

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
AUGUST 10, 1999
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, August 10, 1999. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, J. 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 July 27, 1999

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the July 27, 1999 meeting as presented. The motion carried unanimously.

Offer to Purchase Property - Lorraine & Phil James - Hyatt Hills, Lot #18

Several years ago, there were two lots in the Hyatt Hills Subdivision that were found to be incapable of perking to support a septic tank. Those lots were donated to the Town of Waynesville. Approximately two years ago, an adjacent property owner offered to purchase one of the lots to increase the size of his property and this offer was approved by the Board of Aldermen.

Lorraine & Phil James have now approached the Board with an offer to purchase Lot #18 which adjoins their property. They have submitted an offer of \$2,500. This offer has been advertised, explaining the manner in which any other citizen might submit an upset bid. As of this date no upset bids have been received.

Alderman Williamson moved, seconded by Alderman Wiggins, to approve the offer to purchase Lot #18 in the Hyatt Hills Subdivision, as submitted by Lorraine and Phil James in the amount of \$2,500. The motion carried unanimously.

Shingle Cove Property - Recombination of Lots 3, 4 and 6

Mayor Foy said that the Town has been working with American Towers, Inc., on the lease of Town property for the installation of a cellular tower. In evaluating the tract the Town owns in Shingle Cove it was found that additional property was needed in order to meet the setback requirements. The plans are to erect the cellular tower on the southern edge of Lot 6. To do so, they need to be too close to the margin of Lot 4. Lot 4 has severe slopes and would have the least potential for use. Town Staff proposes that a portion of Lot 4 be added to Lot 5 and the rest of Lot 4 be added to Lot 3. This will allow American Towers to have adequate land in which to secure their setbacks.

Alderman Williamson moved, seconded by Alderman Moore, to approve the recombination of Lots 3, 4 and 6 as proposed. The motion carried unanimously.

Recommendation of Appointment to Serve on the Haywood County Planning Board

Mayor Foy said that the Haywood County Commissioners seek recommendations from other agencies for members to serve on the Planning Board for Haywood County. For the past several years, Jim Freeman, a member of the Town's Planning Board, has served on the Haywood County Planning Board. Mr. Freeman has indicated a desire to give up that term on the Board. This issue was discussed at the last Planning Board Meeting. Mr. Rex Feichter, who serves as Chairman of the Waynesville Planning Board has volunteered to serve on Haywood County's Planning Board.

Alderman Wiggins moved, seconded by Alderman Williamson, to recommend the appointment of Rex Feichter to serve on the Haywood County Planning Board. The motion carried unanimously.

Reappointment of Wilson C. Medford to Serve on the ABC Commission

The term of Wilson C. Medford on the Town's ABC Commission will expire in August, 1999. He has indicated a willingness to continue his service on this Commission. This three-year term will run from August 15, 1999 until August 14, 2002.

Alderman Moore moved, seconded by Alderman Williamson, to reappoint Wilson C. Medford to serve another three-year term, to expire on August 14, 2002, on the Town's ABC Commission. The motion carried unanimously.

Recommendation to Reduce Speed Limit on Locust Drive and Rhinehart Street

A report prepared by Sergeant Mark Banks was presented regarding the speed limits posted on Locust Drive and Rhinehart Street. In his report Sergeant Banks is recommending that the speed limit on Locust Drive be set at 25 miles per hour and that the speed limit on Rhinehart Street be set at 15 miles per hour. Sergeant Banks also recommended that signs be placed along the roadway indicating curves ahead and that three children playing signs be erected, one at the bottom of the hill, one just past the old barn on the left and the last near the top of the hill. Sergeant Banks said that the speeds are indicated on next month's S.T.E.P. schedule with dates for enforcement and he recommended that verbal/warning tickets be issued before issuing state citations.

Alderman Moore felt that the speed limit on Rhinehart Street should be set at 20 miles per hour rather than 15 miles per hour due to the steep slopes on Rhinehart Street which would make it impossible to keep the speed at 15 miles per hour.

Alderman Moore moved, seconded by Alderman Caldwell, to set the speed limit on Rhinehart Street at twenty (20) miles per hour and to set the speed limit on Locust Drive at twenty-five (25) miles per hour, that the signs indicating curves ahead and the three (3) children playing signs be installed, and that verbal/warning tickets be issued before issuing state citations, as recommended by Sergeant Banks. The motion carried unanimously. (Ord. No. 17-99)

Reschedule Meeting of September 28, 1999

Town Manager Galloway said that in planning the annual meeting and dinner of the Downtown Waynesville Association, Director Ron Huelster wanted to find a speaker who has credentials in the area of community planning and design. Manager Galloway said that several months ago, some of the Town's elected officials and a number of residents of this area attended a meeting in Franklin at which Mr. Ed McMahon made an outstanding presentation. Ron Huelster spoke with some of the Board Members after the meeting about having Mr. McMahon visit Waynesville and provide more information on this issue.

The only day that Mr. McMahon had available is on Tuesday, September 28. In order to accommodate that schedule, it is recommended that the Town Board agree to either change the night of the meeting to the week prior (September 21) or to eliminate the September 28 meeting. Manager Galloway also reported that he also had a conflict with the September 28 meeting time and that Town Attorney Bonfoey had a conflict with the September 14th meeting. Manager Galloway said that both meetings in September could be combined for a meeting on September 21st and that if another meeting was needed that a special meeting could be held.

There was no action taken on this matter. It was a consensus of the Board that this matter be placed on the agenda of the August 24 meeting.

Repeal Portions of Ordinance No. 11-99

Town Manager Galloway said that Ordinance No. 11-99, which amended Chapter 130 of the Code of Ordinances amending the provisions relating to acts prohibited in a public place, was adopted in June, 1999. Some of the amendments were in response to the opening of the Faze 3 night club at the Waynesville Plaza. Since that time, an ordinance was adopted on July 27 which regulates Adult Entertainment Establishments. With the adoption of that ordinance, portions of Ordinance No. 11-99 need to be repealed.

Town Attorney Bonfoey said that Paragraph (D) should be repealed. Paragraph (D) reads as follows:

- (D) It shall be unlawful for an entertainer in any place of entertainment, including a restaurant, club, dance hall or other public establishment of any kind to perform any dance or performance which is within six (6) feet of any patron or guest.

Alderman Wiggins moved, seconded by Alderman Caldwell, to repeal Section (D) of Ordinance No. 11-99. The motion carried unanimously. (Ord. No. 18-99)

Minor Subdivision - Charles E. Higgins - Old School Road

Charles E. Higgins owns a 2.728 acre lot on Old School Road (S.R. 1133). He plans to subdivide the tract into three lots. The property is zoned R-1, Low Density Residential, and the Town provides water service to the property. The lots meet or exceed Town standards and Town staff recommends approval with the following conditions:

- A. Submit soil evaluation reports for septic tanks;
- B. Provide appropriate certification blocks on the mylar;
- C. Provide slope density formula information on the plat.

Alderman Williamson moved, seconded by Alderman Wiggins, to approve the minor subdivision, as requested by Charles E. Higgins, located on Old School Road, subject to compliance with the conditions recommended by Town Staff. The motion carried unanimously.

Minor Subdivision - Paula Huebner - Wayneview Drive

Paula Huebner owns a 10.016 acre tract of land on Wayneview Drive in the Eagle Nest area. She is dividing the tract into two lots. The property is zoned R-1 Low Density Residential, and the lots meet or exceed Town standards. Town staff recommends approval with the following condition:

- A. Provide a soil evaluation report for a septic tank for the 2.201 acre lot.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minor subdivision, as requested by Paula Huebner, located on Wayneview Drive, subject to compliance with the condition recommended by Town Staff. The motion carried unanimously.

Closed Session to Discuss Legal Matter

Alderman Caldwell moved, seconded by Alderman Wiggins, to adjourn to closed session at 7:20 p.m. to discuss a legal matter. Alderman Wiggins moved, seconded by Alderman Caldwell, to return to regular session at 8:05 p.m. Both motions carried unanimously.

Settlement of Thompson vs Town of Waynesville

Alderman Williamson moved, seconded by Alderman Moore, to agree on the settlement offered in the Thompson vs Town of Waynesville Case. The motion carried unanimously.

Report by Town Attorney Regarding Faze 3 - Adult Entertainment Establishments

Town Attorney Bonfoey reported that Mike Wray, one of the owners of Faze 3, the night club in Waynesville Plaza, approached the Town on Friday, August 6, to begin discussions regarding the possible closing of Faze 3. Preliminary discussions have begun and negotiations are continuing, and if an agreement is to be reached it should be by Thursday, August 12 at 5:00 p.m. No action was necessary.

Complaint Regarding Sewer on Sylvan Street

Alderman Williamson said that last summer the Town's crews worked on the sewer in the Sylvan Street area and that one of the residents is still having a problem with the sewer. Ned Caldwell, 63 Sylvan Street, said that sewer is running in front of his house and down into the creek. He felt that the sewer line was too small to sufficiently handle the sewer. Mr. Caldwell said that one of the

Town's trucks was in this area recently and he pointed out the problem to them. He said that they could not do anything about the problem unless they had a work order. Mr. Caldwell said that this problem has been going on for three to four years. Town Manager Galloway will investigate the complaint.

Questions Regarding Honeycutt Building at 500 Depot Street

Ms. Kirkpatrick, a resident of 63 Sylvan Street, asked what the status was of the building located at 500 Depot Street. She also said that the weeds were overgrown on this property. Alderman Williamson said that it is a known fact that this building cannot be made historical and that this building has been an ongoing problem.

Town Manager Galloway said that the Building Inspector began proceedings in August, 1998, regarding this building. The process allowed by NC State Law requires that one year's notice be given for vacant and abandoned dwellings. Authority was given to the Town of Waynesville to follow this process after special legislation was passed by the General Assembly last year. After that one year period, action is required by the Board of Aldermen and another ninety days is given for the property owner to demolish the building. This issue will come before the Board of Aldermen at the first meeting in October 1999.

Discussion Regarding Swimming Pool at Recreation Department

Alderman Williamson said that several people have complained to him that the Town of Waynesville will be closing the outdoor swimming pool next year, with the completion of the new Recreation Center. Alderman Wiggins felt that it would be a bad judgment to close the outdoor swimming pool. Town Manager Galloway said that this was discussed in the budget work sessions held by the Board of Aldermen. Alderman Williamson said that the Recreation Director did not know anything about the swimming pool being closed when he was asked. At the suggestion of Mayor Foy, the Board decided to discuss this issue further when discussing other Recreation issues.

Request for Sewer Tap - Allens Creek Road - Kelly Rogers

Mr. Kelly Rogers attended the meeting to inform the Board of Aldermen that he had been in the process of trying to place a double wide mobile home on property on Allens Creek. He said that there have been so many things that he has had to go through to get the double wide in. Mr. Rogers said when he began the process, the Department of Transportation told him that he could cut Allens Creek Road to hook up to the Town's sewer. He then decided to install a septic tank and spoke with the Haywood County Health Department. He said that he is now having problems with the Health Department because they tell him now that there is not enough room for a septic tank. During this process, DOT paved Allens Creek Road and has informed him that he will not be able to cut the road and will have to put up a bond to bore underneath the road. Mr. Rogers said that he has spoken with representatives of the Town and they have looked at his situation. However, he said that the Town does not have the equipment for this procedure. Mr. Rogers felt that the Town did not have the equipment to handle the local people, and he felt that he has been treated differently than other people in Waynesville.

Town Manager Galloway said that the Town has been in the process of obtaining bids for the equipment needed to bore underneath Allens Creek Road to hook onto the sewer for Mr. Rogers. Manager Galloway said that two bids have been received and a third bid is needed before approval can be given to purchase the needed equipment.

Alderman Williamson suggested that the Town subcontract this work. Alderman Williamson moved, seconded by Alderman Moore, to subcontract, or by whatever means it may take, to bore underneath Allens Creek Road within seven (7) working days to allow Mr. Rogers to hook onto the Town's sewer. Mayor Foy suggested that the motion be amended to read that the work be completed "as soon as possible". Alderman Williamson disagreed, adding that he felt that the work could be done sooner, and he felt that it could be done the same day that it is subcontracted.

After some discussion, the original motion carried.

Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Moore, to adjourn the meeting at 8:25 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor