

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
TOWN HALL  
APRIL 13, 1999  
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, April 13, 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

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

Public Hearing - Request to Rezone 9.505 Acre Tract Abutting Pigeon Street/Hillside Road/Thomas Park Drive From R-2 to C-2 - Denny and Sandra Zogg

Denny and Sandra Zogg have requested rezoning of a 9.505 acre tract of property which abuts Pigeon Street, Hillside Road and Thomas Park Drive from R-2 to C-2. The Planning Board reviewed this request at their meeting on March 15, 1999 and unanimously recommended that the rezoning be denied. Attorney Bonfoey opened the public hearing. The following persons spoke:

Attorney Gavin Brown, representing Denny Zogg, said that the Zoning Ordinance should be changed because the C-2 district allows too many uses and the definition of the C-2 Zoning District reads that "it provides locations for retail trade and consumer services in close proximity to surrounding residential neighborhoods". Attorney Brown said that Mr. and Mrs. Zogg want to use the property for their pet food business which will benefit the Town in three ways: 1) construction of the business will increase the tax base; 2) jobs will be made available; and 3) if the request is approved it will show that the Town has an attitude that it would like and want to diversify our industries.

Attorney Brown said that because of the terrain on this property it would be irresponsible for any owner to try to develop some parts of this property. He said that the North Carolina Department of Transportation (NCDOT) has approved a site cut on 276. Approximately 7,000 - 8,000 vehicles travel this road daily and according to NCDOT this road will handle 15,000 vehicles per day. Attorney Brown said that Mr. Zogg has spoken to his neighbors in this community and has a petition with approximately 500 names in support of the rezoning. Attorney Brown asked that the Board foster an attitude for controlled growth which currently exists in this area.

Carl Fulton, with Morton buildings, said that Mr. Zogg signed a contract and made a 10% down payment with his company for the construction of a building for his business. Mr. Fulton said that his company has constructed 30 - 40 buildings in Haywood County, including Stereo Innovations, Haywood Bedding and Carolina Nights. He asked that the Board approve Mr. Zogg's request and allow him to proceed.

Randy Herron, with Herron Surveying, said that he designed a conceptual site plan showing NCDOT road cuts on US 276. Mr. Herron said that according to Mackey McKay, soil tests have been conducted on the property and found that the property is suitable for the type of building proposed. Mr. Herron said that there would be adequate parking and turning space with natural buffers already existing on the property.

Denny Zogg said that he has been a merchant in this area for about ten (10) years and feels fortunate to live in this area. Mr. Zogg said that he has tried to be a good neighbor in the Thomas Park area and would not want to hurt anyone that he lives or works with every day. Mr. Zogg presented a petition which he said has more than 500 signatures of those who support his project. However, Mr. Zogg said that everyone is not in favor of the rezoning request. Mr. Zogg said that his business is listed as one of the top fastest growing small businesses in America and that currently he works in seven different states. Those people who visit his business also shop, eat and stay in Waynesville.

Mr. Zogg said that he works with Humane Shelters and to date can document that over 2,800 dogs have been saved. Mr. Zogg said that he would like the chance to build something that is nice with a picnic area and possibly an area for people working with guide dogs. He said that his family is honest and that he would like a chance to grow in the community. Mr. Zogg said that since his business (Pet Food Circus) located in Maggie Valley, his business has decreased by 75%.

Dick Trevarthan, 248 Thomas Park, said that he along with others in the Thomas Park area appreciated Mr. Zogg and his family's efforts in the community, but they felt that it would be better for his business to be located in a place in Waynesville other than Thomas Park. Mr. Trevarthan felt that rezoning the property would devalue the other properties in Thomas Park and he pointed out that the Planning Board unanimously recommended that the rezoning be denied. Mr. Trevarthan presented a petition with approximately forty signatures of homeowners in the Thomas Park area who were opposed to the rezoning. The residents also felt that this business would add burden to an already overtaxed water and sewer system. Mr. Trevarthan expressed concern with possible traffic hazards on 276 with blind curves and drivers with disregard for the posted speed limit, adding that it would be difficult for them to stop when exceeding the speed limit. Mr. Trevarthan said that the Thomas Park residents were aware of change, adding that if the property is sold other uses allowed in the C-2 zoning district could occur on the property. Mr. Trevarthan said that Thomas Park is a long standing, stable and beautiful community and that its residents wish for it to stay as it is now. He asked that the Board deny the rezoning request.

Gerald Ladner, 125 Hodges Drive, said that Mr. Zogg's house and property are currently listed for sale with Century 21. Mr. Ladner expressed concern over ads recently placed in the Enterprise Mountaineer by Mr. Zogg stating that an emergency pet care business may also be located on this property. He also felt that if the property is rezoned to C-2 it could later be rezoned to C-1, allowing Mr. Zogg to also move his warehouse operation to this area. Mr. Ladner said that he values the serene characteristics of the Thomas Park area and would like to keep it this way. He asked that the Board deny the rezoning request.

Mib Medford, 99 Pisgah Drive, Waynesville, said that she has traveled in other areas and attended many conferences which stressed the importance of retaining neighborhoods. She said that this is done by not allowing commercial uses to infringe on these neighborhoods. Ms. Medford said that

Thomas Park is a wonderful neighborhood and she would hate to see commercial development there.

Attorney Bonfoey closed the public hearing.

Alderman Williamson welcomed Mr. Zogg and his family to Waynesville and said that when Mr. Zogg called him regarding this request, Mr. Williamson told him that if the neighbors supported the request he would also, but if they were opposed to the request that he would also be opposed. Alderman Williamson told Mr. Zogg that there were several vacant buildings in Waynesville which were already zoned to allow his business.

Alderman Caldwell moved, seconded by Alderman Moore, to deny the request by Denny and Sandra Zogg to rezone the property abutting Pigeon Street, Hillside Road and Thomas Park Drive from R-2 to C-2. The motion carried unanimously.

#### Request by American Legion to Dig Ramps on Waynesville's Watershed

Alderman Williamson moved, seconded by Alderman Moore, to allow the American Legion to dig ramps on the Waynesville Watershed for the Annual Ramp Convention. The motion carried unanimously.

#### Annexation Request of Elizabeth Stroupe - Lot #7, Joe Allison Estate, East Street

At the March 9, 1999 Board Meeting, a request for annexation was received from Elizabeth Stroupe for Lot #7 of her father, Joe Allison's estate, located on East Street. This request for annexation was submitted in order for Ms. Stroupe to connect to the Town's sewer system. Town Clerk Phyllis McClure has investigated the petition and found it to be in order.

Alderman Moore moved, seconded by Alderman Caldwell, to set the date for a public hearing regarding the annexation request of Elizabeth Stroupe for Lot #7 of the Joe Allison Estate on East Street for Tuesday, April 27, 1999. The motion carried unanimously. (Res. No. 4-99)

#### Request for Donation by Youth ARC

A request was received from the Haywood Youth Association of Retarded Citizens for a \$500 donation to be spent toward a trip to Disney World. The group needs to raise \$25,000 for this trip.

Alderman Williamson moved, seconded by Alderman Moore, to contribute \$500 as a donation to the Youth ARC for their trip to Disney World. The motion carried unanimously.

#### Approval of Minor Subdivision Plat - Charlie Deaver - Buchanan Drive off Allens Creek Road

Town Manager Galloway said that Charlie Deaver is subdividing an 11.2 acre lot on Buchanan Drive to create a new, .507 acre lot. The property is located in the R-1 zoning district and public water and sewer is available to the property. The plat meets or exceeds Town standards and Town Staff recommends approval with the following condition:

Either provide a soil evaluation report for a septic tank, or obtain a private sewer permit to connect

the new dwelling to the building sewer for the old unit.

Alderman Moore moved, seconded by Alderman Wiggins, to approve the minor subdivision plat for Charlie Deaver located on Buchanan Drive off Allens Creek Road, subject to the condition as recommended by Town Staff. The motion carried unanimously.

#### Approval of List of Surplus Items for Auction

Purchasing Agent Ron Gillett has worked with the Haywood County Finance Department for the past several years to coordinate an auction for the sale of the surplus vehicles, materials and equipment. The auction date has been set for Saturday, May 1, 1999. A list of items turned in by the Town's various departments has been submitted and was presented to the Board. It is asked that the Board allow the Town Manager authority to pull an item from the auction and transfer it to another department within the Town if there is a reasonable and legitimate use for that item.

Alderman Moore moved, seconded by Alderman Williamson, to approve the list of surplus items submitted for the auction, and to allow the Town Manager authority to pull an item from the auction and transfer the item to another department. The motion carried unanimously.

#### Request of Haywood County for Assistance in Paving the Road to the Haywood County Fairgrounds

Haywood County has requested assistance from the Town of Waynesville by asking that the Town contribute \$5,000 toward the estimated cost of \$25,000 for paving the road leading to the Haywood County Agricultural and Activities Center.

Alderman Williamson moved, seconded by Alderman Caldwell, to approve the \$5,000 contribution to Haywood County for paving the road leading to the Haywood County Agricultural and Activities Center, subject to the other Towns in Haywood County approving contributions also. The motion carried unanimously.

#### Proclamation - Declare War on Litter Week - June 7 - 12, 1999

Alderman Wiggins said that he was appointed by Mayor Foy at the last meeting to coordinate efforts for a clean up campaign against litter. Alderman Wiggins said that Alderman Kenneth Moore was also asked to coordinate dates with the North Carolina Department of Corrections for the inmates to assist in clean-up activities. Inmates will be available for two weeks beginning June 7, 1999. Alderman Wiggins asked that the week of June 7 - 12, 1999 be designated as "Declare War on Litter Week" in Waynesville.

Alderman Wiggins said that he plans to contact all civic organizations during the next couple of weeks to request their help and get them involved in this clean-up campaign and that he plans to meet with the Waynesville Police Auxiliary on Wednesday, April 14th. Alderman Wiggins said that he would like to see streets in Waynesville assigned to these organizations for cleanup and that safety clothing and garbage bags be distributed to those volunteers. He added that he would like to see this cleanup extended into Waynesville's one mile extraterritorial jurisdiction. Alderman Wiggins said that the Waynesville Police Department is in the process of preparing an educational program to present to the elementary grades of the school system which will hopefully be effective on a long

range basis.

Alderman Wiggins moved, seconded by Alderman Williamson, to support the adoption of a proclamation by Mayor Henry Foy designating the week of June 7 - 12, 1999 as "Declare War on Litter Week" in Waynesville, North Carolina. The motion carried unanimously.

Mayor Foy said that he appreciates the enthusiasm and ideas of Alderman Wiggins and Alderman Moore and thinks that the cleanup effort will be very good for Waynesville.

#### Request for Drainage - James Wood - Lee Street

Mr. James Wood attended the meeting to ask that the Town correct a drainage situation created when the Auto Zone was constructed on Lee Street. Mr. Wood said that some of the Town's employees informed him that they would not be doing any drainage work at this location. Town Manager Galloway said that this project is on the list to do and that he was not aware of any Town employees saying this.

#### Report by Mayor Foy - Meeting With Secretary Tolson in Raleigh, NC - Asheville Highway Project

Mayor Henry Foy reported that he attended a meeting in Raleigh, North Carolina, to talk to Secretary Tolson regarding the Asheville Highway project. Mayor Foy said that he was proud of the group who traveled with him to Raleigh, adding that they were objective and well received by Mr. Tolson, and Mayor Foy felt that the meeting was superior to having a public hearing. Mayor Foy said that he did not want to see the Town lose the opportunity to have a "state of the art highway" and that the situation for Junaluska Elementary School was not good if a five lane road is constructed. Mayor Foy said he felt that the Town needs to take a stand and make a motion regarding their position on recommended plans for the Asheville Highway Project, and to recommend adoption of the November 20, 1998 plan. Mayor Foy said if the Board was concerned about the roundabout that they could ask that a decision be deferred until the State is satisfied with it.

Alderman Williamson said that the Board voted to allow the State of North Carolina Department of Transportation to build the safest road possible along the Asheville Highway. Alderman Wiggins agreed with Alderman Williamson that the Board previously voted to have the DOT build the safest road. Alderman Moore expressed concern that the money set aside for the Asheville Highway would be transferred to another project since he heard that one of the Representatives in Raleigh told one of the Haywood County Commissioners that the money could be used somewhere else. No action was taken.

#### Adjournment

With no further business Alderman Williamson moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:20 p.m. The motion carried unanimously.

Town Clerk

Mayor