

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
AUGUST 14, 2007
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, August 14, 2007. 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 Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of June 26, July 10 and July 24, 2007

Alderman Caldwell moved, seconded by Alderman Brown to approve the minutes of the June 26, July 10 and July 24, 2007 minutes as presented. The motion carried unanimously.

Public Hearing Regarding Amendment to Section 154.117(B)(8)(a) Hyatt Creek Area Center District

The Hyatt Creek Area Center District limits “fabric” buildings to 40 feet in height. Muse Brothers Construction Company is interested in locating a concrete mixing plant on a site within this district. In order to develop the plant as planned the applicant has requested that the height limit be raised to 80 feet.

The Planning Board, at their meeting on June 18, reviewed this request and recommended an amendment to the Hyatt Creek Neighborhood District regulations to permit “non-fabric” buildings to have an increased height limit to 80 feet with the following other recommended changes:

1. Permitting a greater maximum height, based on a demonstrated need, up to a maximum of 80'.
2. Exempting these buildings from other architectural design requirements.
3. Require an increased buffering for these uses, including a general or solid buffer along all property lines with large maturing trees, and an architectural street wall along any public streets adjoining the property.
4. Requiring increased setbacks from all property lines for industrial structures exceeding the standard 40' height limit. Require 1' of additional setback on all sides for each foot of height in excess of 40'. Exempt these buildings from maximum setback standards.
5. Limit the area permitting the increased height for industrial buildings to the portion of the HC-AC district bounded by the bypass, the railroad, and Hyatt Creek Road (the industrial core of the district).
6. Requiring a minimum lot size of 4 acres for industrial buildings exceeding the standard 40' height limit.

Attorney Griffin opened the public hearing.

Attorney Jack Kersten said the Planning Board and Planning Staff recommended this amendment. This was precipitated by Southern Concrete Materials because they wanted to move from their current location. This company mixes sand and gravel to make concrete and they wanted an enclosed structure that does not disturb the neighborhood with dust, grime, etc. He said this can't be done in a structure that is 40 feet in height. He said there are very few architectural features in a non fabric building. The set back requirements will be increased one foot for each foot in height increase.

Ron Muse said the increased setback area could be used for parking or storage of material. He added that there was adequate room on the property to construct the building with the increased setback requirement.

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

Alderman Brown moved, seconded by Alderman Feichter, to adopt an ordinance amending Section 154.117(B)(8)(a) as recommended. The motion carried unanimously. (Ord. No. 24-07)

Public Hearings Regarding Annexation

James and Sharon Miller own a 1.62 acre tract of property on Highway 19. This is the site of the Bojangles Restaurant, currently under construction.

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

Alderman Brown moved, seconded by Alderman Moore, to annex the property on Highway 19, owned by James and Sharon Miller effective September 30, 2007. The motion carried unanimously. (Ord. No. 25-07)

Darrell Schmidt, under the name of Eagle View LLC, owns a .37 acre tract of property located at 2344 Russ Avenue. This property is currently occupied by the Mountain View Builders construction office.

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

Alderman Brown moved, seconded by Alderman Feichter, to annex the property located at 2344 Russ Avenue, owned by Eagle View LLC, effective September 30, 2007. The motion carried unanimously. (Ord. No. 26-07)

Request for Contributions - Haywood County Agriculture and Activity Center

Christy McLean, a member of the Haywood County Agriculture and Activity Center Committee, said

this committee was established to improve the attendance at the Haywood County Fairgrounds. Several events are planned this year, including concerts by Marc Pruett - Balsam Ridge, Youth Christian Rock - Leap of Faith and Tracy Byrd. Ms. McLean said concerts don't make a lot of money but they bring a lot of people into the area, which would help to improve the economic value of Haywood County. Ms. McLean requested that the Town contribute according to one of the various sponsorship levels.

Alderman Brown moved, seconded by Alderman Caldwell, to authorize a \$2,500 contribution for the use of the Haywood County Agriculture and Activity Center. Alderman Brown added that the contribution is not to advertise, but rather to support the endeavor. The motion carried unanimously.

Rental Agreement for Police Department Relocation Facilities

Police Chief Hollingsed has been searching for several months for an appropriate facility to house the Police Department during the renovations of their current building. On July 30th Chief Hollingsed and Assistant to the Town Manager Alison Melnikova met with Dr. Owens and his realtor Billy Case to discuss renting his building located at 1101 North Main Street. The lease is set to begin on October 1, 2007 allowing the town several months to make the necessary repairs to the building. However, rental payments will not begin until January 1, 2008, and the lease will continue through April 30, 2009. This is based on the construction on the new police station beginning later in the spring, with a projected bid opening of March 19, 2008. The matter would have to go to the Local Government Commission for approval and the earliest that could happen with a March 19 bid opening would be May 6, 2008. If necessary, the lease can be extended. Beginning October 1, 2007, the Town will be responsible for the utilities and insurance coverage on the building.

The building does require that some work be performed by the Town. The estimated cost of repair is \$30,000 - \$35,000. Dr. Owens will repaint the building and repair any loose board. The Town is responsible for placing a sign, but can reuse the existing sign posts and board.

Manager Galloway said building renovations would need to be made regardless of where the Police Department moved during the renovations of their current building. This lease is \$2,200 per month for 3,500 square feet of floor space with 1,000 feet in the basement that could be used for storage. Although renovations can begin in October, the Town will begin paying rent in January. It will take approximately twelve months to complete the Police Department renovations.

Alderman Brown asked if it would be better to purchase the building rather than lease. Manager Galloway said the building is listed for \$600,000. Alderman Brown wanted to make sure that the Town would not be paying taxes on the building.

Alderman Brown moved, seconded by Alderman Moore, to authorize the Town Manager and Town Attorney to proceed with the lease as presented. The motion carried unanimously.

Alcoholic Beverage Control Store

Manager Galloway said he met with one of the Alcoholic Beverage Control Board Members

regarding options of extending their lease or purchasing property for the location of their Waynesville store. Manager Galloway suggested that they talk with their auditor and review their options of leasing versus purchasing.

Cheryl Ward - Request to Speak Regarding Erosion Issues in Playground Street/Willow Road Area

Ms. Cheryl Ward requested to speak to the Board regarding erosion problems caused by development in their area. Seven other residents attended the meeting. Ms. Ward said they realize that development is economically necessary, but it should be undertaken with a great deal of care. Most of the people living in this area have lived there most of their lives. Her father has lived there for fifty-two years. The neighbors care about how they treat each other and how their homes look. When Mr. Harriston bought the mountain property located beside them and built a road they knew what would happen. There had never been a problem with mud until this road was built, without needed vegetation, gravel, etc. Their first encounter with the mud was when it rained on July 31 and the recent August rain was a disaster. Ms. Ward presented several photographs that were taken after the rain stopped. Mud came into the bottom portion of her father's house (Mr. Floyd Cothren), narrowly missing his hot water heater and furnace and going through his air conditioner. From 10 am until 6 pm, a family member had to dig by hand, buckets of mud from her father's basement. The mud also went into several of the neighbor's yards. Ms. Ward said when they discussed this with Mr. Harriston his response was that it was not his fault, he did not make it rain.

Ms. Ward contacted several people, including the Division of Environment, Health and Natural Resources and they sent him a certified letter giving him until next Tuesday, August 21 in which to comply. It was her understanding that Public Works Director Fred Baker has given Mr. Harriston an extensive list of items to have in compliance and that he was issued a citation for violations. It appears that some work has been done since then.

Alderman Brown asked if there were problems when the first road was built by Mr. Ferguson. Ms. Ward said no, but when Mr. Harriston built the road it was so steep that he had to pull his equipment up the road to get to his property.

Manager Galloway said town staff had issued a stop work order until the developer made some necessary improvements. Since the area did not disturb more than one acre, a grading permit was not required. Town staff informed the developer that he may only be able to build four units on one end of his property and four units on the other end of the property. One of the problems is that the developer did not build according to the design submitted by his engineer. Alderman Brown pointed out that the road is private and did not apply to the Town's ordinance. Manager Galloway said Public Works Director Fred Baker is scheduled to inspect the road tomorrow.

The Town crew installed a larger culvert where Willow Road comes into Camp Branch Road. Mr. Baker said he could use an easement from one of the neighbors, Mr. and Mrs. Rathbone, but it does not appear that they will give an easement for this work.

Ms. Ward expressed appreciation to the Town Staff for all their help. She said Warren Putnam brought a sump pump to remove water from the basement. Town crews installed a larger culvert and

a stop work order was issued. Ms. Ward said she appreciated anything that can be done, including drains, ditches, curves or whatever it takes to keep the water off of the residents.

Manager Galloway said he thought the NC Department of Transportation has visited the site and worked to clear the ditches. Alderman Brown asked if the Town had a copy of the Sedimentation and Erosion Control Plan and if so whether this document could be used to help with this situation. Manager Galloway said he thought Land Development Manager Byron Hickox had a copy of this document. Ms. Ward asked that the Town consider installing additional curbing and draining to help the residents with drainage. She added that the residents appreciate any and all help from the Town and the town staff is to be commended for how they responded.

Gary Dahlhofer - Eyesores in Waynesville

Gary Dahlhofer said he attended a Board meeting in November 2006 to speak about eyesores and how it affects the vision of the Town and of him personally. It is important for the Town to provide affordable housing. He has purchased several houses and rents them to residents in Waynesville. There is a junked boat and car on one of these properties and he felt that the Town was not enforcing the ordinance. He did not feel that Code Enforcement Officer Warren Putnam had authority to enforce fines for violations and he felt that the Town should empower him to do his job. Mr. Dahlhofer said according to Building Inspector Jason Rogers this vehicle runs and would not be considered a junked motor vehicle. He added that when you have junked motor vehicles and derelict houses, drug dealers move in and this was another issue of concern.

Mayor Foy said the Town just added an additional inspector to help with some of the code enforcement issues. It was pointed out that there is a question as to whether these vehicles are located on Mr. Dahlhofer's property or another property. Town Attorney Griffin suggested that Mr. Dahlhofer check with the office of the Clerk of Superior Court to review some of the actions taken by the Town of Waynesville regarding code enforcement issues. Mayor Foy thanked Mr. Dahlhofer for bringing this to the Town's attention.

Update Regarding License Plate Agency

Manager Galloway said town staff continues to gather information regarding a license plate agency. Some thought has been given to a license plate agency being located in the Hazelwood office. There was some question whether the Department of Motor Vehicles would allow utility payments to be collected for Waynesville. Town staff will continue to gather information.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 8:47 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor