

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
FEBRUARY 28, 2006
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, February 28, 2006. 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, Finance Director Eddie Caldwell, Administrative Intern Alison Melnikova and Town Attorney Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of February 14, 2006

Alderman Feichter moved, seconded by Alderman Caldwell, to approve the minutes of the February 14, 2006 meeting as presented. The motion carried unanimously.

Public Hearing - Voluntary Annexation 29 and 49 Ammons Trail - Phyllis and Calvin Grasty

At meetings in January, the Board received an annexation petition from Phyllis and Calvin Grasty for properties identified as 29 and 49 Ammons Trail off Crymes Cove Road. The Town Clerk investigated the sufficiency of the petitions and found them to be in order and in compliance with State statute requirements. The Board then passed a resolution setting a public hearing date on the annexation of this property into the Town.

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 annexing the property located at 29 and 49 Ammons Trail. The motion carried unanimously. (Ord. No. 7-06)

Public Hearing Amendment to Section 154.302(C)(3) Driveway Design

Town Staff has been working with McDonalds on the redevelopment of the fast food restaurant's property on Russ Avenue. Under the present regulations for the Russ Avenue Town Center, driveways are quite restrictive. They are to be separated by 150 feet and must be separated from intersecting streets by 250 feet. This makes the redevelopment of the McDonalds property virtually impossible, for the entire frontage of the lot is within 250 feet of Frazier Street and any driveway into the property would be within 150 feet of other driveways into other businesses. The intent of the driveway access portion of the land development standards was to minimize the impairment of traffic flow on Russ Avenue due to turning vehicles. It was not to prevent the use of the property.

There are many traffic problems and accidents on Russ Avenue, a number of which relate to vehicles turning into and out of McDonalds. But there are problems with turning traffic on Russ

Avenue other than at McDonalds. In analyzing the situation with McDonalds, Town Staff tried to anticipate resolutions to traffic problems with other driveway locations in this district and other districts as well. Rather than just dealing with the Russ Avenue Town Center, it was felt that the amendment should apply to driveway standards in all districts. The following amendment to Section 154.302(C)(3) was proposed and the Planning Board gave unanimous approval to recommending that the Town Board add the following section after the last bullet in this subsection:

"In situations where the driveway separation requirements prevent any direct access from a property and at least one adjacent street, and where existing shared driveways do not provide adequate access for the development of the property, as determined by the Director of Public Works, a single driveway connection is permitted, subject to all other applicable design standards, in a location approved by the Director of Public Works."

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

Alderman Caldwell moved, seconded by Alderman Moore, to adopt an ordinance amending Section 154.302(C)(3) as proposed. The motion carried unanimously. (Ord. No. 8-06)

Consideration of Closing Portions of Three Streets at Norfolk-Southern Railroad Crossings

At the meeting of February 14, 2006, public hearings were held regarding the proposal to close portions of three streets at railroad crossings. These three include:

Portion of Shackford Street;

Portion of Old Hickory Drive;

Unnamed crossing in Town Park between Vance and Marshall Streets.

There was some opposition to the closing of two of the crossings, at Shackford Street and at Old Hickory Drive, while no one was opposed to closing the rail crossing in the Town Park. The public hearings ended with the Town Attorney closing the hearings and the Board deciding to take no action.

Town Attorney Woody Griffin advised the Board that the crossing at Shackford Street provided the only legal means of ingress and egress for three properties owned by Karen Denty, Fred Spencer and Gene Ferguson. While the Spencer and Ferguson properties have driveways into a private road known as Buffalo Lane, they do not have legal access to this private road. There was an indication at the meeting that if an alternate legal means of ingress and egress was provided, and it met their needs and did not damage their property, Mr. Spencer and Ms. Denty would not object to the closing of the Shackford Street crossing.

For the crossing at Old Hickory Drive, Department of Transportation representative Jason Fields indicated that the Norfolk-Southern Railroad would accept a pedestrian crossing at this site if the

crossing was closed to vehicular traffic. The pedestrian crossing would allow access from the Waynesville Middle School located on the south side of the railroad track to the playing fields and track located on the north side of the railroad track. Mr. Fields advised that the pedestrian crossing would be designed for handicapped access and that on the north side of the track, a ramp would be constructed between the pedestrian crossing and the fields to assure handicapped access to the fields.

Ms. Denty, one of the property owners on Shackford Street, attended the meeting. She said no one has contacted her since the last meeting regarding an alternate access to her property. It was the consensus of the Board that this item be delayed until a later meeting.

Selection of Engineering Firm for Greenway

Construction of an additional 2,100 to 2,500 linear feet of greenway trail is scheduled to begin this summer. To get this underway, the Town must hire an engineering firm to provide detailed survey and plans for the trail construction, and requests for proposals were sent out in mid January. Tim Plowman of the Town's Recreation Department has been working on this project for several years, and last year, the first portion of the trail was constructed in the Waynesville Industrial Park.

Recently, Mr. Plowman met with Public Works Director Fred Baker and Director of Planning Paul Benson to discuss the selection of the engineering firm to handle the next phase of the greenway project. They have been reviewing the proposals received from various firms and have recommended that the firm of Mattern and Craig be selected for this project. This decision was based upon the fact that Mattern and Craig appear to have more experience in working with NC Department of Transportation pertaining to bridges, highways and right of ways.

Mr. Plowman said the first time an encroachment was applied for it took about two months to get approval from the NCDOT. By doing survey and construction drawings at the same time, it will speed up the process. While all three firms had expertise for such a project, Mattern and Craig appeared to have more experience with addressing the issues with NCDOT pertaining to bridges, highway and right of ways. This 2,100 feet portion of the trail links Highway 19 where the new bridge is under construction and partners with Lake Junaluska, who has taken it upon themselves to construct the sidewalk which is actually a part of the greenway. The trail will begin at the new bridge, paralleling Hwy 19 going back toward US 23-74. At a juncture of about 700 feet along Hwy 19 the Lake Junaluska property begins. At the Industrial Park Property there is about 900 feet paralleling Richland Creek and Raccoon Creek tying into the back of Progress Energy's property with an existing trail which was completed in October 2005 at a cost of \$23,000. Mr. Plowman said the Town has verbal agreements for easements with Progress Energy and Lake Junaluska which can be completed after the survey work is finished. One of the most important challenges is addressing the details of going under US 23-74. Another challenge is a fence that prevents animals from crossing over onto Hwy 19. NCDOT will be requested to allow this fence to be moved closer to Hwy 19, staying on the creek side behind the fence to avoid breaking the fence line. He said the project began with \$250,000. Pigeon River Foundation contributed \$30,000; NCDOT \$200,000; Town of Waynesville \$10,000; Richland Creek Action Committee \$10,000; Adopt-a-Trail \$5,000. The balance is \$175,984. Between March and April, surveys,

cross sections and permitting will be addressed. Construction plans, design specs, bridge and culvert within DOT right-of-way will then be addressed. The package will be submitted to NCDOT in April for approval. Construction bids will be advertised in May with construction to begin in June at a cost between \$35,000 and \$40,000. The contract will be between the Town, NCDOT and Haywood County. Signs, picnic tables, trash cans and benches are available and waiting to be installed. The entire project should be completed by July 1.

Along Raccoon Creek there is an issue with stream bank stabilization, involving about 800 feet of trail. This challenge has been discussed with Leslie Smathers with Haywood Water and Soil Conservation, who has agreed to take on this project. 900 feet of the trail will contain 600 tons of ABC stone, 800 feet will have 180 tons of 3" rock; 3" of gravel. Total depth of the trail is about 10", with a total cost of approximately \$50,000 to cover stone, pipe, grading and clearing.

Alderman Moore moved, seconded by Alderman Feichter, to approve the firm of Mattern and Craig to provide survey and plans for the greenway trail construction. The motion carried unanimously.

Dr. Jerry Miller, Western Carolina University Water Quality Data in Watershed

During the discussion on the Conservation Easements on the Allens Creek Watershed, it was noted that there is no historical data about the level of silt that travels in the various streams in the watershed. Representatives of the Haywood Waterways Association and the various conservation groups with which the Town is dealing suggested that some historical data was needed measuring what silt and erosion is occurring in the forests and feeding the streams at this time. This information will provide comparisons on how much silt, if any, is added to the streams in the future by storms or by forestry management practices if any take place.

Dr. Peter Bates suggested that the Town consult with Dr. Jerry Miller, a professor in the natural sciences department at Western Carolina University. Dr. Miller is a resident of Haywood County and has a keen interest in this project. He is interested in developing the current and future water quality data, but he is also interested in assessing the levels and time line in which erosion and silt occurred in the past through previous timber operations or as a result of tremendous storms such as the hurricanes of 2004.

Dr. Miller attended the meeting to present some information about measuring stations that he is proposing for the Allens Creek watershed. He said Western Carolina University is proposing to use the Allens Creek Watershed as a natural education research laboratory. This will entail the installation of different high tech monitoring systems which will allow monitoring of water quality as well as biotic health of the stream system. In terms of education, WCU will work with the Haywood County School System to provide instructions on how to download various types of data that is being collected in the field from the watershed and how to use this in the classroom. The second part would be to help teach a variety of short courses to local individuals, governmental agencies and other agencies on how to install these types of varieties and how to monitor water quality. This will serve as a demonstration site, one of the most sophisticated in Western North Carolina. This center will be used to attract students to WCU and to use this data in their courses. In terms of research, this equipment will be installed to use for long periods of

time, for 5 - 15 years or longer and WCU can continue to come back to it over and over again without it being disturbed. This will give an idea of what an undisturbed watershed would look like in terms of water quality and will help to determine how significantly the effects are of activities in other parts of the County.

The second part of the proposal is to obtain some financial resources in a matching funds agreement to install the equipment on site and a proposal is being submitted to the Pigeon River Fund. If they do not fund the requested \$30,000 other sources for funding will be looked at. \$30,000 is being requested from the Town which will include the installation of a fixed monitoring site with a wooden or metal type bridge structure across the stream, upstream from the reservoir to allow them to get over the water during high water events. This would involve the development of a metal frame and container on the side of the stream system. Within this container would be electronic equipment with a small computer system which runs a sampler or hydraulic pump which tells it when to collect samples when the stream goes up or down. A series of probes will be out in the stream system collecting information on nutrients such as Nitrogen, Phosphorus, pH and this information is fed back into the computer system and stored there. This information can be accessed remotely via telephone lines and can be downloaded from an office. This information will be available via a web site and will be powered by a solar cell with two batteries making it self sufficient. There will be a series of 2 - 5 "roaming site", temporary monitoring stations throughout the watershed to provide additional information measuring stream flow and water elevations at various times on a continuous basis. Samples will also be collected manually. This will be unique in this area, but similar to what the US Geological Survey has developed in other parts of the State as well as the Country. One of the aspects that makes this different is that a programmable data log will be used. This computer system will have a piece of software to tell the sampler when to collect these samples.

Town Manager Galloway said funds for the Forestry Management Plan were allocated in this year's budget but can be spread over the next couple of years. Some of this money could be used for the local matching share to leverage the Pigeon River Fund money. One of the issues in the Forestry Management Plan was that we no data was available for the water quality now. It is known that silt occurs all the time but we had no idea how much occurred during rain storms. This device will provide this information. Manager Galloway said if this is successful we would hope to put more monitoring stations in the watershed.

Dr. Miller would like to begin by placing one measuring station into operation, and he has indicated a willingness to develop a grant application to the Pigeon River Fund for approximately one half of the cost, with the Town providing the balance either through its own resources or through grants or donations from others. After the results are accumulated from this station, Dr. Miller would like to have four other measuring stations installed on the four other largest streams in the watershed. At that point, and based upon the successful data provided by the initial installation, a full grant from the Clean Water Management Trust Fund could be applied for.

Once the instruments are in place it will be up to Western to monitor. The \$30,000 from the Town is a one time expense.

Alderman Feichter moved, seconded by Alderman Caldwell, to approve the \$30,000 to support the grant for water quality monitoring equipment and approval to use the watershed as a educational research tool. The motion carried unanimously.

Chuck Dickson - Plott Creek Road

Chuck Dickson asked to speak to the Board regarding the proposed changes to Plott Creek Road. Mr. Dickson said the residents of Plott Creek Road were shocked to hear of a letter from Mayor Henry Foy to the NC Department of Transportation regarding the Plott Creek Road improvements. DOT tells them that this letter was instrumental in their decision regarding Plott Creek Road. Mr. Dickson quoted minutes of April 2005 that Alderman Feichter said she would like to see Plott Creek Road and the surrounding neighborhood maintain its rural character; to make it a three lane road and straighten the curves would lose the rural character. Alderman Moore said to keep the curve in the road would slow traffic. Alderman Brown moved, seconded by Alderman Moore, to ask Manager Lee Galloway and Public Works Director Fred Baker to meet with NCDOT and Haywood County School Board representatives to study this issue further and come up with a list of alternatives for Plott Creek based on concerns of the residents and Church and that this information be in the form of a letter from Mayor Foy with copies sent to Chuck Dickson and Jennings Plemmons. To his knowledge this did not happen. What happened was seven weeks later the Mayor wrote a letter to NCDOT on behalf of the Town endorsing the project. He added that the letter was insulting to refer to the residents as having a limited perspective on this project. They are the eye witnesses and are most concerned about the safety for themselves, their children and the 500 plus children at the school. They were concerned that the letter did not speak for the entire Board and school safety issues are not covered in the letter. They have been saying all along that the third lane will not ease congestion or be safer and now one of the DOT Divisions agrees with them. On Feb 16 the Haywood County School Board unanimously requested that before taking action, the DOT allow the School System to investigate the need for this project, address safety issues and determine if there are alternate methods other than three lane and widening the road. The DOT is now ready to spend two and one half times its original estimate. The Board needs to undo the damage caused by this letter. He asked that the Board go on record to support sidewalks and pedestrian items for this project but opposing the third lane. Mr. Dickson asked that the Board Members contact NCDOT Representative Conrad Burrell individually voicing their opposition to the third lane on Plott Creek Road.

Mayor Foy said he has a right to defend himself and that he has received several telephone calls from Plott Creek residents insinuating that he slipped into the office and got a piece of Town stationary writing a letter to DOT. He feels that this is a good letter and it is not his nature to insult the Plott Creek residents. Mayor Foy said that he, Public Works Director Fred Baker and Planner Paul Benson were all trying to apply some of the Land Use Standards in looking at this plan and that is what this letter was doing. He added that the Clerk always gives copies of letters that are written to the Board of Aldermen. He expressed that he was displeased with the telephone calls insinuating that he is trying to do something illegal. Mayor Foy said he has had the citizens of Waynesville at heart since he became Mayor and he was elected to represent 10,000 people, not just 12 or 20 and this is what he intends to do.

Roscoe Wells - Availability of Public Hearing Information

Roscoe Wells, 85 E. Marshall Street, said he has been involved for several years in watching public hearings on both the county and local levels. He asked how an elected body can listen to people and not be influenced. The Haywood County Chairman recently asked that the Commissioners delay action from public hearings until the next meeting. Mr. Wells said the Town now has a web site and he recently ran a test. One of the things he found was that although an agenda is posted on the web site, it did not explain very well why a public hearing was being held. He suggested that instead of voting immediately after a public hearing, action should be delayed until the next meeting. He said he would like to see enough information on the web site concerning the subject of public hearings so that taxpayers could see what is going on and do research on these matters ahead of time.

Closed Session to Discuss Real Estate Matters and Personnel Matters

Alderman Feichter moved, seconded by Alderman Caldwell, to adjourn to closed session at 7:50 p.m.

Alderman Moore moved, seconded by Alderman Caldwell, to return to regular session at 9:00 p.m.. Both motions carried unanimously.

Authorization to Proceed With Condemnation Proceedings Against Property Located at 960 N. Main Street and 1022 N. Main Street

Alderman Feichter moved, seconded by Alderman Moore, to authorize Town Attorney Griffin to commence condemnation proceedings at the direction of Town Manager Galloway against the property of Hometrust Bank comprising 1.58 acres located at 960 North Main Street, formerly Brookmont Motor Court, and 1022 North Main Street, formerly Colonial Florist, in the amount of \$650,000. The motion carried unanimously.

Report by Alderman Caldwell Regarding Special Recreation Committee

Alderman Caldwell advised the Board that the Special Recreation Committee appointed by the County Council of Governments had received and reviewed the proposals to develop a master plan for recreation in Haywood County. He said last week the Committee voted to recommend that the firm of Barge-Waggoner be employed to develop this master plan.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 9:15 p.m. The motion carried unanimously.

Phyllis R. McClure, Town Clerk
Henry B. Foy, Mayor