

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
DECEMBER 10, 2002  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, December 10, 2002. 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, Finance Director Eddie Caldwell and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of November 26, 2002

Alderman Caldwell moved, seconded by Alderman Brown, to approve the minutes of the November 26, 2002 meeting as presented. The motion carried unanimously.

Report on Petition for Voluntary Annexation - Bruce and Joanne Gardner - Wildcat Mountain Road

At the meeting of November 26, 2002, the Board received the petition of Bruce and Joanne Gardner for the annexation of the property they own on Wildcat Mountain Road (5 lots). At that time the Board passed a resolution directing Town Clerk Phyllis McClure to investigate the sufficiency of the petition.

Town Clerk McClure reported that the petition met the State requirements for annexation.

Manager Galloway read a letter from Mr. Jim Shore, Secretary of the Wildcat Cliffs Property Owners Association, outlining some concerns regarding the annexation of the lots in Wildcat Cliff Estates. One concern was maintenance of the road, whether the Town would take over maintenance or if taxes would continue to be paid by the homeowner's association. Manager Galloway said there is no direct access to the property petitioned for annexation onto the roads that the Town maintains. Wildcat Mountain Road is a narrow road which is not suited for garbage trucks.

It was the consensus of the Board that they maintain the right to annex the property at some point in the future and the petition should be held in abeyance.

Alderman Brown moved, seconded by Alderman Feichter, to table action on the petition for voluntary annexation submitted by Bruce and Joanne Gardner. The motion carried unanimously.

Annual Certification of Firemen

Each year, the Town Board must certify the list of firemen to the State of North Carolina. This is

required in order for the firemen to be eligible for the \$25,000 Line of Duty Death Benefit as well as for credit in the Firemen's Pension Fund.

A list of the full time and volunteer firefighters in the Town's department who meet the requirements to be certified to the State was completed and verified by Fire Chief Bill Fowler.

Alderman Moore moved, seconded by Alderman Caldwell to approve the annual certification list of firemen as presented by Fire Chief Bill Fowler. The motion carried unanimously.

### 1922 La France Fire Truck

Mayor Foy said the Board voted at a previous meeting to buy new tires for the 1922 La France Fire Truck. Mayor Foy asked Town Manager Galloway to pass the word along to Fire Chief Bill Fowler that he would like to see the 1922 La France Fire Truck in the next parade.

### Petition by Stephanie Welch Strickland to Abandon Unopened Right-of-Way Located off Hazelview Drive

Attorney Jack Kersten, representing Stephanie Welch Strickland, presented a request that the Town abandon a street right-of-way which is located next to Ms. Strickland's property off of Hazelview Drive (formerly Sunset Street when it was part of the Town of Hazelwood). According to the request, the street right-of-way has never been opened or accepted by the Town of Waynesville or the public and has never been used. It leads northward from Hazelview Drive toward the Waynesville Middle School property and connects to another unopened right-of-way which appears to run along the southern border of the school property.

Prior to the meeting, Attorney Kersten asked that this request be postponed until the meeting of January 14, 2003 while some issues involving this request are resolved. No action was necessary.

### Ordinance Directing Property Owner to Remove or Demolish Property Within Ninety (90) Days - Warehouse Located at 209 South Richland Street

For several years, the Town's Code Enforcement Department has been dealing with the old warehouse located at 209 South Richland Street. This is one of the few remaining, unresolved issues which appeared on the "10 Worst" list of properties that was developed by the Town Board in the middle 1990s. The property was owned by the late Mr. O. T. V. Barker.

The former Code Officer, Jack Morgan, attempted to work with Mr. Barker and members of his family in cleaning up this warehouse and other structures adjacent to the property and located at the corner of Richland Street and Goodyear Street. Mr. Morgan conducted hearings a few years ago on the condition of this structure. Some progress was then made, and an environmental firm was employed by the family to remove some barrels of unidentified material from the site. Since Mr. Barker's death in 2001, further progress seems to have come to a halt.

With the hiring of a new Code Enforcement Officer Jason Rogers in August 2002, he was asked to

turn his attention back to some of the worst problems. He is involved in several at this time, and one of these is the Barker warehouse at 209 South Richland Street. It is considered to be a public hazard and a danger to the surrounding area. It is the recommendation of the Code Enforcement Officer that the Board adopt an ordinance to require that the owners demolish the building.

Attorney Bonfoey opened the hearing regarding 209 South Richland Street. The following persons were sworn in and gave testimony:

Jason Rogers, Code Enforcement Officer for the Town of Waynesville, said when he was hired by the Town he was asked to review the status of the property at 209 South Richland Street. He found that Jack Morgan conducted hearings on this matter and established the finding of fact on March 26, 2001 which entered an order to demolish the structure by June 26, 2001. This one year time period has now been exceeded and photographs were taken on November 14, 2002 and compared with the photographs taken by Jack Morgan. The comparison of these photographs show that not much has changed on the property and that the owner's intent to repair, alter or improve the dwelling has been abandoned.

Mr. Rogers said the property is open to vagrants and he asked Warren Putnam with the Waynesville Fire Department to accompany him on an inspection. During this inspection it was determined that the structure contains combustible materials and it is a fire hazard.

According to tax cards obtained from Haywood County it was determined that it would require more than 50% of the current value of the structure to repair. Mr. Rogers said Mountain Environmental Services was contracted to remove barrels and some roof pitch and tar have been removed.

Mayor Foy asked if the structure contained anything of value. Mr. Rogers said there a number of items inside the building which may have some value.

Alderman Brown outlined the following items and Mr. Rogers confirmed.

- 1) During the last year nothing has been done.
- 2) The cost would exceed more than 50% of the current value of the structure to repair.
- 3) The health and safety of the community is at risk with the structure as it now stands.

Betty Henderson, Mr. O. T. V. Barker's daughter and executor of her father's estate, said it took her father 60 years or more to make this mess and she is trying to look after his estate, for herself and for her siblings. Ms. Henderson said she has taken hundreds of tons of debris to the dump and the majority of her time has been spent in making repairs to the house at the intersection of Cherry and Hazel Streets. She has worked on this project for the past three years. Cleaning up to her father was like "throwing gold away", because to him these things were gold. She feels that it is up to her to do this clean up and it is her intent to deal with each house as it becomes vacant. Mr. Barker felt that he was doing the Town a service by providing affordable housing, and that some of the families who rented from him paid nothing in rent. She made a promise to her father that she would not force anyone out of these houses.

Ms. Henderson said she has contracted several jobs with F & F Trucking. However, they have not been able to help her this summer. They sent her an estimate on November 8, 2002 to tear down the warehouse. So far her family has invested \$200,000 toward cleanup projects. Her father told no one of his affairs and his estate is currently in probate.

Ms. Henderson said she has cleaned out some of the things in the Dellwood warehouses in order to make room to store the items from the warehouse on Richland Street. Ms. Henderson said no one would be happier to see these things cleaned up than she will. She said over the past few years she has had a good working relationship with Jack Morgan, who served as Code Enforcement Officer prior to Jason Rogers and she would like to work closely with Mr. Rogers now. She said she plans to get the warehouse down as soon as possible.

Alderman Brown asked Ms. Henderson if she understood that if the Town passed the ordinance proposed, they would tear the structure down and a lien would be placed on the property. Ms. Henderson said she understood that. She added that she has been in discussions with her brothers and sisters about donating this property to the Town. Alderman Brown said if the Town does this and places the lien on the property, it would not be against the estate but only against this property. Ms. Henderson said the property contains 1.5 acres and the warehouse crosses two lots. Currently there are five structures plus the warehouse on this lot. After further review of the topographic photograph from Haywood County Land Records it was found that the warehouse was located solely on one lot and one of the houses appeared to cross over the line into the next lot which is also owned by the Barkers. Alderman Brown said he appreciated the efforts that Ms. Henderson has made on the Cherry Street/Hazel Street property.

If the proposed ordinance is adopted, it would be possible to extend the deadline more than 90 days if Ms. Henderson sees that it will not be possible to complete the work in the 90 days and requests an extension.

Alderman Feichter said no one on the Town's Board wants to cause Mr. Barker's family to go to great pain or expense. Alderman Feichter said Government is an animal which requires a process. She added that there has been a lot accomplished and the Board is grateful for what has been done.

Ms. Henderson said she could get this project started after the first of the year. She explained that she lost the past 4 ½ months because of 2 discs in her back. Ms. Henderson said depending on the tax liability, she may donate this property to the Town. She plans to get the property cleaned up and feels that she can do this.

Alderman Brown moved that after hearing the evidence presented by Code Enforcement Officer Jason Rogers and Betty Henderson, Ordinance 16-02 be adopted, with the modification that the structure be demolished and removed within ninety-two (92) days. The motion was seconded by Alderman Feichter, and passed unanimously. (Ord. No. 16-02)

Code Enforcement Officer Jason Rogers will post condemnation signs on the building.

#### Announcement by Mayor Foy - Grant From CP&L

Mayor Foy announced that a letter was received from Carolina Power & Light company, along with a \$2,000 check for the Landscaping and Beautification Program. Mayor Foy added that previously CP&L provided funding for 25 cherry trees on North Main Street, and two garden clubs received \$1,500 in grants from CP&L.

#### Award by Division of Community Assistance - Main Street Millennium Lamps Project for 2001

Mayor Foy announced that the Town has received an award for the "Light Up Main Street Millennium Lamps Project for 2001" for the best public/private partnership. The award will be presented at a ceremony on Thursday, January 30 in Salisbury, NC. Ron Huelster, DWA Director submitted the application for this award.

#### Approval to Release a Portion of Frozen Funds

Town Manager Galloway said when the Board entered the current fiscal year, \$512,000 in expenditures were frozen. Manager Galloway recommended that \$25,000, which is one-half of the total amount frozen for distribution to various organizations, be unfrozen at this time.

Alderman Caldwell moved, seconded by Alderman Feichter, that with the award of the ½ ¢ sales tax, the additional \$25,000 be released for distribution to the various organizations. The motion carried unanimously.

#### Recessed Meeting - to Reconvene on Friday, December 13, 2002 at 11:30 a.m.

With no further business, at 8:07 p.m., Alderman Brown moved, seconded by Alderman Caldwell, to recess the meeting until Friday, December 13, 2002 at 11:30 a.m. at the Recreation Center. The motion carried unanimously.

#### Meeting Reconvened - Friday, December 13, 2002 at 11:30 am - Employee Appreciation Luncheon

Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell and Kenneth Moore.

Alderman Brown moved, seconded by Alderman Caldwell, to reconvene the meeting at 1:23 p.m. The motion carried unanimously.

Mayor Foy said the past year has been a difficult year. In order to balance the budget changes have been made in the medical coverage for employees and cost of living increases were not included when the budget was adopted. However, the Town managed to keep all its employees, unlike some Towns which have experienced layoffs due to their financial situations. Mayor Foy said thanks to the Legislature, Waynesville managed to get part of this money back with the 1/2¢ sales tax which recently went into effect.

Alderman Caldwell moved, seconded by Alderman Moore, that all employees receive a 2% cost of living increase effective January 2, 2003 and a one-time increase in Christmas bonuses be granted this year. Full-time employees will receive an extra \$200 (total of \$500); permanent part-time employees will receive an extra \$100 (\$250 total); and part-time and seasonal employees will receive an extra \$25 (total \$50).

Mayor Foy read a statement from Alderman Libba Feichter who could not be present at the meeting. Alderman Feichter said the greatest asset a company has is the people who work there. She thanked the employees for the work they do each day. Mayor Foy expressed appreciation to all employees and said that he was very proud of them, especially the group at Town Hall. Appreciation was also expressed to Town Manager Galloway and Finance Officer Eddie Caldwell for their “financial genius” and the manner in which they manage the Town’s financial issues.

The cost of the 2% cost of living increase if effective January 2, 2003 through the end of this fiscal year will cost an estimated \$61,066.79 and the increased Christmas bonuses, with fringe benefits, will cost \$37,683.24.

With no further business, Alderman Brown moved, seconded by Alderman Caldwell, to adjourn the meeting at 1:29 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor