

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
JULY 28, 1998  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, July 28, 1998. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, 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 of June 30, and July 14, 1998.

Alderman Williamson moved, seconded by Alderman Moore, to approve the minutes of the June 30 and July 14, 1998 meetings as presented. The motion carried unanimously.

Public Hearing - Annexation Request by Emil Massaro for Lots 17 - 36 - Whispering Woods at Sanctuary Cove

At the meeting of July 14, the Board set the public hearing date for Tuesday, July 28, 1998, on the annexation request by Emil Massaro for Lots 17 - 36 - Whispering Woods at Sanctuary Cove. Attorney Mike Bonfoey opened the public hearing.

Attorney Jack Kersten, representing Emil Massaro, said that this is the second phase of Sanctuary Cove. The first phase has been annexed into Waynesville and the lots have been sold. Attorney Bonfoey closed the public hearing.

Alderman Moore moved, seconded by Alderman Williamson, to annex lots 17-36 - Whispering Woods at Sanctuary Cove, effective July 28, 1998. The motion carried unanimously. (Ord. No. 22-98)

Clean Water Management Trust Fund Agreement and Conservation Easement on Watershed

Town Manager Galloway said that earlier this year, the Town was awarded a \$500,000 grant from the Clean Water Management Trust Fund, and the funding was intended to assist the Town with the purchase of the privately held property in the Allens Creek Watershed. As a part of the process of receiving this grant money, the Town must enter an agreement with the Clean Water Management Trust Fund regarding the use of these funds and the future use of the property that the Town is attempting to acquire, as well as the property which the Town already owns and is part of the watershed.

Town Manager Galloway said that the first draft agreement covered all the property in the watershed.

There were no major issues, but there were points which needed to be clarified in order for the Town to be sure of the conditions contained in the agreement. This agreement has been reviewed by Town Attorney Mike Bonfoey, Town Engineer Fred Baker and Town Manager Lee Galloway, and those clarifications have been made. Town Manager Galloway said that the conservation easement could be added later.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the agreement with the Clean Water Management Trust Fund. The motion carried unanimously. (Cont. No. 9-98)

#### Petition for Annexation - June Ray - Property Located on the Southeast Side of the Intersection of Allens Creek Road and Valley View Road

A petition has been received from June Ray requesting annexation of 6.0 acres of property located at the intersection of Allens Creek Road and Valley View Road.

Alderman Caldwell moved, seconded by Alderman Williamson, to adopt a resolution to instruct the Town Clerk to investigate the sufficiency of the petition. The motion carried unanimously. (Res. No. 16-98)

#### Annual Certification of Firemen

Town Manager Galloway said that each year, the Board of Aldermen is asked to certify a roster of firefighters who meet the requirements to be eligible for the Firemen's Pension Fund. This fund is a special program established by the State of North Carolina and paid for through a special tax on insurance premiums paid within the State.

In order to be eligible for the Firemen's Pension Fund, a firefighter must complete 36 hours of meetings and drills during the preceding fiscal year. If the firefighter does not complete those hours, the State requires that they be removed from the list. In the past year, two of the Town's firefighters did not meet this requirement and have had to be removed from eligibility for the Fund. This list has been approved by Fire Chief Bill Fowler.

Alderman Moore moved, seconded by Alderman Williamson, to approve the annual certification of firemen. The motion carried unanimously.

#### Mr. Wade Francis - Water Line - Francis Farm Road

Mr. Wade Francis attended the meeting to discuss the installation of a water line on Francis Farm Road. Mr. Francis said that he appreciated the opportunity to speak to the Board. He presented a copy of a letter from Haywood County Manager Jack Horton saying that the Haywood County Board of Commissioners is in general agreement with the proposal to purchase the necessary pipe if the Town is willing to install the pipe to extend the water line along Francis Farm Road. Mr. Francis said that this water is needed because of contamination from the old landfill, mainly due to the placement of various materials in the landfill by Benfield and Dayco.

Town Manager Galloway said in early 1998 an investigation of this project found that the cost was estimated to be around \$250,000, and this would provide water to approximately 26 service sites located on Francis Farm Road and Palmer Drive. At the budget work session in June, 1998, it was concluded that the Francis Farm Water line could not be considered as one of the top priorities during the Fiscal Year 1998-1999 budget. However, it was suggested that in early 1999, upon review of the Town's financial status, further consideration might be given to this water line project. Town Manager Galloway said that Haywood County Manager Jack Horton has informed him that Haywood County has budgeted \$25,000 for this project in their Fiscal Year 1998-1999 budget. Town Manager Galloway said that the Town will be seeking bids on a water line from Knollwood Drive to Sylvan Drive and perhaps they could seek bids for this project at the same time.

Alderman Williamson moved, seconded by Alderman Moore, to instruct Town Manager Galloway to seek bids on the proposed water line project on Francis Farm Road. The motion carried unanimously.

#### Proposed Changes in Ordinances Dealing With Parking and Loading Zones in the Downtown Area

Several situations have arisen during recent months which have caused the Town to take a closer look at Town ordinances dealing with parking and the use of loading zones in the downtown area. Town Attorney Bonfoey and Town Manager Galloway have drafted two amendments which address these situations. One amendment adds Section 72.13 to the Town's Ordinances and regulates parking in the Town's parking areas located on Wall Street, Wall Street adjoining East Street and in the Montgomery/Miller Street Parking lot.

#### Proposed Amendment to Add Section 72.13 Parking in Town Parking Areas

The amendment is as follows:

#### SECTION 72.13 PARKING IN TOWN PARKING AREAS

(A) Except with the prior written approval of the Town Manager, and then only in the event of a festival, special event or other compelling reason, it shall be unlawful for any registered owner of a motor vehicle or any person:

- (1) to park, leave or stop any motor vehicle for more than twelve (12) consecutive hours in the Town of Waynesville parking areas on Wall Street or along Wall Street or in the parking lots below Wall Street adjoining East Street or in the Montgomery Street/Miller Street Parking Lot, so that the vehicle occupies more than one (1) space, or so that the vehicle extends over the marked lines indicating a parking space; OR
- (2) to park or leave any Class A or Class B vehicle, or any bus, motor home or house car or recreational vehicle, all of which are defined in North Carolina General Statute 20-4.01, on the Montgomery Street/Miller Street Parking Lot at any time.

(B) For the purposes of this section, a parking space is defined as the area between two parallel

lines as marked on the pavement and placed by the Town of Waynesville officials or agents.

(C) Whenever evidence shall be presented in any court of the fact that any vehicle was parked in the lots described in subsection A. above in violation of the provisions of subsection A. above, it shall be a prima facie evidence in any court in the State of North Carolina that such vehicle was parked and left upon such public parking lot by the person, firm or corporation in whose name such vehicle is then registered and licensed according to the records of the department or agency of the State of North Carolina, or in the state, province or territory in which said vehicle is registered, by whatever name designated, which is empowered to register such vehicles and to issue licenses for their operation upon the streets and highways of this State or the state, province or territory in which said vehicle is registered.

(D) Any person violating the provisions of this section shall, for each such offense, be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than thirty (30) days.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt an ordinance adding Section 72.13 as proposed. The motion carried unanimously. (Ord. No. 23-98)

Proposed Amendment to Section 72.10 - Passenger and Freight Loading Zones; Freight Loading Permit

The second amendment adds paragraphs (D) and (E) to existing Section 72.10 Passenger and Freight Loading Zones; Freight Loading Permit. The amendment is as follows:

(D) In unloading of freight on Main Street, when trucks would use parking spaces intended for shoppers or inhibit the flow of motor vehicles on the street, freight deliveries should be made prior to 9:00 a.m. or after 5:00 p.m.

(E) In no case shall the loading or unloading of freight result in the blocking of any sidewalk with any device used for the loading or unloading of freight or with the freight itself, so as to impede the flow of pedestrian traffic or to endanger the safety of pedestrians or motor vehicles.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt an ordinance to amend Section 72.10 as proposed. The motion carried with three (3) ayes (Caldwell, Foy and Moore) and one (1) nay (Williamson). (Ord. No. 24-98)

Award of Bids to Demolish Structure at 880 North Main Street

Town Manager Galloway said in order to make the necessary repairs to Summit Street, the Town purchased the apartment buildings located at 880 North Main Street. Those apartments need to be demolished so that the work on the road may take place.

Code Enforcement Officer Jack Morgan has secured four bids for this work. The bids are as follows:

Forga Contracting, Inc.	\$4,250
Darrell Inman	\$5,150
Henson & Brooks	\$9,750
Neo Corporation	\$8,500

Alderman Williamson asked if the Town could perform the work to demolish the apartments and dispose of the materials in the Town's landfill. Town Manager Galloway said that the materials could not be put in the Town's landfill, but would have to be taken to Haywood County's demolition landfill which is located at Thickety. Alderman Williamson and Alderman Moore expressed concern that the Town should take advantage of every opportunity to save money, especially since the Town is in the process of building a new multi-purpose recreation center.

Alderman Caldwell moved, seconded by Mayor Foy, to award the bid to Forga Contracting, Inc., in the amount of \$4,250. The motion failed with two (2) ayes (Caldwell, Foy) and two (2) nays (Williamson, Moore).

Upon further discussion, Alderman Caldwell moved to rescind his original motion, seconded by Mayor Foy. The motion carried unanimously.

Alderman Caldwell moved, seconded by Alderman Moore, to instruct Town Manager Galloway to investigate the possibility that the Town demolish the apartments located at 880 North Main Street and dispose of the material at the Town's landfill. If this cannot be done the bid will then be awarded to Forga Contracting, Inc., in the amount of \$4,250. The motion carried unanimously.

#### Report by Town Attorney Michael Bonfoey

Town Attorney Bonfoey reported that the Town has three lawsuit cases at this time as follows:

- 1) Revis - water tank.
- 2) Messer - sewer smoke bomb.
- 3) Coffey - housing.

No action was necessary.

#### Closed Session - Legal Matter

Alderman Williamson moved, seconded by Alderman Moore, to adjourn to closed session at 7:47 p.m.

Alderman Williamson moved, seconded by Alderman Moore, to return to regular session at 8:02 p.m. Both motions carried unanimously.

### Concerns of Aldermen

Alderman Caldwell asked about the status in the attempt to clean up Justice Trailer Park on Welch Street. Town Manager Galloway said that Code Enforcement Officer Jack Morgan has attempted to contact the property owner, but has been unsuccessful in his attempts. Instruction from the Town Attorney may be necessary in order to pursue.

Alderman Moore asked if the Town has received estimates to extend sewer to Haynes Mobile Home park located off of US 276. Town Manager Galloway said that those estimates have not been received.

Mayor Foy said that the Town should begin to pursue removal of the signs located on South Main Street across from Dayco.

### Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Moore, to adjourn the meeting at 8:10 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor