

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
NOVEMBER 14, 2000
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, November 14, 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 October 24, 2000

Alderman Feichter moved, seconded by Alderman Caldwell, to approve the minutes of the October 24, 2000 meeting as presented. The motion carried unanimously.

Ordinance Regarding Noise From Motor Vehicles and Portable Audio Devices

At the meeting of October 24, Attorney Bonfoey presented the Board with a draft ordinance to control disturbances from loud radios. This was done at the request of Police Chief Bill Hollingsed and was based in part upon an ordinance used by the City of Fayetteville. Several suggestions were made when the draft ordinance was presented and Attorney Bonfoey has incorporated those changes into the ordinance being presented at this time. Attorney Bonfoey also indicated that he needed to consult with the attorney for the Fayetteville Police Department prior to making a final recommendation to the Board.

It is a violation of this ordinance if noises are audible at a distance of thirty (30) feet or more from a motor vehicle in or on which the audio device is located. The ordinance allows for exceptions such as sounds that are generated from emergency vehicles, vehicles performing a service or repair function, warning devices and authorized parades. Those persons violating the ordinance will be cited and required to pay a \$25 penalty. If this penalty is not paid within five (5) business days after the issuance of the citation, a fine of \$250 or imprisonment not exceeding 30 days is possible.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt the ordinance regarding noise from motor vehicles and portable audio devices as presented by Attorney Bonfoey. The motion carried unanimously. (Ord. No. 28-00)

Academy Street Parking Ordinance

At the meeting of October 24, 2000, there was discussion about problems with parking along Academy Street between South Main Street and Tate Street. Police Chief Hollingsed has been working with Public Works Director Fred Baker to attempt to arrive at a solution to the problem.

Several recommendations were made and several changes were proposed. The Board instructed the Town Attorney to develop an ordinance which would implement these parking regulations on Academy Street.

Town Attorney Bonfoey explained the proposed ordinance, adding that the Police Chief had indicated to him that all property owners along Academy Street were in agreement with the proposed ordinance. There is one area along Academy Street where people park and the Town cannot regulate since it is private property. Attorney Bonfoey said that the property owner would need to give the Town an easement and permission to regulate the parking in this area.

Alderman Moore moved, seconded by Alderman Feichter, to adopt the ordinance to regulate the parking on Academy Street. The motion carried unanimously. (Ord. No. 29-00)

Greenhill Cemetery Committee

Town Manager Galloway said that several factors have recently arisen which need to be addressed for the future of Greenhill Cemetery.

- 1) Manager Galloway said that about one year ago, the Presbyterian and Methodist Churches approached him and were interested in a joint venture with the Town to construct a columbarium for the placement of cremation urns. According to Wells Greeley with Wells Funeral Home, approximately 23% of burials that are handled by the Funeral Home are now by cremation. If not a columbarium, some plans are needed to bury cremation urns.
- 2) The Town recently received a proposal from a gentleman who was interested in digging all the graves at Greenhill Cemetery. This request was temporarily put on hold. If the Town decides to enter into a contract for this purpose other bids will be accepted.
- 3) The Town has done a lot of repair and rebuilding of rock walls at the Cemetery. Other work will be needed in the future.
- 4) A Cemetery Trust Fund was established around 1995 which added \$100 to the fund for each cemetery lot sold by the Town. \$200 per cemetery lot is now placed in the fund and at the present time the fund has grown to approximately \$46,000 during that five-year period. The rates currently charged for cemetery lots are lower than other cemeteries charge.
- 5) The Veterans Section of the cemetery is filling at a rapid rate and the Town needs to decide where the next Veterans Section will be located.

Several persons have been suggested to serve on this committee. Almost all those suggested have been contacted and are willing to serve on a committee to review issues and make recommendations regarding the future of Greenhill Cemetery. Those names suggested are as follows: Bill Ross, Ray Fisher, Tom Massie, Don Eudy, Bette Sprecher and Ted Ramsey. Johnny Phillips (Garrett Funeral Home) and Wells Greeley (Wells Funeral Home) have been suggested to serve as advisory members. Cemetery Superintendent Fred Rathbone and Town Manager Lee Galloway have been suggested to serve as ex officio members.

It was the consensus of the Board to authorize Mayor Foy to appoint the members of the Greenhill Cemetery Committee.

Don Norris - Request to Abandon Road Right-of-Way off Auburn Park Drive

During the development of the Auburn Park Subdivision, a cul-de-sac was planned for Woodfield Drive. When the road was later extended, it appears that the plans changed and the cul-de-sac became unnecessary. Mr. Don Norris owns the two lots which abut the cul-de-sac. He has requested that the Town abandon the cul-de-sac. Under State law, when the Town proposes to abandon a street right-of-way, there are requirements that notice of this intent be advertised in the newspaper four consecutive weeks with a public hearing scheduled. If the Board decides at that time to abandon the right-of-way, the property would be divided in half with the abutting property owners receiving an equal share. In this case, Mr. Norris owns both lots abutting the cul-de-sac and the entire cul-de-sac would go to him. Mr. Norris has been informed that if the Board is willing to proceed on this matter, it is his responsibility to pay the costs involved, including a survey of the cul-de-sac and legal and advertising costs.

Mr. Norris attended the meeting to request that the cul-de-sac be abandoned. Mr. Norris said that he bought one of these lots in 1975. When the developers changed the plans for this subdivision, he also bought the adjoining lot. When this subdivision began, the developers planned to have four lots in this location, but ended up with two, which caused the cul-de-sac to become unnecessary. Mr. Norris bought both of these lots and said that he has maintained this property for the past twenty-five years. Mr. and Mrs. Norris said that they planned to turn this property over to their son and his wife and felt that while they still had ownership of the property, they would like to see the cul-de-sac abandoned and added to the two lots.

Alderman Brown moved, seconded by Alderman Caldwell, to adopt a resolution stating the Board's intent to close the cul-de-sac and to authorize the Town Clerk to establish the public hearing date once the survey of the property has been completed and the schedule of the required public notice advertisement in four consecutive weeks has been determined. The motion carried unanimously. (Res. No. 23-00)

Petition for Annexation - Kathy & James Warren - 350 Bridget Drive

During 1999, Mr. Kenneth Muse approached the Town about connecting property he owned off Pinewood Drive to the Town's sewer system. He was also in the process of subdividing some of the property and transferring it to his daughter, Mrs. Kathy Warren. There were some conditions that had to be met in order for the subdivision to receive final approval. While awaiting those conditions to be met, further action was suspended on the request for annexation. Those conditions have now been completed and the annexation process can proceed. When the process was halted, Town Clerk Phyllis McClure was instructed to investigate the sufficiency of the petition. Ms. McClure has certified that the petition meets the requirements according to State Law.

Alderman Brown moved, seconded by Alderman Moore, to adopt a resolution to set the date of the public hearing for annexation of the property at 350 Bridget Drive, for Tuesday, November 28, 2000. The motion carried unanimously. (Res. No. 24-00)

Petition for Annexation - Calvary Road Baptist Church - 77 Sutton Loop

A petition has been received for annexation from Calvary Road Baptist Church, which is located on Sutton Loop just off of Dayton Drive (formerly Old Dellwood Road). The petition was submitted as required by any property wishing to connect to the Town's wastewater collection system. There are presently several other petitions for property located in the Route 19 area which have petitioned for annexation in order to be connected to sewer service. Any legal implications of annexing these properties need to be determined before proceeding further.

If the Board is interested in pursuing the annexation of the church, the first step would be to pass a resolution instructing the Town Clerk to investigate the sufficiency of the petition received.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt a resolution instructing the Town Clerk to investigate the sufficiency of the petition for annexation received from Calvary Road Baptist Church at 77 Sutton Loop. The motion carried unanimously. (Res. No. 25-00)

Authorization to Tax Collector to Proceed in the Collection of Delinquent Taxes

At the request of the Board, Tax Collector James Robertson has been researching the legal process involved in the collection of unpaid and delinquent property taxes. He has already stepped up the efforts to collect some of the older taxes, contacting citizens who were delinquent in tax payments and working with many to establish payment schedules and get the taxes current. There are many who have not contacted him to make any arrangements, nor have they made the payments necessary to bring their account up to date.

In order for Tax Collector James Robertson to proceed with all available, legal means in collecting the unpaid property taxes due the Town of Waynesville, two forms are required by law to be approved by the Board.

Tax Collector James Robertson attended the meeting, along with Finance Director Eddie Caldwell. Mr. Robertson said that 23% of the current year's taxes have been collected, and his office has been mailing letters and making telephone calls to those persons with delinquent taxes. Approximately 30% of those persons contacted have either paid their delinquent taxes or made arrangements to do so, and each contact has been documented. One advantage for this process is with the new computer system which shows all prior years of delinquent taxes and calculates interest. Haywood County Tax Collector David Francis has helped Mr. Robertson with this process.

Mr. Robertson said that the Town currently has to write off approximately \$20,000 yearly for the eleventh year of delinquent taxes. State Law allows a process for the collection of delinquent taxes up until the end of the tenth year. He added that the longer you wait to collect taxes, the harder it is to collect those taxes.

Alderman Brown moved, seconded by Alderman Caldwell, to authorize Tax Collector James Robertson to proceed with collection of unpaid property taxes due the Town of Waynesville. The motion carried unanimously.

The Board and Town Manager commended Tax Collector James Robertson for the excellent job he is doing. Town Manager Galloway added that Mr. Robertson began work with the Town as a meter reader, was then promoted to Customer Service Representative and later to Tax Collector. Manager Galloway added that Mr. Robertson is also an ordained minister.

Minor Subdivision Plat - Lot 86 - Piedmont Golf Development Corporation

Piedmont Golf Development Corporation owns a 21.4 acre tract of land on Woody Lane. The property is zoned "R-1" Low Density Residential, and the company is subdividing the tract to create a new, 2.231 acre lot. The proposed lot meets or exceeds Town standards and Town Staff recommends approval of the plat.

Alderman Moore moved, seconded by Alderman Feichter, to approve the minor subdivision as presented. The motion carried unanimously.

Repair of 24 Inch Sewer Line at Lake Junaluska

Town Manager Galloway said that in adopting the 2000-2001 Annual Budget, authorization was given to undertake the rehabilitation of the 24-inch sewer line along the south shore of Lake Junaluska. This line was installed in 1938 and was constructed of clay. The line has far outlived its life expectancy. As the sewer line is one of the worst cases of groundwater infiltration and inflow, the project needed to be undertaken to rehabilitate this line, and it is proposed to do so by having a new lining installed within the existing pipe. The Town's manholes will also be rehabilitated. Bids on this work are to be received on Thursday, November 30, 2000. The cost of this project is expected to exceed \$500,000 and the Town will need to secure a lease-purchase agreement for financing this work. Under State Law, when Waynesville plans to finance more than a half-million dollar level on a project or purchase, approval must be secured by the N.C. Local Government Commission (LGC). The LGC meets on the first Tuesday of each month and it is planned to have the matter on the agenda of their meeting on Tuesday, January 2, 2001. Certain steps must be followed to undertake this financing and a resolution must be adopted to proceed. Items addressed in this resolution are:

- 1) The Board needs to officially approve the project and then authorize Finance Director Eddie Caldwell to seek financing proposals from financial institutions in Haywood County.
- 2) The Board needs to set a special meeting on Tuesday, December 5, 2000, at 5:00 p.m. to hold a public hearing on the debt, to award the financing of the debt and to award the bids on the work to be done.

Alderman Moore moved, seconded by Alderman Feichter, to adopt a resolution to authorize the Finance Officer to proceed with financing for this project and to set a special meeting date of December 5, 2000, at 5:00 p.m. regarding this project. The motion carried unanimously. (Res. No. 26-00)

Board Meeting of December 26, 2000

Town Manager Galloway said that it has been the tradition of the Board to cancel the second December meeting of the Board of Aldermen since it normally falls so close to Christmas. This year, the second meeting is scheduled for Tuesday, December 26, 2000, which is a day that the Town Hall is closed due to the two-day Christmas Holiday.

Alderman Caldwell moved, seconded by Alderman Feichter, to cancel the meeting of December 26, 2000. The motion carried unanimously.

North Carolina Department of Transportation TIP Meetings

Mayor Foy said that he planned to attend the TIP meeting in Sylva to thank the DOT for what they have done to try to speed up the West Waynesville and Howell Mill Road projects. Mayor Foy invited other Board Members to go with him or to let him know if they had comments that they would like to make.

Comments Regarding Weeds/Dilapidated Structures

Board Members expressed concern of fire dangers and asked what the status was with the dilapidated property on Richland Street owned by O.T.V. Barker. There was also discussion regarding weeds on the property beside the Armory. Town Manager Galloway said that he would try to get information to the Board regarding these properties.

Comments Regarding Christmas Lights on Main Street

Mayor Foy said that he has received several good comments on the newly installed Christmas lights on Main Street. This year, the newly installed poles have been decorated with red ribbon and bows, and wrapped in greenery with white lights. Board Members agreed that the decorations were very impressive.

Adjournment

With no further business, Alderman Feichter moved, seconded by Alderman Brown, to adjourn the meeting at 8:31 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor