

SPECIAL MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
JANUARY 29, 1998
THURSDAY, 7:00 P.M.
TOWN HALL

The Board of Aldermen held a special meeting on Thursday, January 29, 1998. This special meeting was called since the regular meeting of January 27, 1998, was canceled due to inclement weather. Members present were Mayor Henry Foy, Aldermen Gary Caldwell, J. Kenneth Moore, Sam Wiggins and James Williamson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of January 7, 13 and 20, 1998

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the January 7, 13 and 20, 1998 meetings as presented. The motion carried unanimously.

Continuation of Public Hearings - Zoning Ordinance Amendments

Public hearings regarding several proposed amendments to the Zoning Ordinance were conducted at the meeting of January 13, 1998 and continued until this meeting. Attorney Bonfoey reopened the public hearings regarding the following proposed amendments:

NOTE - The areas in *italics* denote amendments or additions.

Amend Section 154.093(A)

Current: Residential group developments and subdivisions which meet the standards set forth in the definition of Hillside Area shall be further regulated with regard to the permitted density and extent of grading on the site. The permitted density and extent of grading for residential uses shall be determined by the average slope of a site to be developed for residential use in accordance with grading and density graph.

Proposed: Residential group developments and subdivisions which meet the standards set forth in the definition of Hillside Area shall be further regulated with regard to the permitted density and extent of grading on the site. The density and extent of grading for *group residential developments* shall be determined by the average *natural* slope of *the tract proposed for development as shown on the Hillside Ordinance Graph. Density and percent graded area for subdivisions shall be determined by the Hillside Ordinance Tables.*

Add Section 154.093(B) to Hillside Ordinance Tables

The following tables were designed for zoning districts in subdivisions:

R-4 Zoning District Subdivision

<u>% Slope</u>	<u>Dwelling Units Per Acre</u>	<u>% Graded Area</u>
15 - 20	3.5	80
21 - 30	2	50
31 - 44	1.5	40
45 +	1	30

R-1, R-2, R-5 Zoning District Subdivision

<u>% Slope</u>	<u>Dwelling Units Per Acre</u>	<u>% Graded Area</u>
15 - 20	1.9	80
21 - 30	1.75	50
31 - 44	1.5	50
45 +	1	50

R-3 Zoning District Subdivision

<u>% Slope</u>	<u>Dwelling Units Per Acre</u>	<u>% Graded Area</u>
15 - 20	5	80
21 - 30	4	50
31 - 44	3	50
45 +	2	50

Amend Section 154.093(D)

Current: As the graph and the definition of Hillside Area indicate, any proposed development whose average natural slope is less than fifteen percent (15%) is not subject to the regulations for permitted density and extent of grading as set forth herein. Further, any proposed development which meets the definition of Hillside Area and whose average natural slope is above forty-five percent (45%) is subject to the most restrictive percent labeled on the percent site graded and maximum density scales. The Board of Aldermen and the Board of Adjustment reserve the right to further reduce the number of dwelling units per acre when the average natural slope exceeds thirty percent (30%) and the slope is determined to be detrimental to the health, safety and welfare of those citizens working and residing in the neighborhood.

Proposed: As the graph and the definition of Hillside Area indicate, any proposed development whose average natural slope is less than fifteen percent (15%) is not subject to the regulations for permitted density and extent of grading as set forth herein. Further, any proposed development which meets the definition of Hillside Area and whose average natural slope is above forty-five percent (45%) is subject to the most restrictive percent labeled on the percent site graded, maximum density scales, and density tables. The Board of Aldermen and the Board of Adjustment reserve the right to further reduce the number of dwelling units per acre **and the percent graded area** when the average natural slope exceeds thirty percent (30%) and the slope is determined to be detrimental to

the health, safety and welfare of those citizens working and residing in the neighborhood.

Add Section 154.121 - Landscaping

- (A) *Extensive landscaping shall be required for all new land development within the land use jurisdiction of Waynesville. All areas of a site not occupied by buildings, parking lots, other improvements or textured paving shall be intensively planted with trees, shrubs, hedges, ground covers, and/or grasses, unless such area consists of attractive existing vegetation to be retained. Perennials and annuals are encouraged.*
- (B) *Landscaping shall be integrated with other functional and ornamental site design elements, where appropriate, such as recreational facilities, ground paving materials, paths and walkways, fountains or other water features, trellises, pergolas, gazebos, fences, walls, street furniture, art and sculpture.*
- (C) *Plant suitability, maintenance, and compatibility with site and construction features are critical factors which shall be considered. Plantings shall be designed with repetition, structured patterns, and complimentary textures and colors shall reinforce the overall character of the area.*
- (D) *In all cases, landscaping plans for minor subdivisions (two or more acres divided into two to five lots), major subdivisions (two or more acres divided into six or more lots), residential planned unit developments, and commercial planned unit developments shall be prepared and submitted to the Planning Office. If the aforementioned types of development occur on a tract of land with an average slope greater than twenty percent (20%) or a tract of land of five (5) or more acres, a landscape architect shall prepare the landscaping plans.*
- (E) **Removal of debris.** *All stumps and other tree parts, litter, brush, weeds, excess or scrap building material, or other debris shall be removed from the area of the site to be constructed and disposed of in accordance with the solid waste management policies of the State, County and Town.*
- (F) **Protection of existing plantings.** *Maximum effort should be made to save fine or mature specimens because of size or relative rarity; these should be protected and preserved. No material or temporary soil deposits shall be placed within four feet of shrubs or within two feet of the drip line of trees designated to be retained. Protective barriers or tree wells shall be installed around each retentive plant and/or group of plants at the drip line. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. Barriers, such as snow fences, shall be a minimum of four feet high and constructed of a durable material that will last until construction is completed.*
- (G) **Slope plantings.** *Landscaping of the area of all cuts, fills, terraces and roadway slopes shall be sufficient to prevent erosion and shall be provided with ground covers appropriate for the use, soil conditions, water availability, and environment.*

- (H) **Additional landscaping.** *In addition to the required screening, additional plantings or landscaping elements shall be required throughout the subdivision, where necessary, for climate control, privacy, or for aesthetic reasons.*
- (I) **Planting specifications.** *Deciduous trees shall have at least a three-inch caliper at the time of planting. Evergreen trees shall be a minimum of five to six feet high at the time of planting. Shrubs shall be two feet in height at the time of planting. Only nursery-grown plant materials shall be acceptable; and all trees, shrubs, and ground covers shall be planted according to accepted horticultural standards.*
- (J) *Within two years from the time of planting, all dead or dying plants that were either newly planted, transplanted, or designated as required retainable trees on the landscape plan shall be replaced by the developer. Trees or other vegetation which dies after the second year shall be replaced and maintained by the property owners association.*
- (K) **Plant species.** *The plant species selected should be hardy for the particular climatic zone in which the development is located and appropriate in terms of function and size. Shrubs and other plantings may be selected from those recommended in standard reference books. This landscape plan shall be submitted to the Planning Office for review and recommendations.*
- Replacement trees shall have a caliper of three inches, shall be nursery grown, shall be of substantially uniform size and shape, and shall have straight trunks. Trees shall be properly planted and staked and provision made by the developer/owner for a regular watering and maintenance until they are established. Dead or dying trees shall be replaced by the owner/developer during the next planting season.*
- (L) **Other landscaping improvements.** *Landscaping and site treatment plans shall consider seasonal flowers in planter, planting beds and hanging baskets.*
- (M) **Energy Conservation.** *Whenever it is feasible and to conserve energy, landscaping shall include the planting of evergreen windbreaks to block northwest winds in the winter, thereby reducing heating costs. Deciduous trees shall be planted near the southern facades of buildings to block summer sun, thereby reducing solar heat gain during the summer months.*

Add Section 153.43 - Landscaping Required

All new subdivisions of land within the land use jurisdiction of Waynesville shall comply with the landscaping requirements of Section 154.121.

Amend Section 153.34 - Sidewalks

Current: Sidewalks, if constructed, shall be within the street right-of-way, shall be constructed to a minimum width of four feet, and shall consist of a minimum thickness of four inches of reinforced concrete.

Proposed: *Sidewalks shall be required for all major subdivisions and residential, planned unit developments where the number of dwelling units per acre is equal to or greater than 3 units per acre.*

The design requirements for sidewalks shall meet or exceed those listed in the Institute of Transportation Engineers' Recommended Guidelines for Subdivision Streets (1984) manual.

Sidewalk plans shall be approved by the Director of Public Works and Utilities and he/she may require construction standards which exceed the aforementioned guidelines when engineering problems exist and the health, safety, or welfare of the public is threatened.

Amend Section 154.104(B)(10)

Current: Any pedestrian and bicycle path circulation system and its related walkways shall be designed to minimize conflicts between vehicle and pedestrian traffic.

Proposed: Any pedestrian and bicycle path circulation system and its related walkways shall be designed to minimize conflicts between vehicle and pedestrian traffic. *Sidewalks shall be provided as required by Section 153.34.*

Recommendations for Amendments by State Historic Preservation Office for Waynesville's Designation as Certified Local Government (CLG)

Amend Section 154.150 Historic Preservation Commission (2nd paragraph)

Current: The Commission shall consist of 7 (seven) members appointed by the Board of Aldermen. All members shall reside within the planning and zoning jurisdiction of Waynesville. A majority of the members of the Commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. The Commission shall serve without compensation.

Proposed: The Commission shall consist of 7 (seven) members appointed by the Board of Aldermen. All members shall reside within the planning and zoning jurisdiction of Waynesville. *All* of the members of the Commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. The Commission shall serve without compensation

Amend Section 154.157 Certificate of Appropriateness Required

Current: From and after the designation of a landmark, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor any above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such landmark until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the Commission. Such a certificate is required to be issued by the Commission prior to the issuance of

a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this ordinance. A certificate of appropriateness shall be required whether or not a building or other permit is required.

Proposed: From and after the designation of a landmark *or district*, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor any above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such landmark *or in such district* until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the Commission. Such a certificate is required to be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this ordinance. A certificate of appropriateness shall be required whether or not a building or other permit is required.

Amend Section 154.158

Current: Applications for a certificate of appropriateness shall be obtained from and when completed, filed with the Planning and Zoning Department. The application shall be filed two weeks prior to the next regularly scheduled meeting of the Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior alterations, additions, changes or new construction. The names and mailing addresses of property owners filing and/or subject to the application and the addresses of property within one hundred (100) feet on all sides of the property which is the subject of the application must also be filed. No application which does not include the aforementioned information will be accepted.

Proposed: Applications for a certificate of appropriateness shall be obtained from and when completed, filed with the Planning and Zoning Department. The application shall be filed *thirty (30) days* prior to the next regularly scheduled meeting of the Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior alterations, additions, changes or new construction. The names and mailing addresses of property owners filing and/or subject to the application and the addresses of property within one hundred (100) feet on all sides of the property which is the subject of the application must also be filed. No application which does not include the aforementioned information will be accepted.

The following persons spoke:

Kevin Ensley said that he was a registered land surveyor who worked with a lot of property owners and he felt that the amendment regarding sidewalks would add thousands of dollars to lot prices, possibly as much as \$10,000 for a five (5) acre tract. Mr. Ensley said that with these additional requirements a development would have more concrete and more runoff. Mr. Ensley said that most developments have deed restrictions and that government regulations restrict too many things, taking

away freedom and happiness. Mr. Ensley said that development can be done properly without government regulations, referring to areas which were developed in Houston, Texas. Mr. Ensley said that these areas were developed with trees and he felt that there was no tree ordinance in existence, nor that one was needed. Mr. Ensley said that property owners should decide how their property should look.

Mib Medford, 99 Pisgah Drive, said that she has worked to improve Waynesville for almost fifty years and that she disagreed with the comments made by Mr. Ensley. Ms. Medford said that the developments in Houston referred to by Mr. Ensley were regulated by requirements that they plant trees. Ms. Medford said that Waynesville was beautiful and if not taken care of, the beauty will be gone. Ms. Medford said that this is a responsibility for the entire Town and surrounding area and we need trees and buffer areas. Ms. Medford said that the Town needs more regulations to protect properties, the atmosphere and environment.

Bill Burgin said that he was not opposed to regulations but he was opposed to over regulations. Mr. Burgin said that he was opposed to the landscaping requirement being proposed and to the regulations of delegating which species of trees property owners must plant. Mr. Burgin said that it seems that people are being dictated to more every day and he felt that everyone needs to sit down and see what is needed for regulations.

Ron Fleenor said that he agreed with the proposed regulations, adding that he did not feel that the regulations were putting a burden on anyone except if someone does not want to do it. Mr. Fleenor said that we do need sidewalks to walk on in the community and that we need trees. Mr. Fleenor used Waynesville's Main Street as an example, saying that people love to walk in downtown Waynesville. Mr. Fleenor said that the appearance of shopping centers can be greatly improved by the planting of trees.

Mike Crawford, a building contractor, said that he was planning to develop property in Waynesville's one mile extraterritorial jurisdiction and that he wanted to develop this property with the people who work and live in this area in mind. Mr. Crawford said that he does not want to cut any more trees down than is necessary. Mr. Crawford said that developers already have to meet the regulations set out by the County and State and that they don't need somebody breathing down their neck every time they turn around. Mr. Crawford added that developers want to make money.

Mayor Henry Foy said that the Land Use Task Force Committee, Planning Board and everyone involved has worked hard in developing these ordinances and that he does not feel that the ordinances are unfair.

Alderman Williamson said that he has not been in a development yet that required a sidewalk. Alderman Williamson said with the closing of Champion and Dayco he felt that these ordinances would be a burden and that they should be sent back for further study. Alderman Williamson also felt that the moratorium on subdivisions should be lifted.

Alderman Kenneth Moore said that on January 20, 1998 he received an inspection and fees report stating that 383 permits were issued in 1997 totaling \$40,760. Alderman Moore said that this was

a large increase in development and he expressed concern that if these amendments were adopted it would put a crunch on contractors and may prohibit growth in Waynesville. Alderman Moore said that he felt that more study was needed on the proposed amendments.

Alderman Sam Wiggins stressed the importance of planned growth for Towns, adding that he did not feel that it was asking too much of a developer or builder to follow guidelines established by a Planning Board. Alderman Wiggins said that it was important for the Town to have some controls and he was in favor of the ordinance.

Alderman Williamson moved, seconded by Alderman Moore, to lift the moratorium on subdivisions, adopt the amendments to Sections 154.093(A), (B) and (D) and Sections 154.150, 154.157 and 154.158 as recommended, and refer the other proposed amendments to the Land Use Task Force Committee and Planning Board for more study. The motion failed with three (3) nays (Foy, Caldwell, Wiggins) and two (2) ayes (Moore, Williamson).

Alderman Caldwell moved, seconded by Alderman Wiggins, to approve the proposed amendments to Sections 154.093(A), (B) and (D), 154.121, 153.43, 153.34, 154.104(B)(10), and Sections 154.150, 154.157 and 154.158 as presented. The motion carried with three (3) ayes (Foy, Caldwell, Wiggins) and two (2) nays (Moore, Williamson). (Ord. No. 7-98)

Lift Moratorium on Major Subdivision Development

Alderman Williamson moved, seconded by Alderman Caldwell, to lift the moratorium on major subdivision development. The motion carried unanimously.

Acceptance of Offer to Purchase Property in Hyatt Hills Subdivision

Town Manager Galloway said that in November 1997 the Town received an offer of \$5,000 from Mr. and Mrs. Leon Carter to purchase a vacant lot that the Town owns in Hyatt Hills Subdivision. Manager Galloway reported that the Board agreed to make a counter offer to the Carters, indicating that the Town would be interested in selling the lot, if it could net \$5,000 after all expenses associated with the sale of the lot. The Carters accepted the counter offer, and on January 9, 1998, a public notice was published indicating that an offer had been received on Lot 2, Hyatt Hills Subdivision, stating the terms and conditions of the offer to purchase. No other offers were received.

Alderman Williamson moved, seconded by Alderman Moore, to accept the offer from Mr. and Mrs. Leon Carter to purchase Lot 2, Hyatt Hills Subdivision, for the net amount of \$5,000, after all expenses associated with the sale of the lot. The motion carried unanimously.

Second Quarter Financial Report

Finance Director Eddie Caldwell presented the Second Quarter Financial Report, as of December 31, 1997. Mr. Caldwell said that overall the Town is in good financial position. The Water Fund is over budget; however, the Sewer Fund had a deficit of \$182,809. Mr. Caldwell said that a budget

ordinance amendment was necessary for the Sewer Fund. Mr. Caldwell reported that a budget amendment may be necessary at a later time for the Electric Fund (improvements to substation) and Public Works (new roof).

The cash available at December 31, 1997 has increased \$275,701 over the amount of cash available as of December 31, 1996.

The Board thanked Mr. Caldwell for his presentation on the Second Quarter Financial Report. No action was necessary.

Amendment No. 1 to the 1997-1998 Budget Ordinance

Finance Officer Eddie Caldwell said a budget ordinance amendment was necessary to transfer 30% of the half-cent sales tax to the Sewer Fund, transferring \$107,700 to the Sewer Fund.

Alderman Caldwell moved, seconded by Alderman Williamson, to adopt Amendment #1 to the 1997-1998 Budget Ordinance as presented. The motion carried unanimously. (Ord. No. 8-98)

Contract for Audit Services

Mayor Foy said that each year, the Town must enter into a contract for the audit of the financial records in that fiscal year. The accounting firm of Ray, Bumgarner, Kingshill and Associates have performed the Town's annual audit for a number of years. The Town is currently in the third year of a three year contract with Ray, Bumgarner, Kingshill and Associates and they have proposed to audit the Town's records for the 1997-98 fiscal year for a fee of \$18,500.

Alderman Williamson moved, seconded by Alderman Wiggins, to approve the contract with Ray, Bumgarner, Kingshill and Associates for the 1997-98 fiscal year. The motion carried unanimously. (Cont. No. 1-98)

Minor Subdivision - Norman and Sharon Putnam - Morris Drive

Town Manager Galloway said that Norman and Sharon Putnam are subdividing their 4+ acre tract of property on the corner of Morris Drive and Oakdale Road. They are creating three new lots, tracts 2A, 3A and 4A. Lot 1A was previously approved by the Board of Aldermen, but it was not recorded. It will be recorded as part of the new plat submitted for approval. The plat meets or exceeds Town standards, and Town staff recommends approval with the following conditions:

- 1) Need blanket utility easement agreement with Wilda Putnam so Lots 2A, 3A and 4A will have access to public water and sewer;
- 2) Complete the paving of Morris Drive to the southern most corner of tract 4A, which is approximately 70 feet of paving.

There was some discussion regarding the blanket utility easement agreement for Lots 2A, 3A and 4A. Ms. Sharon Putnam could not attend the meeting and Ms. Wilda Putnam felt that the issue was

resolved.

Alderman Williamson moved, seconded by Alderman Caldwell, and the motion carried unanimously to approve the minor subdivision contingent upon the following conditions:

- 1) That the blanket utility easement issue be resolved.
- 2) That utility services not be permitted for Lot 4A until the approximate 70 feet of paving is completed on Morris Drive.

Minor Subdivision - William Moore - Hilltop Drive

Town Manager Galloway said that William Moore owns a 4.161 acre lot on Hilltop Drive. He is subdividing the lot into 5 tracts. The lots are receiving Town water, and the septic tank permits have been received for each of the lots. The R-1 zoned parcels meet or exceed Town standards, and Town staff recommends approval of the minor subdivision.

Alderman Moore moved, seconded by Alderman Williamson, to approve the minor subdivision. The motion carried unanimously.

Appreciation to Town Employees for Work During Snow Storm

Mayor Foy commended the Town's work force for a magnificent job over the past few days in the removal of snow. Town Manager Galloway reported that several of the Town's Street Department employees began plowing snow on Tuesday, January 27th at 6:00 a.m., working continuously for approximately 36 hours. The Electric Department also worked continuously to maintain power for the Town's electric customers, who were completely without power from about 7 p.m. until 10 p.m. on January 27th. A work crew with Dillard Smith Co. from Tennessee was called in to assist the Town's electric crew and inmates from the NC Department of Corrections helped shovel snow from the sidewalks in front of the businesses on Main Street. Town Hall closed at 3 p.m. on Tuesday, January 27th and opened at 10 a.m. on Wednesday, January 28th. Kenny Wyatt at Bogarts delivered food to the Public Works employees Tuesday evening; a letter of appreciation will be sent to Mr. Wyatt for his kindness. The Fire Department answered fourteen fire calls, seven of those calls were false alarms at Lake Junaluska.

Alderman Williamson moved, seconded by Alderman Moore, to authorize Town Manager Galloway to arrange an appreciation dinner for the Town's employees for their dedicated work during the recent snowstorm. The motion carried unanimously.

Adjournment

With no further business, Alderman Williamson moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:27 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor