

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

The Board of Aldermen held a regular meeting on Tuesday, August 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 July 25, 2000

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

Vaughn Rhinehart - Locust Drive

Over the past two years there has been discussion regarding Locust Drive, a road that was formerly a part of the Town of Hazelwood. Mr. Vaughn Rhinehart has indicated that the Town of Hazelwood agreed to take over the road and be responsible for the maintenance of the road. Town Clerk Phyllis McClure has researched the minutes of Hazelwood and could not resolve this issue in those documents. Alderman Moore remembered that Hazelwood had taken over this street.

A decision was reached by the previous Board that Waynesville should be responsible for paving and maintaining Locust Drive, and they gave Town Staff instructions to work with Mr. Rhinehart to develop a document in which the street rights-of-way are dedicated to the Town. In July, 1999, a document was prepared by Town Attorney Mike Bonfoey. The Town normally requires that a 45-foot right-of-way be dedicated to the Town. However, in the case of Locust Drive, that much width was not available in some areas. The Town requested that the dedicated width be 30 feet when 45 feet was not available and that there be enough space dedicated at two cul-de-sacs so that the garbage trucks, junk trucks or fire trucks would have space to turn around.

Mayor Foy pointed out to Mr. Rhinehart that a 30' right-of-way is needed along points A - K on the survey plat and that a 45' right-of-way is needed for the two cul-de-sac areas. Mr. Rhinehart agreed to those terms.

Alderman Moore moved, seconded by Alderman Feichter, to approve the agreement with Mr. Rhinehart to allow the dedication of a 30' right-of-way on points A - K on the survey plat and a 45' right-of-way for the two cul-de-sac areas. The motion carried unanimously.

Public Hearing - Amendments to Sections 154.033, 154.116 and 154.006 Regarding Bed and Breakfast Homes and Inns

Bed and Breakfast Homes are currently allowed as a conditional use in residential districts. The purpose of the following amendments is to define and show the difference between a “Bed and Breakfast Home” and a “Bed and Breakfast Inn”. The Planning Board has reviewed the proposed amendments and recommends approval. The amendments are as follows:

- 1) Amend Section 154.033 District Use Regulations to add Residential Bed and Breakfast Inns (5 or 6 guest rooms) as a condition use in the R-1, R-2, R-3, R-4 and R-5 zoning districts.
- 2) Amend Section 154.116 to add the requirements for Bed and Breakfast Inns.
- 3) Amend Section 154.006 by changing the following definition: “Bed and Breakfast Home”. A private home in which a maximum of four (4) guest rooms are rented to no more than eight (8) guests for lodging and breakfast. The owner or operator of the home must be a resident of the home.
- 4) Amend Section 154.006 to add the following definition: “Residential Bed and Breakfast Inn”. A private home in which a maximum of six (6) guest rooms are rented to no more than twelve (12) guests for lodging and breakfast. The owner or operator of the inn must be a resident of the inn.

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

Ann Rothermal, 92 Daisey Avenue, said that she has a bed and breakfast home with four (4) rooms. Ms. Rothermal said that she has a fifth bedroom and asked if she could utilize this room. Attorney Bonfoey advised Mr. Rothermal that she would need to obtain a conditional use permit and meet the criteria of the Haywood County Health Department. Alderman Brown pointed out that the criteria of the Haywood County Health Department is different from that of the Town.

Ron Fleenor, 31 Suyeta Park Drive spoke in favor of the amendments, adding that this could provide the operator of the Bed and Breakfast with more income and without adding a lot of additional expense. However, he added that with five or more rooms, the Haywood County Health Department regulations do change.

Attorney Bonfoey closed the public hearing.

Alderman Brown moved, seconded by Alderman Feichter, to adopt an ordinance to amend Sections 154.033, 154.116 and 154.006 as presented. The motion carried unanimously. (Ord. No. 15-00)

Public Hearing - Amendment to Section 154.060 - Parking Lot Requirements in Downtown Area

The Town recently realized that there were no regulations regarding parking areas in the downtown area. It was felt that some regulations were necessary to preserve the attractiveness of the downtown

rather than risk becoming a city of asphalt and concrete. The Planning Board has reviewed and recommended an amendment to Section 154.060 to place requirements on the construction of parking lots in the downtown area.

Attorney Bonfoey opened the public hearing. No one spoke; Attorney Bonfoey closed the public hearing. The Board Members recommended several changes to the proposal recommended by the Planning Board. Alderman Feichter pointed out that the ordinance was not intended to stop parking areas, but rather a way to control how they are used. One of the main concerns for this ordinance was to avoid further congestion on Main Street. If the ingress to a parking lot is located on Main Street, the egress should be onto another street.

With the changes recommended by the Board of Aldermen, the amendment would read as follows:

Section 154.060(D)

The following parking provisions shall be applicable only to the following areas for the primary purpose of reducing congestion on Main Street:

A Main Street parking area used solely for parking shall be defined as a parking lot using over 80% of its area for parking.

BEGINNING in the center of the intersection of Depot Street and Montgomery Street and running with the center of Depot Street in a S.E. direction 300' to the center of Main Street; thence with the center of Main Street in a N.E. direction 75' to a line, said line running with the center of an unnamed alley; thence running with said line in a S.E. direction 190' to the center of Wall Street; thence running with the center of Wall Street in a S.W. direction 1500' to the intersection of Wall Street and Pigeon Street; thence running with the center of Pigeon in a N.W. direction 250' to the intersection of Pigeon and Main Street; thence running in a N.E. direction 470' to the intersection of Main Street and Church Street; thence running with the center of Church Street in a N.W. direction 290' to the intersection of Montgomery Street and Church Street; thence running with the center of Montgomery Street in a N.E. direction 1000' to the point of BEGINNING.

- (5) A ten foot (10') landscaping area shall be provided to maintain the building line at the sidewalk edge.
- (6) For lots abutting Main Street, the vehicular egress shall be onto a street other than Main Street.
- (7) The parking area shall be arranged in a manner which will minimize any conflict between pedestrian and vehicular traffic.
- (8) The parking area shall consist of a minimum of twenty (20) percent pervious surface and a maximum of eighty (80) percent impervious surface.
- (9) The parking area shall be aligned with a 6" high concrete, stone or treated heavy timber curbing. If angular parking is used a saw tooth curbing design shall be used.
- (10) Parking plans shall be prepared by a registered landscape architect.
- (11) The parking area shall comply with all other parking requirements.

Alderman Brown moved, seconded by Alderman Moore, to adopt an ordinance to allow parking requirements in the downtown area. The motion carried unanimously. (Ord. No. 16-00)

Public Hearing - Amendment to Section 154.083 - Political Signs

Recently, the Town Board asked staff to review the regulation of political signs by other communities and to develop proposed regulations for Waynesville. Planning and Zoning Manager John Swift and summer intern Dan Powell have contacted a number of other localities, secured copies of their regulations and developed a proposed ordinance for Waynesville. The proposed ordinance restricts the size, height, time of display before and after an election, number of signs per parcel and the location of signs. It also establishes a deposit of \$100 per candidate which will be refunded if signs are removed within seven days following the election or forfeited if not removed within that time. The Planning Board has reviewed this amendment and recommends that the Town Board grant approval.

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

Alderman Brown said that a definition for political signs was needed and also felt that the amendment should include signs for school bonds, referendums, etc. Alderman Moore said that regulations were needed for realtor signs and yard sale signs also. However, Alderman Moore was also concerned that the Town could adopt too many regulations. Town Manager Galloway said that regulations for yard sale signs are covered in the Recodification of the Town's Code of Ordinances. Alderman Caldwell felt that the signs should not be erected any sooner than 60 days prior to the election, rather than the 30 days recommended. It was the consensus of the Board that this amendment was a beginning point and that other amendments regarding signs may be needed later. Alderman Brown prepared a draft with changes for the Board's review as follows:

Section 154.083-2: Political Signs

The words political sign(s) as used herein, shall be defined to be any form of written, printed or pictorial board, poster or placard that advocates, supports or opposes the election of an individual, group, issue or matter appearing on a public ballot. Political sign(s) shall be allowed in every zoning district under the following conditions and any political sign not conforming to these conditions may/shall be removed. Political sign(s) shall otherwise conform to all local, state and federal laws.

- (A) Prior to the erection or placement on any lot of a political sign, a deposit of One Hundred Dollars (\$100.00) shall be made by the candidate or designee/representative with the Office of Planning and Zoning. Seven (7) days following the election date, the deposit will be refunded if all signs(s) have been taken down and/or removed. If the sign(s) have not been taken down and/or removed, the deposit will be forfeited to the Town;
- (B) No political sign(s) shall be erected or placed on any lot more than sixty (60) days prior to the election which it relates to;

- (C) No political sign(s) shall exceed sixteen (16) square feet in area or be higher than six (6) feet above ground level. No political sign(s) shall be placed within five (5) feet of the edge of a street or road. At street or road intersections, a political sign shall be located no closer than twenty-five (25) feet from the edge of the intersection.
- (D) Political sign(s) shall not be placed on public property.
- (E) Only one (1) political sign per candidate or issue shall be placed on any lot.

Alderman Feichter moved, seconded by Alderman Brown, to adopt the amendment regarding political signs, with the changes as discussed. The motion carried unanimously. (Ord. No. 17-00)

Report by Clerk Regarding Annexation Request by Keith and Ollie Gibson - .84 Acre Tract Located on Russ Avenue

At the last meeting, the annexation petition of Keith and Ollie Gibson was received for a .84 acre tract of land along Russ Avenue. The tract is located on the west side of the road a few hundred yards north of the Barberville Baptist Church. A resolution was adopted at the last meeting authorizing the Town Clerk to investigate the sufficiency of the petition and she has now done so.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt a resolution to set a public hearing date on the annexation request for Tuesday, August 22, 2000. The motion carried unanimously. (Res. No. 14-00)

Speed Limit Recommendations- Morningview Drive and Eagle Nest Road

In recent weeks, there have been some requests that the posted speed limits on Morningview Drive and Eagle Nest Road be reviewed and reconsidered. The Waynesville Police Department has investigated and given the following recommendation.

Morningview Drive

That the top portion of Morningview be posted at 20 mph and the lower portion be posted at 30 mph.

Eagle Nest Road

That the speed limit be lowered from 35 mph to 25 mph beginning at Will Hyatt Road to Wayneview Drive. That the speed limit be lowered from 35 mph to 20 mph from Wayneview Drive to the top of Eagle Nest Road.

Warren Street

It was also recommended that some caution signs "Children Playing" be placed on Warren Street in light of a recent accident that occurred on that street in which a child had fallen off his bicycle and was struck by a vehicle.

Phil James, 245 Nags Trail, said that there have been several problems in the past three (3) years associated with speeding on Eagle Nest Road. Mr. James said that the key to resolving these problems is in enforcement. Mr. James said that he met with Police Chief Bill Hollingsed and Retired Highway Patrolman Oswald who was recently involved in an automobile accident on Eagle Nest Road, to try to find some solutions to the speeding problems. Mr. James felt that a lot of the problems are associated with the development on the Maggie Valley side of the mountain. He said that the developer has installed a poor dirt road and the construction vehicles are using Eagle Nest Road because it is a better road. Mr. James made suggestions that improvements be made to the road shoulders, that trucks be instructed to travel down Eagle Nest Road in low gear, that they stay on their side of the road, and that they be required to travel on Eagle Nest Road only at certain times during the day.

Alderman Brown pointed out that the Town cannot control what type of vehicles use Eagle Nest Road. Town Manager Galloway said that the lower portion of Eagle Nest Road from Will Hyatt Road to Wayneview Drive is owned and maintained by the State. If the Board feels that the speed limit should be lowered, a resolution would need to be adopted requesting that the DOT consider changing the speed limit.

Alderman Moore moved, seconded by Alderman Caldwell, to reduce the speed limit on Morningview Drive from 35 mph to 20 mph and to reduce the speed limit on the upper portion of Eagle Nest Road beginning at Wayneview Drive from 35 mph to 20 mph. The motion carried unanimously. (Ord. No. 18-00)

Alderman Moore moved, seconded by Alderman Feichter, to adopt a resolution to request that the N.C. Department of Transportation consider reducing the speed limit on the lower portion of Eagle Nest Road, from Wayneview Drive southeast to Will Hyatt Road from 35 mph to 25 mph. The motion carried unanimously. (Res. No. 15-00)

Ordinance to Demolish Structure - Oakdale Road

Code Enforcement Officer Jack Morgan has been working on the condition of a structure located at 542 Oakdale Road. Earlier this spring, Mr. Morgan held the required public meetings at which time the property owners attended. Mr. Morgan was present at the meeting to answer questions. He requested that the Town Board adopt an ordinance authorizing him to proceed with the demolition of the structure.

Mr. Morgan explained the process required for dilapidated structures which are found to be unfit for human habitation. Mr. Morgan said that in his meetings with the property owners, they indicated their willingness to allow the Fire Department to destroy the structure by fire for training purposes. However, the Fire Department has determined that this cannot be done due to the close proximity of other structures and overhead utility service lines.

Alderman Brown moved, seconded by Alderman Caldwell, to adopt an ordinance authorizing the Code Enforcement Official to proceed with the demolition of the structure located at 542 Oakdale Road. The motion carried unanimously. (Ord. No. 19-00)

Alderman Caldwell, along with the other Board Members, commended Code Enforcement Jack Morgan on the work that he does for the Town.

Request for Proposal Regarding Staggered Terms for Board of Aldermen

Alderman Feichter said she knew when she was elected as Alderman that there was a lot to learn. It also made her realize the importance of having people on the Board who have knowledge of Waynesville and how horrible it would be to have an election ending up with all four new Aldermen and a new Mayor with little or no knowledge of Waynesville. It was requested that Attorney Mike Bonfoey investigate the possibility of staggered terms for the Board to be assured that this would not happen. Attorney Bonfoey said that he has researched this issue in the past and will review the Statutes and report to the Board.

Request by Haywood Baptist Association

Alderman Moore said that he received a letter from the Haywood Baptist Association requesting assistance from the Town with the remaining balance of \$460 on their water bill which resulted from filling the swimming pool at Camp Schaub.

Alderman Moore moved, seconded by Alderman Brown, to release the portion of the water bill for the Haywood Baptist Association for filling the swimming pool at Camp Schaub. The motion carried unanimously.

Amendment to Personnel Policies - Article IV "Conditions of Employment"

Alderman Brown presented a draft amendment of the Town of Waynesville Personnel Policies regarding employees who wish to be a candidate for or hold elected political or partisan office. At the present time this is prohibited. However, one of the Town's employees has indicated an interest in a position on the Haywood County School Board. Although some elected offices may be in conflict with being a Town of Waynesville employee, at this time the Haywood County School Board, Maggie Valley Sanitary District, Junaluska Sanitary District and Soil and Water Conservation District do not seem to be in conflict. The proposed amendment is as follows:

Section 5. Political Activity

- (5) Be a candidate for or hold a federal or state publicly elected office; be a candidate for or hold a position on the Haywood County Board of Commissioners or any governing board of a municipality within Haywood County. Any employee holding or being a candidate for an office not prohibited herein, shall observe the other Conditions of Employment stated in this Article.

Alderman Brown moved, seconded by Alderman Caldwell, to adopt the amendment to the Personnel Policies as proposed. The motion carried unanimously.

Request for Sidewalks at new Hazelwood School

It was the consensus of the Board that the NC Department of Transportation should consider improving Plott Creek Road in front of the new Hazelwood School to include three full lanes plus a sidewalk. Town Manager Galloway said that this has been requested previously of NCDOT, however, no action has been taken.

Adjournment

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

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor