

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
MAY 13, 2008
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, May 13, 2008. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, Kenneth Moore and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Assistant to the Town Manager Alison Melnikova, Town Clerk Phyllis McClure, Attorney Woodrow Griffin, Finance Director Eddie Caldwell and Horticulturist Jonathan Yates. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of April 1 and April 22, 2008

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the April 1 and April 22, meetings as presented. The motion carried unanimously.

Public Hearing to Consider Rezoning 58 East Street and the Adjoining Parking Lot From Pigeon Street Neighborhood District to Central Business District

In 2007 the Town purchased the house and lot at 58 East Street with the intention of demolishing the house and constructing a parking lot for Town employees. This was done as part of the overall project to renovate and expand the police station and to build a new two story structure to house the development office and a meeting space for all Town Boards and Commissions. In addition to the house and lot at 58 East Street, the Town owns an area between 58 East Street and Wall Street, and that area has been used as a parking lot for many years.

The properties to the east of Wall Street and west of East Street are located in the Pigeon Street Neighborhood District. The properties west of Wall Street are located in the Central Business District. Under the Land Development Standards, the parking lot which is already in existence immediately east of Wall Street is a non-conforming use.

The 2020 Land Development Plan indicates that the Downtown Central Business District should be expanded, according the Staff Report from the Planning Department, the requested rezoning is a logical expansion of the Central Business District. The plans for the new parking area call for a landscaped buffer between the parking area and adjacent residential property.

The Planning Department recommended the rezoning and the Planning Commission has recommended the rezoning.

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

Alderman Moore moved, seconded by Alderman Caldwell, to amend the land districts map to change the zoning of the property located at 58 East Street and the adjoining parking lot from Pigeon Street

Neighborhood District to Central Business District (PIN #8615-36-3896 and 8615-36-4862). The motion carried unanimously. (Ord. No. 10-08)

Public Art Commission Recommendation for Public Art Collection

For the past year and more, the Public Art Commission has been hard at work in developing a process to follow which would lead up to the selection and placement of its first piece of art in downtown Waynesville. Several months ago, the Commission invited numerous artists to submit proposals for design of the initial art piece which would have the theme "Old Time Music". After dedicating many hours of their personal time to this effort, the Commission narrowed the proposals to three finalists. On Saturday, April 26, the Commission and a number of other citizens met to consider the three proposals and focus in on the one offering that they felt best met the theme which had been selected.

The Commission has made a selection, and Commission Chairman, Mike Gillespie, attended the meeting to present the recommendation to the Town Board for its approval. Mr. Gillespie introduced several of the Public Art Commission members attending the meeting, Kaaren Stoner, Marilyn Sullivan, Karen Kaufman, Chris Sylvester, Philan Medford and Sarah Kucharski. Mr. Gillespie said the Commission currently has \$26,986.00 in available funds. Additional money has been pledged, but not yet received.

Approximately 60 people attended the meeting on Saturday, April 26 and three finalists were given an opportunity to present their proposals.

The Public Art Commission voted to accept the proposal by Stefan Bonitz and award the commission for "Old Time Music" to him. This project consists of two pieces: a 12-foot-high wash-tub bass player and a sitting banjo player. Over time and exposure to the elements, the pieces will take on a rust patina which will add to the "Old Time" feeling. It was felt that this piece of artwork would be something that kids would love to walk around and families can take photographs of. It is a very whimsical piece and carries on the old time mountain tradition of making due with what you have. Mr. Bonitz had taken safety issue into consideration with this art piece. The Commission felt that this art piece would be acceptable to everyone and there would not be a need to explain the piece, it would be self-explanatory.

Alderman Feichter said three distinct styles were chosen as finalists by the commission, including abstract and traditional. Mayor Brown said it is the Board's responsibility to allow the Public Art Commission to authorize this piece of art work. A fundraiser is scheduled May 29 at the Shelton House in Waynesville.

Alderman Feichter moved, seconded by Alderman Moore, to approve the recommendation of the Waynesville Public Art Commission for the "Old Time Music" art selection to Stefan Bonitz. The motion carried unanimously.

Mike Gillespie said Mr. Bonitz will be notified of his selection tomorrow. An unveiling ceremony will be scheduled for November 2008.

Jonathan Yates, Horticulturist - Presentation of Tree Structure Evaluation Report

Approximately six to eight years ago, Public Works Director Fred Baker noticed the deteriorating condition of a number of maple trees along the east side of South Main Street. These trees are

located between the Way Inn and Bogart's Restaurant. At that time, a decision was made to plant some smaller maple trees along that section of South Main Street in anticipation of the larger maples being removed someday.

Earlier this year, Horticulturist Jonathan Yates was asked to take a look at the older maple trees and provide a report on the condition of those trees. After observing the trees, Jonathan called in Mr. Tim Mathews from the County Extension Office to assist with the evaluation of these trees.

Jonathan Yates attended the meeting to present the report on these trees and answer questions. Mr. Yates said he has been working with Extension Agent and Certified Arborist Tim Matthews and has also utilized the help of Bartlett Tree Laboratories. He said the trees have voids, decay and several other problems and could be a liability to the Town. The trees appear to be approximately 50 - 70 years old. You can actually see through a couple of the trees and there are branches hanging above the roadway. Mr. Yates was amazed that the trees or parts of the trees did not come down during a recent windstorm. He said there is no way to salvage the trees at this point. It does not appear that the trees were improperly pruned. The street has been moved closer to the trees over time and the trees are located in a very narrow tree planter strip. The recommendation of Mr. Matthews was that all four trees be removed.

Alderman Feichter asked if something would be planted in their place when the trees are removed. Mr. Yates said the width of the planter strip could be increased and the sidewalk will need to be redone but it is possible that something else could be placed there.

Attorney Griffin said the Town would need to confirm the ownership of the trees, and approval to remove them could be granted contingent upon determining the ownership of the trees.

Alderman Moore moved, seconded by Alderman Roberson, to authorize Town Manager Galloway to take necessary and reasonable steps to see that the trees are removed. The motion carried unanimously.

Alderman Caldwell and other Board Members commended Jonathan Yates for his work with the Town.

Paul Benson, Planning Director Land Development Standards Report

In recent months, there have been several requests that the Town revisit the Land Development Standards and consider changes to the document. It has been suggested that the Standards are too restrictive and that the requirements are sometimes burdensome and hinder the development of property. The Town Board promised those making comments that consideration would be given to the requests.

At the Town Board Retreat held on April 11, Planning Director Paul Benson was asked to develop a proposal for the process to follow for the review of the Land Development Standards and to report back to the Board at the meeting of May 13.

Mr. Benson attended the meeting to submit suggestions for a means of approaching the issue. A six-month time line was proposed. It was suggested that a steering committee of eight members be established, consisting of the Chairmans of the Planning Board, Board of Adjustment and Community Appearance Commission and one appointee from each alderman. Mr. Benson provided the names and web sites of several firms which he feels would be qualified and capable of working

with the Town on this review in the event members of the Board might wish to visit those sites and learn more about these planning firms. Alderman Feichter said it was important to get a firm with a wealth of various experience. Mr. Benson felt that we should let the firms know how much the Town has budgeted but not shut the door on someone who might charge more. In submitting his request for funding for the 2008-2009 fiscal year, Mr. Benson requested funds to hire the consultant and cover some of the costs associated with the review process. The Town has \$30,000 budgeted for this purpose and there is a national web site to post requests for proposals for this work.

Mr. Benson said for the Board appointees on this steering committee it would be preferable to appoint people who live inside Waynesville, but this is not a requirement. He asked that Board Members have names for nomination at the next meeting. Mr. Benson said he would come back to the Board with a mission statement and charge of duties. The consultant would draft an update for presentation to the committee and proceed with the update to the Land Development Standards. A couple of public hearings and public input sessions could be held to determine how much more public scrutiny is needed. Requests for proposals could be prepared and sent out.

Mayor Brown moved, seconded by Alderman Feichter, to proceed with soliciting requests for proposals. The motion carried unanimously.

Appointments or Reappointments Various Boards and Commissions

Board of Adjustment

There are several terms on this Board which will be expiring on May 31, 2008:

Regular Members:

Mike Erwin, Chairman
Mack Noland, Member

Alternate Members:

Stephanie Welch Strickland

County Appointments:

Alternate Member –(appointment must live outside of the town but in the ETJ)

Vacant position formerly held by Garnell Day

Planning Board

There are two terms on this Board which will be expiring on May 31, 2008:

Member from Inside Town:

Don Stephenson

Member from the Extraterritorial Jurisdiction

(May recommend names to County, but must be appointed by Commissioners)

Patrick McDowell

Serves as Waynesville's Representative on County Planning Board

Public Art Commission

There are four terms on the Public Art Commission which expire May 31, 2008:

Marilyn Sullivan
Chris Sylvester
Kaaren Stoner
(vacant)

Alderman Roberson moved, seconded by Alderman Feichter, to recommend reappointment of Patrick McDowell as a County appointment to the Planning Board and as Waynesville's Representative on the Haywood County Planning Board. Other appointments and/or reappointments will be considered at the next meeting. The motion carried unanimously.

Voluntary Annexation Petition - 2508 Asheville Road

The Town has received a petition for satellite annexation from One Hundred Medical Properties, the listed owner of the house and tract of land at 2508 Asheville Road. This property fronts on the Asheville Road and is located just north of Junaluska Elementary School. It is located at the intersection of Asheville Road and Woods Edge Drive.

While this property abuts a tract of land that was recently annexed for the Woodbery Family, this annexation is still considered a satellite annexation since it does not abut the primary corporate limits of the town.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt a resolution directing Town Clerk Phyllis McClure to investigate the sufficiency of the petition. The motion carried unanimously. (Res. No. 11-08)

Town Clerk's Report on Voluntary Annexation Petition for 2.77 Acre Tract Located at East Street/Medford Avenue by the Clyde Congregation of Jehovah's Witnesses

At the meeting of April 22, the Town Board received a petition for annexation into the corporate limits by the Clyde Congregation of Jehovah's Witnesses. This property is located east of East Street near its intersection with Medford Avenue. At that time, the Town Board passed a resolution directing the Town Clerk to investigate the sufficiency of the petition. Ms. McClure has completed her investigation and has submitted a Certificate of Sufficiency indicating that the property fulfills the requirements established in State Law for annexation.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt a Resolution setting a public hearing date of May 27. The motion carried unanimously. (Res. No. 12-08)

Request Transfer of Jule Noland Road Maintenance and Powell Bill Funds From NCDOT to Town of Waynesville

Alderman Moore moved, seconded by Alderman Caldwell, to adopt a resolution requesting that the North Carolina Department of Transportation transfer maintenance and Powell Bill Funds for a portion of Jule Noland Road for a length of .22 miles to the Town of Waynesville effective July 1, 2008. The motion carried unanimously. (Res. No. 13-08)

Presentation of Annual Budget Fiscal Year 2008-2009

Town Manager Lee Galloway and Finance Director Eddie Caldwell distributed copies of the proposed Town budget for the 2008-2009 fiscal year and provided an overview of the proposed budget.

Manager Galloway explained that the budget process begins in January, Finance Director Eddie Caldwell holds meetings with Department Heads in February and begins compiling his figures. The process continues into April. This proposed budget totals \$26,278,270 with one half in the General Fund and one half in the water, sewer and electric funds.

In the current budget, \$700,000 was allocated to balance the budget but will not be needed. Electric rates were increased August 1, 2007, using 3 ½% to pay for the substation and using a portion for fuel adjustment charges. The Town remains in very good financial shape. There are projects in the future that will lead to a larger tax base with higher revenue. Short term prospects are uncertain. In February 2004, the Town paid 97 cents per gallon for gasoline. In this year's budget the Town is currently paying \$3.10 per gallon for gasoline and \$3.34 per gallon for diesel. Like the citizens in the community all items, including chemicals for the Water Plant, pvc pipe, and other materials are costing more. There has been a \$4 per ton increase in the price for asphalt. Electricity purchased from Progress Energy for the Wastewater Treatment Plant is \$27,000 over budget.

Manager Galloway said he has prepared a lot of budgets in the past thirty-five years, but this proposed budget has more uncertainties than any other he has dealt with. He said at the present time he is comfortable with what is being proposed, but does not know what the next year holds, adding that we are going to have to be careful with what we are doing. The first priority is to the employees, the greatest asset the Town of Waynesville has and a 3 ½% cost of living allowance for employees is being proposed. He said we will have to work harder to keep the Town's equipment and make it last longer. We will also have to be careful about the actual cost of projects.

On a positive note, the new Fire Station should be occupied this week. The pre construction for the new Police/Development Office is scheduled May 14. This project has been approved by the Local Government Commission. Asbestos has been removed and the parking area is already underway. The electric substation project will soon be under construction and The Local Government Commission will review this project on July 1. Some other issues include the debris landfill for recycling of brush and debris that is nearing capacity, the Watershed Management Plan, traffic issues on Russ Avenue, Land Development Standards update and new garbage collection program.

The 40-cent tax rate is proposed to remain the same. The fire district fee on water bills is proposed to increase from \$3 per month to \$4 per month for those residents receiving fire protection outside the corporate limits. Haywood County may implement a new fire tax for those residents receiving fire protection outside the corporate limits. If so, the per month charge on water bills will no longer be necessary. Fire protection for residents inside corporate limits is included in their tax bills. Garbage collection fees will increase from \$4.50 to \$5.00 per month. A 5% increase is proposed for recreation membership fees and daily admission fees. Water rates are proposed to increase 5% inside and 10% outside, with an increase in pump fees. No increase in tap fees or capacity fees is proposed. A 5% increase is proposed for inside sewer customers and 10% for outside sewer customers. A 25% increase is proposed in sewer tap fees. No increase in electric rates is being proposed, but may be requested later.

A public hearing on the budget is scheduled June 10. Town Manager Galloway and Finance Director Caldwell said they would be available if the Board had questions. Manager Galloway said it is without question the best experience to have someone like Eddie Caldwell to work with on the budget.

Mayor Brown said he happened to walk in on these gentlemen several times while they were working on the budget. They pour over these documents and numbers and treat this money like it is their own. The Board expressed appreciation to Manager Galloway and Finance Director Caldwell for the excellent job they do in keeping costs down.

Budget Workshops Scheduled

It was the consensus of the Board to hold budget workshops on Tuesday, May 20 at 5:15 p.m. and Wednesday, May 21 at 5:15 p.m.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Feichter, to adjourn the meeting at 8:35 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor