

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
MARCH 9, 1999
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, March 9, 1999. 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 of February 23, 1999

Alderman Williamson moved, seconded by Alderman Caldwell, to approve the minutes of the February 23, 1999 meeting as presented. The motion carried unanimously.

Public Hearing - Rezoning Request by Pamela Ferguson - 50 Old Asheville Highway - R-4 to C-3

Ms. Pamela Ferguson is requesting a rezoning of a .54 acre lot she owns at 50 Old Asheville Highway. The lot abuts the Norway Manor Mobile Home Park owned by Nancy Francis and is currently zoned "R-4" Medium Density Residential District. Ms. Ferguson is requesting a rezoning of the parcel to "C-3" Highway Commercial District. This rezoning request was reviewed and recommended for approval by the Planning Board at their meeting of February 15, 1999. Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing.

Mayor Foy said that the Planning Board, at their meeting on March 15, will discuss a proposed limited use district. This district would allow uses that would not be detrimental to the surrounding area. Mayor Foy suggested that the Board of Aldermen postpone action on this rezoning request until the Planning Board has an opportunity to review the proposed district.

Alderman Williamson moved, seconded by Alderman Caldwell, to rezone the .54 acre lot located at 50 Old Asheville Highway from R-4 to C-3. The motion carried unanimously. (Ord. No. 3-99)

Public Hearings

Amendment to Section 154.012 - Grading and Land Filling Permit

Jack Suddath, 224 Love Lane, said that modifications to the Grading and Land Filling Permit Ordinance were brought to the Board of Aldermen approximately one (1) year ago. The issue was deferred and a Grading Ordinance Committee was appointed to review and make recommendations. This committee consisted of four (4) contractors, one (1) civil engineer, one (1) attorney and the Town's Director of Public Works. The ordinance was also reviewed by the Land Use Task Force

Committee and the Planning Board. Mr. Suddath said that he felt that the proposed ordinance is workable and needed. Mr. Suddath urged the Board to adopt the ordinance as proposed.

Ron Fleenor, said that several good people worked on this ordinance and that he attended most of the meetings when this proposal was discussed. Mr. Fleenor said that the ordinance was carefully examined and felt to be safe by engineer's standards while remaining workable by the contractor. Mr. Fleenor said that this ordinance is needed for good development, because everyone can see what can happen to these mountains if development is not done properly.

Ron Muse said that he served on one of the committees reviewing this ordinance and that the members have done what they could to come up with an ordinance that would work for everyone. Mr. Muse said if developers are going to build with good intentions, this ordinance is something that they have to put in their hip pocket.

Gary Cochran, 45 Mast Court, served as Chairman of the Grading Ordinance Study Committee, and he felt that the ordinance was made into something feasible and usable. Mr. Cochran added that the ordinance has pros and cons and that things are always going to change. Mr. Cochran said that he felt that the ordinance is one that everyone can work with.

No one else spoke; Attorney Bonfoey closed the public hearing.

Mayor Foy said that the Town had committee members that worked diligently, putting a lot of time and effort into the grading ordinance and that the Town owes a great deal of appreciation for what these committee members have done.

Alderman Williamson asked who would oversee and enforce the ordinance. Town Manager Galloway said that Town Engineer/Public Works Director Fred Baker and Planning and Zoning Manager John Swift would enforce the ordinance. Alderman Williamson asked how the ordinance would affect the grading and dirt removal project on Dellwood Road. It was pointed out that the grading on Dellwood Road is one of the issues which brought to the attention of the Town the need for a grading ordinance. Alderman Williamson said that "a man with plenty of money" would not have a problem with this ordinance, and he was concerned that it may cause added expense to others. Alderman Williamson felt that the ordinance needed additional study and that he has not had adequate time to review the ordinance since he received it on Friday. Mayor Foy pointed out that the Planning Board, Land Use Task Force Committee and Grading Ordinance Committee have been working on this ordinance for the past year.

Alderman Wiggins moved, seconded by Alderman Caldwell, to adopt the amendments to Section 154.012 and 154.006 as recommended. The motion carried unanimously. (Ord. No. 4-99)

Amendment to Section 154.036 - Front Yard Building Setback Requirements

The proposed amendment to Section 154.036 Front Yard Building Setback Requirements was recommended by the Planning Board at their meeting of September 21, 1998. This amendment works along with the Grading Ordinance and is proposed in order to preserve more trees and save

more area in moderate to severe sloped lots abutting a public street or road. Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing.

Alderman Wiggins moved, seconded by Alderman Caldwell, to adopt the amendment to Section 154.036 as recommended. The motion carried unanimously. (Ord. No. 5-99)

Award of Installment Financing Proposals for Computer System

Finance Director Eddie Caldwell reported that he contacted Tony Gaddis with the Regional Hi Tech Center to seek advice regarding the compatibility of the hardware and software proposed for the new computer system for the Town. Upon the recommendation of Mr. Gaddis, Mr. Caldwell met with Mr. William Wolf on March 3 for about one hour. Mr. Wolf commended the Town Staff for the research done on the new computer system and he felt that the Town's recommendation for a new computer system would be an acceptable, compatible system that the Town could easily use. Mr. Caldwell then met with representatives of the hardware and software companies and they have assured him that the hardware and software will work together. A contract will be drafted for the Town Attorney to review.

Finance Director Caldwell also said that during his research he found that Mountain Computers was founded in 1992 and that their staff has a combined experience of forty-five years. Mr. Caldwell also reported that reference checks for Mountain Computers at the Haywood County Library, Haywood Vocational Opportunities and Haywood County Department of Social Services revealed all good references.

Finance Director Caldwell reported that bids were opened on March 4, 1999 at 2:00 p.m. for installment financing proposals for the general administrative information system for the Town of Waynesville. Those proposals were as follows:

It is recommended that the installment financing be awarded to Clyde Savings at the five (5) year rate with an interest rate of 3.95%. The yearly payment would be \$33,646.75 with a total cash outflow of \$167,437.72. A \$250 recording fee is also required.

Alderman Williamson moved, seconded by Alderman Moore, to award the installment financing to Clyde Savings for a period of five years, with an interest rate of 3.95%. The motion carried unanimously. (Res. No. 2-99) (Cont. No. 5-99)

Request of Mountaineer Little League

Roger Hampton, Mountaineer Little League President, requested assistance from the Town in securing poles and mounting lights at the girl's softball field at the Hazelwood Recreation Park. Approximately two years ago, a similar request was received by the Board, and a survey was conducted of the residents of the neighborhood surrounding the park to see how they felt about the addition of lights. The survey showed both support and opposition to the lights, with the opposition based upon the close proximity of the homes to the Park and the disruption the lighting would have to these homes.

Mr. Hampton said that the Mountaineer Little League has changed over the past three to five years. He said that they have always been a non-profit organization but they are now completely volunteer. This past year there were nine leagues involving a total of 600 children (400 boys/200 girls). Those children range in age from seven (7) to eighteen (18) years. All funds for the Mountaineer Little League come from fund raisers, sponsors and donations. Currently the Little League plays on five different fields in Waynesville, none are owned by the Little League but they have built the fields over the past years. Those fields consist of Hazelwood Elementary, Elks Lodge, American Legion, Waynesville Middle School and the Clyde Fisher Field (Hazelwood Park). Mr. Hampton said that they would like to install lights at the Clyde Fisher Field where the girls play and that they would comply with the Town's regulation that the lights be turned off no later than 10:00 p.m. Mr. Hampton said that the girls usually finish their games by 9:00 p.m. and that the only time they would be played later than this, is if tournaments are held.

Tommy Parris, a resident at another park owned by Waynesville, said that he felt that the time element is the issue. Mr. Parris lives beside the Vance Street Park and he said that since the Town of Waynesville began the requirement to turn off the lights by 10:00 p.m. it has not been a problem.

Alderman Wiggins asked if parking would be increased. Mr. Burton Green attended the meeting and said that he owns property on three sides of the park. Mr. Green said that he has given permission for people to park on his property as long as the road is left open.

Town Attorney Bonfoey recommended that the Board conduct a public hearing at their next meeting to solicit input from the residents in the area surrounding the park.

Alderman Moore moved, seconded by Alderman Caldwell, to conduct a public hearing at their meeting on March 23, 1999, to solicit input from the residents in the area surrounding the park. Town Manager Galloway was instructed to send letters to those property owners between Westwood Circle and Georgia Avenue advising them of the public hearing. The motion carried unanimously.

Request by Tom Parris - Vance Street Flooding

Mr. Tom Parris, a resident of 49 Vance Street, attended the meeting to request help from the Town regarding a flooding problem at Vance Street. Mr. Parris said that some of the Town's employees and Board Members have seen the flooding problem in person and on video. Mr. Parris said that the back portion of the bridge going over to the Pet Dairy property has fallen into the creek and he was concerned that this could add to the flooding problem. Mr. Parris said that in previous discussions with the Town he was told that the Town does not own property where the drain was installed. Mr. Parris said that when Mr. Sutton was Town Manager a bridge was built on Vance Street and that there was a lot of traffic on Vance Street. Stainless steel barriers were installed, however, they are caving in now.

Mr. Parris said that the Court has given Mr. Bill Norris a time period to rebuild the bridge. However, he did not know what that time period was. Mr. Parris expressed dissatisfaction with the attorney that represented him in this case and he said that he has obtained another attorney. Mr. Parris said if the Town owns the right-of-way they would also own approximately 2/3 of the bridge. Mr. Parris asked the Town to investigate the situation to see if they really do own a portion of the bridge. He said that there was too much water traveling through this area for the drain to handle. Mr. Parris felt that the individual who was ordered to rebuild the bridge had more pull with the Town than other people and that he would not be required to do things that other people would be required to do.

At the suggestion of Town Attorney Bonfoey, Mr. Parris said that he could provide a copy of the court agreement for the Town Attorney to review.

Alderman Sam Wiggins asked to go on record to say that "the other man that Mr. Parris was speaking about had no more pull with the Town than Mr. Parris has". Mr. Parris said that he believes Alderman Wiggins. However, this person knows other people on the Board and feels that he does have pull. Mayor Foy said that he did not feel that this was so.

Request by Downtown Waynesville Association for 1999 Street Closings

The Downtown Waynesville Association has requested street closings in the downtown area for several events in 1999. They are as follows:

Friday Night Street Dances - July 9 & 23 and August 6 & 20.
Folkmoot Parade - July 16
International Festival Day - July 24
Church Street Art & Craft Show - October 9
Apple Festival - October 16
Waynesville Christmas Parade - November 29

Alderman Moore moved, seconded by Alderman Williamson, to approve the street closings for 1999 as requested by the Downtown Waynesville Association. The motion carried unanimously.

Agreement Between Town of Waynesville, Junaluska Sanitary District, Town of Clyde, Haywood Community College & Haywood County Regarding Wastewater From Town of Clyde to Wastewater Treatment Plant

Town Manager Galloway said that this agreement represents the request from the Town of Clyde for treatment of their wastewater. This agreement will allow the treatment of 350,000 gallons of wastewater per day from Clyde. The Town of Waynesville will bill the Junaluska Sanitary District (JSD) and JSD will bill the Town of Clyde. The pump station will be installed by the Town of Clyde to the JSD. All parties must comply with State Law and the agreement requires a five year notice to terminate the contract. The Town of Waynesville will continue maintenance of the pump, contracting the work if necessary, and then bill JSD for the work.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the agreement for the treatment of wastewater from the Town of Clyde as presented. The motion carried unanimously. (Cont. No. 6-99)

Action Regarding Property at 104 Leatherwood Street

After receiving several complaints regarding the condition of the property located at 104 Leatherwood Street, owned by Mr. Guy Angel, Code Enforcement Officer Jack Morgan made an inspection of the property. One of the issues involved the commercial use, by the storage of materials on the lot, in a residential zoning district. Mr. Morgan met with Mr. Angel on October 16, 1998 to discuss what action would be taken to bring the property into compliance with Town ordinances. On November 16, 1998 Mr. Angel presented a plan of action with a projected completion date of January 1, 1999. That date was then extended until March 1, 1999. Since Mr. Angel has failed to bring the property into compliance with Town ordinances, it is now recommended that Town Attorney Bonfoey be directed to seek relief in this matter through the court system.

Alderman Williamson moved, seconded by Alderman Caldwell, to authorize Town Attorney Bonfoey to proceed with legal action for the property located at 104 Leatherwood Street owned by Mr. Guy Angel. The motion carried unanimously.

Discussion Regarding Junk/Litter in Waynesville

Alderman Moore said that the Town needed to work on cleaning up the West Waynesville area. Alderman Wiggins said that the Allens Creek property discussed at the last meeting, a house on Goodyear Street and the property on Miller Street were in unbelievable condition. Alderman Wiggins said that if the Town had ordinances to deal with these situations they should be enforced and if the Town does not have ordinances, maybe the Board should adopt more. Town Manager Galloway pointed out that the Miller Street property was an issue even before he became Town Manager and that one of the biggest problems at this location is the firewood which is scattered over the property. Manager Galloway said that the Town does not have an ordinance to deal with the placement of firewood. Manager Galloway said that the property on Allens Creek does have two mobile homes on a single lot. This is because the ordinance which restricts one single family dwelling per lot was adopted in 1985 and the second mobile home was already on the property prior to that time. The other issue on the Allens Creek property is the numerous items stacked outside which the owner claims to be items used for yard sales. The Town does not have an ordinance dealing with yard sales and the ordinance section dealing with "items for sale" is vague. Town Manager Galloway agreed that there are a lot of issues in Waynesville which need to be addressed and that ordinances will need to be adopted to deal with some of these issues.

Manager Galloway reported that the Town is taking steps to help control some of the litter in Waynesville. A representative of the North Carolina Department of Transportation has been contacted to get information regarding the State's Adopt a Highway Program. Manager Galloway said that he has spoken with Police Chief Hollingsed about using Community Service Workers to help with the pickup of litter and that the Town plans to continue using inmates from the North Carolina Department of Corrections.

Mib Medford pointed out that the litter issue is not just in Waynesville, but all of Haywood County, and should also be addressed at the county level. Mrs. Medford said that it was important to develop pride in the community. Alderman Wiggins agreed, saying that unless we educate and enforce it will be a constant cleanup for Waynesville.

Petition for Annexation - Lot #7 - Elizabeth A. Stroupe - Joseph Allison Estate - East Street

Elizabeth A. Stroupe, Joseph Allison's daughter, has petitioned for annexation of Lot #7, located off East Street, across from the old hospital. Mr. Allison is subdividing his property on East Street for transfer to his daughters. A sewer tap has been requested for Lot #7 and it is the Town's policy that a petition for annexation be submitted for requests for sewer service outside the corporate limits.

Alderman Williamson moved, seconded by Alderman Moore, to instruct the Town Clerk to investigate the sufficiency of the petition. The motion carried unanimously. (Res. No. 2-99)

Mrs. Mib Medford - Main Street Program

Mrs. Mib Medford said that Ed McMahan, formerly with the National Main Street Program and now Head of the National Greenway Program, is scheduled to speak at several locations in March. On March 15 he will speak in Hendersonville, on March 16 in Franklin and Tryon. Mrs. Medford said that there was no charge to hear him speak and she invited members of the Board of Aldermen to

go to Franklin when he will be speaking on "A Sense of Place". No action was necessary.

Minor Subdivision Plats

Charlotte A. Rogers - Lot #8 - Joseph Allison Estate - East Street

Joseph Allison is subdividing his property on East Street to transfer a 2.311 acre lot to his daughter, Charlotte Rogers. The land is zoned "R-1" and public water is available to the lot. The plat meets or exceeds town standards and town staff recommends approval with the following condition:

Provide the Town with a copy of the soil evaluation report for a septic tank prior to recording the subdivision plat.

Alderman Moore moved, seconded by Alderman Williamson, to approve the minor subdivision plat for Lot #8, part of the Joseph Allison Estate on East Street, subject to receipt of the soil evaluation report. The motion carried unanimously.

Elizabeth Allison Stroupe - Lot #7 - Joseph Allison Estate - East Street

Joseph Allison is subdividing his property on East Street to transfer a 1.119 acre lot to his daughter, Elizabeth Stroupe. The land is zoned "R-1" and public water and sewer is available to the lot. The plat meets or exceeds town standards and town staff recommends approval. A petition for annexation has been submitted as required.

Alderman Moore moved, seconded by Alderman Williamson, to approve the minor subdivision plat for Lot #7, part of the Joseph Allison Estate on East Street. The motion carried unanimously.

Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Moore, to adjourn the meeting at 8:50 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor