

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
JUNE 22, 2004
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, June 22, 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, Finance Officer Eddie Caldwell and Town Attorney Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of June 7, 2004

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the June 7, 2004 meeting as presented. The motion carried unanimously.

Public Hearings

Amendment to Section 154.109(B)(3) Yard Standards

When the yard standards were adopted for the Eagle Nest District, for that section between Smoky Mountain Expressway, Will Hyatt Road and Eagle Nest Road, the side yard setbacks were changed from 10 feet to 15 feet. These rules were set on the basis that the homes within the area meeting the 10 foot setbacks would be grandfathered in as non-conforming properties.

It has now been pointed out that financial institutions are somewhat reluctant to make loans on property that is non-conforming. For that reason, the matter was presented to the Planning Board which voted unanimously to recommend that the Board approve a zoning text amendment to Section 154.109(B)(3) to allow side yard setbacks to be changed from 15 feet minimum to 10 feet minimum between the Smoky Mountain Expressway, Will Hyatt Road and Eagle Nest Road.

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

Richard Adelman, 265 Eagle Nest Road, said this area was rezoned about one year ago. When he bought the property there was a 10 foot side yard setback requirement. When he asked for a permit to construct a bathroom addition he was told that he could not because of the new setback requirement. All the houses on the left side of Eagle Nest Road have 11' - 12' setbacks now and are non conforming. Many banks and lending institutions will not lend money on non conforming lots.

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

Alderman Brown moved, seconded by Alderman Moore, to amend Section 154.109(B)(3) to reduce the minimum side yard setbacks from 15 feet to 10 feet in the Eagle Nest Rural District for properties

abutting Eagle Nest Road, starting at the Smoky Mountain Expressway and ending at Will Hyatt Road. The motion carried unanimously. (Ord. No. 19-04)

Rezoning of Properties Along Asheville Road

Since the adoption of the Land Use Plan and Land Development Standards, it has been discovered that several properties on North Main Street/Asheville Road, would better fit in the North Main Street Boulevard District rather than the East Waynesville Neighborhood District. The Planning Board unanimously recommended that the following properties be changed to the North Main Street Boulevard District: Waynesville Family Practice, Louise Nelson, Eugene Ferguson (2 lots), Dietrich Mercedes, David Moody and Haywood County (annex parking).

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

Randy Nelson, said his mother plans to sell her property to a gentleman who wants to open a coffee shop. Mr. Nelson said he supports the rezoning of the property to allow this use. No one else spoke; Attorney Griffin closed the public hearing.

Alderman Caldwell moved, seconded by Alderman Feichter, to amend the zoning ordinance to rezone the seven properties along the Asheville Road from East Waynesville Neighborhood District (EW-ND) to North Main Business District (NM-BD). The motion carried unanimously. (Ord. No. 20-04)

Continued Public Comments Conservation Easement - Allens Creek Watershed

Bill Ross, who worked for several years as the Town's Public Works Director said the Town has an asset in its watershed that should be looked at. He said in reading the newspaper it is estimated that it could produce up to \$200,000 per year, but he feels that it may be more than that. There is also a question about how large the watershed is, somewhere between 6,000 and 10,000 acres. Mr. Ross felt that the Town should invest in a forest manager who could ascertain what is in the forest. In 1966 or 1967, while he was employed as Public Works Director, a couple of foresters came in and spoke with him. While they were here a specimen Fire Cherry Tree was located which was 2 ½ feet in diameter and 150' to the first limb. They discussed gathering some of the cherries that fell to the ground in order to grow more of this type of cherry tree. They explained the importance of establishing 150 - 200 points in this forest so they could come back in 5 - 10 years to the same points and see how the forest was growing and what was happening at these points. He tried to convince the Board at that time that this needed to be done, but they did not see it that way. Mr. Ross said if you don't remove overgrown trees they will shade out the smaller trees and they also take more water. If the overgrown trees are removed it will allow the smaller trees to grow.

Mr. Ross expressed again how imperative it is for the Town to go in and take the mature trees out and let the forest continue to grow. This is why it is so important to hire a forest manager who works for the Town and in the best interest of the Town.

Mr. Ross said it is also important not to restrict future boards in limiting the size of the pool of the lake. If the spillway were blocked off the lake pool could be increased 4 - 6 times larger than it is

now. In order to increase the lake pool trees would need to be removed. Future board should always have the option of removing trees.

Mib Medford, 99 Pisgah Drive, Waynesville, brought a sample of a Multiflora Rose plant to the meeting. Ms. Medford said this plant was brought in by the Extension Office many years ago to serve as a ground cover and living fence and the plant took over. You have to travel to the park property before you no longer see signs of this plant. The plant grows on property which has been logged. Birds distribute seeds and it is almost impossible to destroy the plant. During the time that Joe Palmer was Senator a program began and lasted for 5 - 10 years in which measures were taken to try to destroy the plant. Ms. Medford was concerned that if the Town allows timber to be cut on the watershed this plant could take over the watershed area.

Charles Miller, Allens Creek, Waynesville, said he would like to address Mr. Ross' comments about the specimen cherry tree. Mr. Miller said the tree is no longer there, it has been cut for several years. He said in the near future the Board will have to vote on this issue which will determine what will happen in the future. Mr. Miller also spoke of the report by Professor Bates, adding that the report lacks information regarding who will oversee the management of and actions on the watershed and what the final result will be. Mr. Miller feels that the Town may be in violation now with its WS-1 rating by not appointing someone to oversee the watershed. Mr. Miller asked that the Board schedule a meeting with Dr. Garrett Smathers to discuss the watershed, adding that if the Town can invest in hiring a horticulturist it should invest in a consultant on the watershed.

Ron Sullivan, Little Mountain, said he has lived here for 11 years and has a grave concern about what may happen if the Town allows logging in the watershed. He added that he is not an expert on this subject but is writing a book about logging in Western North Carolina. Mr. Sullivan said the Town has a gem and valuable resource in its watershed and his concerns are that you can't put machinery in there or rebuild the roads without putting siltation into the watershed. He added that water has much more value than timber.

Adoption of Fiscal Year 2004-2005 Budget

A public hearing was held on Monday, June 7, 2005 on the proposed 2004-2005 fiscal year budget. The proposed document totals \$20,639,260. The property tax rate of 43 cents per \$100 valuation remains the same. The only increase in the General Fund would be for the fire service charge collected through water bills, and these would rise by 20%, the first change since at least 1987.

Water and sewer rates are proposed to rise by 5% each, and this change would be effective on all bills issued on or after August 1, 2004. Water and sewer connections fees are scheduled to rise by 25% effective on July 1, 2004.

Alderman Moore moved, seconded by Alderman Feichter, to approve the adoption of the Fiscal Year 2004-2005 budget. The motion carried unanimously. It was added that Manager Galloway and Finance Officer Eddie Caldwell have done an excellent job on the development of this budget. (Ord. No. 21-04)

Discussion Regarding Establishment of Guidelines for Donations to Non-Profit Agencies

Alderman Brown said he would like to see some standards established regarding the donations by the Town to non-profit agencies, adding that he did not want to see the Town fall into the same trap as the Canton Papertown Association. Alderman Brown suggested that a policy be put into place for all those donations exceeding \$2,000. Alderman Feichter pointed out that some smaller organizations may not have an audit conducted yearly. Several questions arose such as: Are the audits conducted by an outside source? Who are the board members? How are they elected? Do they attend meetings? How often do they meet? If the organization does not have an active board a lot of things can slide by. Alderman Moore said there are a lot of citizens who want to know where their money is going and how it is being spent. Alderman Caldwell suggested that if they do not have regular audits done they could present a year end financial statement.

Manager Galloway said some research has been done on this subject. On the Manager's List Serve Service he posed questions about how this is handled by other managers. Manager Galloway said the situation with Canton Papertown Association has been a wake up call. Manager Galloway will conduct more research and try to come up with some answers to the Board's questions.

Resolution on Financial Operating Plan for the Two Internal Service Funds

The Internal Service Funds are created with funds contributed by the General, Water, Sewer and Electric Funds. The obligation of the Internal Service Funds is to provide services to the other departments.

In the case of the Garage Operation, the other funds are assessed a prorated share of the cost to operate the garage, with the cost of gasoline, tires, repair parts and personnel all added into a total cost of \$336,980.

In the case of the Public Works Fund, the various other funds are charged on the basis of the approximate square footage that each of the four funds occupies at the property on Legion Drive, with the total cost of running this operation being \$220,310. Under financial guidelines, the Internal Service Funds are to be approved by adoption of a Resolution.

Alderman Brown moved, seconded by Alderman Caldwell, to adopt the resolution on Financial Operating Plan for the Two Internal Service Funds as presented. The motion carried unanimously. (Res. No. 9-04)

Budget Amendment for Fiscal Year 2003-2004

At the conclusion of each fiscal year, budget amendments are presented to cover accounts which have been overspent or will be overspent by the end of the fiscal year.

Finance Director Eddie Caldwell presented a list of the Budget Amendments which he is requesting to the 2003-2004 Budget Ordinance. Some of the amendments deal with loan refinancing done by the Town this past year. Mr. Caldwell said he feels that the Town can add to its savings this year in the General Fund.

Alderman Brown moved, seconded by Alderman Feichter, to adopt an ordinance amending the 2003-

2004 Budget Ordinance. The motion carried unanimously. (Ord. No. 22-04)

Request by Ninevah Baptist Church to Waive Water and Sewer Tap Fees

The Ninevah Baptist Church is in the process of making an addition to their church property on the north side closer to Prevost Street. In doing so, the Church has found that it is in need of an additional water and sewer tap. The fee for these taps is \$600 each, totaling \$1,200.

In a letter dated June 3, 2004, Reverend Michael J. Leslie requested that the Town waive the fees for these water and sewer taps. Manager Galloway responded to Rev. Leslie that it is not within the power of the Town Manager to waive any fees or charges, but offered to place the matter on the agenda of the Town Board during their next regularly scheduled meeting for its consideration.

Alderman Brown asked if there was a policy in place so that people in the community know how they will be treated if they requested the same type of donation or does the Board need to decide on a case by case basis. Alderman Feichter felt that the Board should look at each situation and determine if it is worthwhile. Alderman Moore said the Ninevah Baptist Church does a lot for the community. It was pointed out that a similar request was received by the Maple Grove Methodist Church. However, it was felt at that time that the sewer tap could not be waived because the Town had spent approximately \$30,000 in order to get the sewer line underneath Russ Avenue to provide sewer services to the church and their request was turned down.

Manager Galloway said the Ninevah Baptist Church needs the additional taps because the proposed addition will be located at the back portion of the Church and will be connected on the Prevost Street side rather than the Country Club Drive side.

Alderman Moore moved, seconded by Alderman Feichter, to waive the water and sewer tap fees for the Ninevah Baptist Church as requested. The motion carried unanimously.

Alderman Caldwell added that the Ninevah Baptist Church is the only church in this area that has a special program for development and mentally challenged individuals. Alderman Brown said this is the type of things that should be considered by the Board in granting these requests. All Board Members agreed that benefits provided to the community by the organization should be considered with these requests.

ElectriCities Cooperative Bid Agreement

In recent years, the Town has joined with ElectriCities in joint bidding of materials and supplies and equipment for the municipalities which are members of this organization. In the past the Town has purchased poles at a significant savings through the joint, large volume purchasing of the membership. There are other items purchased for which there might be a saving for the Town. It is recommended that the Town Board approve this Cooperative Bid Agreement with ElectriCities.

Alderman Brown had some questions regarding how long the Town would be obligated to purchase from the bid list. There could be initial savings. However, if lower prices could be obtained from another source, would the Town be obligated to continue to purchase for the duration of the contract

period.

Manager Galloway said he will get answers to these questions and the item can be placed on the agenda of July 13. No action was taken.

Speed Limit Recommendations - Farley Street and Adjacent Streets

Manager Galloway said some concern was received that the present posted speed limit of 35 miles per hour posted on Farley Street be checked by the Police Department to see if it should be lowered.

Police Chief Bill Hollingsed and his staff have checked this street and feel that the individual who made the complaint is justified, and he has recommended that the speed limit be lowered to 20 miles per hour. In addition, while checking the streets in this area, Chief Hollingsed discovered that some of the adjacent streets also warrant a reduced speed limit. He noted that Garland Street is posted at 20 miles per hour but Children Street and Indian Springs Road were not posted which would automatically mean a speed limit of 35 miles per hour under state law.

It is the recommendation of the Police Chief that all streets within this development, Farley Street, Garland Street, Children Street and Indian Springs Road be designated as 20 miles per hour.

Alderman Moore moved, seconded by Alderman Feichter, to designate the speed limit on Farley Street, Garland Street, Children Street and Indian Springs Road at 20 miles per hour. The motion carried unanimously. (Ord. No. 23-04)

Mayor Foy - Watershed Property

Mayor Foy suggested that the Board arrange for a time to drive to the watershed and walk up one of the roads to look at the property and to arrange a time to talk to Dr. Garrett Smathers. Alderman Feichter added that it would be good for the Board to gather all the information they could on the watershed for consideration. She added that she agreed with Alderman Brown's concern that this Board should not tie the hands of future Boards when it is not known what the circumstances will be in the future.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Feichter, to adjourn the meeting at 8:22 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor`