

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
JANUARY 14, 1997
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, January 14, 1997. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, Earl Clark, J. Kenneth Moore and James Williamson. 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

Alderman Caldwell moved, seconded by Alderman Clark, to approve the minutes of the December 17, 1996 and January 7, 1997 meetings as presented. The motion carried unanimously.

Public Hearing - Rezoning Request by Waynesville Country Club Inn for 1.7 Acres Located on Chelsea Road from R-3 to C-4

Waynesville Country Club has requested rezoning of 1.7 acres located on Chelsea Road from R-3 to C-4 in order to build additional hotel rooms. At their meeting of December 16, 1996, the Planning Board recommended approval of the rezoning request.

Attorney Bonfoey opened the public hearing. Attorney Chip Killian, representing the owners of Waynesville Country Club, said the Waynesville Country Club plans to build 28 motel units on the property located at the corner of Browning Road and Chelsea Road. This rezoning would allow development consistent with the adjoining property.

Ms. Mary Frazier spoke in favor of the rezoning, adding that the rezoning would better her property as well.

Mr. Jack Swanger, 108 Epsom Street, said he has seen the Waynesville Country Club do very few things wrong, therefore he spoke in favor of the rezoning request. No one else spoke; Attorney Bonfoey closed the public hearing.

Mayor Foy expressed appreciation to the Waynesville Country Club for everything they do in the community.

Alderman Williamson moved, seconded by Alderman Moore, to rezone the 1.7 acre parcel of property at Waynesville Country Club from R-3 to C-4. The motion carried unanimously. (Ord. No. 1-97)

Public Hearing - Request by Frank Childers for Amendment to Section 154.116 - Bed and Breakfast Homes

Mr. Frank Childers and his wife, Ellen, recently purchased the Smathers House at the intersection of Smathers Street and Boyd Avenue. They have requested that Section 154.116 - Bed and Breakfast Homes - be amended as follows:

Add the following paragraphs to Section 154.116:

(J) The following home occupations are permitted in Bed and Breakfast homes: Antique Shops, Gift Shops, Art Galleries.

(K) The aforementioned home occupation uses shall comply with the provisions of Section 154.015 except the total area allowed for the home occupation shall not exceed 25% of the gross floor area of the main floor.

Proposed change to Section 154.116(B):

(B) The maximum number of rooms shall not exceed six (6) guest rooms and the number of renters shall not exceed eight (8) guests.

Attorney Bonfoey opened the public hearing; the following persons spoke:

Jack Suddath, 803 ½ Love Lane, who has operated a Bed and Breakfast Home for 1 ½ years, said he is in favor of amending the ordinance to increase the number of rooms, however, he does not have strong feelings either way regarding home occupations in a Bed and Breakfast Home.

Reimar Steffen, 618 Old Hickory Road, said he has a Bed and Breakfast Home and is in favor of increasing the number of rooms but would like to see the number of guests increased to 12.

Frank Childers, 510 Smathers Street, said the guidelines require that a Bed and Breakfast Home have a commercial kitchen if 12 guests are allowed.

Chris Gillett, 108 Pigeon Street, said with six rooms, eight guests would be appropriate.

Alex Corbin, Code Enforcement Official for the Town of Waynesville, expressed concern of a possible conflict with the Building Code with the requirement of a commercial kitchen and fire wall separation in a Bed and Breakfast Home containing more than five rooms. No one else spoke; Attorney Bonfoey closed the public hearing.

Mayor Foy expressed congratulations to Ten Oaks Bed and Breakfast Home owner Jack Suddath since his establishment was recently placed on the National Register, adding that this is an outstanding achievement.

Alderman Williamson moved, seconded by Alderman Caldwell, to approve the amendments to Section 154.116 as presented. The motion carried unanimously. (Ord. No. 2-97)

Town Attorney's Report on His Investigation of the Subdivision Covenants of the Sulphur Springs Park Subdivision

Town Attorney Bonfoey said that when the Sulphur Springs Subdivision was developed deed restrictions were placed on the subdivision. Those restrictions are still in effect and will come up for renewal in 2003. In order for those restrictions to be changed all property owners in the subdivision must agree to the changes.

Mayor Foy said that Mrs. Sloan has been talking with the neighbors in this area and they all seem to be in favor of development of the Sulphur Springs Park. Alderman Clark said that quite a few people in this area have called him regarding the proposed development of the Park; most of them do not object to flower gardens, etc., but are opposed to other types of development.

Greg Rydelek, 108 Timothy Lane, suggested that a copy of the plans for Sulphur Springs Park be mailed to everyone in the subdivision. He also wanted to know who would be responsible for maintenance of the parking lot.

Nick Messer, 1000 Thomas Park, said he was concerned with the History of Waynesville. He said he would like to see a memorial placed in the park for the last union soldier who fought for the northern side in the Civil War.

Sara Rydelek, 108 Timothy Lane, said she had no objections to the park as it is now. She expressed that everyone in this neighborhood should have input in development of the park.

Jean Crago, 103 Timothy Lane, said that when this issue first came up a lot of the neighbors were opposed to the gazebo and other structures, but have no objections to flower gardens and a pathway.

Henry Rathbone, 902 Chestnut Park Drive, said he has been with this proposed project since the beginning. There are about 40 male members and their families in the Sons of Confederate Veterans who would take on the responsibility for keeping this area clean. They plan to have an information center, walkway, flower garden, monument, small bronze markers, a flagpole, another gazebo and a small parking lot. The name of every confederate soldier who gave his life in the war would be posted.

Town Attorney Bonfoey said he will contact everyone and have them come by his office.

Board Action on North Frazier Street Property Adjacent to Bible Baptist Church

During the last several meetings, the Board held several closed sessions to discuss an offer from Bible Baptist Church to purchase property located on North Frazier Street. The Church offered \$7,000 for a .507 acre parcel. The Board agreed to accept the offer and instructed the Town Clerk to advertise their acceptance of this offer. Any interested party had ten days from the date of publication to offer an upset bid to that which was offered by the Church. There have been no other offers for the property.

Alderman Williamson moved, seconded by Alderman Moore, to sell the .507 acre parcel of located on North Frazier Street to Bible Baptist Church for \$7,000. The motion carried unanimously.

Ordinance Directing Building Inspector to Remove or Demolish Property Located on Hillside Road

During the past several months, Inspectors Alex Corbin and Jack Morgan have dealt with the owners of many substandard houses, junked automobiles, overgrown lots and junk. They have been successful in a number of property owners bringing their houses up to standard or ceasing to rent the homes to the public. All property owners are offered a public hearing before the Inspectors, at which time the violations can be discussed, and most property owners have attended and worked with the Inspectors to resolve the problems. If the Inspectors are unable to resolve the situation through the

hearings process, the Board must adopt an ordinance which will permit them to either demolish or authorize the removal of the dwelling. A mobile home located near the corner of Hillside Road and Craven Street was severely damaged by fire several months ago and the owners have made no effort to repair the unit.

Building Inspectors Alex Corbin and Jack Morgan presented the ordinance which gives the Town of Waynesville authority to remove or demolish the mobile home on Hillside Road. This mobile home was 75-80% destroyed by fire in July, 1996. The mobile home is owned by Elder Keith Cullins.

Phillip Gibbs, 524 Babb Street, said the burned out mobile home is an eyesore and hazard to the community and should be removed.

Alderman Moore moved, seconded by Alderman Clark, to adopt the ordinance to remove or demolish the mobile home located on Hillside Road. The motion carried unanimously. (Ord. No. 3-97)

Building Inspector Jack Morgan said they have been very busy in the Building Inspection Department. Several people have been unresponsive, however, they have had 50% compliance with junked vehicle letters. Haywood County's new regulations have helped; when people realize that they will have to pay taxes on all vehicles they want to get rid of the junked vehicles.

Town Manager Galloway said one of the next issues which will come before the Town will be the Benfield house. He stated that sometimes it takes a long time to bring these areas into compliance.

Request for Emergency Equipment for the First Responders Organization by Kevin Williamson

David Craig, Captain of the First Responders, said this request reflects four (4) paid positions and difibrillators. Mr. Craig said that the Waynesville First Responders responded to 1,014 calls last year. By having paid positions more calls would be answered. Proposed operational costs are : 4 paid positions \$100,000 per year; Truck - \$25,000 - 30,000; Cardiac monitor - \$5,000; Misc. Equipment - \$10,000; Replacement and upgrade for equipment - \$5,000 per year.

Brian Raymond, who is in charge of training for the First Responders, said 1,000 people per day die of cardiac arrest. He continued to say that 76 cardiac arrests occur inside the Town of Waynesville - of those cardiac arrests 2-8% actually live. By having this equipment and paid positions the survival rate would increase from 2-8% to 40-50%. The State requires that you have someone available 24 hours per day to operate this equipment. Waynesville has the largest population in Haywood County; and with the way Waynesville is growing this equipment would be a great help.

Alderman Clark said that in October 1993 when the First Responder program began in Waynesville the Board approved funding to get the First Responders started. The next year the Board approved \$10,000. The next year they approved \$10,000 but did not approve the car which was requested. Last budget period the Board approved \$7,000. Anything in the First Responder program is supposed to come through the Fire Chief. Alderman Clark expressed concern with the funding of four new positions because of the loss of Dayco, purchase of watershed property, new recreation center, etc. Alderman Clark asked Chief Bill Fowler if he was aware of this request. Chief Fowler said he thought it was a wonderful idea, although there are other items which may have a higher

priority for the Town and the Fire Department.

Nancy Sayer said she could not think of anything more important than saving lives.

Mayor Foy said Waynesville is growing and needs to keep up with things. He thanked the First Responders for bringing the issue to the Board and expressed appreciation for their enthusiasm. He asked the First Responders to work with Chief Fowler and Chief Ross to find ways for minimum funding of this request.

Request of Richard Miller for Abandonment of Unimproved Street Off Of Assembly Street

Mr. Richard Miller requested that a portion of an unimproved street on the south side of Assembly Street be abandoned. Some of the neighbors were present and asked that all of the unimproved street be abandoned; however, there was concern that by doing so, there may be a problem with a private driveway. Each property owner will be notified of the public hearing and legal advertisements must run for four successive weeks prior to the public hearing date.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt a resolution of intent and set a public hearing date for February 25, 1997, to consider closing the unimproved portion of Assembly Street. The motion carried unanimously.

Minor Subdivision Plat - Wildcat Cliff Cove - Emil Massaro

Emil Massaro is creating lots 1 and 2 for Wildcat Cliff Cove Subdivision. The lots exceed one acre and are located on Wildcat Mountain Road, and they meet the Town standards. Town staff recommends approval with the following condition: Submit soil evaluation reports for septic tanks for each lot.

Alderman Williamson moved, seconded by Alderman Clark, to approve the minor subdivision subject to complying with the condition as recommended by town staff. The motion carried unanimously.

Final Subdivision Plat - Sanctuary Cove - Emil Massaro

Mr. Emil Massaro is creating a fourteen (14) lot subdivision on Cliff Drive. The property abuts Smoky Mountain Sanctuary. The Planning Board recommended approval of the plat with the following conditions:

- A. Obtain State permits for extension of public water and sewer lines;
- B. Obtain recorded sewer line easement from Jimmy Farmer to connect to public sewer line located on Farmer property;
- C. Either complete the construction of the water system, sewer system and roads, or, submit a surety bond to the Town for the construction of the aforementioned items.

Alderman Clark moved, seconded by Alderman Williamson, to approve the 14 lot subdivision subject to the conditions as recommended. The motion carried unanimously.

Annexation Petition From Emil Massaro For Property in Sanctuary Cove

When a property owner seeks to connect to the Town's wastewater system, it is required that the owner file a petition for annexation of that land to the Town of Waynesville. Mr. Emil Massaro plans to install a wastewater collection system in the 14 lot subdivision on Cliff Drive and he wishes to connect to the Town's system.

Alderman Williamson moved, seconded by Alderman Moore, to adopt a resolution to instruct the Town Clerk to investigate the sufficiency of the petition. The motion carried unanimously. (Res. No. -97)

Report by Town Manager Galloway Regarding Purchase of Watershed Property

Town Manager Galloway reported that the Town is now the owner of an additional 247 acres in the watershed. This is the first of three tracts (the second largest) which the Town plans to purchase. An additional 25 acres which remained in private ownership has been placed under a conservation easement approved by the Division of Water Quality Management. They may construct three (3) houses on this privately held property.

Alderman Williamson expressed concern that it is taking longer than expected for the Town to purchase the property from Haywood Mining. No action was taken.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 8:55 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor