

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
OCTOBER 12, 1999
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, October 12, 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 September 21, 1999

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the September 21, 1999 meeting as presented. The motion carried unanimously.

Public Hearing - Amendment to Section 154.006 - Definition for Accessory Building and Accessory Use

Under the present definitions within the Town's Zoning Ordinance, there are areas within Waynesville where mobile homes are not allowed; however, a mobile home might be allowed as an accessory use or structure. The following amendment has been considered and unanimously recommended for approval by the Planning Board. The following amendment to Section 154.006 would prohibit the use of a mobile home as a storage facility:

ACCESSORY BUILDING - A detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot, excluding manufactured or mobile homes originally intended and designed for a residence whether the structure currently or formerly was equipped with plumbing, living, sleeping and kitchen facilities that are normally associated with a residential use.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use of building, excluding manufactured or mobile homes originally intended and designed for a residence whether the structure currently or formerly was equipped with plumbing, living, sleeping and kitchen facilities that are normally associated with a residential use.

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

Cecil Brown said that this issue came up on Oakdale Road. Town Manager Galloway explained that although mobile homes are not allowed as a residential use in some of the Town's zoning districts,

- Downtown Waynesville Association - Patsy Rogers
- Haywood Vocational Opportunities - Terry Edwards
- Waynesville Police Department - Captain Don Swanger
- Mountain Projects - Carl Richardson

- Ex-Officio Member - David Plemmons

Alderman Williamson moved, seconded by Alderman Moore, to adopt ordinances amending Chapter 72 to provide for the regulation of handicapped parking and to allow civil enforcement of parking violations and set up the Task Force Committee, appointing the members as recommended by Mayor Foy. This committee is to begin their work after January 1, 2000. The motion carried unanimously. (Ord. No. 25-99 and Ord. No. 26-99)

Report of Code Enforcement Officer on the Property of Mike Miller and Ronnie James at 500 Depot Street

Town Manager Galloway said that the Town has been dealing with the structure at the intersection of Depot Street and Chestnut Park Drive for some time. At one point, Mr. Mike Miller, one of the owners of the property, proposed a full restoration of the building and presented a schedule for rehabilitation. That work was to have been completed by the end of September, 1999. In August, 1999, Mr. Ronnie James became the sole owner of the building and initiated efforts to begin rehabilitation of the property to bring it into compliance.

Members of the Historic Preservation Commission (HPC) recently visited the property and have seen some of the work underway. At their meeting on October 6, 1999, the HPC voted to grant Mr. James an extension to bring the structure to a condition which meets the criteria of the HPC.

Ron Fleenor, HPC Member, said that he and Bob Moody visited the property and he said that the HPC voted to extend the time limit until February 28, 2000, with the stipulation that Mr. James keep Planning and Zoning Manager John Swift informed and that the Board of Aldermen have the final say in the granting of an extension.

Sam Wiggins said that he did not have a problem with extending the time for restoring the building. However, he would like to see an inspection scheduled for every thirty (30) days.

Alderman Moore moved, seconded by Alderman Wiggins, to extend the deadline for rehabilitation to bring the building at 500 Depot Street into compliance by February 28, 2000, and to instruct the Building Inspector to provide a report every thirty (30) days on the progress of the rehabilitation. The motion carried unanimously.

Minor Subdivision Plat Approval - Ron Muse - Laurel Ridge Country Club

Mr. Ron Muse is subdividing a 4+ acre tract of property located along Fairway #2 at Laurel Ridge Country Club. The tract of land will be divided into two (2) lots; one lot was approved for six dwellings by the Zoning Board of Adjustment, and the other, Lot #701, will accommodate a single

family dwelling. The property is zoned "R-1", and the plat meets or exceeds Town standards. Town staff recommends approval with the following conditions:

1. Show existing water line as it crosses Lot 701 to the Town's pump station.
2. Provide a driveway permit from the Army Corp of Engineers.
3. Provide D.O.T. encroachment permit for the connection to the Town sewer along Eagle Nest Road.

Alderman Williamson moved, seconded by Alderman Moore, to approve the minor subdivision plat as requested by Mr. Ron Muse for the property located along Fairway #2 at Laurel Ridge Country Club, subject to the conditions as recommended by Town Staff. The motion carried unanimously.

Resolution - State Funds for Regional Councils

The North Carolina General Assembly has allocated \$55,000 to each of the State's Planning Regions for use in community and economic development. The money is allocated on a pro-rata share to each of the local governments in the Region. Mayor Foy said that the share allocated for Waynesville is \$2,840.20. In order for the Region A Office to receive the money allocated for them, each locality must pass a resolution asking that their share be released to Region A. If the resolution is not passed, the money does not come to the Town of Waynesville, but reverts instead to the General Fund of the State.

Alderman Wiggins moved, seconded by Alderman Moore, to adopt a resolution to authorize the N.C. General Assembly to release the Town of Waynesville's share of these funds, in the amount of \$2,847.97, to Region A. The motion carried unanimously. (Res. No. 11-99)

Request by Hugh Massie to Re-Install Three Parking Spaces on Montgomery Street

A few months ago, the Board received a petition signed by Haywood Barber Shop, Cyber Café and Back Street Hair Salon, requesting that three parking spaces (one handicapped space and two others) on Montgomery Street be eliminated. The Town Board voted to comply with the request, and the Public Works personnel posted "No Parking" signs and painted over the white lines denoting parking spaces.

One of the business owners, Mr. Hugh Massie (Haywood Barber Shop) has requested that the decision be reversed and that the three parking spaces be re-installed.

Alderman Williamson moved, seconded by Alderman Moore, to ask Downtown Waynesville Association to attempt to work out a compromise with the three businesses. The motion carried with three (3) ayes (Foy, Moore, Williamson) and two (2) nays (Caldwell, Wiggins).

Report by Tax Collector - Property Tax Settlement for Year Ending June 30, 1999

Town Manager Galloway presented a report prepared by Tax Collector Beverly Guy. As required by State law, each tax collector in a municipality or county must make an annual report of the

collections during the previous fiscal year. The 1998 tax levy totaled \$1,981,835.65. Collections as of June 30, 1999 totaled 93.53%, leaving 6.47% uncollected. The 1998 motor vehicle tax levy was \$228,573.61 with a collection rate of 82.60%. This left 17.40% uncollected. There was some discussion regarding how the motor vehicle tax collection was set up by the State and the amount that was collected by Haywood County. Town Manager Galloway said approximately ten years ago the collection rate was 96% - 97%, but since the system used to collect motor vehicle tax was changed, that collection rate has gone down. Some of the difference could be due to people trading automobiles and dealerships not transferring titles. No action was necessary.

Report on Providing Water to Sherill Johnson Development on Eagle Nest Mountain

Attorney Jack Kersten, representing Sherill Johnson (Carolina Log Homes, Inc), attended the Board meeting regarding the request to the Town to provide water to Sherill Johnson's proposed development on Eagle Nest Mountain. Attorney Kersten said that Mr. Johnson has approximately 1,000 acres overlooking Maggie Valley and 50 acres on the Waynesville side of the mountain. It is proposed that once developed there will be approximately 500 users and that their minimum monthly water bill would be approximately \$45 per home owner. When fully built, there is a potential for annual revenues of almost \$300,000.

Town Manager Galloway said that last spring, the Town was approached about providing water to the proposed development on Eagle Nest Mountain which is located in Maggie Valley Sanitary District's jurisdiction. Initially it was proposed that the Town sell water to the Sanitary District and that they would sell water to the development and maintain the system. Mr. Johnson intends to build the system and then donate it to the District (or to the Town of Waynesville). The Board of Directors of the Sanitary District decided they did not want to be involved because if the development folded and only a small number of houses have been built, the \$1,500 minimum bill would continue and they would be responsible for paying the bill. Town Attorney Bonfoey attempted to resolve the issue with the Maggie Valley Sanitary District and the Town has now submitted a request that Waynesville be allowed to sell water within their District. It has also been tentatively agreed that the Town will not extend water outside of the Johnson Development without the written consent of the District. In order for this process to work, an agreement is needed between the Sanitary District and the Town of Waynesville. The Town would also need to enter into an agreement with Sherill Johnson regarding the amount of the minimum bill, and how it may be affected as more customers are added to the system.

Attorney Kersten stressed to the Board that Mr. Johnson contributed a \$75,000 Letter of Credit to help build a water system at the top of the mountain which was already planned by the Town. Mr. Johnson has also agreed to build the water system to serve the development and turn the system over to the Town of Waynesville. In the beginning, Mr. Johnson proposed drilling wells for this development. However, he did not want to drill wells because of environmental concerns.

Alderman Wiggins said that the Town of Waynesville is in the business of selling water. He felt that if the Town could do this without a large expense, and if the Town is capable of doing this they should.

Alderman Williamson asked how many pump stations this would require. Town Manager Galloway said approximately four (4); however, three of these already exist. Mr. Johnson has agreed to pay the full cost of the fourth pump station plus upgrades necessary to the others.

Alderman Moore asked why the Maggie Valley Sanitary District was unable to sell water to this proposed development. Attorney Kersten said that the District did not have water lines large enough to supply water to this area. The District was also concerned that if the development failed, they would not be able to pay the minimum monthly bill.

Mayor Foy said that the Town has been in the process of purchasing property for the watershed, operates the Water Plant and has water to sell. He added that this sounds like a very good deal for the Town. Alderman Wiggins said that the Town has plenty of water and did not feel that this would be a problem as long as the Town maintains the watershed. Alderman Moore agreed that the Town does have plenty of water now. However, he was concerned that someday the Town could be in the same position that Asheville and Hendersonville are in now and that water restrictions would have to be placed on Waynesville. Alderman Williamson said that the Town has the former Boards to thank for their foresight in obtaining the watershed.

Alderman Wiggins moved, seconded by Alderman Caldwell, to authorize the Town to negotiate with the Maggie Valley Sanitary District for the Town to supply water to the proposed development on Eagle Nest Mountain which is located in the Sanitary District's jurisdiction. The motion carried with three (3) ayes ((Caldwell, Foy, Wiggins) and one abstention which counts as an affirmative vote (Williamson)) and one (1) nay (Moore). (Cont. No. 17-99)

Cancellation of October 26, 1999

Town Manager Galloway said on October 24, 25 and 26, 1999, the N.C. League of Municipalities will hold its annual meeting in Greensboro, NC. Board Members will be traveling back to Waynesville from this meeting on October 26. Town Attorney Bonfoey will be in Philadelphia for legal depositions on October 26 and will have to send a substitute attorney to the meeting that night.

Alderman Caldwell moved, seconded by Alderman Wiggins, to cancel the regular meeting of October 26, 1999. The motion carried unanimously.

Cecil Brown - Complaint Regarding Mobile Homes on Oakdale Road

Cecil Brown attended the meeting to voice a complaint regarding mobile homes which have been moved onto property on Oakdale Road. Mr. Brown said that in April, 1998 he was required to have his property surveyed at a cost of \$1,200 in order to place a mobile home on his property. Mr. Brown said that across the street Mr. Riley Inman moved in a mobile home, then another mobile home for his mother-in-law. A junked double wide mobile home was later moved in, followed by two more single wide mobile homes, for a total of five (5). Mr. Brown said that he has been required to follow the Town's regulations but he did not think that Mr. Inman has. Mr. Brown said that when he spoke with Planning and Zoning Manager John Swift, Mr. Swift wrote a letter to Mr. Inman giving him fourteen (14) days in which to comply. Shortly after that one of the mobile homes "went

up in smoke". Mr. Brown said that the Fire Department has been called out to this property three times.

Town Manager Galloway said that John Swift wrote a letter in August 1999 and that Mr. Inman then contacted Keith Plemmons to begin the process of subdividing his property into five (5) conforming lots. Mr. Plemmons was too busy to complete the survey, so Mr. Inman is in the process of having the survey of his property done by another surveyor in order to place the mobile homes on legal lots. Manager Galloway said that Mr. Inman attended the last Board of Aldermen meeting. Manager Galloway said that when this began, Mr. Inman's mother-in-law was being forced off of her property and the Town allowed her mobile home to be moved onto the property before a survey of the property was completed. Mr. Inman failed to have the survey done in a timely manner.

Alderman Wiggins asked if an investigation had been done of the mobile home fire. Town Manager Galloway said that there has been.

Alderman Williamson moved, seconded by Alderman Caldwell, to authorize Town Manager Galloway and Town Attorney Bonfoey to investigate the matter. If there are violations, they should be corrected before the next meeting. The motion carried unanimously.

Richard Gaddy - Response to Complaint of Junked Motor Vehicles - Broad Street

Mr. Richard Gaddy attended the meeting in response to numerous complaints over the past two years of junked motor vehicles on his property located at Broad Street. Mr. Gaddy said that he has two older automobiles which are parked and a Chevrolet Blazer which he drives. Mr. Gaddy said that when he came back home from vacation last year there were three letters from the Town waiting for him regarding weeds, cars and junk. He said that he has spoken with Waynesville's Code Enforcement Officer Jack Morgan on several occasions. Mr. Gaddy said that the vehicles he has on his property are not in violation of the Town's junked motor vehicle ordinance. He said that he has tried to comply with everything that the Town has asked him to do by covering up his automobile, etc.

Alderman Williamson told Mr. Gaddy that several of his neighbors on Broad Street have contacted him regarding not only the automobiles, but other material in his yard. Mr. Gaddy said that he has fire wood in the back of his house and wood covered up on his carport that he intends to use for a utility building.

Alderman Wiggins told Mr. Gaddy that he had a responsibility as a citizen of Waynesville not to be a nuisance to his neighbor. Alderman Wiggins said that if there were violations of the Town's Ordinances and Mr. Gaddy fails to comply, the Town has the authority to have a Court Order issued ordering that the violations be corrected.

Alderman Williamson asked if there was an ordinance to declare the automobiles on Mr. Gaddy's property as junked vehicles. Town Manager Galloway said that the Town can't do any more than the State Law allows. Manager Galloway said that Code Enforcement Officer Jack Morgan inspected Mr. Gaddy's property on October 12 and found the following vehicles, none of which were

in violation of the Town's junked motor vehicle ordinance:

- 1) 1961 White Chevrolet Impala - runs under its own power
- 2) 1977 White Ford Granada - runs under its own power
- 3) 1965 Red Mercury - runs under its own power

Manager Galloway added that if the Board Members wanted to see the State Law changed, they should talk with the State Representatives. Alderman Williamson said that he intended to do so when he attended the NCLM Conference in Greensboro at the end of October.

Mr. Gaddy told the Board that they had permission to come out and inspect his property. Alderman Williamson said that there were old quilts and other things in the back yard which were an eyesore and he asked Mr. Gaddy if he could clean up some on his property for his neighbors. Mr. Gaddy said that he could do that. Alderman Williamson told Mr. Gaddy to place any items that he wished to discard at the street for the Town's crews to pick up. Alderman Williamson said if there were items that the Town could not pick up, he would haul those away himself. Alderman Williamson told Mr. Gaddy that he appreciated any effort he would make to clean the property up. He added that in one month he and Alderman Wiggins would come to his house on Broad Street to see how his clean up efforts were progressing.

Skateboard Park

Alderman Wiggins said that it seemed that when questions regarding a skateboard park for Waynesville comes up, everyone turns to Alderman Gary Caldwell for answers. Alderman Caldwell volunteered to try to find a location for a skateboard park. The possible location did not work out and Alderman Caldwell has continued to research skateboard parks and attempted to find another location. Alderman Wiggins said that it is time that the Town of Waynesville either "puts up or shuts up". He added that the Town should build a skateboard park on Town property, providing liability coverage if necessary for skateboarders.

Alderman Wiggins moved, seconded by Alderman Caldwell, to have a skateboard operation professionally designed to Town specifications, and proposed to be constructed on Town property. This should be done after June 30, 2000 and the Board should work toward appropriating the money needed for the construction of this facility. The motion carried unanimously.

Appreciation for Work of Recreation Task Force

Alderman Moore said that he would like to commend Bob Brannon and the Recreation Task Force for doing a wonderful job in raising the money that they have so far to be used for the Town's new Recreation Facility. All Board Members agreed with Alderman Moore.

Closed Session - Legal and Property Matter

Alderman Williamson moved, seconded by Alderman Caldwell, to adjourn to closed session at 9:05 p.m.

Alderman Williamson moved, seconded by Alderman Moore, to return to regular session at 9:50 p.m. Both motions carried unanimously.

Resolution of Intent to Consider Entering Into a Lease Agreement - John Mercer - Masonic Building

Alderman Wiggins moved, seconded by Alderman Caldwell, adopt a resolution of intent to consider entering into a lease agreement and to authorize Town Attorney Bonfoey and Town Manager Galloway to negotiate a lease to allow John Mercer, owner of the Masonic Building to build steps on a 5' x 5' area in order to allow the fire escape to exit onto the Town's parking lot. The motion carried unanimously.

Resolution of Intent to Consider Entering Into Lease Agreement - John Shubash - Property at the Intersection of Depot Street and Main Street

Alderman Caldwell moved, seconded by Alderman Williamson, to adopt a resolution of intent to consider entering into a lease agreement with John Shubash regarding the Town's property located at the intersection of Depot Street and Main Street for the purpose of constructing a building which will house male and female restrooms at a cost of approximately \$80,000. After constructed, the restrooms will be leased from the Town of Waynesville for private use for the restaurant Mr. Shubash intends to construct next to the Town property. The restrooms will also be available for public use and will be maintained and secured at night by Mr. Shubash. The motion carried unanimously.

Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Caldwell, to adjourn the meeting at 9:57 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor