

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
MAY 11, 2004
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, May 11, 2004. 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, Public Works Director Fred Baker, Planning and Zoning Manager John Swift and Finance Officer Eddie Caldwell. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of April 27, 2004

Alderman Moore moved, seconded by Alderman Caldwell, to approve the minutes of the April 27, 2004 meeting as presented. The motion carried unanimously.

Public Hearings

Amendment to Driveway Access Standards/Design

Several revisions were proposed to the standards and design for driveway access on town streets. Public Works Director Fred Baker attended to address these proposed amendments.

Attorney Griffin opened the public hearing. Mr. Baker said the Town has an excellent driveway separation ordinance and has spent a lot of time reviewing other ordinances. Developers noticed that there were problems in making driveways on low volume streets with a need for more corner clearance. He added that driveways should be designed so that people don't back out into arterial streets in commercial areas. The amendments also promote alleyways.

There was discussion regarding the language in the proposed amendment to Section 154.302(C)(3) Driveway Design which states ..."increases in separation distances for high volume traffic areas and high traffic generating developments may be warranted by a traffic study as required by the Public Works Director. Traffic studies must be prepared by a licensed engineer". Alderman Brown asked who would require the traffic study and who would be required to pay for it? There was concern that a developer could buy property without knowing about the requirement of a traffic study, and if required, could place unnecessary burdens on the developer. Planning and Zoning Manager John Swift said developers should contact the Town first.

Public Works Director Baker agreed that the proposed amendments need clarification. He said he would like to go back and read the other ordinances again to make sure nothing was left out.

Alderman Brown moved, seconded by Alderman Moore, to continue the public hearing until the next

meeting. The motion carried unanimously.

Storm Water Requirements - Section 154.402(B)(2)

At the meeting of April 13 it was pointed out that some changes were needed to make the storm water rules comply with new State and Federal regulations. Public Works Director Fred Baker said the Clean Water Act affected Phase 1 Communities in 1990. This year smaller cities were affected. This includes Waynesville since it was placed in the Asheville Metropolitan Planning area.

Current - High density projects (those that exceed the threshold for low density projects) shall control and treat the difference in storm water runoff volume leaving the project site between the pre and post development conditions for the one (1) year storm. Runoff volume draw down time shall be a minimum of twenty-four (24) hours, but not more than one hundred and twenty (120) hours.

Proposed - *High density projects (those that exceed the threshold of low density projects) shall control and treat the first one (1) inch of storm water runoff with a retention time of at least forty-eight (48) and not more than one hundred and twenty (120) hours.*

Alderman Brown moved, seconded by Alderman Feichter, to amend Section 154.402(B)(2) as recommended. The motion carried unanimously. (Ord. No. 13-04)

Monument Signs in the Central Business District - Section 154.104(B)(9)

The Town's Planning Board has had extensive discussions about potential revisions to the sign ordinance to allow Monument signs in the Central Business District. There are buildings in the Central Business District which do not abut the street and which contain several businesses within a single building. Some of those buildings do not face the street and may be at the rear or on the side of those buildings, and they do not have the exposure that a business facing the street would have. It is proposed that in certain cases, monument signs be allowed in the Central Business District.

Proposed Amendment to Section 154.104(B)(9)

Between the third and fourth bullet add the following:

- ◆ *Each business location is permitted one ground sign. The ground sign shall not be larger than twenty-four (24) square feet and shall not exceed a height of six (6) feet above the ground. However, no ground sign is permitted on North Main Street beginning at the intersection of Church Street and Main Street and continuing along North Main Street in a northeastern direction for a distance of one thousand, two hundred and fifty (1,250) feet.*
- ◆ *Each business location facing Wall Street from the intersection of Wall Street and East Street and continuing in a northeast direction for one thousand, two hundred and fifty (1,250) feet is permitted a ground sign which must be a monument sign not to exceed sixteen (16) square feet or a height of four (4) feet.*
- ◆ *The aforementioned ground and monument signs shall be located behind the street sidewalk and right-of-way.*

