

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
September 24, 2019**

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, September 24, 2019, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Gavin Brown called the meeting to order at 6:30 p.m. with the following members present:

Mayor Gavin Brown
Alderman Jon Feichter
Alderman LeRoy Roberson
Alderman Julia Freeman
Mayor Pro Tem Gary Caldwell

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Ben Turnmire, Finance Director
Brian Beck, Interim Police Chief
Jesse Fowler, Planner
Joey Webb, Fire Chief
Chris Mehaffey, Assistant Fire Chief
Ricky Mehaffey, Fire Captain

The following media representatives were present:

Becky Johnson, The Mountaineer
Cory Valliancort, Smoky Mountain News

1. Welcome /Calendar/Announcements

Mayor Brown reminded the Board of the following calendar events:

Sunday September 29 – Prayer Walk – Main Street
Saturday October 12 – Church Street Art & Craft Show – Main Street
Saturday October 19 - Apple Harvest Festival – Main Street

Mayor Brown also reminded the Board about the request from Mr. Dick Young at the last Board meeting concerning re-establishing the truck route to direct trucks from traveling on Main Street. Town Manager Rob Hites stated that since Main Street is a state highway, the Town would need to pass a resolution requesting NCDOT to investigate and install a truck route for the Town of Waynesville.

2. Adoption of Minutes

A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman, to approve the minutes of the September 10, 2019 regular meeting, as presented. The motion passed unanimously.

B. PROCLAMATIONS

3. 2019 Fallen Fire Fighter Day of Remembrance – Sunday October 6, 2019

Assistant Fire Chief Chris Mehaffey gave a brief history of the State and National Fallen Firefighter remembrance association. He stated that the Waynesville Department traveled each year to serve as guidance to families of fallen firefighters. He stated that the recent death of Jonathan Creek Fire Department Captain Claud Messer was a reminder of how much of a toll a death could take when a fire fighter was killed in the line of duty.

Fire Chief Joey Webb spoke to the Board about the tragedy that had occurred, and about Captain Claud Messer. He asked the Board to keep Mr. Messer's family and his firefighting family in their prayers. He stated that other Fire Departments had been covering for Jonathan Creek during this tragic accident.

Mayor Gavin Brown read the 2019 Fallen Fire Fighter Day of Remembrance Proclamation for Sunday October 6, 2019. He expressed the Board's condolences to the Messer Family and to the Jonathan Creek Fire Department.

C. NEW BUSINESS

4. Special Events – October 2019 and January 2020

- Assistant Town Manager Amie Owens

Assistant Town Manager Amie Owens said the Town had received four requests for upcoming events. The Special Events Committee has reviewed the applications, discussed any concerns noted and spoken with event organizers to seek out solutions.

Hazelwood Elementary 5th Grade Fundraiser – Haunted Hustle Glow Run – Friday, October 25th – run begins at 6:00 p.m. This is the second year for this event. Event would utilize WPD, WFD and civilian volunteers along the race route with police escort at front of race participants as a lead car.

3rd Annual Chili Cook-off Stroll – Saturday, January 18, 2020 - Downtown, Frog Level and Hazelwood – Noon to 4:00 p.m.

This is a sponsored event by the Haywood County Arts Council and the Galleries of Haywood County. There would be no need for street closures, shuttles are provided and there will be informational tents in all three areas. This event is part of Winterfest.

Fall Festival – Thursday October 31, 2019 – Hazelwood Baptist Church – 6:00 p.m. – 8:00 p.m.

This event is sponsored by the Hazelwood Baptist Church Student Ministry. The Church is requesting a block closure from Hazelwood Avenue to Kentucky Avenue. They will set up in their parking lot for Trunk or Treat.

The 5th Annual Green Hill Cemetery Tour – Saturday October 12, 2019 at 4:00 p.m.

This event is sponsored by the Town of Waynesville Historic Preservation Commission, and in conjunction with Church Street Fair. The event is only during the day, and individuals portray people who are buried in the Greenhill Cemetery. It is a walking tour and only in the historic portion of the cemetery.

Assistant Manager Owens stated that the Cemetery Committee has been meeting and as part of their recommendations compiled a form that will be presented to the Board of Alderman at a later meeting. This form is very similar to the Special Event Form and will be completed for any event that is held in the cemetery. She said the Historic Preservation Commission would like the Board's approval to move forward with the Tour. She said a Cemetery Committee meeting is scheduled for September 26, and she will relay the decision to them at that time.

A motion was made by Alderman Jon Feichter, seconded by Alderman LeRoy Roberson, to approve the special events permit applications and direct Town Manager to execute special events permits, as presented. The motion carried unanimously.

D. COMMUNICATIONS FROM STAFF

Manager's Report

- Rob Hites, Town Manager

6. Fences, Kennels and Numerous Vehicles Parked in Front Yards

Manager Hites explained to the Board that the Town has experienced several complaints relating to attractive nuisances. He said that the Town has ordinances prohibiting grass in excess of 10 inches and trash and debris, but we do not have the power to limit the type and height of front yard fences, domestic animal habitats such as kennels and chicken coops. The Town does not restrict the use of front yards for parking of vehicles and it has a liberal definition of junked cars. Some of these issues involve amending the Town's chapter on Nuisances and others involve amendment of the Land Development Standards.

Manager Hites provided a list of the nuisance or objectionable land development standard and possible remedies the Board could request the staff to research and bring back in the form of legislative remedies:

FENCES: Many municipalities adopt standards in their Land Development Plans regulating the types, materials and heights of fences. They may state that fences are permitted in front yards so long as they are "see through" and no more than 4 ft. in height. Fences shall be required to be constructed of durable material capable of withstanding a 90-mph wind load. Metal fencing should be constructed of material coated in either green or black. Slats in fences shall be kept in good repair.

In the nuisance chapter of Town ordinances, they state that "Fences and other minor structures shall be maintained in safe and substantial condition. Fences should bear a wind load of 90 mph.

KENNELS, DOMESTIC ANIMAL ENCLOSURES: Many municipalities simply do not permit accessory structures between the street and front building line of the dwelling. Dog houses, chicken coops, etc. are simply not permitted. This would involve an amendment to the Land Development Standards to include dog houses and chicken coops as accessory structures and to restrict them to the rear of primary structures.

JUNKED CARS: We interpret junked cars as having no means of locomotion and having a value of \$500 or less which is the definition provided in NC Statutes. We permit junked cars if they are part of a salvage yard, or if on residential property they are kept in a covered area or are covered with a tarp, or if they are not visible from the right of way. The Town may require that a junked car has a current tag as well as

being capable of locomotion (an antique car may apply for a permanent car tag), and not permit cars being repaired or stored in front yards (see below*).

These amendments would be made to the chapters involving nuisances.

VEHICLES PARKED IN FRONT YARDS

*Towns frequently restrict the way vehicles may be parked and stored in front yards. They may restrict permanent storage of vehicles (Inc. RVs, boats and trailers) and prohibit the parking of vehicles in grassy areas. They restrict the percentage of the front yard that may be used for vehicle parking areas (example: Maximum 30% of the front yard may be dedicated to parking). They state that parking areas must be paved with asphalt, concrete or stone for residential as well as commercial (the LDS currently exempts single family detached and duplex residences). These amendments would be made to the Land Development Standards.

CONCLUSION: As outlined above, there are several ways Towns may improve the appearance of their residential areas. Some require action of the Planning Board, public hearings and final action by the Board. Others require a simple amendment to the public nuisance chapter of the code of ordinances. Manager Hites said staff is at the Board's disposal to draft any language you would like to discuss.

A motion was made by Alderman Gary Caldwell, seconded by Alderman LeRoy Roberson, to direct staff to research language for various Ordinances and report back to the Board. The motion passed unanimously.

Manager Hites said that the Town had received a good report from the soil engineer, and staff has cleared Dogwood Trail. He said that the Dogwood Trail bypass is now open.

- 8.. Attorney's Report
- Town Attorney Bill Cannon

Attorney Cannon had nothing to report.

E. COMMUNICATIONS FROM THE MAYOR AND BOARD

Stealth Survey Summary

- Alderman Gary Caldwell

Alderman Caldwell asked the Board to hold a Public Hearing at the next regularly scheduled meeting to consider an amendment to the Traffic Ordinance to reduce the speed limit from 35 mph to 25 mph on Hendrix Street.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter to call for a public hearing to be held on Tuesday October 8, 2019 beginning at 6:30 p.m. or as closely thereafter as possible, to consider an amendment to the Traffic Ordinance, Sec 54-113, to reduce the speed limit from 35 mph to 25 mph on Hendrix Street. The motion carried unanimously.

Mayor Brown told the Board that he and Manager Hites had attended a meeting at NCDOT in Sylva, along with Representative Joe Sam Queen, to discuss the progress of three road projects in the Town. The North Main Street Project, (2020) Russ Avenue (2021) South Main Street Project (2022). All three projects are still on target with the time frame given by the State.

Alderman Jon Feichter asked about the fencing in Frog Level Parking Lot which has been backed into by a car. Manager Hites said the fence will have to be taken down and redone completely.

F. CALL ON THE AUDIENCE

No one spoke

G. ADJOURN

With no further business, a motion was made by Alderman Gary Caldwell, seconded by Alderman LeRoy Roberson, to adjourn at 7:07 p.m. The motion carried unanimously.

ATTEST:

Gavin A. Brown, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk

