

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
AUGUST 8, 2006
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, August 8, 2006. 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 and Administrative Intern Alison Melnikova. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of July 25, 2006

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the July 25, 2006 meeting as presented. The motion carried unanimously.

Public Hearing - Amendment to Section 154.306 Off Street Parking Standards

During consideration of a multi-family development in the Hazelwood Neighborhood District this past spring, residents in that area learned that the minimum number of off street parking spaces required was ½ spaces per unit. As originally adopted, it is believed that the intention of the ordinance was to try to hold down the cost of the project and encourage more affordable housing. The ½ space per unit would encourage more on street parking and reduce the amount of impervious surface on the property being developed for multi-family housing. The down side would be that more vehicles would be parked in the streets causing more congestion in some neighborhoods.

The project proposed in Hazelwood was approved with the ½ parking space per residential unit; however, one of the citizens in that area, Mr. Kevin Cable, submitted a petition seeking to amend the Land Development Standards for Off Street Parking Standards. In his application, Mr. Cable sought an increase to two parking spaces per residential unit from the present ½ space per residential unit. Town staff report on the request supported Mr. Cable's request that two spaces per residential unit be required.

When the Planning Board considered this request, it was pointed out that under the Land Development Standards, a single family residential unit is only required to have one parking space for that home. Board members felt that it was unfair to require that a multi-family residential unit be required to have a higher number of parking spaces per unit than a single family home.

The Planning Board debated this issue and unanimously agreed to recommend to the Town Board that the minimum number of parking spaces required for multi-family housing be increased from ½ space per unit to 1 space per unit.

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

Alderman Feichter felt that one parking space was a good and reasonable compromise. Alderman Moore felt two spaces were needed if residents had company or drove a work vehicle. Alderman Brown pointed out that single family units are only required to have one parking space. Mayor Foy said one and one half spaces would be adequate since not all residents would have company at the same time. There was some discussion about how much area is required for parking spaces. Each parking space measures 10' x 20' and turn around space would be needed. If an eight-unit complex had one parking space per unit, the area required for parking would be 80' x 40'. Alderman Feichter said the availability of off street parking is a form of traffic calming. Alderman Caldwell expressed concern with safety issues since the street where this development is proposed is narrow and has a lot of traffic.

Alderman Brown suggested that the Board continue with the next public hearing and discuss both issues together.

Public Hearing Amendment to Section 154.110(B)(1) East Waynesville Neighborhood District, and Section 154.113(B)(1) Hazelwood Neighborhood District Regarding Maximum Residential Density Requirements

During that same process when a multi-family residential development was proposed for the Hazelwood Neighborhood District, residents in that area learned that there were no density requirements for their district. The project proposed was approved with plans to have eight residential units on a ¼ acre lot, and this would translate to having 32 units per acre. Upon learning that there were no density limits in this District, Mr. Kevin Cable submitted an application asking that a limit of eight units per acre be established for the Hazelwood Neighborhood District.

As originally adopted, it is believed that the intention of the ordinance was to try to hold down development costs and to encourage the construction of more affordable housing. By allowing more units per acre, the cost per unit would be less, perhaps allowing a first time home buyer an opportunity to purchase a stick built home as an investment, to build equity for the future. The down side would be that more people would be living more densely, with space for gardens, flower beds or play area limited by the lack of green space around the townhouse units.

Upon researching this request, town staff found that the East Waynesville Neighborhood District was similar to the Hazelwood Neighborhood District in that there were no density limits. In both cases, Town Staff recommended the maximum density of 16 units per acre.

This recommendation led to a prolonged discussion by the Planning Board as the group deliberated over the eight units per acre requested by Mr. Cable and the 16 units per acre which had been recommended by town staff.

At the meeting, Mr. Cable recommended that there be some compromise on the number of units per acre. Some Planning Board members suggested that the density be set at 12 units per acres

while others supported the staff's recommendation of 16 units per acre. The final vote of the Planning Board, on a 5-3 split, was to recommend that the Town Board consider a density of 16 units per acre.

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

Alderman Brown said one of the goals of the Land Development Standards is to maximize land usage. Mayor Foy felt that twelve units per acre would be adequate. Alderman Brown suggested that the Board consider how two story units would affect these regulations. Manager Galloway said the maximum height allowed for this district is 35' and Mayor Foy pointed out this height would allow three story units to be built. Alderman Brown suggested considering some type of adjustable rate as the number of units increase.

Patrick Bradshaw, former Planning Board Member, attended the Planning Board meeting when this issue was discussed and he said developers can elect to have two parking spaces per unit if they choose. He said the floating scale can have problems, usually at night during the time when most people are at home and may have company. Manager Galloway pointed out that the older population generally owns fewer cars.

The Board felt that parking becomes an issue when small lots are developed. Alderman Brown suggested that the Board approach the issue differently if the area to be developed is less than one acre or more than one acre. Patrick Bradshaw suggested that the development be reviewed based upon the scale of the community, which may reveal that six to eight units may be the maximum which could be built and height requirements, etc., will dictate the number of units. The Board discussed establishing the maximum density at twelve units per acre and requiring a conditional use permit for areas larger than one acre. They also felt that the issue could be revisited later to consider the establishment of a sliding scale.

Alderman Brown moved, seconded by Alderman Caldwell, to table the proposed amendments to Section 154.306 off-street parking standards and Section 154.110(B)(1) East Waynesville Neighborhood District and 154.113(B)(1) Hazelwood Neighborhood District Maximum Residential Density Requirements for further study. The motion carried unanimously.

Town of Clyde Request Regarding Impact Fees on Housing Development

The Town of Clyde has worked to gain various grants for the purchase of property and the construction of residences to replace housing which was lost to flooding resulting from Hurricanes Frances and Ivan in September 2004. The Town is proposing to develop a 44 lot subdivision to be known as Barefoot Ridge Subdivision.

The Town of Waynesville treats the sanitary sewer generated on the Town of Clyde's wastewater collection system. This wastewater is collected in Clyde and pumped through the Junaluska Sanitary District's system and into the Town of Waynesville's wastewater treatment plant. In 2005, the Budget Ordinance which was adopted established a charge for all new developments on the Clyde and JSD systems which required a wastewater flow allocation letter from the Town of Waynesville. On the basis of 44 new residences, the design flow is 15,840 gallons per day

and results in a charge of \$31,680. This is based upon a charge of \$2.00 per gallon in the flow allocation letter.

Representatives of the Town of Clyde contacted Waynesville seeking waiver of this required fee for the 44 residences in the Barefoot Ridge Subdivision. In the letter, Town of Clyde Engineer, Patrick Bradshaw, explained the proposed development as well as the costs involved for the assessment of the flow allocation to this subdivision.

Manager Galloway noted that Mr. Bradshaw makes a logical argument that the Town of Clyde lost a number of homes and businesses to the 2004 flooding, many of which will be bought out through the program offered by the Federal Emergency Management Agency. It is estimated that there are 75 homes which could be eliminated, and those 75 homes were part of the flow which was allocated to the Town of Clyde when they came on the Waynesville system several years ago. Manager Galloway said in that sense, there may be validity to waiving the \$31,680 fee on the 44 homes.

Manager Galloway said he would suspect that the members of the Waynesville Town Board want to assist the Town of Clyde in holding down the costs of the lots in Barefoot Ridge Subdivision so that the flood victims might find new housing in this project area. But there is no guarantee that all 44 units in the Subdivision are going to be occupied by people who might be bought out through the federal program. While many of the 44 homes may be owned by flood victims, many more homes may not be. In that respect, the Town of Waynesville may be subsidizing the development of a subdivision and owners who might have located property and lived within the Town of Waynesville were it not for the availability of homes in Barefoot Ridge. Manager Galloway said perhaps there is a way to determine whether or not the purchasers of the 44 lots were part of those 75 who were bought out by FEMA. For those who were, perhaps the \$2.00 per gallon fee might be waived. For those who were not, the fee might be assessed.

Gary Cochran, Town of Clyde Alderman, attended the meeting. He said the Town of Clyde received Community Development Block Grants to purchase this property and Clyde is working with Mountain Projects for supervision and construction of the homes. There is a stipulation that 50% of the properties are sold to flood victims and 50% to low income residents. Criteria has been established so that developers cannot purchase and develop the properties for profit. The price for each lot will be between \$24,000 and \$30,000 and when the homes are complete they will be owned by the individual.

Patsy Dowling, Mountain Project Director, said at the end of the project the land will be owned by the individual, giving some renters an opportunity to be first time homeowners. Ms. Dowling said there is a list of strict criteria which must be met by those individuals and developers will not be able to purchase and develop this property for profit. Patrick Bradshaw said there is also the stipulation that if a lot is purchased and resold within less than five years, a prorated amount of any profits must be returned.

Manager Galloway pointed out that this waiver would include fewer homes than were lost in the flood in 2004 and would not increase the flow from Clyde which was originally established when accepted by Waynesville.

Alderman Brown moved, seconded by Alderman Moore, to waive the impact fees for the Barefoot Ridge Development as requested by the Town of Clyde. The motion carried unanimously.

Request for Fund Raiser - Dog Walk

Town Manager Galloway said recently there was a newspaper article about a planned “Dog Walk” in downtown Waynesville scheduled for Saturday, August 12. In anticipation of International Day, the Town’s ordinance was reviewed regarding the prohibition of animals at any “street fair, festival or parade” sanctioned or permitted by the Town. Ordinance 6-6 prohibits animals at street fairs, festivals or parades. Manager Galloway said based upon the understanding of the ordinance, the Board of Aldermen would need to sanction this event/parade in order for traffic to be held back to allow participants to walk the dogs in the parade.

A letter was received from Ms. Anita Snyder, Fundraising Chairman for the organization. Ms. Snyder indicated that the group received positive feedback about the planned event, and it appeared that a number of animals and their owners planned to participate. The Dog Walk is to begin at 10 a.m. proceeding from the Courthouse, onto Montgomery Street, left onto Church Street, left onto North Main Street and returning to the Courthouse where there will be contests and games.

Anita Snyder attended the meeting. Ms. Snyder apologized for the delay in approaching the Board, but thought that after speaking with Downtown Waynesville, Haywood County and the Waynesville Police Department she had all the approval that was needed for the event. Registration is scheduled to begin at 9 a.m. on Saturday, August 12. The walk is scheduled for 10 a.m. and the events at the Courthouse lawn begin at 11 a.m., and will last one to two hours. Ms. Snyder said all walkers sign a waiver that their dogs have been vaccinated and will be on a leash and the organization has insurance for an event of this nature.

Ms. Snyder said she has been involved with this organization for the past eight years in Hilton Head, South Carolina. This year Sarge’s was formed in Haywood County with a goal to raise money to build an adoption shelter. This event is sponsored by Haywood Animal Welfare Association (HAWA). Alderman Brown asked if Sarge’s also works with the Haywood County Animal Shelter. Ms. Snyder said they do and the Animal Shelter will participate in the event. Last year 2,400 animals were euthanized, and 424 animals were saved by Sarge’s. HAWA will continue the spay/neuter program and the education program.

Alderman Brown moved, seconded by Alderman Feichter, to approve the request of Sarge’s Animal Rescue Foundation, Inc., for a dog walk on Saturday, August 12, 2006. The motion carried unanimously.

Request to Close Commerce Street, Saturday, August 19, 2006 - 10 a.m. to 4 p.m.

A request was received from Mr. Jack Wadham of Waynesville Supply Company and the Forgiven Worship Center to close Commerce Street for the First Annual Block Party. In the request, the intention is to have live entertainment, free food, refreshments and games as part of the outreach program for young people by providing entertainment in a safe, chaperoned atmosphere.

Typically, on a commercial street, requests for closure come from an organization such as the Downtown Waynesville Association or the Historic Frog Level Merchants Association rather than from a business, religious organization or individual. There are sometimes questions of liability when injuries occur during street festivals or parades or events.

Jack Wadham attended the meeting and said he was involved with a new group in Waynesville, Forgiven, and they hope to offer activities once per quarter such as Saturday night entertainment and movies. Similar work has been successful in the Asheville area. Their goal is to work with under privileged people to help them to get jobs, make changes in their lives and hopefully to someday own their own property. Mr. Wadham requested that the portion of Commerce Street from the intersection with Depot Street to the Open Door be closed. He said there are many young people who do not have anything to do and no money to do anything with. Mr. Wadham said he has spoken with most of the business owners in the area and will try to speak with the Waynesville Police Chief tomorrow. Mr. Wadham said he has insurance through his business to cover this event and will bring a copy to Town Hall before the event on August 19. Mr. Wadham added that this is not a church event and it does not matter which church the people attend. The purpose of this event is to try to help people get out of problems and difficult situations.

Alderman Brown moved, seconded by Alderman Caldwell, to approve the request by Jack Wadham to close Commerce Street Saturday, August 19 from 10 a.m. until 4 p.m. The motion carried unanimously.

Resolution Regarding Chimney Rock Park

Lake Lure Mayor Jim Proctor requested the Town of Waynesville Board of Aldermen consider the adoption of a resolution to encourage the State of North Carolina through its various agencies, divisions, and legislative bodies, to do all that is possible and necessary to acquire Chimney Rock Park and add that acreage to the planned Hickory Nut Gorge State Park.

Alderman Moore moved, seconded by Alderman Feichter, to adopt the resolution as presented. The motion carried unanimously. (Res. No. 24-06)

Ceremony Regarding Financing of Fire Station

Manager Galloway reported to the Board of Aldermen that a ceremony would be held at Town Hall on August 21 at 1 p.m. regarding the approval for financing of the new fire station. Congressman Charles Taylor will attend the event and present a facsimile check in the amount of

\$2,000,000 toward the expense of the new fire station. Representatives from Senator Dole's and Senator Burr's offices and John Cooper, State Director of the Rural Development Office, will also attend to make comments.

Region A Annual Dinner

Manager Galloway reported that the annual Region A dinner is scheduled for Monday, August 21 in Cherokee for all Board Members interested in attending.

Roscoe Wells - Dayco Development Site

Roscoe Wells said in doing research on the internet people are bashing sprawl development, and communities are experiencing problems with the need for increased police protection due to the opening of a 24-hour Wal Mart. In Pineville, NC the police department increased threefold. Mr. Wells felt that Main Street could become more congested if Hyatt Creek Road is increased to five lanes and it could also have a negative impact on the Hyatt Creek area.

Alderman Brown asked if there was a method of analyzing issues regarding police and fire protection and sales tax revenues. Manager Galloway will see if these figures are readily available.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:30 p.m. The motion carried unanimously.

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