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

Alderman Feichter felt that the Board may not have had adequate opportunity to hear from all the stakeholders in this sign controversy. She said signs for some businesses are critical. It is paramount for people to see their sign and know where they are located. Alderman Feichter suggested that people involved in all areas be given the opportunity to sit down in a relaxed forum to see what their concerns are and what is important to them. It is important to hear what people have to say; this has always been this Board's position. Alderman Feichter added that another one of her concerns is signage which is grandfathered and felt that at some point those need to be in compliance with the rest of the community. She added that signage in Southwest Waynesville needs to be looked at.

Planning and Zoning Manager John Swift explained that monument signs must be attached to the ground and be no more than 6' in height in the Central Business District and no more than 4' in height in town centers. Mr. Swift said he reviewed 20 ordinances from various towns. Internally lit signs will not be allowed.

Mr. Swift said the Town had a good study committee on the Land Use Study Committee and felt that a good ordinance was developed which will be even better with some fine tuning. Alderman Brown said there was input from the business owners and there was always a compromise. They knew there would be things that needed to be "tweaked". Mayor Foy pointed out that this amendment only deals with the Central Business District and that the Town's Sign Ordinance has been around since the 1970's.

Alderman Brown moved, seconded by Alderman Feichter, to adopt the proposed amendment to Section 154.104(B)(9) as presented. The motion carried unanimously. (Ord. No. 14-04)

Terry Shuler asked if the internally lit clock at Carolina Community Bank was considered a sign and if it would continue to be allowed. He was told that this is an internally lit sign and can stay because it is grandfathered in. However, another sign like this would not be allowed if this one comes down.

Section 154.031 Definition for Business Location

Proposed Amendment to Section 154.031 to add the following definition:

Business Location - For the purpose of locating and allowing ground signs, a business location shall be defined as one or more businesses, operations, associations, etc., under one common roof or in one unified structure or building.

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

John Swift said currently freestanding signs are allowed for every business/establishment. With this proposed amendment each building would be allowed one sign. If six businesses are located in one building they would only be allowed one sign, not six.

Alderman Feichter moved, seconded by Alderman Brown, to adopt an ordinance to amend Section

154.031 by adding the definition of business location as recommended. The motion carried unanimously. (Ord. No. 15-04)

Sections Regarding Front Yard Setbacks

During January 2004, town planning staff reviewed a subdivision plan in the Raccoon Creek Neighborhood District. There was no way to design the development to allow the lots to comply with the maximum front yard setback requirements; the topography was the problem. Paul Benson studied the front yard setbacks for all the land development districts and he recommended some changes that were approved by the Planning Board.

The Planning Board recommended eliminating the maximum front yard requirements for the Raccoon Creek Neighborhood District since topography is a problem in that area.

Also, the Planning Board approved the elimination of maximum front yard requirements for single family dwellings locating in the Dellwood/Junaluska Area Center (DJ-AC) and the Russ Avenue Town Center (RA-TC). The Board felt that owners of property in those two districts would not want to locate single family dwellings in close proximity to a high volume traffic street. The change will not prohibit property owners from locating their homes in close proximity to Russ Avenue; it will not force owners to locate close to the street.

The Planning Board added a maximum front yard area to the Hyatt Creek Area Center since all the other commercial districts have maximum front yard areas. The new maximum front yard requirement for the Hyatt Creek Area Center will be 35 feet; however, properties abutting the Great Smoky Mountain Expressway will be exempt from the proposed requirement (a maximum 35 foot front yard requirement would place the buildings in the road right-of-way.)

The following amendments are being proposed:

Section 154.124(B)(3)

Existing: Front: 20 feet minimum; 30 feet maximum

Proposed: Front: 20 feet minimum; 0 feet maximum

Section 154.117(B)(3)

Existing: Front: 20 feet minimum
Awnings, bays and canopies may encroach into the front yard but shall not encroach into the street tree planting area or across the street edge of the sidewalk.

Proposed: Front: 20 feet minimum; 35 feet maximum
Awnings, bays and canopies may encroach into the front yard but shall not encroach into the street tree planting area or across the street edge of the sidewalk. The maximum front yard area is not required for those properties

abutting the Great Smoky Mountain Expressway.

Section 154.107(B)

Existing: Front: 25 feet minimum; 35 feet maximum
Awnings, bays and canopies may encroach into the front yard but shall not encroach into the street tree planting area or across the street edge of the sidewalk.

Proposed: Front: 25 feet minimum; 35 feet maximum
Awnings, bays and canopies may encroach into the front yard but shall not encroach into the street tree planting area or across the street edge of the sidewalk. Single family dwellings are exempt from the maximum yard requirement.

Section 154.126(B)

Existing: Front: 25 feet minimum; 35 feet maximum
Awnings, bays and canopies may encroach into the front yard but shall not encroach into the street tree planting area or across the street edge of the sidewalk.

Proposed: Front: 25 feet minimum; 35 feet maximum
Awnings, bays and canopies may encroach into the street tree planting area or across the street edge of the sidewalk. Single family dwellings are exempt from the maximum yard requirement.

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

Alderman Moore moved, seconded by Alderman Caldwell to adopt an ordinance amending the various sections regarding front yard set backs as recommended. The motion carried unanimously. (Ord. No. 16-04)

Continued Public Comments on Conservation Easements for Allens Creek Watershed

At the last meeting the Board accepted public comment on the proposed Conservation Easements on the Allens Creek Watershed. At the conclusion of the meeting, Mayor Foy indicated that the Board would like to give other citizens the opportunity to comment.

Mib Medford, 99 Pisgah Drive, Waynesville said she has been in dirt all her life. She makes dirt, buys dirt, goes up above Camp Hope and digs deep to get dirt. She has a garden with wildflowers and this is the type dirt that grows things. This is dirt that has been there for 100 years. If the Town wants to continue to grow trees on the water shed it needs to be left alone. Do not disturb it. No one knows in the future what may happen. Trees such as Hemlocks, Oaks and other trees may fall to disease, but the most restrictive rules should be placed on the watershed area.

Charles Miller, 727 Allens Creek Road, has thought a lot about this. Mr. Miller felt that an environmental study should have been done on this. He has been in the watershed time and time again and is aware of several plants growing in that area, one of which is a Yellow Lady Slipper. There are also numerous herbs growing in the watershed. Mr. Miller commended Peter Bates on his comments to the Board. However, he did not look at soil samples, he only looked at the trees. The sediment problem at the watershed concerns him and he asked the Board to correct damage which has been done there instead of making more.

No one else spoke. This item will be placed on the agenda of the Board's next meeting for additional public comments.

Resolution Identifying Area Under Consideration for Annexation

Under State Annexation Laws, a municipal government may adopt a resolution which identifies areas under consideration for annexation. Such a resolution must give fairly accurate descriptions of those areas, and when a Town Board has such a resolution in place, it cuts down on the amount of time required between the first announcement of the intention to annex an area and the effective date of the actual annexation.

For many years, the Town of Waynesville has had a running resolution indicating its intent to annex a very large area comprising what is essentially the drainage area for the Richland Creek. This includes all land, in very general terms bounded by Eagle Nest Mountain on the north, the Balsam Range and Blue Ridge Parkway on the west, Lickstone Ridge and Waynesville Mountain on the south and Lake Junaluska on the north. While the Town would not likely want to annex such a large area at one given time, the resolution simply speeds the process should the elected officials decide to undertake an annexation in the areas. The resolution must be readopted every two years, and it remains in effect until it is readopted two years later.

Alderman Brown moved, seconded by Alderman Moore, to adopt the resolution identifying the area under consideration for annexation. The motion carried unanimously. (Res. No. 7-04)

Haywood Advancement Foundation Request for Grant From Town

The Haywood Advancement Foundation is continuing in its efforts to find a buyer for the former site of Dayco. One of the greatest challenges in finding a buyer is their concern about any contamination which might remain on the site. The Foundation through Executive Director Mark Clasby, has made attempts to secure funding to help address the problems of contamination on the property. The most thorough way to address the contamination problem is through the North Carolina Brownfield Program. The Foundation is requesting that the Town of Waynesville provide the Foundation with a grant of \$16,400 so that they might seek a Brownfield Program designation. The Foundation has submitted a request to the County Commissioners for a grant of approximately \$23,000 for the same purpose.

Alderman Brown said this is beneficial for developing the property. The cost to remove asbestos has been estimated at \$300,000. The Town has an investment in getting this property back on the tax

scrolls and getting jobs back into the community. Money has already been invested by the Town in purchasing this property and this is just another step to get the property into hands where it can be developed.

Alderman Feichter moved, seconded by Alderman Moore, to approve Haywood Advancement Foundation's grant request of \$16,400. The motion carried unanimously.

Alderman Brown thanked the Board on behalf of the Foundation.

Dedication of Portion of Pinewood Drive

When the area abutting Pinewood Drive was annexed in 1991, the majority of the road was paved and maintained by the State Department of Transportation. The northernmost portion of the road though, had few if any homes and was a combination of dirt and gravel. In the past few years, the Town has worked with Bobby Joe McClure, the owner of most of the abutting property, on the installation of adequate water lines to serve the homes being built there.

Mr. McClure has now had the road paved to Town specifications. It has been inspected by Public Works Director Fred Baker, who found that the work has been done in a satisfactory manner. Mr. Baker has recommended once the Town receives a formal request that the Town accept dedication of the street, that the Town take over the ownership and maintenance of said street. Mr. McClure has requested that the Town accept dedication of that portion of Pinewood Drive shown on the plat for Pinewood Heights, Section C (James T. Herron Survey dated 3/10/78, 711-27-A).

Alderman Moore moved, seconded by Alderman Feichter, to accept dedication of the portion of Pinewood Drive as requested by Mr. Bobby Joe McClure. The motion carried unanimously.

Plan of Action - West Waynesville Clean Up

Manager Galloway said he met with Town Attorney Woodrow Griffin and Code Enforcement Officer Jason Rogers to discuss the Board's desire to address issues of clean up, not only in West Waynesville but other areas of the Town as well. It is not the Town's desire to zero in on one specific area, but rather to look at the Town as a whole.

Mr. Rogers has been asked to create a list of the worst ten to twenty properties in Waynesville, most of which he has dealt with at some point. This will be presented to the Board of Aldermen by June 1. Mr. Rogers has been working with other localities to see what type of ordinances they have in place and whether these required special actions of the Legislature. One ordinance only allows five (5) vehicles to be stored at a repair shop at one time. However, he could not find anywhere in State Law where you are specifically authorized to do this. Attorney Griffin feels that the newly adopted Solid Waste Ordinance contains adequate "teeth" to deal with some issues. Manager Galloway said some of these issues will need to be pursued aggressively, and that some will probably take some time in Court.

Alderman Moore said in West Waynesville there is a place where old refrigerators with doors, etc.,

are being stored, creating a safety hazard. Manager Galloway said in this particular situation Mr. Rogers met with the owner and he has since written him a letter of violation. Alderman Moore said it just "does not sit right with him" when some people work hard to keep their places up and others don't care.

Manager Galloway said the Town has torn down about forty houses during the past few years, and at one time the liens from this work exceeded \$80,000. Tax Collector James Robertson has reduced the amount of these liens to about \$25,000 by actively pursuing collection.

Alderman Moore said another bad situation is Pigeon Street. Manager Galloway said this case was recently in Court and an order has been issued.

Alderman Brown suggested that the Town award and recognize those who make an effort to keep their properties clean and orderly. He added that he recently had friends visit and they commented about how clean most places in Waynesville were. Maybe that is why the ones that are not clean really stick out. Alderman Brown added that when the former Dayco site develops, creating jobs for Waynesville, it will help encourage clean up of some of these areas. Alderman Feichter asked if there was a time frame for some of this enforcement. Manager Galloway said a list will be supplied to the Board by June 1.

Charles Miller expressed concern with old underground tanks which may still in exist in Waynesville.

No action was taken. Mayor Foy applauded efforts being made to get clean up issues off the ground and moving.

June 8 Board Meeting

Town Manager Galloway said the regularly scheduled Board Meeting for June 8 falls on the evening before Town Hall Day in Raleigh. Town Hall Day is a time when elected and appointed officials from across the State go to Raleigh to meet with Representatives and Senators and press for issues of importance to local government.

Alderman Moore moved, seconded by Alderman Brown, to cancel the regular meeting of June 8 and reschedule a special meeting to be held on Monday, June 7 at 7:00 p.m. The motion carried unanimously.

Appointments/Reappointments to Various Boards and Commissions

Alderman Moore moved, seconded by Gary Caldwell, to appoint James Wood to serve the unexpired term of John Summerrow on the Alcoholic Beverage Control Board. This term will expire August 25, 2006. The motion carried unanimously.

Other Board appointments will be considered at the next meeting.

Distribution of Proposed Budget for 2004-2005

Manager Galloway and Finance Director Eddie Caldwell attended the meeting to distribute copies of the proposed budget for Fiscal Year 2004-2005. Manager Galloway gave an overview of the proposed budget.

Manager Galloway said one concern is that revenues have not been growing. Reports indicate that the jobless rate is down and the economy is booming. However, the sales tax check received by the Town is not showing growth. Property tax has not grown much either. Water rates were raised 5% last January, but only increased by \$19,000 rather than the anticipated \$50,000. Sewer rates were raised 5% last January also but this increase was only \$3,000. There are many old clay sewer lines which have caved in and water lines with leaks are found to have pinholes or crumble when touched. Forty year old galvanized lines with a life expectancy of twenty years are constantly being replaced. The Board has resolved to making investments in places such as the old Dayco Plant in order to generate new jobs. Manager Galloway said he has found that if you take care of business, it will take care of all the other areas.

This proposed budget totals \$21,196,000 which is \$10,000 less than last year's budget. Health Insurance is up \$186,000 (18% increase). Plans are to increase the deductible from \$400 to \$500 resulting in a savings of \$69,000. The Town's health insurance totals \$1,123,000, providing total health coverage for employees as well as family. The 3% cost of living being proposed costs \$82,000. It is proposed that the .43/\$100 tax rate remain the same. An increase in the monthly fire protection rate is proposed from \$2.50/month to \$3.00/month. This charge has remained the same since at least 1987. A 5% increase in water and sewer rates effective January 1, 2005 is proposed, and no change is being proposed for electric rates which have remained the same since 1988. One concern is with the fuel adjustment clause. The Town has always absorbed this cost, however, it has never been this high. Discussion are being held with the Town's Consultant Kevin O'Donnell, with NOVA, and this may need to be looked at further during the year.

Two and one-half new positions are proposed. The Town has made a big investment in planting 200 - 250 trees and this investment should be taken care of by a horticulturist. One full time position, an assistant superintendent, is recommended for the Town's cemetery. One permanent part time position is recommended for the Public Works to handle paperwork.

It was the consensus of the Board to schedule a special meeting in the Mayor's Office on Monday, May 17, 2004, at 5:00 p.m. in order to hold its first budget workshop.

Update on Facilities Study

Manager Galloway said Mr. Jim Powell will meet with Department Heads next week to begin the Facilities Study requested by the Board.

Update on Skateboard Park

On Wednesday, May 12, Alderman Caldwell will meet with Parks and Recreation Director Mike Smith, Danny Blitch and Manager Galloway at the site of the old outdoor swimming pool to discuss a skateboard park.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Feichter, to adjourn the meeting at 9:14 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor