

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
JANUARY 23, 2001  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, January 23, 2001. 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 9, 2001

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the January 9, 2001, meeting as presented. The motion carried unanimously.

Continuation of Public Hearing - Request of Giles Chemical, 102 Commerce Street - Rezone 3.65 Acres From R-4 to I-1

Attorney Bonfoey opened the continuation of the public hearing regarding the request by Giles Chemical Corporation at 102 Commerce Street to rezone 3.65 acres from R-4 to I-1. The following persons spoke:

Peggy Roberts, 129 Mill Street was opposed to the rezoning request. Ms. Walters said that Giles is in front of her home. She presented pictures of the area that she assumed was commercial since it has always been used in a commercial manner and a lot of the material on this property had been moved in within the past ten (10) years.

Carol James, owner of Mill Race Mercantile located at 313 Depot Street and President of the Frog Level Committee, said that Giles Chemical has been supportive of the efforts underway for revitalization of the Frog Level area. Ms. James felt that Giles was going to come through with improved appearance and use of their property. There has been some discussion regarding the use of their property in relation to planned improvements in the Frog Level area and they seem interested in making changes necessary to be good neighbors with the adjacent property owners.

Rick Wrenn, President of Giles Chemical explained that he would like to move an existing structure and improve the process used to remove liquid from a "mud" product. Mr. Wrenn said by installing this new equipment which will be located inside their building, along with a conveyor belt to transport the material to the back portion of their property, it will reduce the amount of this product by 50%, making it easier to haul to the landfill. The new process will also eliminate the dump trucks and fork lifts from the street. Mr. Wrenn said that Giles Chemical has been at this location for the past fifty years and employees thirty people. He added that they try to be good neighbors; however, the issues brought up tonight have not been addressed to him in the past five to six years.

Mary Rathbone, 63 Quincy Street, said she has lived in the area for fifty years and cannot sleep at night because of the noise created by machinery running at Giles and the vehicles that constantly

drive back and forth. She said the property looks terrible and she was concerned with the safety of children in the neighborhood because of the vehicles traveling in the Chestnut Park area.

James Roberts said that he lives behind Giles Chemical. When the company was owned by Tim Welch he was forced to clean up the property and at one time there was an acid spill into the Town's sewer which caused problems for the nearby residents. Mr. Roberts was concerned that the "mud" which is dumped behind Giles might run into the nearby creek.

Selwin Scoggins, Corporate Engineer for Giles Chemical, said that he contacted the company who will provide the conveyor and equipment to operate it. He was told that from 3' away this equipment has a decibel reading of 66. A normal conversation generates 60 decibels and a washing machine generates 65 decibels. He felt that the noise would be minimal and some noise abatement could be done if necessary. Mr. Scoggins said that the equipment would run for 15-20 minutes each time every four to five hours. At the present time a dump truck and fork lifts are used to haul the "mud" material which is later taken to the landfill. With the new process it will be easier to haul the material to the landfill and they could simply hire someone to haul it away. Mr. Scoggins said that this equipment will be operated during the daytime only on Monday through Friday. He added that there would be no harmful chemicals involved in the "mud" and it would be buried in the landfill. He explained that Epsom Salt, which is washed out of the "mud" is not a harmful chemical.

Mr. Wren said at the present time, this "mud" is simply stored at the back of their facility. With the new process it will be stored in a shed which will be at a different location on the property and will be enclosed on three sides.

Mayor Foy said that he did not want to create a hardship for Giles; however he added that the Board also represents the citizens of Waynesville. As part of the efforts to improve Waynesville's appearance he felt that the Appearance Commission should review any changes made by Giles and make recommendations on how the appearance could be improved. Alderman Feichter said that it appeared that the proposal by Giles will improve their situation.

Mr. Wrenn explained that this property is located in the flood plain and structures could not be built there. He added that the structure that is there now was built before building permits were required and before there were floodway restrictions. Since it has been there for years, it is grandfathered in. The reason he is allowed to remove this structure and install the three sided structure is because he is trading the use which is grandfathered. Mr. Wrenn said that once this new process begins there will be no more operations at night and the number of tractor trailers will be cut in half.

Alderman Brown moved, to rezone the 3.65 acres from R-4 to I-1. However, after further discussion, Alderman Brown withdrew his motion.

Alderman Brown moved, seconded by Alderman Caldwell, to continue the public hearing in order to allow time for Giles Chemical to meet with the Community Appearance Commission for their review of the plans proposed by Giles Chemical and to make recommendations for improvements. The motion carried unanimously.

Mib Medford, one of the members of the Appearance Commission, said that the Commission meets next week, but she was not sure if this item could be added to their agenda. Ms. Medford explained that normally a landscape plan is submitted for review. Mr. Wrenn said that this property consists of approximately five acres with a large bank with locust trees. He said a buffer could be added with

some type of fast growing, low maintenance plantings which would not interfere with the nearby electrical lines, but he would like to have some advise about what buffering would be appropriate.

### Community Earth Quilt Project

Ms. Becky Anderson and Ms. Norma Bradley gave a slide presentation to show the various types of community quilt projects which have been done. Ms. Anderson said that grant monies are available for these projects which involve citizens in the community who work together to create a permanent garden planting. Ms. Anderson said that in comparing small communities, Waynesville has a premier Main Street; a great example of what people can do with their downtown areas.

Norma Bradley said that she has been in this area for the past twenty years and loves the small towns. Earth Quilts begin in 1986 when the Department of Energy wanted to put in a high level nuclear depository in this area. Since then, thousands of people have helped her put in these gardens. In the slide presentation these gardens were placed at schools, hospitals, nursing homes, senior citizen centers, etc. Ms. Bradley said that she also has fiber quilt shows and Ms. Anderson added that this area has a history of quilt makers. The Community Appearance Commission recently gave their approval for this project.

In-kind contributions in the form of work would be necessary from the Town of Waynesville. Grant money, if received, would cover the costs of the project. The Town of Mars Hill will have a similar project. Ms. Bradley said property would be needed for this project and the average size used is thirty feet square. The property is usually in connection with a building and sometimes the building is historic. If grant money is received, there would only be 15 other projects in the United States this year with a lot of publicity for Waynesville.

Alderman Feichter moved, seconded by Alderman Caldwell, to endorse and support the efforts to obtain grant money for the earth quilt project in the Town of Waynesville. The motion carried unanimously.

### Ms. Patricia Meyer Regarding the Outdoor Swimming Pool

Ms. Patricia Meyer, 194 Meadow Street, Waynesville said that she was a taxpayer and voter in Waynesville and has been diligently working since last August on keeping the outdoor swimming pool open. Ms. Meyer would like to see three more bids received on renovating the pool. She has spoken with several contractors who are willing to help and Haywood Builders and Builders Way have indicated that they would be willing to donate materials. Several citizens have also indicated that they would help. Ms. Meyer asked that the Board consider increasing the amount charged for season passes to help pay for the pool. She presented pictures which she felt indicate that the main water leak is not in the walls of the pool. She felt that once the diving well and board are gone they will probably not be back.

Ms. Meyer presented results of a telephone survey which was conducted recently by a gentleman who could not attend the meeting due to Boy Scout responsibilities. By using voter registration data, 4,200 families took the time to answer the survey. Out of the 281 families who have used the pool, 217 prefer to swim outdoors. Ms. Meyer asked that the Board reconsider their decision to close the outdoor pool. She felt that citizens, businesses and the community could pull together and that grant money may be available to help with the project.

Town Manager Galloway said the estimate received to repair the pool was between \$400,000 and \$500,000, which would include replacing the bathhouse. He said that the main leak in the pool is in the gutter level causing the loss of approximately 10,000 of water per day when the pool was open. Each year the pool was cleaned, repainted and the cracks were caulked. The Town recently completed a six million dollar recreation center with an indoor swimming pool. Another phase of this project would include a new outdoor swimming pool. However, this is an item which the Board will need to discuss when they develop the budget for the next fiscal year. No action was taken.

#### Reappointment of Historic Preservation Commission Member

The term of Mr. Bob Breese on the Historic Preservation Commission will expire on January 31, 2001. Mr. Breese has served on this Commission for the past several years, possesses a great deal of knowledge about the history of Waynesville and has indicated that he wishes to continue service on this Board.

Alderman Feichter moved, seconded by Alderman Moore, to reappoint Mr. Bob Breese as a member of the Historic Preservation Commission to serve another four year term to expire on January 31, 2005. The motion carried unanimously.

#### Utility Relocation Agreement with North Carolina Department of Transportation for US 23 Business

Construction is scheduled to begin on the improvements to US 23 Business between the Waynesville City Limits and Lowes this year. As a part of this construction, the utility lines of the Town will be affected, including water, sewer and electric lines.

DOT has proposed an agreement by which that agency would be responsible for the costs of relocating the electric lines along the Asheville Road. The Town would do this work with its own personnel or have the work contracted with a company which specializes in this type of work. It is recommended that the Board authorize Mayor Foy to sign the agreement with the NCDOT.

Manager Galloway explained that this area is from the old hospital at East Street to the Waynesville Drive-In. DOT will not relocate the electrical lines underground since the costs are almost four times as much to do so; the utility poles will be relocated further up the hill. If the Town's crew does this work they would be reimbursed by DOT.

Alderman Brown moved, seconded by Alderman Caldwell, to authorize Mayor Foy to enter into the utility relocation agreement with the NC Department of Transportation. The motion carried unanimously. (Cont. No. 2-01)

#### Community Development Block Grant Quarterly Report of Activities

One of the requirements of the Community Development Block Grant is that a quarterly report be prepared to show what progress has been made. A copy of this report was provided for the period of October to December, 2000. During this time CDBG activities were as follows:

- 1) The Environmental Review Report was completed.
- 2) The Fair Housing Plan Activity was completed.
- 3) Updated income data for initial grant recipients is underway.
- 4) The pre-inspection for the first rehabilitation unit was completed.

5) No rehabilitation funds were spent on rehabilitation units.

No action was necessary.

#### Ordinance Authorizing Code Enforcement Officer to Demolish Dwelling at 323 Daisy Avenue

Code Enforcement Officer Jack Morgan has requested that the Board adopt an ordinance ordering the demolition of the structure located at 323 Daisy Avenue. Mr. Morgan has held the required hearings in which the property owner is given the opportunity to appear and attempt to work with the Code Enforcement Officer to bring the structure into compliance with Town regulations. It is recommended that the Board adopt this ordinance.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt an ordinance authorizing Code Enforcement Officer Jack Morgan to demolish the structure located at 323 Daisy Avenue. The motion carried unanimously. (Ord. No. 2-01) (Cont. No. 3-01)

#### Approval of Minor Subdivision - Belk, Inc. - Barber Boulevard

Belk, Inc., is subdividing 3.816 acres from the 22.83 acre parent tract owned by Ingles on Barber Boulevard. This is currently part of a commercial planned unit development (PUD), and Belk is subdividing a separate lot of record so that the entire development does not come under review as they build an addition to their store.

Town Staff recommends that the subdivision be approved. Belk will make significant improvements to the site while adding to its building.

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

#### Adoption of Local Water Supply Plan

Public Works Director/Town Engineer Fred Baker has been working on the Town's local water supply plan which is required of every local government in the water business by the State's Department of Environment and Natural Resources. The State has now approved the plan with a few minor changes, and this must be adopted by the Board of Aldermen.

Town Manager Galloway said this has been an ongoing project for the past few years and the figures have changed since it began. The report shows the average water produced per day, largest water customers for Waynesville and various other data. The Town's overall water capacity is 12.8 million gallons from the reservoir in finished water per day. There were some concerns regarding the amount of unaccounted for water. Town Manager Galloway said that the unaccounted for water is due to old lines, leaks and unmetered water and there is an ongoing effort by the Town to locate and correct these situations.

Alderman Caldwell moved, seconded by Alderman Feichter, to adopt the Local Water Supply Plan as presented. The motion carried unanimously. (Res. No. 3-01)

#### Official Position by Board of Aldermen Regarding the Location of the Haywood County Courthouse

Mayor Foy asked that the Board take an official position on the location of the Haywood County Courthouse.

The court facilities have been located on their present site since 1880, as well as having occupied a site on Waynesville's Main Street from near the 1810 date of designating Waynesville as the County Seat of Haywood County. The Haywood County Courthouse has been the focal point of Waynesville's business district during the County's entire 192 years of existence, and financial investment in Waynesville's businesses has been in the greater part, oriented to the Courthouse location. The present Haywood County Courthouse building was constructed during the period beginning in late 1930 through its completion in mid 1932 in the middle of the Great Depression years.

Alderman Brown moved, seconded by Alderman Caldwell, to support the addition of new court facilities closely adjacent to and in harmony with the present Courthouse, and to urge the County Commissioners to accept the recent recommendation of their Task Force Committee and move ahead with the project with all due speed. The motion carried unanimously. (Res. No. 4-01)

#### Ordinances of 1888 - Mib Medford

Mib Medford presented copies of the 1888 Town of Waynesville Code of Ordinances. Ms. Medford felt it was important that Waynesville had rules and regulations this long ago and that fines of \$10, \$25 and \$50 were charged for violations pertaining to nuisances, posting of bills and failure to obtain building permits. At that time these fines were large amounts. No action was necessary.

#### Retreat for Board of Aldermen

Town Manager Galloway said that April 4, 2001 was the projected date for the Board of Aldermen Retreat. This date will be confirmed with the Waynesville Country Club.

#### Adjournment

With no further business, Alderman Moore moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:40 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor