

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
MARCH 25, 2003
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, March 25, 2003. 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 11, 2003

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the March 11, 2003 meeting as presented. The motion carried unanimously.

Demolition of Richland Street Property Warehouse of O. T. V. Barker Estate

Ms. Betty Henderson, Administrator of the Estate of Mr. O. T. V. Barker attended the meeting of March 11, 2003. She was advised at that time that she had sixty days to put up a \$100,000 bond to assure demolition of the warehouse or to give her time to have plans and specifications prepared for rehabilitation of the warehouse.

On Wednesday, March 12, Manager Galloway met with Mr. Richard Rinehart, a friend of the Barker family, to discuss this matter, and he asked for an extension of time for any action. Mr. Rinehart indicated that he felt that if Ms. Henderson had more time and was not operating under quite so much pressure, he could convince her to make what would be the best business decision regarding the warehouse. Since that time Mr. Rinehart has spoken with Manager Galloway several times and reports that Ms. Henderson has decided to demolish the warehouse. She has a bid to demolish the structure and remove the debris, and she would like to salvage the wood from the warehouse. She feels that this can be accomplished within 60 days. It is recommended that this proposition be accepted by the Board, with the directive that if the warehouse is not demolished and the debris removed by Monday, June 2, 2003, the Town's Code Enforcement Officer shall be authorized to contract for the demolition and removal as soon after that date as possible with the cost assessed against the property.

Richard Rinehart attended the meeting, along with Mrs. O. T. V. Barker. Mr. Rinehart spoke to the Board. He said that Betty Henderson has worked for about three months to clean up the warehouse and at this time has some stress related health problems. He said that he has spoken with most of the family members and with Betty who would like to concentrate on the house at Cherry Street.

Ms. Henderson plans to demolish and clean up the property on Richland Street where the warehouse

is located and has someone interested in purchasing the oak wood which it is constructed of. It will take approximately three days to take the structure down at a cost of \$10,000. She would like for the structure to be torn down in such a way to salvage the wood which she plans to transfer to the Dellwood Road property where the nails, etc., can be removed. Ms. Henderson would like to request a couple more months in which to do this work. Mr. Rinehart said they have been discussing the disposition of the warehouse property with their accountant and should know by May whether it would be better to donate the property to the Town or sell it.

Alderman Brown moved, seconded by Alderman Feichter, to amend Ordinance No. 15-02 regarding the O. T. V. Barker property located at Richland Street to indicate that the deadline for demolition of the structure be changed until June 1, 2003. The motion carried unanimously.

Ordinance Regarding Speed Limits on South Main Street (U. S. Business 23 South)

In January, 2003, the Board adopted a resolution asking that the State approve certain speed limits along South Main Street (U. S. 23 Business South). There had been some confusion on the speed limits on this road, and in one case, the speed limit is 35 mph on one side of South Main and 20 mph on the opposite side of South Main. The Board requested that the NCDOT set a speed limit of 35 mph from Hyatt Creek Road to Legion Drive at Bogarts Restaurant, and 20 mph from Legion Drive north through the downtown.

Scott Cook, the Traffic Engineer for DOT, decided to review the speed limits for all of Route 23 through Waynesville, and he discovered another problem that needs correcting. At present, the 20 mph speed limit through the downtown ends at Walnut Street next to the Presbyterian Church. It is the DOT recommendation that the 20 mph speed limit be in effect from Legion Drive, through the downtown and ending at the Bridges Street-Walnut Street-North Main Street intersection. Speed limits would then be 35 mph from Bridges Street north and from Legion Drive south.

To accomplish this, the State must rescind some previous ordinances regarding speed limits along this road and incorporate all speed limits within one new ordinance. It is recommended that the Town Board pass an ordinance concurring with the DOT proposal.

Alderman Moore moved, seconded by Alderman Brown, to adopt an ordinance regarding the speed limit on South Main Street as recommended by NCDOT. The motion carried unanimously. (Ord. No. 5-03)

Report Regarding Delinquent Taxes Authorization to Advertise

Under North Carolina General Statutes, the Tax Collector of a municipal or county government must make an annual report to the governing body with a list of the unpaid real estate taxes in that locality. This is required in advance of the Tax Collector asking for the approval of the Governing Body to advertise the sale of the liens on these properties for the unpaid taxes in the local newspaper.

Tax Collector James Robertson attended the meeting and presented a yearly report of tax collections to the Board. As of March 17, 2003, 92.15% of the real property taxes have been collected and that

figure is rising daily. This does not include motor vehicles taxes which have a lower collection rate, mainly due to the system used by the State for collection of the motor vehicle taxes. Mr. Robertson said last year over \$100,000 in back taxes was collected and he expects to collect close to that same amount this year.

Manager Galloway pointed out that when preparing the budget, the maximum figure you can use for the next year's budget cannot be more than the current year's collection rate.

Alderman Feichter expressed pride in the good job being done by Mr. Robertson, adding that he is just one fine example of the Town of Waynesville's employees. Mr. Robertson said he could not do his job without the support of the Town Manager and Board of Aldermen and he takes pride in the group of employees in the Finance Department that he works with.

Alderman Brown moved, seconded by Alderman Feichter, to authorize advertisement of the delinquent taxes in the local newspaper. The motion carried unanimously.

Twenty Year Water System Master Plan

This item was removed from the agenda.

Budget Ordinance Regarding Dumpster Fees

In the past, the Town of Waynesville has not entered into the business of renting dumpsters to businesses. Dumpsters were purchased for resale to customers. A typical 4 yard dumpster costs approximately \$500 and the Town charges a \$50 fee to deliver and set up the container. Many small businesses have difficulty affording the initial cost of the dumpster, but they still generate enough trash that they really need a dumpster. It is much quicker and more efficient for the Town's personnel to empty one dumpster than to pick up and load 10, 12 or more plastic bags of trash piled on the ground at a business. Those bags often are torn and the trash falls out and spreads around an area creating litter problems.

In order to make the jobs of sanitation workers easier and in an attempt to better control litter problems, Assistant Public Works Director Robert Hyatt has proposed that the Town get involved with renting dumpsters. While a business may not be able to afford an initial charge of \$550, they might be more than willing to pay a monthly rental fee to lease a dumpster. This helps the customer, the town and the community by reducing the likelihood of litter.

Finance Director Eddie Caldwell said sometimes dumpsters last ten years and sometimes they last five. It is felt that the Town can recoup their costs during the lifetime of the dumpster. Manager Galloway said over a five year period the Town will have a \$900 return vs \$500 charged for the dumpster. The Street Department Supervisor feels that renting the dumpsters may help with some of the problems experienced and will help to keep the community cleaner.

It is recommended that the Board of Aldermen agree that the Town should enter the dumpster rental business and that the 2002-2003 budget ordinance be amended to allow a rental fee of \$15 per month

for a four cubic yard dumpster. This rental fee would include repairs of the dumpster when needed.

Alderman Brown moved, seconded by Alderman Caldwell, to adopt a budget ordinance amendment for the 2002-2003 fiscal year budget which would allow a dumpster rental fee of \$15 per month for a four cubic yard dumpster as recommended. The motion carried unanimously. (Ord. No. 6-03)

Request by Mickey G. Forsyth to Abandon Right-of-Way on Playground Circle

Mr. Mickey G. Forsyth owns a lot on Playground Circle off of Willow Road. On the original plat of this subdivision, there was a cul-de-sac proposed and included in the plan. At some point, it appears that the cul-de-sac was eliminated and the road extended to serve an additional piece of property. The road runs through the cul-de-sac and the property outside of what would be the road right-of-way is not of much use.

Mr. Forsyth spoke to the Board. He owns a total of three lots and a house and would like to build on one of these lots but the Town's 10 inch water line and the boundary of the cul-de-sac make it difficult for him to achieve the proper setbacks. He would like for the Town to abandon the cul-de-sac. His neighbor, Jean Dolittle attended the meeting also and said she would like to see the cul-de-sac abandoned which joins her property on the other side of the road.

Manager Galloway said a similar request was received several years ago from Mr. and Mrs. Don Norris. They owned land completely encircling a cul-de-sac which was laid out in Auburn Park and they wanted the Town to eliminate the cul-de-sac and transfer the property to them. The Board was willing to do this if the Norris family would pay all costs of the process, including surveying a new right-of-way line, legal costs associated with the transfer and expenses of advertising the abandonment of the right-of-way which is required by State law. Mr. Forsyth agreed that they would also pay costs associated with the abandonment of the cul-de-sac.

Alderman Brown moved, seconded by Alderman Feichter, to authorize Town Clerk McClure to advertise for the abandonment of both sides of the cul-de-sac, and that the property owners pay all costs associated with the closing. The motion carried unanimously. (Res. No. 5-03)

Proposal for Explosives Detection Canine

Manager Galloway said there have been a number of bomb threats at schools over the years which are quite disruptive to the schools as the students have to leave the building while a search is conducted. The Board of Education has expressed an interest in funding the cost of an explosives detection dog, and a memorandum from Police Chief Bill Hollingsed was presented regarding this proposal.

The School System is willing to pay the \$4,000 needed to secure a trained canine. Officer Mike Davis, an auxiliary member of the Waynesville Police Department, has offered to train the dog and respond to calls within Haywood County. This would be on his own time and not as an expense to the Town of Waynesville. Officer Davis has also agreed to house the animal and provide feed and care, though he does ask that the school system seek funds to provide for these expenses. He has

also asked that the Board of Education and Town of Waynesville be responsible for the insurance liabilities that may be necessary with the use of a service such as this.

Alderman Moore felt that this is needed with the way things are during this time and the Town should take advantage of this offer. Alderman Brown asked who would actually own the dog and whether the Town could insure the dog if it did not own it. There was also some question about liability issues. Attorney Bonfoey will investigate the issue. Manager Galloway said the Town owns “Teddy”, the drug dog. However, there is a reversionary clause which states that if the Town stops using the dog the ownership would revert back to Mike Davis.

Alderman Moore moved, seconded by Alderman Brown to enter into a contract with Officer Mike Davis regarding the explosives detection canine if it can be insured under the Town’s insurance policy. The motion carried unanimously. (Cont. 3-03)

Branner Avenue Loading Zone

A request was recently received from Personality Hair Designs on Branner Avenue that a loading zone be installed in front of their business for the collection and discharge of customers. The Police Department reviewed this request and have recommended that a space be marked and reserved as a loading zone. It is suggested that this space be located in the end space closest to Depot Street and that the zone have a time limit of 15 minutes.

Alderman Brown moved, seconded by Alderman Moore, to adopt an ordinance designating a loading zone space in front of Personality Hair Designs located at 166 Branner Avenue (in the end space closest to Depot Street) with a five (5) minute time limit. The motion carried unanimously. (Ord. No. 7-03)

Release of Frozen Funds

Manager Galloway said when the Town entered the current fiscal year there was a total of \$509,615 in expenditures which were appropriated in the budget but frozen. These funds were frozen as the Town waited to see how the State would handle its own budget situation during 2002-2003 and to protect the Town from any further “taking” of designated local funds by Governor and/or the General Assembly.

During December, the Town received the first quarter’s distribution of the Utilities Franchise Tax, and as a result, in January, it was recommended to the Board that \$195,015 in frozen expenditures be freed to departments for their use in meeting budget needs.

On March 17, the Town received the second quarter’s distribution of the Utilities Franchise Tax in the amount of \$138,825. With the receipt of that payment it is recommended that an additional \$138,825 in frozen funds be released to departments for meeting budget needs. Manager Galloway said a large portion of this money is for sidewalks mainly in the Frog Level area.

Alderman Moore moved, seconded by Alderman Caldwell, to authorize the release of \$138,825 in

frozen funds as recommended. The motion carried unanimously.

Storage of ARC Pool Tables on Wastewater Treatment Plant Property

Manager Galloway said each year during the month of April the Association for Retarded Citizens (ARC) has a pool tournament. They own their own pool tables and have stored them wherever they could find space. These tables have been moved several times and they are looking for a more permanent storage space. They have found a company willing to sell them storage trailers similar to those you see parked at Wal Mart for lay away items. ARC has asked for space at Waynesville's Wastewater Treatment Plant for storage of these trailers containing their pool tables. Manager Galloway said this would not be a problem and would not interfere with the Town's operations.

Alderman Caldwell said this pool tournament has turned out to be a large fundraiser for ARC, bringing in \$20,000 per year.

Alderman Brown moved, seconded by Alderman Feichter, to authorize the storage of these units at the Wastewater Treatment Plant, and that Attorney Bonfoey prepare a hold harmless agreement for this storage. The motion carried unanimously.

Speed Limit on Boundary Street

Alderman Feichter said the speed limit on Boundary Street is 20 mph. She was walking with her granddaughter when a car came from Walnut Street traveling to North Main Street was traveling so fast that the front tires left the ground. Alderman Moore suggested that the speed board be placed on Boundary Street. Alderman Feichter said this has already been done but she felt that people know the speed limit, they just use this street as a short cut. Manager Galloway will bring this to the attention of the Police Chief.

Concerns of Alderman Moore Regarding West Waynesville

Alderman Moore said he would like for the Board to take another tour along South Main Street to the west end of Waynesville. He felt that this area of Town may not be getting the attention it needs and it is beginning to look bad. Alderman Moore said there are people in Waynesville who try to make their property look good and there may be a neighbor beside them whose property looks terrible. He added that these properties need to be cleaned up no matter what it takes.

Attorney Bonfoey said he would like for the Board to have some discussion at the next meeting. At the present time the Town has begun a lawsuit against Mr. Miller on Pigeon Street and Mr. Smith remains in jail for violating a court order regarding the property on Miller Street. At the Board's retreat, Attorney Bonfoey presented a draft ordinance for the Board's review and suggested that the Board discuss this ordinance further at their next meeting. Manager Galloway added that the Mountain Dispute Settlement Center has offered to help the Town in bringing the Town and property owners to an agreement regarding some of the code violations inside Waynesville's jurisdiction. No action was taken.

Suggestion by Alderman Moore Regarding Hazelwood Avenue

Alderman Moore said property owners along Hazelwood Avenue have been doing a good job with upgrading their properties, especially the Burgin family. He would like for the Board to consider installing 4 - 5 additional lights, adding to the lights installed by the Burgin family. Alderman Moore said he would also like to see lights and landscaping added to the parking lot which the Town leases. Manager Galloway said the Town is still in discussion regarding moving the electrical lines underground in this area. Alderman Moore said he recently purchased a bench for this area and challenged the other Board members to purchase more. Alderman Brown suggested that the Town make sure this is what the property owners in Hazelwood want before it is done.

Alderman Moore added that Frog Level property owners have also done a good job. Manager Galloway reported that new garbage cans were recently purchased and ready to install. Before this was done, the Frog Level property owners were consulted to choose the garbage cans they preferred.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:13 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor