

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
JANUARY 8, 2008
TUESDAY – 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, January 8, 2008. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, Kenneth Moore and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Assistant to the Town Manager Alison Melnikova, Town Attorney Woodrow Griffin and Finance Officer Eddie Caldwell. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of December 11, 2007

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minutes of the December 11, 2007 meeting as presented. The motion carried unanimously.

Public Hearing to Consider Amendment to Section 154.112(D) Regarding Animal Shelters in Hall Top Rural District

During October and November, there were a few intense hearings before the Town Board regarding proposed changes to the “permitted uses” chart in the Hall Top Rural District. The Sarge’s Group, an organization interested in the humane treatment of animals came to the Board in October asking that the table of permitted uses be amended to allow animal shelters in the Hall Top Rural District. The Town Board, thinking that the proposed change was acceptable to the neighborhood, granted approval to the change.

In November, a group of individuals owning property and residing in that neighborhood came to the Board to ask that the change be rescinded. The Town Attorney explained that the Board could not simply rescind the action, that the ordinance had been changed and the only way to “undo” what had been done would be to repeat the process and seek a different result from the Planning Board and Town Board. This meant going through a new series of public hearings.

The Town Board directed that the matter go back through the process and have a new hearing before the Planning Board. That issue went back to the Planning Board at their meeting in November. At that time, the Planning Board recommended that the Permitted Use Table remain the same, with animal shelters permitted in the Hall Top Rural District; however, they did recommend that rather than being automatically permitted, animal shelters should be permitted as a conditional use. In that situation, an animal shelter might be allowed in the Hall Top Rural District, but there would be a longer process and conditions would be established which the shelter would have to meet in order to locate in that district.

Mayor Brown explained that this public hearing would not undo the previous action taken to allow animal shelters in the Hall Top Rural District. It is to consider changes to allow animal shelters in the Hall Top Rural District as a conditional use rather than a permitted use. Mayor Brown apologized for any confusion in the advertising notices, adding that the Town hopes to do a better job of notification in the future. The public hearing was opened and the following persons spoke.

Ann Eavenson asked what it would take to remove animal shelters from the Hall Top Rural District. Attorney Griffin explained that when the Board of Aldermen asked that the Planning Board review the issue further, the Planning Board took the position that animal shelters remain, but as a conditional use. Alderman Feichter said the conditional use process is a longer, more arduous process. Ms. Eavenson said when the Planning Board met they did not hear from residents in the community and the residents felt like they have not been given the opportunity to voice their opinions.

Mayor Brown told Ms. Eavenson that in order to remove animal shelters in the Hall Top Rural District, an individual would need to file for an amendment and follow the process through the Planning Board. If the Planning Board did not recommend their request, the petitioner would have the right to appeal.

David Bradley, 125 Cartwright Drive, asked what the next step would be to request that animal shelters be removed from the Hall Top Rural District. Mayor Brown told Mr. Bradley that he would need to make the request through the Planning Office, appear before the Planning Board and then the Board of Aldermen. Mr. Bradley said he plans to fill out the paperwork to make this change. Mr. Bradley felt that this was handled in an “underhanded manner”, because the petitioner requested an amendment rather than a rezoning which would have included notification to property owners. He added that if the property owners had known about the original public hearing in a reasonable amount of time, the neighborhood would have attended the public hearing.

Alderman Feichter pointed out that notification was done in accordance with State Law. Alderman Caldwell said if the property had been rezoned it would have been a spot zoning.

Attorney Griffin closed the public hearing.

Alderman Moore moved, seconded by Alderman Feichter, to adopt an ordinance amending Section 154.112(D) to allow animal shelters in the Hall Top Rural District as a conditional use. The motion carried unanimously. (Ord. No. 1-08)

Mayor Brown apologized for any miscommunication that may have occurred during this process, adding that it was not intentional. Alderman Feichter said from all experiences you gain knowledge, and hopefully in the future the Town can come up with a better way to notify communities when changes are proposed.

Annexation Report by Town Clerk - 244 Acres off Phillips Road and Hall Top Road

At the December meeting of the Town Board, a petition was received for the annexation of 244 acres between Phillips Road and Hall Top Road, north of the U. S. Route 23/74 By-Pass. A resolution was adopted directing Town Clerk Phyllis McClure to investigate the sufficiency of the petition.

Ms. McClure conducted that investigation and found that it meets the requirements of the State Statutes. She noted that the petition included a very small piece of property on the east side of the Bypass at the end of Frazier Street; however, records indicate that this piece of property is already inside the corporate limits.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt a resolution calling for a public hearing to be held January 22, 2008 to consider annexation of the property. The motion carried

unanimously. (Res. No. 1-08)

Consideration of Ordinance of Condemnation - 9 Anessa Kay Lane off Yarborough Street

During the summer, the Town became aware of a situation at 9 Anessa Kay Lane in which a home was in very poor structural condition. Code Enforcement Officer Warren Putnam made a visit to the property and began the process of addressing minimum housing standards on the property. Mr. Putnam has found that there are extensive water leaks within the walls and underneath the floor of the house and that raw sewage is running underneath the structure.

Hearings were held with the property owners and an "Order to Repair" issued by the Code Enforcement Officer, with a deadline for the repairs of September 29, 2007. In his follow up inspections, Mr. Putnam found that nothing had been done to correct the situation, and his next step is to ask the Town Board to adopt an ordinance condemning the property.

Mr. Putnam attended the meeting and explained the inspections and correspondence so far. He said the property has not been repaired and the residents have told him they can't afford the repairs. Mr. Putnam said the situation poses health risks not only to the residents but to the neighborhood as well. There are extensive water leaks, raw sewage running underneath the house and the bathroom floors are falling in. Mr. Putnam asked that the Board adopt an ordinance that the property be repaired or vacated within a time period not to exceed ninety days. Mr. Putnam added that he has received a letter from the Department of Social Services that they will help the family find assisted living if the house is condemned. After that time if the repairs have not been made within a one year time period, to bring the property up to minimum housing standards, Mr. Putnam will need to request that the Board adopt another ordinance that the property be demolished.

Alderman Feichter moved, seconded by Alderman Moore, to adopt an ordinance that the property be repaired within thirty (30) days or be vacated. The motion carried unanimously. (Ord. No. 2-08)

Alderman Feichter thanked Mr. Putnam for the professional job he is doing, adding that she was impressed with the recent report of activities.

Resolution Regarding Installment Financing For Two Garbage Trucks and One Digger Derrick Truck

Several months ago, the Town Board approved the purchase of a new pole truck for the Electric Department. During the fall, the Town Board tentatively approved a recommendation from Town Staff that the Town switch to front loading commercial garbage trucks.

The pole truck is expected in the next 60 days and funds will need to be arranged to pay for the truck. On December 19, 2007, the Purchasing Department opened bids on supplying two front loading commercial garbage trucks. When they opened bids, they received 17 different proposals, with one bidder offering four different truck models. Prices ranged from \$362,000 to \$412,000 for the two trucks, and with the Town using an estimate of \$380,000. This is a very competitive bid process, and the Public Works Staff needs a little more time to evaluate the different bids.

On December 19, the Finance Department opened bids on the installment financing on the three trucks. In asking for proposals, Finance Director Eddie Caldwell used the amount of \$570,000 for the trucks, and he asked for a five-year loan period. There were seven proposals from six different financial institutions, and the bids were highly competitive.

In evaluating the proposals, the Finance Director has calculated the total outflow of funds the Town would have to make. Sometimes, because of special fees, the lowest interest rate is not necessarily the proposal that will result in the lowest outlay of funds. In this case, though, it appears that the lowest interest rate offered, 3.03%, by RBC Centura, is also the one which results in the lowest cash outflow, \$621,571.65. Town staff recommended that the proposal of RBC Centura be accepted.

Finance Director Caldwell said with the front loading truck there is only one driver and it is a safer way to collect garbage. Manager Galloway said some money would still need to be spent on the Town's side loading truck. There are 324 dumpsters in Waynesville, some are leased and others have been sold to the customers. The dumpsters that are leased will be replaced free of charge and the customer will continue to lease the new dumpster. The Town may also be able to recycle the side loading dumpsters by reselling to other towns that still use them.

Alderman Roberson moved, seconded by Alderman Caldwell, to award the bid for financing to RBC Centura, with the lowest interest rate at 3.03%. The motion carried unanimously. (Res. No. 2-08)

Retreat Scheduled for Friday, January 18, 2008

Manager Galloway said the first of two retreats is scheduled for Friday, January 18, 2008 at the Lake Logan Episcopal Center. No action was necessary.

Philan Medford - Concern Regarding Construction Documents

Philan Medford asked to speak on her concerns with construction documents. Ms. Medford said in early November she was looking at the construction documents for the Police Department and they did not meet the Town's design standards. The documents had not been before the Community Appearance Commission at that time and she felt that they would be revised before then. She was somewhat distressed and she would like to see the system improved. She said the entire building needs to be brought up to design standards and hopes that ADW Architects and town staff can resolve this issue. Ms. Medford felt that the building should have met the standards from the beginning of the process. Ms. Medford said she would like to be able to print a double sided copy of the Land Use Document from the Town's web site because the document is so large.

Alderman Brown told Ms. Medford that her criticism has been well taken. Manager Galloway said the situation is being corrected. Public Works Director Fred Baker is working with the Architects to make sure that the building meets the Town's design standards. No action was necessary.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 7:57 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor