

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
SEPTEMBER 12, 2000
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, September 12, 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 August 22, 2000

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the August 22, 2000 meeting as presented. The motion carried unanimously.

Speed Limit Recommendations

Camp Branch Road

At the present time, the posted speed limit on Camp Branch Road is 35 miles per hour. The Police Department recommends that the speed limit should be no more than 25 miles per hour. Camp Branch Road is a state-maintained road, and only the Department of Transportation may change the posted speed limit on this road. The first step in attempting to do this would be for the Town Board to pass a resolution requesting that DOT reduce the speed limit on that portion of Camp Branch Road within the corporate limits from 35 mph to 25 mph.

Warren Street (Avery Street, Polk Street, Francis Street, Putnam Street)

Town Manager Galloway said that a recent accident on Warren Street prompted an evaluation by the Police Department on ways to improve this area. The speed limit on Browning Road is already posted at 25 miles per hour, but without a posted speed limit on other roads in the area, the speed limit would be 35 mph. The Police Department has recommended that the speed limit on Warren, Avery, Polk, Francis and Putnam Streets be reduced to 25 miles per hour.

Alderman Moore pointed out that there is a hedge which creates a dangerous obstruction at the intersection when traveling from Browning Road to Warren Street, and that the hedge should be trimmed back or removed. Town Manager Galloway said that it may be possible to make Warren Street a dead end street. Attorney Bonfoey said that there is a process which would need to be followed for closing or making a street dead end. Before further consideration or decision is made to make Warren Street a dead end street, residents along that street will be notified to get their opinion regarding this.

Alderman Brown moved, seconded by Alderman Feichter, to adopt an ordinance to reduce the speed limit on Warren Street, Avery Street, Polk Street, Francis Street and Putnam Street to twenty-five (25) miles per hour and to adopt a resolution requesting that the NC Department of Transportation consider reducing the speed limit on the portion of Camp Branch Road inside the corporate limits to twenty-five (25) miles per hour. The motion carried unanimously. (Ord. No. 21-00)(Res. No. 18-00)

Ordinance to Direct Building Inspector to Remove or Demolish Unsafe Structure Located at Lot #18, Justice Mobile Home Park

Code Enforcement Officer Jack Morgan has made several attempts to deal with a situation involving an unsafe mobile home located in Justice Mobile Home Park off North Welch Street in Waynesville. Mr. Morgan attended the meeting to present the request and answer any questions which the Board Members may have regarding this issue.

Alderman Feichter moved, seconded by Alderman Caldwell, to adopt an ordinance directing the building inspector to remove or demolish the unsafe structure located at Lot #18, Justice Mobile Home Park. The motion carried unanimously. (Ord. No. 22-00)

Ordinance to Require Owner to Demolish and Remove Dilapidated Dwelling Located at 8 Avalon Court

Code Enforcement Officer Jack Morgan has been attempting to deal with a situation involving a burned out dwelling unit located at 8 Avalon Court off Robinson Street in the Hazelwood area. This is a duplex residential unit, but the other half did not receive much damage and is not involved in this process.

A few years ago, the Town was granted special legislation in the NC General Assembly that allows the Town to take action against the owners of structures which have been closed for one year and during which time repairs have not been completed. If it is found that the repairs to the structure may not be made for less than 50% of the value of the structure, the Board is to give the owner 90 days in which to demolish the structure. At the end of that time, the Town may demolish the structure and attach a lien to the property for the cost of the work. According to Mr. Morgan's report, the value of the duplex on the tax books is \$43,089.00. The value of one-half the duplex would be \$21,544.50. It is Mr. Morgan's opinion and that of another contractor, that the unit may not be repaired for under \$10,775.25, which would be 50% of the value. Based on this estimate and the delay of more than one year since notice was served upon the property owner, Mr. Morgan is asking that the Board adopt an ordinance instructing the property owner to demolish and remove the structure within a ninety-day period.

Alderman Brown moved, seconded by Alderman Caldwell, to adopt an ordinance ordering the property owner to demolish and remove the dilapidated structure within ninety (90) days. The motion carried unanimously. (Ord. No. 23-00)

Petition Requesting Voluntary Annexation - Martin and Elizabeth Sheveling - 116.8 Acres - Fiddlin

Lane at Laurel Ridge

A petition was received from Martin and Elizabeth Sheveling for the annexation of the 116.8 acres which they own north of Eagle Nest Road. This property is located adjacent to the Town's existing 10,000 gallon water tank at the end of the Town's water system and where the new 160,000 gallon tank is to be constructed soon.

Alderman Moore moved, seconded by Alderman Feichter, to adopt a resolution instructing the Town Clerk to investigate the sufficiency of the petition and report back to the Board at their meeting on September 26, 2000. The motion carried unanimously. (Res. No. 19-00)

Group of Citizens From Valley View Circle Regarding Paving - Spokesperson Dee Jordan

As a part of the Town's ongoing street maintenance program, Valley View Circle was recently resurfaced. It has been the Town's policy for streets which are more lightly traveled to use a resurfacing method known as "chip seal". A coat of tar is applied and then rock chips are applied to the surface.

Mr. Dee Jordan, a resident of Valley View Circle, attended the meeting along with approximately twenty other residents. Mr. Jordan said that he has lived at Valley View Circle for forty years. He was concerned with the loose gravel on the new street surface and disappointed that the Town would leave the surface this way. Mr. Jordan said that residents along this street have had to stop walking and children can no longer ride their bicycles because of the loose gravel. A petition containing twenty-seven signatures was presented to the Board, along with pictures taken of the paving at Valley View Circle.

Heath Sutton, a resident of Valley View Circle said that he and his wife would have reconsidered purchasing their home in this area if they had known that the road would have been paved in this manner. Mr. Sutton said that the street would have been better left as it was.

Town Manager Galloway explained that other low traffic streets in Waynesville such as Chinquapin Lane, Hummingbird Lane and Dogwood Trail are paved using chip seal. This method is used on some streets because it is less expensive than regular paving which costs approximately four times as much. The Town manages to stay within its paving budget by paving some streets each year with chip seal. The Town uses a study done by ITR every two years to determine paving priorities. Manager Galloway added that if the chip seal method of paving is eliminated, it would be difficult for the Town to keep up with paving needs and stay within its paving budget.

Alderman Moore said that he would rather see one or two streets left off the list each year rather than use the chip seal paving method. Manager Galloway said if streets are left off each year the Town will soon get behind on paving and more streets will be in need of paving. Manager Galloway said that the Town currently has 82 miles of streets to maintain. Alderman Brown pointed out that the Town works on a limited budget each year and attempts to get the most for the money. Alderman Caldwell felt that streets should be paved right the first time, and suggested that the Town consider eliminating the chip seal paving method.

Mayor Foy said that this issue should be revisited. It was the consensus of the Board to study this issue for the next couple of weeks before the next Board Meeting before making any decisions regarding paving. No action was taken.

Declare 1990 Chevrolet Lumina Surplus

Town Manager Galloway said that the 1990 Chevrolet Lumina Sedan used by the Building Inspections Department has been replaced with a new Ford Ranger pickup truck. Normally these vehicles are kept until the annual auction in May of each year. Since this vehicle is still in good condition, it was felt that it would be better not to let it sit for eight months, but rather to have the Purchasing Agent attempt to sell the vehicle by whatever legal means he can to earn the most money for the Town.

Alderman Feichter moved, seconded by Alderman Caldwell to declare the 1990 Chevrolet Lumina surplus and allow the Purchasing Agent to sell the vehicle. The motion carried unanimously.

Declare Fire Truck and Equipment Surplus - Enter Contract With Slagle Fire & Equipment

Earlier this year, the Board authorized Fire Chief Bill Fowler to secure a new truck for use by his department in fighting brush fires. The former brush truck is in reasonably good operating condition, and Chief Fowler would like to convert it to an equipment transport truck for the department. At the present time, the department is using a 1978 Ford/American LaFrance Fire Truck, inherited from Hazelwood for this purpose. It is requested that the Board declare the 1978 Ford/American LaFrance Fire Truck to be surplus. It is also requested that the Board declare the bed, 250 gallon steel tank, water pump and 150 feet of hose with reel which was formerly on the brush truck as surplus.

If these two items are declared surplus, it is proposed that the Town enter a Brokerage Agreement with Slagle Fire Equipment & Supply Company, Inc., wherein Slagle will attempt to market these items for the Town to other fire departments for their use. Based upon Slagle's estimates, the 1978 American LaFrance fire truck should sell and the Town will receive between \$5,000 and \$6,000 as a result of the sale. Slagle also estimates that the Town should receive \$1,200 for the devices that were removed from the brush truck.

The Town also has a 1973 Howe fire truck which was offered for sale at the Town's auction in 1999. The highest bid received was \$1,000. Feeling that this unit was worth more, Town Manager Galloway declined to accept the bid. In discussing this fire truck with Slagle Fire Equipment & Supply, they were not optimistic about the chances of selling such an old truck which has a number of problems with rust in the equipment storage areas. Slagle Fire Equipment offered an agreement which would pay the Town between \$2,000 and \$2,500 if the unit sold, and the Town would be responsible for getting the truck to Columbia, South Carolina. The cost of transportation is estimated at \$650, and if the truck should not sell, the Town would have to spend another \$650 to transport it back. Town Manager Galloway said that the Town is currently investigating the possibility of pulling the engine, transmission and rear end and selling parts from the vehicle and placing the fire truck body in the playground.

Alderman Moore moved, seconded by Alderman Feichter, to declare the 1978 Ford/American LaFrance Fire Truck and equipment surplus and to investigate placing the 1973 Howe fire truck on the playground after determining that the truck is safe for this purpose. The motion carried unanimously. (Contract No. 10-00)

Jack Wadham - Request For Assistance From the Town in Resolving Problems in the Frog Level Area

Jack Wadham asked to speak to the Board regarding problems being experienced in the Frog Level area. Mr. Wadham said that the Police are constantly called to this area because of drinking and nudity, and persons building fires behind the buildings. He said that these problems have happened more often since the Soup Kitchen began operations. 100% of the property owners in this area have signed a petition giving the Police Department authority to arrest people on their property for trespassing. Those persons who are arrested are released and back in the area within minutes. Mr. Wadham said that his tenants are concerned, especially one who has three children, because there are two child molesters who are living in the street in this area.

Mr. Wadham asked the Board for help with these problems, since he felt that permission was given by the Board for the Soup Kitchen to open originally. Mr. Wadham added that the problems associated with the Soup Kitchen were caused because there were no guidelines, and without rules and guidelines you have chaos. He said anyone who wants help can get help there, regardless of whether they actually need it or not. Mr. Wadham said that some people who get meals at the Soup Kitchen drive better cars than most other people drive.

Mr. Wadham said that property values have decreased 25% and that stores do not sell as many products because people do not stop and the women who run the stores are afraid to be there now.

Town Attorney Bonfoey said that the Town cannot control the judicial system. He suggested that the Board adopt a resolution to be sent to the Chief District Court Judge and District Attorney requesting that the Magistrates increase bonds for those people arrested in this area and that they also consider placing restrictions that these people not return to the Frog Level area if they are arrested. It was the consensus of the Board that they would support this resolution and asked that Attorney Bonfoey prepare the wording for this resolution. (Res. No. 20-00)

Mr. Wadham thanked the Board for allowing him to speak regarding this issue. He said that he has requested a meeting with the Bishop of the United Methodist Church. When the Soup Kitchen opened, Longs Chapel United Methodist Church promised to erect a fence and this has not been done. Mr. Wadham said that the Town installed a street light which has helped.

Update Regarding Recreation Center

Rick Lee, with Lee Architectural gave a report to the Board regarding the status of the new Recreation Center. Mr. Lee said McCarroll Construction felt that they would be finished with their work by the end of October and that the doors could be opened the first week in December. Mr. Lee presented a graph of the work and explained that many things depend upon the completion of another

item, such as the HVAC System. Electricity to the building was turned on last week. A pre-punch list will be done in mid-October, followed by a final punch list. Mr. Lee said that he has been visiting the construction site each week and the work in place appears to be quality work.

Mr. Lee said that there is some work which could be completed which does not depend on the completion of another item. One of those items is the site work, which he said should be done during the month of September. Mayor Foy said that he will write a letter to Rick Lee regarding the Board's concern with some of the work delays. Mr. Lee said that furniture is scheduled to arrive at the end of October and that although verbal confirmation was received that the furniture could be held for an additional 3 - 4 weeks if the building is not complete, Emily Mashburn with Lee Architectural will request that confirmation in writing.

The Board thanked Mr. Lee for his update on the Recreation Center.

Adjournment

With no further business, Alderman Moore moved, seconded by Alderman Feichter, to adjourn the meeting at 8:38 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor