

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
SEPTEMBER 11, 2001  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, September 11, 2001. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, Libba Feichter and Kenneth Moore. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Town Attorney Michael Bonfoey and Zoning Director John Swift. Mayor Foy called the meeting to order at 7:00 p.m.

Prayer by Dr. Jack Bishop

Dr. Jack Bishop opened the meeting with a prayer for the United States of America, President Bush, the people who were killed in airplane attacks made at the World Trade Center in New York City and the Pentagon in Washington, DC, and all the American people. An undetermined number of Americans lost their lives in apparent terrorist attacks on the United States this morning.

Approval of Minutes of August 28, 2001

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the August 28, 2001 meeting as presented. The motion carried unanimously.

Public Hearings

Request by Enterprise Mountaineer to Rezone .661 Acres on Wall Street From C-2 to C-1

The Enterprise Mountaineer is considering an expansion of their facility on Wall Street. In considering the plans for this expansion, they have asked that the rear portion of their property be rezoned to match the C-1 zone which already covers the front portion of their property facing Main Street.

Attorney Bonfoey opened the public hearing. The following persons spoke:

Jonathan Key, 220 North Main Street, said the Enterprise Mountaineer has been operating part of their business for the past several years in an old building located on Wall Street which was formerly a pool room. They need to expand their operation and intend to demolish and reconstruct the existing Mountaineer press room building over to the property line. Several other property owners in this area also petitioned for rezoning of their properties from C-2 to C-1. Joe Sam Queen (Judicial Building property), J. Wells Greeley (Wells Funeral Home), James Stringfield (232 N. Main St.), Eleanor Coffey (Waynesville Hardware Company) and Herbert Burnette (244 N. Main St.).

Zoning Director John Swift explained the differences between the C-1 and C-2 zoning districts, with the main difference in the setback requirements. No one else spoke; Attorney Bonfoey closed the public hearing.

Alderman Caldwell moved, seconded by Alderman Moore, to rezone the properties from C-2 to C-1 as petitioned. The motion carried unanimously. (Ord. No. 21-01)

Creation of Central Business Overlay Zoning District (CBOD)  
Amendments to Sections 154.031, 154.033, 154.034 and 154.083

Over the past year, the Planning Staff has been analyzing several of the zones in the downtown area. Part of this was driven by the preliminary planning of the Haywood County Courthouse and part by some construction that was underway on Branner Avenue. There was a need to work with the plans for the Courthouse in terms of setbacks and parking requirements which are allowed in the C-1 and C-2 zones.

In an effort to work with the Courthouse plans and to try and protect those businesses along the east side of Branner Avenue, staff has proposed a new zoning district, the Central Business Overlay Zoning District (CBOD). Although this new zoning district is proposed as a response to situations in the block bounded by Depot/Main/Branner/Walnut Streets, other areas of the Town might also qualify for the zone. Amendments to several sections are proposed in the creation of the Central Business Overlay Zoning District (CBOD) as follows:

Amend Section 154.031 by adding the following:

*CBOD - Central Business Overlay District*

*The CBOD is intended to be an extension of the Central Business District, the primary retail and service center and focal point of the community. This district along with the Central Business District (C-1), provides for the concentration of commercial uses, professional services, financial services, governmental functions, and related services. The CBOD has access to both public water and sewer services and dimensional requirements for this district are intended to encourage concentrated commercial development and to promote convenient pedestrian shopping in pleasant surroundings. Due to limited parking in this district, however, off street parking will be required as per 154.060.*

Amend Section 154.033 - Permitted Uses Table to add uses for the CBOD as follows:

*Same uses as permitted in C-1 and C-2 Zoning Districts.*

Amend Section 154.034 - District Dimensional Requirements to add the same density, lot size, setbacks and height limits as the Central Business District (C-1).

Amend Section 154.083 to add the CBOD to the signage requirements.

Attorney Bonfoey opened the public hearing. The following persons spoke:

Zoning Director John Swift said a request was received from Haywood County to rezone their property on North Main Street from C-2 to C-1. When the Planning Board reviewed this request, it was felt that the C-1 zoning district would not be suitable since the parking requirements are waived in this zoning district. They tried to create the best of both worlds and recommended the creation of a new zoning district, the Central Business Overlay District (CBOD). It was recommended that all uses allowed in both the C-1 and C-2 zoning districts be allowed in the CBOD.

Haywood County Manager Jack Horton said the request from Haywood County was that the property be rezoned from C-2 to C-1. This request was because of the setback requirements. As the process has moved along, it was the recommendation by the architects to move the new Justice Center building further back from the street. He said by doing so, the rezoning request from C-2 to C-1 may no longer be necessary. Since the height requirement in both C-1 and C-2 is 35 feet, it may be necessary to request a variance from the Board of Adjustment. Mr. Horton said the proposed height of the Justice Center at this time is sixty-four (64) feet.

There was some discussion regarding how the height of the building is measured. Mr. Swift said the measurement is taken at the highest point of the foundation wall adjacent to the ground level.

Roscoe Wells, 220 Ridge Road, Waynesville, said that he has a problem with the 35' height requirement and did not feel that the Board of Aldermen should refer this to the Board of Adjustment if the height was more than 35'. Mr. Wells presented photographs of the proposed Justice Center which were taken from the model on display at the Courthouse. He felt that the height of the new building would be too much in comparison to the existing Courthouse facility.

Mr. Swift said the proposed Justice Center would be reviewed by the Community Appearance Commission, the Planning Board and a public hearing will be held by the Board of Adjustment. The new development will be considered a planned unit development and is not allowed without the granting of a conditional use permit.

David Erickson, 98 North Main Street, Waynesville, expressed concern with the proposed setback requirements in Section 154.034. Mr. Erickson said that a 60 - 70 foot tall structure may not be appropriate for a small Western North Carolina Town. He suggested that the downtown area may not necessarily mean Main Street. He asked that alternate financing such as Urban Redevelopment Funding be explored by the County and that the Town help the County search for alternate sites for the new facility. Mr. Erickson asked that the Board look at setback requirements and proportions of the proposed facility and the existing facility.

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

Mayor Foy felt that the ordinance should address proposed buildings and their proximity to buildings which are located on the National Historic Register, adding that those new buildings should not hide the historic buildings. Mayor Foy was also concerned with setback requirements and felt that some

clarification was needed regarding height requirements.

Alderman Feichter said that the height of the proposed Justice Center should not overwhelm the existing Courthouse.

Alderman Feichter moved, seconded by Alderman Caldwell, to ask that the Planning Board review this request again and to consider recommendations regarding the proximity of proposed buildings with buildings listed on the National Historic Register and clarify height limits and setback requirements in the Central Business District (C-1) and the Central Business Overlay District (CBOD). The motion carried unanimously.

Town Manager Galloway also pointed out that one of the reasons the creation of the CBOD was recommended was to resolve several of the problems with some of the existing retail businesses on Branner Avenue and Depot Street. Manager Galloway added that Town Staff would not support a rezoning from C-2 to C-1 because parking requirements are waived in the C-1 zoning district and parking was necessary for the proposed Justice Center.

County Manager Jack Horton said that Haywood County may still be interested in pursuing their request to rezone the property from C-2 to C-1. Mr. Swift said this request could be reviewed by the Planning Board at their meeting on Monday, September 17, 2001. Mr. Horton expressed his appreciation to John Swift and the Town for trying to work with and accommodate Haywood County.

Mayor Foy told Mr. Horton that the Town would like to be able to work with the Architects in charge of designing the new Justice Center.

Request for Rezoning of Block of Properties Surrounded by Branner Ave., Walnut St.,  
N. Main St. and Depot St. From C-2 to Central Business Overlay Zoning District (CBOD)

Since no action was taken to create the Central Business Overlay Zoning District, the public hearing to rezone properties to this new zoning district was not necessary.

Amendments to Section 154.060(C) Regarding Parking Requirements  
for Public and Semi-Public Buildings

This proposed amendment would change the parking requirements for public and semi-public buildings from one space per 200 square feet of gross floor space to one space per 300 square feet of gross floor space.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt an ordinance amending Section 154.060(C) regarding parking requirements for public and semi-public buildings as proposed. The motion carried unanimously. (Ord. No. 22-01)

Amendment to Section 154.034 - Regarding Corner Lot Side Yard Setback Requirements

There was recently some confusion over the setback requirements which applied to homeowners seeking to build an addition to their home. Planning Staff felt that some clarification was needed to avoid a similar situation in the future. The proposed amendment, recommended by the Planning Board, is as follows:

Current: On all corner lots, a 15 foot side yard setback is required except in the Central Business District (C-1), where a 5 foot side yard is required.

Proposed: On all corner lots, a 15 foot side yard setback is required except in the Central Business District (C-1), where a 5 foot side yard is required. The 15 foot side yard setback is measured from the edge of the right-of-way or the edge of road maintenance, whichever is greater.

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

Mayor Foy said there could be a problem in residential zoning districts with this setback requirement if sidewalks did not exist and were proposed in the future. It was suggested that the following sentence also be added at the end of the first sentence:

“And, except in all residential districts where a 23' side yard setback is required”.

Alderman Feichter moved, seconded by Alderman Caldwell, to adopt an ordinance amending Section 154.034, Footnote 3 regarding corner lot setback requirements as recommended and with the addition recommended by Mayor Foy. The motion carried unanimously. (Ord. No. 23-01)

#### Amendment to Add Section 154.257 Additional Uses of Public School Buildings

With the proposed use of the former Hazelwood Elementary School, it was felt that there should be an addition to the Code to clarify that child care facilities and other uses are permitted, even if a school is no longer in use. The proposed addition to the Code would be as follows:

“Public School buildings may be used to operate child care facilities and private, non-profit organizations and associations. Due to the nature of the additional uses, the uses may be primary or secondary in character, whether or not the school buildings are used for educational or instructional purposes”.

Attorney Bonfoey opened the public hearing. No one spoke.

Alderman Moore moved, seconded by Alderman Feichter, to adopt an ordinance amending Section 154.257 as recommended. The motion carried unanimously. (Ord. No. 24-01)

#### Amendment to Section 154.033 R-1 Zoning District

The Haywood Council on Aging is considering relocation to a structure located in an R-1 Zone in

the Extraterritorial Jurisdiction. At the present time, public, non-profit associations, clubs and lodges are not allowed in R-1 Zones, but they are allowed in R-2 and R-4 Districts.

The proposed change would permit the location of public, non-profit associations, clubs and lodges in R-1 Districts. The amendment would only permit these as conditional uses, which would allow public input regarding the location of such a facility.

Attorney Bonfoey opened the public hearing. The following persons spoke:

Bill Prevost, Jr., 116 Country Club Drive, Waynesville, said that he was a member of the Council on Aging and requested and supported the amendment on their behalf.

Denise Mathis, Executive Director of the Council on Aging, said their organization was currently located in the Board of Education building with 2,500 square feet of space. They have run out of space and will need to relocate. The building they are proposing to move into is located in an R-1 zoning district. Without the proposed amendment, they would not be permitted to move to this new location.

Alderman Caldwell moved, seconded by Alderman Feichter, to adopt an ordinance to amend Section 154.033 to allow public, non-profit associations, clubs and lodges in the R-1 Zoning District as a conditional use. The motion carried unanimously. (Ord. No. 25-01)

#### Award of Bids - Re-Roof Hazelwood Office Building

Town Manager Galloway said since the time of the merger of Hazelwood and Waynesville in July, 1995, the Town has dealt with leaks in various portions of the roof of the building that was formerly the Hazelwood Town Hall. As leaks occurred they have been patched. However, the leaks have continued to the point that an assessment of the entire roof was needed.

Bids were received on August 28 and Sutton-Kennerly has been evaluating those proposals. There were two alternates in the bid package. The bids were received as follows:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALTERNATE 1</u>	<u>ALTERNATE 2</u>
Service One	\$66,991	\$13,133	\$5,521
Summit	61,342	12,347	4,745
Roof-Tek	60,000	7,000	6,500
AAR	85,271	12,533	8,000
T. R. Driscoll	82,067	11,488	5,184
Warrior	52,400	16,500	7,950
Charley Co.	93,940	14,400	23,140

It is recommended that the base bid and alternate one be authorized and that the contract be awarded to Roof-Tek in the amount of \$67,000.

Alderman Moore moved, seconded by Alderman Feichter, to authorize the base bid and alternate one and award the contract to Roof-Tek in the amount of \$67,000. The motion carried unanimously. (Cont. No. 12-01)

### Playground Project

At the Board meeting of August 28, 2001, Mr. Larry Leatherwood made a presentation on the Community Built Playground proposed for the Town park on Marshall Street. Construction of the playground is to take place next April, and Mr. Leatherwood noted that the work would be done almost exclusively by volunteers. Town Manager Galloway said there are certain portions of the project which will require outside help, such as the placement and burial of support poles. The Town has an electrical department that places power poles on a regular basis, and the playground will be on Town property, so there would not be a problem with the Town's personnel helping on this project.

Mr. Leatherwood also advised that there are costs involved in the construction of the playground, and he distributed a handout showing a budget of \$240,000 with \$90,000 of that the labor costs donated by volunteers. That would leave the funding needed at \$150,000. Town Manager Galloway said there was money available in the budget and recommended that the \$30,000 expense for the consultant fees and drawings be paid by the Town.

Alderman Caldwell moved, seconded by Alderman Moore to approve \$30,000 for the consultant fees and drawings. The motion carried unanimously.

### Hendrix Street Bridge

The Town has a contract with the N.C. Department of Transportation where a special engineering firm makes an inspection of all the bridges owned by the Town. This is done every two years, and a report is prepared noting the condition and deficiencies of all these structures. The Town has used this document to seek the addition of bridges to the Transportation Improvement Plan, and in doing so, were able to get the Scates Street bridge redone last year. The costs are split between the federal government (80%) and the Town (20%). The Town's portion of the cost may come from the Powell Bill money.

During 2000, the inspection of the Hendrix Street bridge revealed some increased deterioration and the point rating dropped considerably. Application was made to the State to add this to the TIP and it was done. A proposal is needed from the Town to add the Hendrix Street bridge to the bridge replacement program under the TIP.

Alderman Moore moved, seconded by Alderman Feichter, to approve the agreement with the N.C. Department of Transportation to add the Hendrix Street bridge to the bridge replacement program under the TIP. The motion carried unanimously. (Cont. No. 13-01)

### Minor Subdivision Plat - J. R. Caldwell - Mauney Cove Road Area

Mr. J. R. Caldwell owns three tracts of property located on Charlie Mull Road in the Mauney Cove Road area. Mr. Caldwell is combining and then redividing the three tracts to create a total of six lots and three new, additional lots. The property is zoned "R-1" Low Density Residential District and the lots meet or exceed Town standards. The lots have existing septic tanks and wells. Town staff recommends approval of the plat.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minor subdivision plat as requested by Mr. J. R. Caldwell. The motion carried unanimously.

#### Minor Subdivision Plat - Tom Hines

Mr. Tom Hines is subdividing a 1.998 acre tract from the 19.998 acre parent tract off Eagle Nest Road. The subdivision meets or exceeds the subdivision regulations and town staff recommends approval.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minor subdivision as requested by Mr. Tom Hines as recommended by Town Staff. The motion carried unanimously.

#### Parks and Recreation Advisory Commission - Appointments/Reappointments

The terms of Kenny Mull and Ed Moore on the Parks and Recreation Advisory Commission will expire this month. Both members have long and faithful service on this board and have indicated a desire to serve another term on this Commission. If reappointed, their three year terms are scheduled to expire on September 30, 2004.

Alderman Feichter moved, seconded by Alderman Moore, to reappoint Kenny Mull and Ed Moore to serve another three year term to expire September 30, 2004. The motion carried unanimously.

#### Historic Preservation Commission Appointment

Mr. Bob Moody, a member of the Historic Preservation Commission, recently passed away. His term on this Commission was for a period ending January 31, 2003. Mr. Moody's architectural knowledge was of great assistance to the Commission, and skills of that sort are needed for the group in the future. Mr. Shawn Leatherwood, who is an architect in the Moody firm, has indicated a willingness to serve out the remainder of the term of Mr. Moody.

Alderman Caldwell moved, seconded by Alderman Moore, to appoint Mr. Shawn Leatherwood to fill the unexpired term of Mr. Bob Moody as a member of the Historic Preservation Commission. This term will expire January 31, 2003. The motion carried unanimously.

#### Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 8:37 p.m. The motion carried unanimously.



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Phyllis R. McClure  
Town Clerk

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Henry B. Foy  
Mayor