

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
NOVEMBER 14, 2006
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, November 14, 2006. 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, Town Attorney Woodrow Griffin and Assistant to the Town Manager Alison Melnikova. Mayor Foy called the meeting to order at 7 pm.

Approval of Minutes of October 24 and November 7, 2006

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the October 24 and November 7, 2006 meetings as presented. The motion carried unanimously.

Public Hearing - Text Amendments Regarding Warehouses Sections 154.114(D) and 154.269

The Planning Board received a request to amend the Land Development Standards to permit the construction of self storage warehouses on the old tannery property in Hazelwood. At present, these structures are prohibited in the Hazelwood Town Center although they are permitted in a number of other pedestrian oriented business districts, even in the Central Business District.

The Planning Staff noted that the warehouses would have to meet the design requirements in the Land Development Standards, so there was not the need to overly restrict building location. There are also a number of special restrictions which apply to self-storage units, and these are found in the minutes of the Planning Board meeting of October 16, 2006. In recognition of the pedestrian retail orientation of Hazelwood Avenue, the staff recommends that the special restrictions be amended to add a prohibition of self-storage warehouses on lots abutting Hazelwood Avenue. At present, these units are prohibited on properties abutting Russ Avenue, and this recommendation would add that prohibition to Hazelwood Avenue. The Planning Board voted to recommend these amendments.

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

Alderman Brown moved, seconded by Alderman Moore, to adopt an ordinance to amend Sections 154.114(D) and 154.269 as recommended. The motion carried unanimously. (Ord. No. 25-06)

Public Hearing - Rename a Portion of Burma Road to Park Drive

At the Board meeting of October 24, 2006, Ms. Janet Gray and Mr. Bob Clark appeared to ask that the Board consider changing the name of Burma Road to Park Drive.

Although the road is listed as Burma Road, it actually appears to be more of a continuation of Park

Drive than it does a connection to Burma Road. They have had trouble receiving deliveries since they purchased the property and moved in due to the confusion about the street name.

Ms. Gray and Mr. Clark approached the Haywood County Addressing Office and secured a recommendation from Ms. Kathy Hoglen that the portion of the street in front of the home be renamed to Park Drive. Park Drive would be extended from its present end where it intersects with Burma Road to the intersection with Hillside Road. Burma Road would end where it intersects with Park Drive.

As required by Town ordinances, when a change in a road name is proposed, the town must give notice to the abutting property owners and call for a public hearing on the matter. This has been advertised and notice has been sent to the property owners, inviting them to attend this meeting and giving them the opportunity to make comments.

Attorney Griffin opened the public hearing. Mr. Bob Clark spoke in favor of the road name change. Attorney Griffin closed the public hearing.

Alderman Brown moved, seconded by Alderman Feichter, to adopt an ordinance to rename the portion of Burma Road to Park Drive as recommended. The motion carried unanimously. (Ord. No. 26-06)

Resolution Approval of Grant Application Bicycle and Pedestrian Planning Funds

Alison Melnikova, Assistant to the Town Manager, presented information regarding a grant application for bicycle and pedestrian planning funds. For the past few years, the town has submitted applications for grant funding to allow the planning of bicycle and pedestrian paths in our community. Regretfully, an application has not been submitted which resulted in funding by the State. The Town has been encouraged to try again for this funding, Adoption of a resolution is the first step in making this effort. Manager Galloway said while the Town may not have the local funds specifically budgeted, finding this match within the General Fund would not be a problem. We would anticipate that the Town's share would be in the range of \$4,000.

Alderman Moore moved, seconded by Alderman Brown, to adopt a resolution regarding the Bicycle and Pedestrian Planning Grant Funds and the commitment of matching funds. The motion carried unanimously. (Res. No. 32-06)

Report Regarding Annexation - 20 Zemery Lane Ms. Ellene Francis

At the meeting of October 24, 2006, the Town Board received a petition from Ms. Ellene Francis for the annexation of the property located at 20 Zemery Lane. At that time it was indicated that Ms. Francis was seeking sewer service and needed to seek annexation in order to be allowed connection to the sewer system. During the mid-1990s, when the Town and County jointly worked to extend sewer service from the Junaluska Ball Fields to Felmet Street, Ms. Francis and her late husband, Pink, granted the Town an easement across their property and received a free sewer connection in exchange for that easement. So this property is already connected to Town sewer, but Ms. Francis simply wants to be a part of the Town of Waynesville.

At the last meeting, the Board passed a resolution directing Town Clerk Phyllis McClure to investigate

the sufficiency of the annexation petition. Ms. McClure has conducted the investigation and found that the petition meets the requirements of State law.

Alderman Brown moved, seconded by Alderman Caldwell, to adopt a resolution which would set a public hearing date on annexation of this property into the Town of Waynesville for Tuesday, November 28, 2006. The motion carried unanimously. (Res. No. 31-06)

Authority to Collect Taxes

Tax Collector James Robertson attended the meeting to request authority to collect delinquent real estate taxes for the 2006 tax year. Mr. Robertson said some of the methods used for collection include attachment of bank accounts, garnishment of wages and foreclosures if necessary. Mr. Robertson said he first tries to send out letters for delinquent taxes. Payment arrangements can be made with the citizen signing an agreement to pay. If taxes are not paid, he comes before the Board to request approval to advertise the delinquent taxes in the newspaper. Mr. Robertson said occasionally you find that people experience some type of hardship and if you treat people with respect and are willing to work with them, collection has proven to be successful. The percentage of collection has increased each year with the present collection rate slightly above 97%.

The first directive is more than simply telling the Tax Collector to collect taxes. It gives the Tax Collector the authority to use all available and legal means to see that the personal and real estate property taxes due the Town are collected.

The second directive authorizes the Tax Collector to direct executions against personal property to the Sheriff of Haywood County to proceed with the levy and sale of such property to satisfy the unpaid taxes on said property.

Manager Galloway said a new law will be effective in 2009 or 2010 that motor vehicle taxes must be paid before license plates are issued. This will increase the tax collection rate. The Board thanked Tax Collector Robertson for his presentation and tax collection efforts.

Alderman Brown moved, seconded by Alderman Feichter, to approve the two directives, giving Tax Collector Robertson the authority to collect delinquent taxes. The motion carried unanimously.

Annexation Petition - 68 Lloyd's Mountain Ridge Ms. Coleen Moore

The Town received an annexation petition from Ms. Coleen Moore for the property which she owns at 68 Lloyd's Mountain Ridge. Ms. Moore would like to connect to the Town's water and sewer system and has already paid the connection fees to the system.

Alderman Caldwell moved, seconded by Alderman Feichter to adopt a resolution directing Town Clerk Phyllis McClure to investigate the sufficiency of this petition. The motion carried unanimously. (Res. No. 33-06)

Ron Huelster and Lisa Brandon - North Carolina Civil War Trails

Mr. Ron Huelster and Ms. Brandon requested time on the Board's agenda to discuss the possibility of

a program to bring greater attention to Civil War actions and events which occurred in Waynesville and Haywood County. Mr. Huelster said in 2003 Congress established the Blue Ridge National Heritage Area which includes 25 Counties and Haywood County was one of those counties. Each County established an area council charged with developing a heritage plan to identify and inventory its unique cultural heritage. Ms. Brandon is a heritage development officer and has been instrumental in working with the Haywood Heritage Council as well as the other counties in the Western Part of the State. Mr. Huelster said the NC Civil War Trail Program was started in the Eastern and Piedmont portion of North Carolina. Five potential sites have been identified in Haywood County and three of these sites are located in Waynesville. The Towns of Canton and Maggie Valley have agreed to participate in this program by supporting markers for two of these sites.

Ms. Brandon presented a slide presentation which included markers already in Virginia, Maryland and Tennessee. Each marker costs approximately \$5,500 and \$4,400 of this amount is paid for by the State of North Carolina, leaving a local match of \$1,100 per marker. The markers are 3' x 5'.

The five sites identified in Haywood County include Sulphur Springs, Greenhill Cemetery and the intersection of Main and Miller Streets. The two other sites in Haywood County are located in Canton and the Ghost Town parking lot in Maggie Valley.

Alderman Feichter moved, seconded by Alderman Moore, to approve a local match of \$1,100 per marker by the Town of Waynesville for the three markers to identify the Civil War sites in Waynesville. The motion carried unanimously.

Ms. Gail Richardson - Problems on Russ Avenue

Ms. Gail Richardson attended the meeting to speak to the Board regarding the traffic situation on Russ Avenue. Ms. Richardson said she has been a resident for the past two and one half years. During that time she discovered a small area of Waynesville that is very dangerous. After exiting onto Russ Avenue, a car in the left lane waved another car leaving McDonalds onto Russ Avenue. She was traveling in the right lane and hit the car, she had her seat belt on but her air bag exploded. This accident was three months ago and she felt that it was necessary to bring this to the Board's attention before she picked up the newspaper and read that someone was killed on Russ Avenue. She added that she understood that this street is maintained by the NC Department of Transportation, that the Town is seeking a grant, and that a new McDonalds will be built with a right turn only lane. She felt that a median is needed.

Mayor Foy said he appreciated the comments made by Ms. Richardson.

Alderman Brown moved, seconded by Alderman Moore, that a copy of the comments made by Ms. Richardson be sent to the North Carolina Department of Transportation in Bryson City. The motion carried unanimously.

Mr. Gary Dalhofer - Junked Motor Vehicles

Mr. Gary Dalhofer attended the meeting to discuss junked motor vehicles in Waynesville. Mr. Dalhofer said he lives in the Fines Creek area and owns property in Waynesville. He loves this area and came here to retire. He has purchased and renovated several "underprivileged properties" which

he rents to lower to middle income residents. A couple of these properties are located on Hillside Road. Through his business, Rushfork Properties, he adopted Craven Street to clean up in the Town's Adopt-A-Street program. He feels that if you clean up an area other residents in the area begin to clean up. He met with Waynesville's Code Enforcement Officer and Tax Collector and understands that some letters have been sent out regarding junked motor vehicles. However, this was about two years ago and the junked motor vehicles are still there. Mr. Dalhofer presented photographs of junked motor vehicles in other areas in Waynesville, including North Main Street and Branner Avenue. Mr. Dalhofer said Waynesville is an awesome town and there should be some law with enforceable penalties. He felt that the Town should have employees to enforce the law and he asked the Board to make changes to make this possible.

Attorney Griffin said the Town has had its hands tied by State Law regarding some motor vehicles. Manager Galloway said another issue is the time involved. When the Building Inspector sends letters to property owners with junked motor vehicles he includes a list with names and addresses of organizations that pick up and haul away these vehicles. Building inspections has been priority over code enforcement. Waynesville has experienced a large amount of growth and the Town only has two building inspectors, making this situation even more difficult. He added that more development will take up more of the building inspector's time. Alderman Feichter said the Town does need to do more code enforcement. Mayor Foy said it may be necessary to take some of the worse case scenarios and prosecute. Alderman Moore said the Town may need to hire an employee who just works on code enforcement of dilapidated houses and junked motor vehicles. He said there are residents in Waynesville that keep their homes neat and presentable and they could have a neighbor whose property looks terrible. Mayor Foy said he has served as Mayor for the past fifteen years and this is one of the issues that came up when he first took office. Manager Galloway said he will develop a game plan to resolve the issue of junked motor vehicles in Waynesville.

Request to Close Portion of Boundary Street - Central Elementary School Student Council

A request was received from the Central Elementary School Student Council for closing a portion of Boundary Street between the hours of 10:00 a.m. and 2:00 p.m. on Saturday, December 16. The request would be to close the street from the intersection with Branner Avenue to the Armory. To avoid a problem with drivers turning off Depot Street onto Boundary Street and then discovering that the road is closed, it might be better to limit access to Boundary from Depot Street at the intersection of Boundary and Depot Streets.

Bruce Johnson attended the meeting and told the Board this was an event to raise money for the PTO. He has spoken with Police Chief Hollingsed. The request to close this street is to ensure safety for the hay rides during this fund raising event.

Alderman Moore moved, seconded by Alderman Brown, to close the portion of Boundary Street as requested from the Central Elementary School Student Council. The motion carried unanimously.

Hugh Constance - Request to Limit Dogs in Waynesville

Hugh Constance attended the meeting to request that the Board consider changes to limit the number of dogs in Waynesville. Mr. Constance said he lives beside Wanda Sutton who has a neighbor with a large number of dogs, usually 8 - 12 at one time, causing problems with fleas and smell. He said the

Town of Canton did something about their dog problem but Waynesville has not. He spoke with the Board approximately two years ago, he has been to the Health Department and Animal Shelter. Mr. Constance asked what good an ordinance is if it can't be enforced.

Mr. Constance added that he has a neighbor beside him that puts garbage out at the street for collection at various times during the week rather than just the day of pickup. He feels that this is done to irritate the neighbors. The Town sent out letters and the Code Enforcement Officer has visited the property but there has been no change.

Alderman Brown said these are quality of life issues and it was the consensus of the Board to have Town Manager Galloway add this to the game plan of resolving the junked motor vehicle issue.

Mib Medford - Trees in Waynesville

Mib Medford said there are photographs of Waynesville in the early 1900's showing the trees planted during that time, especially along North Main Street. Ms. Medford thanked Lee Galloway and Fred Baker for reincarnating this person in the Town's Horticulturist Jonathan Yates.

The Board thanked Ms. Medford for her comments.

Town Manager Comments

The Town of Waynesville Christmas Parade will be Monday, November 27. Alderman Caldwell said he will provide transportation.

Manager Galloway asked the Board to consider individuals for appointment to fill a vacancy on the Community Appearance Commission and a vacancy on the Planning Board in the extraterritorial jurisdiction.

Manager Galloway reported that bids will be opened on December 19 for the construction of the new Fire Station.

It was the consensus of the Board to cancel the regular meeting of December 26 and schedule a special meeting for Thursday, December 28 to award the bid for construction of the new fire station.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Feichter, to adjourn the meeting at 8:19 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor