

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
FEBRUARY 8, 2000  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, February 8, 2000. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Libba Feichter and Kenneth Moore. 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 January 25, 2000

Alderman Feichter moved, seconded by Alderman Caldwell, to approve the minutes of the January 25, 2000 meeting as presented. The motion carried unanimously.

Public Hearing - Amendment to Section 154.257 - Minimum Appearance Standards for Both Manufactured and Site Built Homes

For several years, the town officials have received complaints regarding the location of mobile homes. In 1998, the Board of Aldermen asked the Planning Board to study the matter and develop an ordinance which addresses appearance requirements for mobile homes in order to make them more compatible with surrounding stick built homes.

Planning and Zoning Manager John Swift said that the Board of Aldermen asked the Planning Board to study this issue in late 1998. A proposal was submitted to the Board of Aldermen by the Planning Board and this proposal was rejected. Since that time, Mr. Swift said that he has been studying ordinances from other Towns and several manuals and the proposal being submitted tonight was modeled after those ordinances and manuals.

Mr. Swift said that the proposal would set up appearance standards for both manufactured and site-built homes. Those standards include roof structure and material, exterior siding, foundations, etc. It requires that if an existing single wide mobile home on a single lot is replaced, it will need to be replaced with a double wide. The proposal does not apply to those mobile homes located in existing mobile home parks, the 10-year floodway, and the extraterritorial jurisdiction. Mr. Swift said that the cost difference to replace a single wide with a double wide, rather than with another single wide would average approximately \$4,000.

Mr. Swift pointed out that Item (7), which deals with foundations, could be amended to eliminate another expense of \$6,000 to \$10,000 by omitting the requirement of the construction of a pier foundation system.

Mr. Swift said that in researching the Waynesville area, he located approximately 240 mobile home units which are currently located in mobile home parks inside the corporate limits which would be grandfathered in and not be affected by the proposed amendment. He said that most lots could meet

the Town's other requirements such as setbacks. However, if they did not meet those requirements, the petitioner could apply for a variance.

Alderman Brown expressed concern with several areas of the proposed amendment. One was with the roofing material requirement and the wording "or any other material the Planning and Zoning Manager deems to meet the intent of this section". Alderman Brown questioned the intent of the ordinance and the authority delegated to the Planning and Zoning Manager to determine whether roofing material meets the intent, when the ordinance does not state the intent. Alderman Brown said that tin roofs, or farm roofs are a very popular item now and he did not want to see them excluded. Alderman Brown said that he has a problem in telling a young couple that they can't replace their single wide mobile home with a larger single wide.

Alderman Moore said that he had concerns that if someone could not replace their older single wide with another single wide, that they would have to keep their old mobile home which would become deteriorated and look bad. Alderman Moore said that this would defeat Waynesville's purpose of clean-up efforts inside the corporate limits.

Alderman Caldwell said that there were numerous lots in the Hazelwood area that he did not think would be large enough to accommodate a double wide mobile home.

Alderman Feichter asked if those deteriorated single wides which needed to be replaced could be dealt with on a case by case basis. John Swift said that being fair and equitable would be a problem if these were dealt with on a case by case basis.

Attorney Bonfoey opened the public hearing. The following people spoke:

David Eavenson, Auburn Park, said that he has lived in Waynesville for the past thirty (30) years. Mr. Eavenson said that five years ago, the Town prohibited any new mobile home parks in Waynesville, including the extraterritorial jurisdiction. He said that this created a hardship. He said that one to two years later, the minimum lot size was increased from 8,000 square feet to 11,000 square feet in the R-4 zoning district and to 22,000 square feet in the R-2 zoning district, which he said was the largest zoning district in Waynesville. Mr. Eavenson said that it is expensive for young people to pay \$150 - \$250 for lot rent in a mobile home park and that by not allowing single wide mobile homes on single lots, it discourages people from purchasing property, forcing them to place their single wide mobile homes in existing mobile home parks and pay this lot rent. Mr. Eavenson said that the people who live in mobile homes include those who work in plants, restaurants, etc., and even the Town's employees. Mr. Eavenson felt that there must be a special interest group in Waynesville putting pressure on the Board to remove mobile homes from Waynesville.

Robert Miller, 412 Hyatt Street, said that people who work and manage to come up with a down payment for a single wide, may not be able to come up with the needed money for a double wide if their single wide needs to be replaced or is destroyed by fire.

Sandy Mehaffey, a resident of Hillside Terrace and owner of the Waynesville Housing Mart, said if mobile homes are prohibited inside the city limits it will not impact her business, she will still sell mobile homes. However, it will impact the people who voted the Board into office. Ms. Mehaffey said that she and the Board Members could probably live about anywhere they wanted to, but she did not want to live beside a jail, junkyard or cemetery, but she knew that these places were necessary, and

that so are mobile homes. People who purchase mobile homes are not only those with low incomes. She said that a lot of people who could afford large homes would rather have a mobile home because the upkeep is more simple than a stick-built house. Ms. Mehaffey asked the Board to let their conscience be their guide in making a decision regarding this amendment.

June Ray, Evergreen Farm in Clyde, said that she is the owner of the mobile home development located off of Allens Creek which she has been in the process of developing for the past two years. Ms. Ray said that her development consists of 6.3 acres with 15 lots. One of those lots is rented to a prominent individual who says that a single wide mobile home is all he wants and needs. Ms. Ray said that there are two lots in her development which will not accommodate double wide mobile homes because set back requirements will be an issue.

Cecil Brown, 23 Celtic Court Road, said that he bought a rental for \$45,000 which consists of a small lot with a single wide mobile home. Mr. Brown said the single wide on this lot is probably valued at \$8,000 and if it burns or needs to be replaced, the lot would not be large enough to place a double wide on. Mr. Brown said that the proposed amendment would not be fair to the working man.

Rex Feichter, Planning Board Chairman, said that he has lived in Waynesville's city limits for many years. Mr. Feichter said that the Planning Board worked on this proposal with the assistance from some of the people present at tonight's meeting. He said that the proposal was written in a way that would require both site built homes and manufactured homes to comply with the proposed standards.

Attorney Bonfoey closed the public hearing.

Alderman Caldwell said that insurance companies may not be willing to insure a single wide mobile home which cannot be replaced. John Swift said that he was not sure, but would find out the answer. Alderman Brown said that single wide mobile homes are a popular form of housing in this area. Alderman Feichter said it was important to encourage people to own and care for their property.

Alderman Brown moved, seconded by Alderman Caldwell, to return the proposal for minimum appearance standards to the Planning Board for further consideration and in order for them to revisit some of the questions and concerns expressed at this meeting. The motion carried unanimously.

#### Public Hearing - Amendment to Section 154.018 - Nonconforming Uses

Mr. Jack Smith, who owns a commercial tire store at 2311 Russ Avenue, submitted a request to the Planning Board to rezone his lot from R-1 to C-3. The Planning Board did not recommend the rezoning action and Mr. Smith withdrew his request. Mr. Smith, along with several of the other property owners, then petitioned for rezoning of their property and the Planning Board again did not recommend the rezoning. At that time the Board of Alderman asked town staff to draft an amendment to assist Mr. Smith and other property owners experiencing the same problem. On January 17, 2000, the Planning Board unanimously recommended the adoption of a proposed amendment to Section 154.018 regarding nonconforming uses. This proposal has been an effort to resolve the problem experienced by business owners who have nonconforming buildings, which could not be reconstructed if damaged beyond 60% of their replacement cost. Lending institutions will not lend the full appraisal value of the property to prospective buyers, sometimes causing the sell of the property to become very cumbersome.

Attorney Bonfoey opened the public hearing. The following persons spoke:

Bob Lawrence, owner of the property at 357 Dayton Drive, said that he sold his property, which has a nonconforming commercial use, in October and it was very difficult to get insurance. Mr. Lawrence felt that it was “non-American” to wipe a business out that someone may have worked for all their lives. Mr. Lawrence spoke in favor of the amendment, saying that it would be a tremendous help if it is adopted.

Keith Gibson, 97 Ivy Hill Drive, voiced disapproval of zoning, saying that any regulations should be handled by deed restrictions. Mr. Gibson said that he was speaking on behalf of Jack Smith, as well as other property owners in this area who would like to retire and sell their business but have had difficulty in marketing their property because it has a nonconforming use. He said that Gene Ferguson, Haynes Apple Orchard, Bargains and the Oak Hill Furniture Store are some of those businesses which this proposal would affect. Mr. Gibson spoke in favor of the proposed amendment. He added that he has not spoken to any lenders, but felt that the amendment would make it easier to insure the property.

Roscoe Wells said that this shows that the Town needs a comprehensive land use study so that the property owners will know exactly where they are going. He added that this would help Waynesville to be more consistent in long range planning for Waynesville.

Attorney Bonfoey closed the public hearing.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt the ordinance amending Section 154.018 regarding nonconforming uses as proposed. The motion carried unanimously. (Ord. No. 2-2000)

#### Request by Wildcat Property Homeowner’s Association for Removal of Stop Sign on Wildcat Mountain Road

At the meeting of December 14, 1999, the Board voted to accept the recommendations of the street and police departments for several traffic safety improvements along Sanctuary Drive. Those included the placement of “Stop” signs on all streets connecting to Sanctuary Drive, as well as both Sanctuary Drive and Wildcat Mountain Road where those two streets intersect. In addition there were speed limits set and signs posted, and some reflective markers were placed along the edge of the road.

Almost immediately, the Town began to receive telephone calls complaining about the “Stop” sign posted on Wildcat Mountain Road where it intersects with Sanctuary Drive. A letter was received from Ms. Barbara Shiffler, President of the Wildcat Property Owner’s Association, formally requesting that the “Stop” sign be removed and replaced with a “Slow” sign. Ms. Shiffler was unable to attend the Board meeting of January 25 and it was suggested that the matter be continued until this meeting. A letter was also received from Dr. Eugene Harpe requesting that the Town leave the stop sign on Sanctuary Drive and remove the stop sign on Wildcat Mountain Road.

Barbara Shiffler, 482 Wildcat Mountain Road and President of the Wildcat Mountain Property Owners Association, said that the stop sign on Wildcat Mountain Road forces the driver to turn and look back to see if any traffic is coming out of Sanctuary Drive. She added that those drivers coming out of Sanctuary Drive are ignoring their stop sign.

Alderman Feichter expressed concerns with not being able to see up Wildcat Mountain Road when you are coming out of Sanctuary Drive. She added that the existence of Wildcat Mountain Road prior to Sanctuary Drive has no bearing, and that the safety of the people is the important issue.

Dr. Eugene Harpe, said that he has watched the traffic over the years in this area and he encouraged the Board to keep the stop sign on Sanctuary Drive. The construction vehicles coming out of Sanctuary Drive are not stopping and enforcement for those violations is needed. Dr. Harpe said that he just wants the area to be safe.

Alderman Brown moved, seconded by Alderman Moore, to leave the stop sign at Sanctuary Drive, that a white line be painted on Sanctuary Drive at the stop sign location, and that the stop sign at Wildcat Mountain Road be removed. The motion carried unanimously.

#### Presentation by Patsy Dowling Regarding the Work of Mountain Projects

Patsy Dowling, Director of Mountain Projects, said that Mountain Projects is celebrating their thirty-fifth anniversary this year, and that Mountain Projects continues to promote independence and self sufficiency. Ms. Dowling said that Mountain Projects is governed by a twenty-four member board and that Mayor Henry Foy currently serves on that board. Mountain Projects has thirty-three staff people and twenty-seven programs. They are beginning a self-help housing project with a low interest loan, to enable people to own their own home. The first of eighteen homes will be built in Clyde, along with twenty-four housing apartments for the elderly and disabled.

Haywood Public Transit is another program which is open to anyone. Mountain Projects offers a nutrition program, one of which is located at the Town of Waynesville Armory. The various programs offered by Mountain Projects serve people ranging from age 3 to 103. Ms. Dowling said that input from the Town regarding the services from Mountain Projects is appreciated.

Town Manager Galloway said that during the six years that he has been with the Town, Waynesville has received several grants for the rehabilitation of homes by working with Mountain Projects. Previous Boards have limited these Community Development Block Grants to owner occupied dwellings, and those grants have usually helped the elderly on fixed incomes who may not have the money to maintain the upkeep on their homes.

Ms. Dowling said that there are large waiting lists with a waiting time of sometimes up to two years on programs offered by Mountain Projects. However, Mountain Projects is devoted to providing better life qualities for people and appreciates all the help that the Town has given to them.

The Board thanked Ms. Dowling for attending the meeting and giving her presentation regarding some of the programs offered by Mountain Projects.

#### Resolution - Housing Preservation Grant - U.S. Rural and Economic Development Services

The Town of Waynesville is working with Mountain Projects on the development of a grant application for a Community Development Block Grant (CDBG). It is proposed that the Town use these CDBG grant funds to leverage some other grant money which is available from the U.S. Rural and Economic Development Services, formerly the Farmers Home Administration. This grant totals

\$99,555 and would be added to the Community Development Block Grant. A number of substandard homes could be renovated with this money. One of the first steps in developing this application is the adoption of a resolution to the federal government for the Housing Preservation Grant.

Alderman Moore moved, seconded by Alderman Feichter, to adopt the resolution regarding the Housing Preservation Grant through the U.S. Rural and Economic Development Services. The motion carried unanimously. (Res. No. 3-2000)

#### Petitions for Annexation - Laurel Ridge Phase II South - 64.462 Acres

On September 21, 1999, a group of petitions from twenty-one (21) property owners was submitted to the Board requesting voluntary annexation of 64.462 acres in the Laurel Ridge Phase II South area which is accessed from Scenic Circle and Eagle Fork Road. It was the consensus of the Board that action be delayed until all property owners were notified that the Town may not provide sewer services to their property because of its location and steep slope. Letters were mailed to all those property owners, requiring that they sign and return the letter stating their understanding that if their property is annexed they may not receive sewer services from the Town. All those letters have now been returned and are attached to each petition.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt a resolution instructing the Town Clerk to investigate the sufficiency of the petitions for voluntary annexation. The motion carried unanimously. (Res. No. 4-3000)

#### Re-Appointment of Historic Preservation Commission Members

The terms of two members of the Historic Preservation Commission, Sandra Owen and Ruth Chacto, expired on January 31, 2000. Both members have been contacted and are willing to serve another four-year term, which will expire January 31, 2004.

Alderman Caldwell moved, seconded by Alderman Feichter, to reappoint Sandra Owen and Ruth Chacto to the Historic Preservation Commission. Their terms will expire on January 31, 2004. The motion carried unanimously.

#### Appointment of Community Appearance Commission Members

On August 24, 1999, the Board of Aldermen adopted an ordinance creating the Community Appearance Commission of Waynesville. The following persons have been contacted and expressed a willingness to serve on this Commission with the following staggered terms to begin on March 1 of each year:

|                |                            |
|----------------|----------------------------|
| Karen Ferguson | 2 year term to expire 2002 |
| Buffy Messer   | 2 year term to expire 2002 |
| Barbara Colter | 3 year term to expire 2003 |
| Brewster Ward  | 3 year term to expire 2003 |
| Mib Medford    | 4 year term to expire 2004 |
| Don Overbay    | 4 year term to expire 2004 |
| Robert Massie  | 4 year term to expire 2004 |

John Swift said that the North Carolina General Statutes limits the membership to an appearance commission to no more than fifteen members. It was suggested that nine members be appointed. It was the consensus of the Board that since seven names were presented at this time, two additional names may be submitted at a later meeting.

Alderman Feichter moved, seconded by Alderman Brown, to appoint the seven (7) members as recommended to the Community Appearance Commission of Waynesville. The motion carried unanimously.

#### Tax Report by Tax Collector Beverly Guy

The 1999 Delinquent Tax Report, as of February 7, 2000, prepared by Tax Collector Beverly Guy was presented to the Board. According to the report, which does not include motor vehicle taxes collected by Haywood County, Waynesville's percentage of collection is 86.32%, with 13.68% of taxes uncollected. Tax Collector Guy states that second notice tax statements will be mailed out the week of February 28, 2000 and that she plans to advertise delinquent taxes during the last week in March. Town Manager Galloway said that one reason that the Town's collection rate is lower is due to the N. C. State Law regarding the manner in which the taxes are collected. He said that when he worked in the States of Georgia and Virginia, the motor vehicle taxes were required to be paid before a tag was purchased, but in North Carolina the tag can be purchased first, causing collection rates to be lower.

Alderman Brown moved, seconded by Alderman Caldwell, to permit Tax Collector Beverly Guy to advertise the delinquent taxes during the last week in March. The motion carried unanimously.

#### Appreciation to Town Employees Regarding Snow Removal

Alderman Feichter said that she would like to see the Town's employees recognized for the manner in which the streets were cleared following the recent snows. She said that several people have approached her personally and asked that appreciation be passed along to those employees. The other Board Members and Town Manager Galloway agreed.

#### Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 9:02 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor