

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
MARCH 28, 2000
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, March 28, 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 March 14, 2000

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the March 14, 2000 meeting as presented. The motion carried unanimously.

Discussion of Procedures for Public Comment at Board Meetings

At the meeting of March 14, the Board adopted policies regarding public comments at Board Meetings on items which were not scheduled for the agenda. Town Manager Galloway presented a draft policy for the Board to review. Alderman Brown said that it is important that those persons who wish to speak at Board Meetings who are not on the agenda speak with a representative of the Town prior to the Board Meeting. However, Alderman Brown said that the Board could waive this requirement in an emergency situation.

Comments For Items Not on The Agenda

Alderman Brown moved, seconded by Alderman Moore, to adopt the Policy on Comments at the Board Meetings for Items Not on the Agenda with an amendment to sentence 2 in paragraph 2 to read as follows: "They shall identify the topic they wish to address and they shall indicate the Town representative with whom they have discussed the issue". The motion carried unanimously.

Comments at Public Hearings

Town Manager Galloway presented a draft policy regarding comments at public hearings. Manager Galloway said that this policy is close to the procedure now followed by the Board for public hearings. The Town Attorney shall advise those in attendance of the rules to be followed and calls upon the appellant who will have ten (10) minutes to explain the request. The Town Attorney will then call upon staff members. Public comment at the public hearing will be limited to thirty minutes, with persons being allowed to speak once during that period. The Board may vote to allow additional comment beyond the thirty minute period.

Alderman Brown moved, seconded by Alderman Caldwell, to adopt the policy on comments at public hearings with an amendment in paragraph 4 to change the word "maximum" to read "customary". The motion carried unanimously.

Annexation Reports From Town Clerk

Laurel Ridge - Phase II South

The petition for annexation of 64.462 acres at Laurel Ridge, Phase II South was received in the late summer of 1999. When the petitions were received, the previous Board asked the Town Clerk to contact each of the property owners and ask that they sign a letter acknowledging the fact that sewer service is not available in that area. Some of the properties changed ownership and some petitions were returned in order to get all the necessary signatures. This area is outside of Waynesville's one mile extraterritorial jurisdiction and is not zoned. The Planning Board has recommended that this area be zoned R-1 if annexed.

This area is extremely steep. When the subdivision was being developed several years ago, the construction of the roads was not done in a satisfactory manner. The Town did not accept the roads, and within the first year of completion, there were some significant problems with their condition. There are some other concerns by staff members about the Town's ability to provide municipal services to this subdivision. During the winter months, it will be virtually impossible for the Town to scrape the roads in a satisfactory manner. It is also a concern for the strain, wear and tear on the larger Town trucks which are used to collect household garbage, recyclable materials and brush and junk. Manager Galloway said that he had reviewed his notes and during meetings with Piedmont Golf Development Corporation Representative Bob Davis, it was indicated that the Town would annex these properties. However, there will be some problems because of the terrain in this area.

Approximately three years ago, the Town worked with Laurel Ridge to jointly fund a larger water tank to serve both Little Mountain and Laurel Ridge South. Laurel Ridge supplied a site for a 100,000 gallon tank and the Town had a building constructed for a pump station. The pump station, built by Laurel Ridge, is to boost water from the Town's tank to the homes which are located above the tank and also to a much smaller tank at the top of the subdivision to provide some storage for the homes above the Town's tank. Town Manager Galloway said that the Town's tank is now 90% - 95% complete and the 10,000 gallon tank is 75% complete. A good part of the area under consideration for annexation is served by the system above the Town's water tank.

Alderman Brown said that the concerns were important and it may be more expensive to annex in this area. However, he added that a lot of the people in this area were sold their property with their contracts saying that they would be annexed.

Alderman Feichter asked if the use of smaller trucks for garbage collection, etc., would be a possibility. Town Manager Galloway said that the Town did need smaller trucks to provide service for this area.

The Town Clerk has investigated the sufficiency of the petitions and has reported that they meet the State requirements for annexation.

Alderman Moore moved, seconded by Alderman Feichter, to adopt a resolution to set the public hearing date regarding the annexation and zoning of the properties at Laurel Ridge Phase II South for Tuesday, April 25, 2000. The motion carried unanimously. (Res. No. 6-2000)

Mr. David Blevins, Haywood Oil Company - Asheville Highway

In February, Mr. David Blevins found that the septic system at the Haywood Oil Company on the Asheville Road had failed. Wanting to get onto the Town of Waynesville's sewer system, Mr. Blevin's contractor approached the Town regarding sewer service. He was advised that the Sewer Use Ordinance has a stipulation that in order to connect to the town's sewer line, the owner must submit a petition for annexation. The Ordinance does not state that the Board has to annex the property, only that a petition must be submitted.

Mr. Blevins submitted a petition for satellite annexation and was allowed to connect to the Town's sewer line. The Town Clerk has investigated the sufficiency of the petition and found that it meets the requirements for a satellite annexation.

Alderman Brown said that Mr. Blevins had indicated to him that the reason he petitioned for annexation was that without the sewer he would have to close down his business. However, Mr. Blevins said that he was willing to sign a document which would bind him or any future owners of the property to annexation when the time comes and other properties are annexed in this area.

Town Manager Galloway said that Town Staff will be putting together a report regarding annexation studies as discussed at the Board's Retreat.

Alderman Brown moved, seconded by Alderman Feichter, to table the request until Attorney Bonfoey can investigate and draft an agreement for Mr. Blevins regarding the Haywood Oil property on the Asheville Highway. The motion carried unanimously.

Annexation Petition - Route 19/Dellwood Road Area

Town Manager Galloway said approximately four years ago, plans began on the extension of a sewer line from the Lake Junaluska swimming pool to the top of Dellwood Hill. This began as a joint project between the Town and Haywood County, with the Town wanting to halt the line at the Queens Farm and the County wanting it to go to the top of Dellwood Hill. In the end, the County reached an agreement with the Town of Maggie Valley to share in the cost of running the line from Queens Farm to the top of Dellwood Hill. Between Queens Farm and the Lake's pool, the line belongs to Waynesville.

Those persons wishing to connect to the sewer line along Route 19 were required to submit an annexation petition prior to connecting. Petitions were received from the following:

Edgar & Carolyn McElroy	(Ammons Drive-In & Dairy Bar)	1451 Dellwood Road
McElroy, Inc.	McElroy Oil	1479 Dellwood Road
Lawrence & Lawrence		357 Dayton Drive
Eugene Ferguson	Ferguson New & Used Furniture	1914 Dellwood Road
Gregory & Eileen Poulin	Poulin Painting	2056 Dellwood Road
Mark & Regina Strugnell	Evergreen Florist	2068 Dellwood Road
Florian Fultz	Parkway Inn	2093 Dellwood Road
J. Harold & Eunice Palmer		163 Dayton Drive
J. R. Grooms		15 Sutton Loop
Keith & Ollie Gibson		97 Ivy Hill Drive

Town Manager Galloway pointed out that these properties are located in the Lake Junaluska Fire District and that North Carolina State Law governs how annexations into other fire districts are handled. Manager Galloway said that he would investigate those regulations and report back to the Board of Aldermen.

Alderman Moore moved, seconded by Alderman Brown, to adopt a resolution instructing the Town Clerk to investigate the sufficiency of the petitions. The motion carried unanimously. (Res. No. 7-2000)

Charles Wright - Request for Water - Mauney Cove Road

Mr. Charles Wright contacted the Mayor to ask about getting a water line extended up Mauney Cove Road from U.S. Route 276 North. Mr. Wright advised the Mayor that he had discussed his request with Town Engineer Fred Baker and Town Manager Galloway. In the long range plans, Fred Baker would like to see a water line looped across Halltop Road to Mauney Cove Road and back to Route 276, but at this time, it is felt that other projects in the Water Fund would take precedent over the line up Mauney Cove Road.

Town Manager Galloway said that Mr. Wright had indicated to Mr. Baker that he had spoken to approximately twenty property owners in this area willing to contribute \$1,000 each toward the costs of extension of the water line. This proposal would include the \$600 water tap fee. Manager Galloway said that last fall when this was discussed, Mr. Baker said that the estimated cost to extend the water line was approximately \$50,000. It may be as much as \$60,000 - \$70,000 now. With the contributions at \$1,000 for each property owner, it would take the Town approximately 10 years to recoup the money invested in the water line.

It was a consensus of the Board to instruct Town Engineer Fred Baker to prepare an estimate on the cost of this project for the Board to review.

Howard Trantham - Rogers Street

At the meeting of March 14, Mr. Hugh Constance appeared and expressed concern over the number of dogs on the property of his neighbor, Mr. Howard Trantham. After a newspaper article appeared which detailed the issues to which Mr. Constance objected, Mr. Trantham asked for the opportunity to speak to the Board of Aldermen regarding the dogs on his property.

Mr. Trantham thanked the Board for allowing him an opportunity to speak. He said that at first, he did not think that he should say anything. However, after he thought about the comments made by his neighbor in the newspaper, it made him "red behind the ears". Mr. Trantham said that he had seven (7) dogs at one time but that he has reduced the number of dogs on his property to four (4). Mr. Trantham added that his dogs do not bark, except for 2 - 3 minutes when he gets home from work, and this is because they want to be fed. He said that Vicky Hyatt with the Enterprise Mountaineer visited his property and said that she did not smell any odors from the dogs. He thanked Alderman Moore who visited his property and also said that he did not see anything wrong. Mr. Trantham said that he puts down lime and cedar shavings on the property and tries to keep it clean.

Mr. Trantham said that his dog lot is 10' x 10' rather than 6' x 8' as stated by Mr. Constance. He also said that Mr. Constance stated that he hunted with one of the employees of the Haywood County Animal Control Agency and that is why they would not do anything. Mr. Trantham said that he did

know someone at the Animal Control Agency at one time, but that he had been gone for a few years and he resented Mr. Constance's comments that he may have been "buddy-buddy" with this employee.

Alderman Brown told Mr. Trantham that the Board of Aldermen may be considering limiting the number of animals and asked what his opinion was regarding a limit. Mr. Trantham said that he would just ask the Board not to create a hardship for bear hunters, coon hunters, etc. Mr. Trantham said that it sometimes takes about 6 - 7 dogs to run down a big bear and that those animals sometimes cost as much as \$4,000 - \$5,000 each. Mayor Foy added that when the Board considers limiting the number of animals, they will also need to look at the different breeds.

Consideration of Police Recommendation Regarding a Parking Problem

Several complaints have been received about parking in the area of Camelot Drive near where it intersects with Grimball Drive. The Police Department recommends one of the following solutions:

- 1) Widen the roadway
- 2) Place "No Parking" signs along the west side of Camelot.
- 3) Place "No Parking" signs along both sides of Camelot.
- 4) Place "No Parking Tow Away" signs along both sides of Camelot.

Their recommendation for the best solution was the placement of "No Parking Tow Away Zone" signs along both sides of Camelot Street and signs be placed from Hazelview Drive to Georgia Avenue and a short distance up Grimball Drive to Morgan Street.

Alderman Caldwell moved, seconded by Alderman Feichter, to adopt an ordinance regarding parking in the area of Camelot Drive, as recommended by the Waynesville Police Department in Solution #4. This ordinance is to be effective thirty (30) days from today (April 27, 2000). The motion carried unanimously. (Ord. No. 3-2000)

Public Comment on Items Not on the Agenda

Mib Medford - Litter

Mib Medford asked to speak to the Board of Aldermen regarding litter along Waynesville's roadsides. Ms. Medford brought litter which was picked up on the past Saturday along Pigeon Street approximately 1/10 mile from the Texaco Station. Ms. Medford pointed out that a large portion of the litter picked up along the roadside is recyclable and related to fast food. She said that she would like for the producers of this of this litter to be a part of the solution and she asked that the Town be a leader in helping to educate people to recycle. Ms. Medford asked that the Town place recyclable garbage cans at all Town facilities and see that all recyclable material is recycled.

Ms. Medford pointed out that it costs Haywood County \$650,000 to open a new cell at the Haywood County Landfill. She said that this causes taxes to increase and that everyone should do their part in recycling in order to keep their taxes down and save space in the landfill.

Town Manager Galloway expressed appreciation to Ms. Medford and her husband, Dr. Phil Medford, for the wonderful job they do to help clean up the community and educate the public. The Board agreed that it is important that Town Government be a good example for recycling.

Ron Fleenor - 1) Neon Signs 2) Trees

Ron Fleenor asked to speak to the Board of Aldermen on two issues. Mr. Fleenor asked that the Board of Aldermen consider an amendment to the Sign Ordinance to prohibit neon signs in the downtown district. Mr. Fleenor said that the Way Inn is on the National Registry of Historic Places and has a neon sign on the front of the building. He said that there is a process to have a building removed from the National Registry because this does not fit with a historic building. He said that there is another building in Waynesville which plans to have a neon sign. He was concerned that if Waynesville does not amend their ordinance, there could be more places in the downtown district with this type of signage.

Mr. Fleenor said that an older tree had been cut down to a “stub” behind the Way Inn and he asked the Board to take a look at their Tree Ordinance. Mayor Foy said that the previous Board did adopt a Tree Ordinance which was voluntary. At that time the Board chose trees which they would like to try to protect. He added that it may be possible for this Board to work more toward the development of a tree ordinance which will protect more trees.

Signs Located at South Main Street/Hyatt Creek Road Intersection

Alderman Brown reported that he had approached the one-half interest owners of the property where signs are located at the railroad tracks at the intersection of South Main Street and Hyatt Creek Road. The signs at this location have been an issue for several years and the Town has received complaints that they are unsightly and should be removed. It was the consensus of the Board that Aldermen Brown draft a formal letter to the owners of this property and present the letter to Town Manager Galloway for further action.

Mayor Foy - Annexation Study for Asheville Highway

Alderman Feichter moved, seconded by Alderman Caldwell, to instruct Planning and Zoning Manager John Swift to begin proceedings for an annexation study for the property located from the current city limits at North Main Street to the Ratcliffe Cove Road intersection. The motion carried unanimously.

Closed Session - Personnel Matter

Alderman Moore moved, seconded by Alderman Brown, to adjourn to closed session at 8:25 p.m. Alderman Moore moved, seconded by Alderman Feichter, to return to regular session at 9:40 p.m. Both motions carried unanimously.

Adjournment

With no further business, Alderman Moore moved, seconded by Alderman Caldwell, to adjourn the meeting at 9:42 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor