

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
APRIL 22, 1997
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, April 22, 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 Acting Town Attorney Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of April 8, 1997

Alderman Williamson moved, seconded by Alderman Caldwell, to approve the minutes of the April 8, 1997 meeting as presented. The motion carried unanimously.

Public Hearing - To Consider a Lease Purchase Contract to Finance Improvements to the Waynesville Residuals Management Facility

Town Manager Galloway reported that at the April 8 meeting, the Board approved the award of bids in the amount of \$822,185 for the equipment, installation and electrical work associated with the facility being developed for handling the sludge from the wastewater treatment plant. In addition to those costs, the project has a contingency of \$41,109, or 5%, to handle unforeseen circumstances, and the engineering for design of the project and inspection of the work during construction will cost another \$54,000. This brings the total to approximately \$916,794. The Board has \$95,000 in this year's budget toward this project. Under the requirements of State Law, the Town must hold a public hearing on the plans to enter a lease purchase agreement of this size and for this amount of time.

Attorney Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt a resolution to authorize the filing of an application for approval of a financing agreement authorized by N. C. General Statute 160A-20. The motion carried unanimously. (Res. No. 18-97)

Public Hearings

Amendment to Section 154.034 - Side Yard Setback on Corner Lots

Setback requirements have been discussed by the Town Board in the past. At the present time, the setback for a side yard of a corner lot is only 15 feet. The Planning Board has recommended that the side yard setback be changed to 30 feet with the following amendment to Section 154.034.

“Footnote 3: On all corner lots, a 30 foot side yard setback is required and the setback shall be measured from the edge of the traveled way or the right-of-way, whichever is greater; however, a 5 foot side yard setback is required in the Central Business District (CBD).”

It was the consensus of the Board of Aldermen to return the request to the Planning Board for further study.

Amendment to Section 154.155.1 - Historic Districts

The Historic Preservation Commission is moving toward creation of a Historic District in Waynesville. In order to do this, an amendment is necessary to add Section 154.155.1. This amendment was recommended for approval by the Planning Board at their meeting of February 17, 1997.

Attorney Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

Alderman Williamson moved, seconded by Alderman Caldwell, to adopt Section 154.155.1 - Historic Districts as recommended by the Planning Board. The motion carried unanimously. (Ord. No. 15-97)

Award of Lease Purchase Contract on Financing Improvements to the Waynesville Residuals Management Facility

In seeking proposals for providing the lease-purchase financing on improvements to the Waynesville Residuals Management Facility, Finance Director Eddie Caldwell advertised for bids and all banks with operations in Haywood County were invited to submit proposals. Financing was requested on an estimated amount of \$833,000. Bids were requested for financing of a period of ten (10) years and twelve (12) years. It is the recommendation of Town Staff that the bid be awarded to Branch Banking and Trust, with the twelve year period of time, with an interest rate of 5.79% on \$833,000. This will require an annual debt payment in the range of \$96,900.

Finance Director Eddie Caldwell reported on the bids which were received as follows:

Financial Institution	10 Yrs	Rate	Cash Outflow	12 Yrs	Rate	Cash Outflow
First Union		6.55%	1,162,193.80		6.62%	1,233,935.28
Wachovia	+ 6,500 Attorney	5.86%	1,125,000.50	No Bid		
BB&T		5.49%	1,105,295.30		5.79%	1,179,354.60
First Citizen	Declined to Bid					
Community Bank	Declined to Bid					
Haywood Savings	Declined to Bid					
Centura	Declined to Bid					
Clyde Savings	No Bid Received					

Alderman Williamson moved, seconded by Alderman Moore, to award the bid to Branch Banking and Trust for a twelve year period schedule with a 5.79% interest rate on \$833,000. The motion carried unanimously.

Mr. Al Dinofa, Bellemeade Inn - Complaint Regarding Tattoo Parlors

Mr. Al Dinofa appeared before the Board to request that any future tattoo parlors be prohibited inside the Town of Waynesville. Mr. Dinofa stated that he and his wife have operated the Bellemeade Inn located on South Main Street for approximately three and one-half years and a tattoo parlor has recently located directly across the street from his business. Mr. Dinofa said the tattoo parlor was a detriment to his business, and he recently lost a sale of his business because of the tattoo parlor. One of Mr. Dinofa's main concerns was the orange sign for the tattoo parlor which he referred to as "atrocious".

Alderman Williamson asked Mr. Dinofa if he had every spoken with the operators of the tattoo parlor regarding their sign. Mr. Dinofa said he had not.

Ms. Betty Lance said that she and her husband Johnny Lance own and operate the tattoo parlor on South Main Street. Ms. Lance said the tattoo shop was not there as a detriment to the Town of Waynesville. Ms. Lance said their shop had two artists, so there would be two persons in the shop at one time to get tattoos and the people who get tattoos are usually professional people. Ms. Lance said they are trying to operate a respectable business and make an honest living; she encouraged the members of the Board to stop by and visit their business. Ms. Lance said the Health Department inspects their business at least once per month. They have obtained all necessary permits to operate the tattoo parlor. Ms. Lance said they were currently in the process of having new signs made for their shop, one of which will be a neon sign inside the window; the signs which are currently in place are temporary.

Mayor Foy said it appeared that the owners of the tattoo parlor were going to change their sign. If, at any point in time, the tattoo parlor became objectionable the Town would try to find a way to deal with it. Mayor Foy said it appeared that there may be other businesses which may be more objectionable than a tattoo parlor. Mayor Foy complimented Mr. Dinofa on his bed and breakfast operation, adding that he hoped that nothing damaged its operation. No action was taken.

Proclamation - National Police Week

Waynesville Police Chief Frank Ross has asked that the Mayor and Board consider adoption of a proclamation which salutes our local law enforcement officers and declares the week of May 12 - 18, 1997 as National Police Week in Waynesville. The United States Congress has declared this week as National Police Week and May 15, 1997 has long been recognized as Police Memorial Day.

Alderman Williamson moved, seconded by Alderman Caldwell, to adopt a proclamation declaring the week of May 12-18, 1997 as National Police Week in Waynesville. The motion carried unanimously.

Revision to Confined Spaces Policy

Town Manager Galloway said in a continuation of the Town's efforts to be in full compliance with the OSHA regulations, Personnel Officer Margaret Langston and OSHA Compliance Officer Jack Morgan have redone the Town's policy on Confined Spaces. This policy mandates that the Town's employees be trained in the dangers of areas such as manholes, tanks, pits or underground culverts, and be provided with the proper equipment to enter these areas. This equipment includes testing and monitoring equipment, oxygen and masks if necessary, radios, safety harnesses and lifelines and hoisting equipment as necessary.

Alderman Moore moved, seconded by Alderman Williamson, to adopt the revision to the Confined Spaces Policy as presented. The motion carried unanimously.

Request by Downtown Waynesville Association to Close Part of Wall Street on Saturday, May 31

Town Manager Galloway said the Downtown Waynesville Association has requested that the Board authorize the closing of a portion of Wall Street between 8:00 a.m. and 11:00 p.m., on Saturday, May 31. The portion of Wall Street to be closed includes the area between the rear of Cedar Hill Studio and extends to one end of the parking lot which extends eastward from Wall Street near Dick Schulman's. This event allows a number of new businesses which have opened along Wall Street to sponsor a "Wall Street Celebration: A Celebration of Music, Art and Food".

Alderman Williamson moved, seconded by Alderman Clark, to approve the closing of Wall Street as requested. The motion carried unanimously.

Annexation Reports from the Town Clerk - Set Public Hearing Date of May 13, 1997

Town Manager Galloway said several requests for annexation have been received in the past few weeks. The following requests for annexation were investigated for sufficiency by the Town Clerk and found to be valid. A public hearing date for May 13, 1997 is requested.

K & J of WNC, Inc., (Ken Stahl) - Property located off Route 23/74 ByPass near K-Mart

Alderman Clark moved, seconded by Alderman Williamson, to set the public hearing date for May 13, 1997. The motion carried unanimously. (Res. No. 19-97)

Jimmy and Virginia Farmer - Road right-of-way off Greenview Drive

Alderman Caldwell moved, seconded by Alderman Williamson, to set the public hearing date for May 13, 1997. The motion carried unanimously. (Res. No. 20-97)

Eugene and Margot Harpe - Road right-of-way off Greenview Drive

Alderman Moore moved, seconded by Alderman Clark, to set the public hearing date for May 13, 1997. The motion carried unanimously. (Res. No. 21-97)

Sherry M. Young - Road right-of-way off Greenview Drive

Alderman Williamson moved, seconded by Alderman Caldwell, to set the public hearing date for May 13, 1997. The motion carried unanimously. (Res. No. 22-97)

Declare Items Surplus for Auction on May 10, 1997

Town Manager Galloway presented a list of items which the various departments in the Town have given to Purchasing Agent Ron Gillett as being surplus. Under State law, the Town Board is required to declare these items as being surplus and authorize their sale.

Town Manager Galloway said this year the Town will be joining with Haywood County on Saturday, May 10, at 10:00 a.m. for an auction at the Town's Public Works Facility. Along with the list presented from the various departments it is requested that three vehicles be added: 1994 Chevrolet Caprice, 1991 Dodge Truck and 1990 Chevrolet Truck.

Alderman Caldwell moved, seconded by Alderman Clark, to declare the list of items surplus as presented, authorize Town Manager Galloway to advertise for their sale and give him authority to remove items if he sees the need to do so. The motion carried unanimously.

Minor Subdivision Plat - Bruce and Cynthia Zeit - Kelly Street

Town Manager Galloway said a request was received from Bruce and Cynthia Zeit for a minor subdivision of property located at Kelly Street. They are receiving a .558 acre tract from the Hollingsworth tract at the end of Kelly Street. The property is zoned R-2, the lot meets or exceeds Town standards and is recommended for approval by Town Staff.

Alderman Williamson moved, seconded by Alderman Clark, to approve the minor subdivision as presented. The motion carried unanimously.

Parking Problem - Keller Street

Alderman Williamson said there was a problem with vehicles parking on the street at the intersection of Keller Street and High Street. There was concern that emergency vehicles may not be able to make the turn with vehicles parked so close to the intersection. Alderman Williamson suggested that "No Parking" signs be placed at this location or lines painted to prohibit parking.

Alderman Williamson moved, seconded by Alderman Caldwell, to adopt an ordinance if needed to prohibit parking at the intersection of Keller Street/High Street. The motion carried unanimously.

Pedestrian Crossing - Commerce Street

Alderman Williamson said a pedestrian crossing was needed on Commerce Street in order for pedestrians to safely cross from the Soup Kitchen to the parking lot across the street. It was the consensus of the Board to have Town Staff investigate the situation.

Items of Concern

Alderman Williamson expressed concern with garbage collection and the lack of a dumpster at the apartments owned by Mr. Burgin on Camelot Drive near the Hazelwood Post Office. Alderman

Williamson also asked Town Staff to investigate water runoff on Summitt Street onto Mr. Ferguson's property on North Main Street.

Alderman Moore asked that the following items be investigated:

- 1) Small cars dragging on several streets which were recently re-paved at the intersections of Camelot/Brown Avenue, South Pine and Poplar Streets.
- 2) The need for sidewalks at Belle Meade Street.
- 3) Complaints about lack of progress of clean-up of dilapidated houses in Waynesville.
- 4) Complaint received from Vaughn Rhinehart regarding garbage pick-up on Locust Drive.
- 5) Clean up needed for McDonald property on Main Street in Hazelwood.
- 6) Clean up needed for Leatherwood Street, especially where the monument business is located.
- 7) Concern with Town employees driving Town vehicles home.

Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Moore, to adjourn the meeting at 8:17 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gary Caldwell
Mayor Pro Tem