

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
AUGUST 11, 1998
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, August 11, 1998. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, Kenneth Moore, Sam Wiggins 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 Moore moved, seconded by Alderman Caldwell, to approve the minutes of the July 28, 1998 meeting as presented. The motion carried unanimously.

Set Public Hearing Date for Proposed Ordinance Relating to Vacated and Closed Dwellings and Structures

Mayor Foy said that the General Assembly passed legislation authorizing the Town to enact an ordinance which gives the Town additional powers to deal with vacated and closed dwellings and structures. Town Attorney Bonfoey presented a draft ordinance, adding that the Board must conduct a public hearing to consider adoption of the ordinance.

Town Manager Galloway said that this ordinance gives the Town another option to use when dealing with vacant houses in which the landlord has no intention to repair or rehabilitate. Town Manager Galloway pointed out the last paragraph on Page 1 which states that if a property owner has vacated and closed a dwelling for a period of one year, and if the owner is not making progress on the dwelling, the Board can give the property owner ninety (90) days to repair or demolish. Several Board Members were concerned with the length of time that it may take to complete this process. They asked Town Attorney Bonfoey to see if the time requirement could be reduced to less than one year. There was also discussion of whose responsibility it would be to determine the value of the dwelling and who would determine that the cost to repair would be more than 50% of the current value of the dwelling.

Alderman Caldwell moved, seconded by Alderman Wiggins, to set a public hearing date for August 25, 1998, to consider the adoption of an ordinance relating to vacated and closed dwellings and structures. The motion carried unanimously.

Request of Vaughn Rhinehart for Dedication of Locust Drive for Town Maintenance

Vaughn Rhinehart attended the meeting to request that the Town of Waynesville take over maintenance of a portion of Locust Drive. Mr. Rhinehart said that this property was located in the

corporate limits of Hazelwood before the merger of Waynesville and Hazelwood. Mr. Rhinehart added that Hazelwood accepted dedication of Locust Drive, maintaining and paving this particular portion on two occasions. According to Mr. Rhinehart, the portion of road in question is approximately .05 mile in length. Mr. Rhinehart said that he has a recorded map for his development on Locust Drive which should reveal that this portion of Locust Drive should be included for maintenance.

Town Manager Galloway said according to the measurement of streets for Powell Bill paving, this area is not included for maintenance by Waynesville. Manager Galloway said that a portion of Locust Drive is currently scheduled for patching by the Town of Waynesville. Town Clerk Phyllis McClure has researched the minutes of the Town of Hazelwood, beginning in the late 1970's until the merger in 1995. Ms. McClure was unable to find any record of the dedication of Locust Drive to the Town of Hazelwood.

Alderman Kenneth Moore said that during the time he served as Police Chief for the Town of Hazelwood, the Fire Department and Police Department patrolled this area. Alderman Wiggins said at this point he felt that this was an error which should be corrected.

It was the consensus of the Board to instruct Town Manager Galloway, along with Town Attorney Bonfoey, to work out a plat with necessary right-of-ways for Locust Drive. At that time Mr. Rhinehart should formally dedicate Locust Drive to the Town of Waynesville for maintenance.

Petition for Annexation - June Ray - Property on Southeast Corner of Intersection of Allens Creek Road and Valley View Drive

At the last meeting, the Board adopted a resolution directing Town Clerk Phyllis McClure to investigate the sufficiency of a petition for annexation submitted by Ms. June Ray for the property located at the intersection of Allens Creek Road and Valley View Drive. Ms. McClure has investigated the petition and found that it meets the requirements for annexation.

Alderman Moore moved, seconded by Alderman Williamson, to adopt a resolution to set the date for a public hearing regarding this annexation for Tuesday, August 25, 1998, at 7:00 p.m. The motion carried unanimously. (Res. No. 17-98)

Mr. Matthew Jones, North Carolina Department of Corrections

Mr. Matthew Jones, Assistant Superintendent of the Hazelwood Correctional Facility, attended the meeting to make the Town aware of the free inmate labor services available through a program offered by the North Carolina Department of Corrections (NCDOC). Mr. Jones said that this labor is made available to any tax supported entity. Mr. Jones added that this service is provided at no cost to the Town, benefitting the Town by saving tax dollars, and that it also keeps the inmates busy while serving their sentences. Mr. Jones said that the DOC currently has two crews with ten men in each crew and an armed guard. They hope to begin work with a third crew when they complete a modular building expanding their facility.

Mr. Jones said that they have already completed several projects for the Town of Waynesville. Those projects included work at the Water Plant, trash pick up along several roadways, shoveling snow, and various work at the Recreation Department. The inmates recently built some sidewalks for the Town of Maggie Valley. Maggie Valley was so pleased with their work they have requested that they build an additional 1,000 feet of sidewalk when time allows. Mr. Jones said at the present time they cover six (6) counties in Western North Carolina and each job is scheduled according to work requests from various agencies.

Town Manager Galloway said that the Town has requested help from the NCDOC for several projects and the Town has been very pleased with the work. Manager Galloway said that work order requests are available at Town Hall for any department requesting work. Board members expressed appreciation to Mr. Jones for his work and the work provided by the inmates through the NCDOC. Mr. Jones said that the inmates appreciate the recognition they receive for the work they have done. No action was necessary.

Request for Utilities Waiver for Haywood Mountain Home

Town Manager Galloway said that a letter was received from Mr. Bill Noland, a member of the Board of Directors for the Haywood Mountain Home. This facility is currently under development on Keller Street to be used for housing young people up to 17 years of age. The request by Mr. Noland is that the Town provide water, sewer and electricity to the Home at no cost.

It was the consensus of the Board that the utilities for Haywood Mountain Home should be evaluated to determine the average usage for the home. They felt that this was necessary in order for them to set a maximum dollar amount to allow for free utilities.

Alderman Williamson moved, seconded by Alderman Caldwell, to furnish utilities for Haywood Mountain Home until January 1, 1999. At that time the Board will evaluate the average cost of the utilities and set a maximum dollar limit for the free utilities. The motion carried unanimously.

Re-Appointment of Alcoholic Beverage Control Board Member

The term of Arthur Paul Evans on the ABC Board will expire August 15, 1998.

Alderman Moore moved, seconded by Alderman Williamson, to re-appoint Arthur Paul Evans to the ABC Board to serve a three year term to expire August 15, 2001. The motion carried unanimously.

Minor Subdivision Plat - Stephen P. Davis - Woodside Circle

Stephen P. Davis owns a 7+ acre tract of land which is zoned R-1 and located on Woodside Circle, a street that intersects Howell Mill Road near the railroad tracks. Mr. Davis is creating a new, 1.3 acre lot. Town staff recommends approval of the subdivision plat with the following condition:

- A. A soil evaluation report for a septic tank is required.

Alderman Williamson moved, seconded by Alderman Moore, to approve the minor subdivision plat for Stephen Davis, subject to the submission of a soil evaluation report for a septic tank, as recommended by Town Staff. The motion carried unanimously.

Discussion of Proposed Cellular Tower Ordinance

Town Attorney Bonfoey suggested that Board Members read the proposed ordinance regarding cellular towers. Attorney Bonfoey explained that the Ordinance becomes more restrictive in the placement of cellular towers as you go from Industrial Zones into Commercial Zones and then into Residential Zones. The proposed ordinance also allows placement of the towers as a conditional use in higher elevations, possibly above 3,500 feet. Attorney Bonfoey said that if these towers were placed at higher elevations one tower may be needed, whereas if placed at lower elevations five towers may be needed, however property at the higher elevation is residentially zoned. Attorney Bonfoey said that copies of the proposed ordinance have been provided to representative of Bell South and Bell Atlantic. Their representatives have indicated that their companies may be able to share towers if possible. Attorney Bonfoey said that this proposed ordinance will be reviewed by the Planning Board at their meeting of August 17, 1998. It was the consensus of the Board that a public hearing be set regarding this matter at the earliest possible meeting.

Discussion Regarding Tree Ordinance

Town Manager Galloway presented a proposed tree ordinance which has been revised extensively since the initial draft was prepared earlier this year. Manager Galloway said that the first draft would have had an impact on development, especially in the construction of roads, since the ordinance required that trees be replaced when removed. Manager Galloway said that the proposed tree ordinance as it appears now suggests what developers do, rather than require. This ordinance is an effort to encourage the protection of trees in our community and the replacement of trees that have to be removed in the course of development.

Alderman Wiggins said that he did not feel that you had an ordinance if you asked someone to comply rather than requiring that they comply. Alderman Williamson said that he did not feel that you should tell people what they can do with trees on their own property. Mayor Foy said that most people will comply with this ordinance if they can. Mayor Foy said when someone submits a subdivision plan and you explain to them the value of leaving the trees in the development they usually are willing to comply.

Alderman Moore moved, seconded by Alderman Williamson, to adopt the Tree Ordinance as presented. The motion carried with three (3) ayes (Moore, Williamson, Caldwell) and two (2) nays (Foy, Wiggins). (Ord. No. 25-98)

Fund Raising Committee for Recreation Endowment Fund

Alderman Williamson moved, seconded by Alderman Moore, for Board Members to submit two (2) names at their next meeting on August 25, 1998, for Chairman and Vice-Chairman who would establish a fund raising committee to raise money for the Recreation Endowment Fund. The

Chairman and Vice-Chairman will then choose their own committee members. The motion carried unanimously.

Spokesperson for Matters Regarding the Multi-Purpose Recreation Facility

It was the consensus of the Board to authorize Town Manager Galloway and Mayor Foy as the only spokespersons for the Town of Waynesville in press related matters regarding the Multi-Purpose Recreation Facility.

\$250,000 Environmental Protection Agency (EPA) Grant - Allens Creek Watershed

Town Manager Galloway presented copies of a letter regarding a \$250,000 EPA Grant previously awarded to the Town of Waynesville for purchase of property at the watershed. Manager Galloway said that this grant money was awarded to the Town on the basis of the Town being able to secure all three of the privately held tracts. There was an indication that the grant may be lost if any of the property had to be condemned. It now appears that a portion of the watershed may have to be condemned in order for the Town to acquire ownership. Manager Galloway submitted a request that the Town be allowed to use the grant money toward the purchase of the Barnett tract which has already been purchased and did not require condemnation. This letter confirms the decision to allow the Town to use the \$250,000 grant money toward the purchase of the Barnett tract, and the Town will not lose this grant money if one of the other tracts considered for purchase by the Town is condemned. Board Members expressed their pleasure in the Town being allowed to apply the \$250,000 toward the purchase of the Barnett tract in the watershed and they also expressed their appreciation for the efforts of Town Manager Galloway in seeking this approval.

Widening of North Main Street - Request from NC Department of Transportation

Mayor Foy said that a letter was received from the North Carolina Department of Transportation, regarding the widening of North Main Street (US Business 23) from three lanes to five lanes. This project is a suggestion made by DOT for consideration by the Town. This project is approximately four-tenths of a mile long and will cost the State more than \$4 million in right-of-way costs and another \$1.5 million in construction costs. It would displace approximately 14 residences and 21 businesses, according to the DOT.

Alderman Wiggins moved, seconded by Alderman Caldwell, to request that the State widen US 23 Business to three lanes from Ratcliffe Cove Road to the Marshall Street/Walnut Street/North Main intersection. It was also requested that the NCDOT help to redesign the intersection at North Main Street/Bridges Street and the Recreation Department entrance. Another request was that NCDOT consider investing the difference in cost, after construction on US 23 Business, to improvements on South Main Street to the West Waynesville area. The motion carried unanimously.

Closed Session - Legal Matter

Alderman Williamson moved, seconded by Alderman Moore, to adjourn to closed session at 8:33 p.m. to discuss a legal matter.

Alderman Williamson moved, seconded by Alderman Wiggins, to return to regular session at 9:01 p.m. Both motions carried unanimously.

Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Moore, to adjourn the meeting at 9:07 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor