, representing Shirley Cagle, has requested that Section 154.034 of the Zoning Ordinance be amended. At the present time, the ordinance requires that properties within an R-4 zone contain varying amounts of square footage based upon the utilities available on the site. In an R-4 zone, if a property has no public water or sewer supply, it must be a minimum of 20,000 square feet; if it has public water, the lot must be 15,000 square feet; and if it has public water and sewer, it must contain 11,000 square feet. The proposed amendment reviewed by the Planning Board is as follows:

Add Footnote 9. Lot size requirements for "R-4" zoned properties which access public water may be 11,000 square feet, provided the following provisions are met:

- a) The lot must be approved for a septic tank by the Haywood County Health Department;
- b) The lot must be located at an elevation of 3,000 feet or less; and
- c) The average slope of the lot shall be less than 15%.
- d) The lot is located outside the flood hazard area.
- e) 80% of the property owners whose property is located within 500 feet of the external boundary of the applicant's lot must approve of the development on the applicant's lot. A notarized affidavit is required for approval.

The Planning Board reviewed this request on March 20 and recommended approval with the deletion of paragraph (e). Jeff Fischbach, with the NC Division of Community Assistance felt that paragraph (e) could put the Town in a bad position. The Planning Board also felt that it would be very difficult to secure 80% approval from that many people, and it could take Town Staff a significant amount of time to verify that 80% of the owners within that area have signed approval.

Town Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing.

Mayor Foy said that he and Alderman Caldwell originally suggested approval by adjacent property owners and he felt that paragraph (e) had been overstated by requiring 80% approval from the owners within that area. Other Board Members agreed that there should be some type of input from the neighbors. Town Manager Galloway said that the Board could ask the Planning Board to study the issue to see if other areas used some type of notification system.

Alderman Brown asked questions regarding the wording "flood hazard". Attorney Bonfoey said that the Flood Hazard Boundary Map would apply to both floodway and floodplain areas.

Alderman Brown asked if the Town had customers who were on public sewer but not public water. Public Works Director Fred Baker said that there were approximately 90 flat rated sewer customers and that most of those were located outside the corporate limits. He added that most customers who request sewer also request water.

Alderman Caldwell moved, seconded by Alderman Moore to approve the amendment with the deletion of paragraph (e). Alderman Brown moved, seconded by Alderman Moore, to amend the motion to substitute the word septic system rather than septic tank in paragraph (a), since there are other types of septic systems which are not limited to tanks. The motion and amendment to the motion carried unanimously. (Ord. No. 5-2000)

Recommendation From Downtown Waynesville Association Regarding Sidewalk Ordinance

Over the past few months, the Downtown Waynesville Association (DWA) has been meeting to discuss what should and should not be allowed on sidewalks in the downtown business area. The primary concern has been that businesses did not use the sidewalks to conduct their business to the detriment of pedestrians attempting to use the sidewalks for their original, intended purpose. It was agreed that the use of the sidewalks would be limited to a specific area, and that dining would be permitted but not the display of merchandise (except during four specified sidewalk sale periods). With the dining establishments using the sidewalks, there is some liability exposure to the Town for accidents which may occur due to tables and chairs being placed on the Town's sidewalks.

Mark Clasby, representing the Downtown Waynesville Association, said that last Fall there were several complaints received regarding the use of the sidewalk and DWA representatives held a special meeting regarding the issue. At that time the Board of Aldermen adopted a temporary café/dining ordinance for the month of October, 1999. A committee was appointed at their February Planning Retreat and a meeting was held on March 15 to get further input.

Public Works Director Fred Baker explained the proposal and the different zones. 1) Utility zone is approximately 1 ½' to 3' from the curb and includes street trees, planters, benches, trash receptacles, utility poles, hydrants, information/regulatory signs and where people alight from cars. Where tree grates are used it is recommended that a minimum of 4 feet be allowed. 2) Travel zone should be a minimum of 6' from Main Street due to heavy traffic and 5' minimum on side streets such as Montgomery and Church Streets. 3) Frontage zone is the window shopping zone. This is the area which may be considered for cafes as long as the travel zone is maintained. 4) Street corner zone must accommodate a concentration of pedestrian activities and maintain sight lines for all street users and be obstruction free.

Mark Clasby said that it is also recommended that a permit be issued from the Town for café dining and that each merchant provide one million dollars in liability insurance, as well as to enter into a hold-harmless agreement with the Town at the beginning of each calendar year. It was proposed that fines be imposed for those in violation. The Town could suspend the dining during special events. Mr. Clasby said at the present time the downtown area has sidewalk sales on July 4 and Labor Day. It has been recommended that Memorial Day and the Apple Festival be added. These events are to be no more than three (3) consecutive days.

Mark Clasby said that there was a mixed opinion among merchants regarding the proposed policy. He said that they have reviewed sidewalk ordinances from other cities, including Shelby and Asheville, with Asheville's being one of the most restrictive. Fees would need to be set by the Board of Aldermen during their budget workshops. Attorney Bonfoey will draft an ordinance for the Board to consider. No action was taken.

Laurel Ridge Bond Release Request

Town Manager Galloway said that a letter was received from Laurel Ridge Country Club requesting the release of a bond which they placed to assure some paving and water line extension in the Rocky Knob Area. The paving has been completed and water has been provided to lots 240, 243 and 245, but not to Lot 249. It is recommended that the Board authorize the Town Manager to release the bond to Laurel Ridge once all the work has been completed and any other indebtedness to the Town by Laurel Ridge has been settled.

Alderman Moore moved, seconded by Alderman Caldwell, to authorize Town Manager Galloway to release the bond to Laurel Ridge once the work has been completed and any other indebtedness to the Town by Laurel Ridge has been settled. The motion carried unanimously.

Charles Wright Request for Water - Mauney Cove Road

At the meeting of March 28, the Board considered a request from Mr. Charles Wright that the Town extend a water line up Mauney Cove Road from U.S. Route 276.

Mr. Wright apologized that he was not at the last meeting. He said that he is building a home approximately 7/10 mile from the beginning of Mauney Cove Road and would like to connect to the Town's water supply. Mr. Wright said that it would cost approximately \$3,000 - \$4,000 to dig a well, and that he and other property owners in the area were worried about contamination from surrounding septic systems. Mr. Wright said that he has spoken with approximately twenty (20) of his neighbors who are interested in connecting to the Town's water and they have indicated a willingness to pay \$1,000 each, with the Town waiving the tap fee. Mr. Wright said that he was willing to install the line himself if necessary.

Mr. Wright proposed installing approximately 4,000 feet of 6" water line, however, after speaking with Public Works Director Fred Baker, Mr. Baker feels that an 8" line would be the size needed for this project. Mr. Baker estimated this project at \$70,000 and this figure is based upon the installation of an 8" water line and that the work is to be done by a contractor. Mr. Baker said that he would also like to see fire hydrants installed if this project is approved. Mr. Baker said that the Town did not have a lot of money in the water fund at this time and there were a lot of projects to be completed inside the corporate limits. However, Mr. Baker said that this would be an opportunity and an advantage to the Town to loop a water line through Halltop Road.

Mr. Wright said that more property owners may be interested in connecting to the water if it is installed. Town Manager Galloway pointed out that more customers would also increase the amount of the project. It was suggested that the property owners pay a larger amount, possibly \$2,000 each

toward the project. Mayor Foy said that the Board depends upon Public Works Director Fred Baker and Town Manager Galloway to present figures for this project. Mayor Foy said that Mr. Wright should work with Mr. Baker regarding this project. No action was taken.

Minor Subdivision Plat David R. Blanton - Elysina Avenue

Mr. David R. (Ricky) Blanton owns a 1.334 acre tract of land on Elysina Avenue adjacent to Forga Plaza. The property is zoned "R-4" Medium Density Residential District, and Mr. Blanton is subdividing the tract into five (5) lots. The subdivision meets or exceeds Town standards and Town Staff recommends approval.

Mr. Blanton said that he has removed twenty-six dismantled vehicles from this property. He plans to place one small double wide mobile home, one 14' x 70' single wide and one small single wide on three of the lots. There are two existing dwellings on the other two lots. Mr. Blanton expressed appreciation for all the help that he has been given by Planning and Zoning Manager John Swift.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minor subdivision as requested by David R. Blanton on Elysina Avenue. The motion carried unanimously.

Disposition of 1973 Howe Fire Truck

In late 1998, the Town secured a new fire truck which replaced a 1973 Howe Truck. In the auction of surplus equipment in 1999, the Town attempted to bid the Howe Truck, but only one bid was received for \$1,000. Town Manager Galloway said that he has been in contact with a fire truck company in South Carolina that will take this fire truck on consignment. They reach an agreement with the Town as to a bottom line figure that the Town wants to receive for the truck. The company will refurbish the truck and market it to rural fire departments. When it is sold, the Town will receive its minimum figure and the company will hope to recover their costs of rehabilitation plus some profit. Town Manager Galloway asked for the Board to allow him to negotiate with the company in an attempt to dispose of the 1973 Howe fire truck. Town Attorney Bonfoey will review and approve any legal documents related to the matter.

Alderman Brown moved, seconded by Alderman Feichter, to direct the Town Manager to negotiate with the company in an attempt to dispose of the 1973 Howe fire truck on a consignment. The motion carried unanimously.

Jeff Reece - Grimball Drive - Board Action Regarding Parking Restrictions in His Area

At the last meeting, the Board took action to restrict parking on Camelot Drive between Georgia Avenue and Hazelview Drive and on Grimball Drive between Camelot Drive and Morgan Street. This action was to become effective in thirty (30) days. Upon learning of this action, Mr. Reece, who resides at 224 Grimball Drive, wrote the Town and pointed out some of the problems he would experience if this ordinance is not revised.

Mr. Reece requested that the no parking tow away zone be modified to extend up Grimball Drive

from Camelot Street to Bobby Bowden Lane

Alderman Feichter moved, seconded by Alderman Brown to amend the ordinance adopted on March 28 at requested by Mr. Jeff Reece. The motion carried unanimously. (Ord. No. 3-2000)

Residents Concerns Regarding Proposed Chlorine Contact Tank

Several people attended the meeting with concerns regarding a proposed Chlorine contact tank for the Waynesville Water Plant.

Ray Wilson said that the Town has proposed to place a Chlorine contact tank on property which has been in his family for years. He felt that the Town should look at other options for placement of this tank. Mr. Wilson said that the Board takes care of the Town and he asked that they take care of his family as well. He said that the residents were coming to the Board on “bended knee”, with no representation other than themselves, to ask that the Town look at other locations for this tank.

Bill Cole asked the Board to follow their own principal and check with the neighbors before taking action regarding the placement of a Chlorine contact tank on their property and he asked that they be allowed to have input before anything is done. Mr. Cole said that they did not want to see the value of their property degraded any further.

Carmel Hollingsworth said he has lived at 266 Allens Creek Road for 54 years. He thanked the Board for allowing him to make a few remarks. Mr. Hollingsworth said that Ms. Wilma Lane who owns the property could not attend the meeting due to an illness. He said that Ms. Lane previously informed the Town that this property is not for sale and is upset over the proposed project. Mr. Hollingsworth said that this project would be devastating to him and his neighbors because Chlorine is a dangerous chemical. He added that he is not opposed to a Chlorine tank, but he asked that it be built either on the Town’s water shed property or on Allens Creek where there is property available for sale. He asked the Town to seek another site.

Joy Bryson Hooper said that her property joins the Wilson property. She was concerned about the ramifications which could result from the placement of a Chlorine tank. Ms. Hooper asked the Board to consider another site. Ms. Hooper said that this property has been in her family for over one hundred years. She asked the Board to listen to the people and look at every option available.

Alderman Brown asked Fred Baker for a summary of the proposed project.

Public Works Director Fred Baker said in 1974 the Federal Government began passing Safe Water Drinking Acts which have been amended several times since then. In 1986 the Town of Waynesville was required to change the way it operated the Water Treatment Plant. In 1991 the Town began prechlorination, but cannot continue to do this. Now the Town needs to begin placing the Chlorine in the water after the water has been treated.

Mr. Baker said that the Town built a tiny clear well next to the Water Plant. It is almost impossible to get a larger clear well next to the Plant. The Town looked at the Big Cove property where the 2

million gallon steel water tank is located. However, the property is so rocky it would require blasting and the engineer does not recommend this because it would be so close to the water tank. Mr. Baker said that the Town has looked at three sites and reported that no one in the area was willing to voluntarily sell property to the Town on which to place the Chlorine contact tank.

The Engineering firm of McGill and Associates was hired to look at these three sites and recommend the best site. The first tract belonging to Bumgarner/Lanning would require a bridge to be built across the creek. The second tract, owned by Wilson, was found to have unsuitable soil. The third site owned by Wilma Crisp Lane was found to be at an acceptable elevation with a good slope and excellent dirt. The engineer recommended that the Town select this site. Mr. Baker added that the likelihood of finding another site further down the road was not good, however, he would be discussing this with McGill and Associates.

Mr. Baker added that he knew this was an emotional issue and it was not an issue which the Town enjoyed dealing with. However, this is a project which the Town will have to do for the welfare of the community and the Town needs to find the most technically and economically feasible site. He explained that this is why the Town hired an engineering firm to study and make recommendations. Mr. Baker explained that this project began in 1991, will cost approximately \$800,000 and includes some other improvements to the Water Plant. He said when this project is complete, the Town will have a much better water product, since this process requires the use of about 1/4 the amount of Chlorine with the post-Chlorination process than with the prechlorination process now being used.

Mayor Foy said that the Town was not going into this project haphazardly. Town Manager Galloway explained that this is not Chlorine storage at this tank, it is simply a process in which the Chlorine is in contact with the water for thirty minutes prior to being delivered to the first customer. No action was taken.

Adjournment

With no further business, Alderman Moore moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:36 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor