

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
DECEMBER 12, 2000
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, December 12, 2000. 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 and Town Attorney Michael Bonfoey. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of November 28, 2000

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the November 28, 2000 meeting as presented. The motion carried unanimously.

Public Hearing - Request by George Post to Rezone a Portion of Property at 1812 Asheville Road From R-1 Residential to C-2 Commercial

Alderman Brown said that he had spoken with Mr. George Post regarding this rezoning request. Mr. Post informed Alderman Brown that since the petition for rezoning was submitted, several things have changed. A contract has been signed concerning Mr. Post's business which will be relocated and continue to operate in this area. Mr. Post recognized the importance of the land use study being done in Waynesville and that zoning districts are considered as part of this study. Mr. Post also realized that rezoning this property from R-1 to C-2 may be considered spot zoning and he did not want to put the Town in this position. Mr. Post is currently dealing with condemnation of part of this property as a result of the proposed widening of Asheville Road. He feels that it will be in the best interest of himself and his family to withdraw the petition for rezoning and resubmit it at a later time. Mr. Post felt that this is not the appropriate time to request rezoning of this property.

Mr. Post and his wife attended the meeting and confirmed that they did not wish to proceed at this time with the rezoning request for the property at 1812 Asheville Road and asked that their petition be withdrawn. No action was necessary.

Public Hearing - Amendment to Section 154.033 Regarding Retail Trade, Commercial Services, Etc., in Heavy Industrial Zoning Districts

At the present time, Retail Trade, Commercial Services, Sales and Rental of Goods, Merchandise and Equipment are allowed as permitted uses in the following zones: C-1, C-2, C-3, C-4 and I-1. However, these uses are not permitted in a Heavy Industrial Zone. This ordinance change would allow these as permitted uses in any area zoned I-2, Heavy Industrial Zone.

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

Alderman Brown moved, seconded by Alderman Moore, to amend the ordinance to add retail trade, commercial services, sales and rental of goods, merchandise, and equipment as a permitted use in the I-2 zoning district. The motion carried unanimously. (Ord. No. 31-00)

Public Hearing - Amendments to Sections 154.150 and 154.151 Historic Preservation Commission Members

At their meeting of November 20, 2000, the Planning Board recommended approval of two proposed amendments which would increase the membership from seven (7) to nine (9) members and increase the number of members required for a quorum. Those proposed amendments are as follows:

- 1) Amend Section 154.150 Historic Preservation Commission as follows:

Second Paragraph: The Commission shall consist of 9 (nine) members appointed by the Board of Aldermen.

- 2) Amend Section 154.151 Meetings to read as follows:

...(G.S. 143.33B). A quorum of five (5) Commission members is required for the Commission to conduct business.

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

Alderman Feichter moved, seconded by Alderman Caldwell, to amend the ordinance as proposed. The motion carried unanimously. (Ord. No. 32-00)

Public Hearing - Amendments to Section 154.254(f)(2) through (9) Powers and Duties of Community Appearance Commission

At their meeting on November 6, 2000, the Community Appearance Commission unanimously recommended an amendment which expands the powers and duties of their Commission. On November 20, 2000, the Planning Board also reviewed and unanimously recommended these amendments. Those changes are as follows:

- 1) Renumber paragraph (2) to (3)
Renumber paragraph (3) to (4)
Renumber paragraph (4) to (5)
Renumber paragraph (5) to (6)
Renumber paragraph (6) to (7)
Renumber paragraph (7) to (8)
Renumber paragraph (8) to (9)

(2) Add new paragraph (2) to read as follows:

To request from Town officials any plans for proposed commercial, industrial and manufacturing development or redevelopment. Also, the Commission shall request plans for proposed residential development regarding major subdivisions (six or more lots) and residential planned unit developments.

Change paragraph (3) to read as follows:

To review the aforementioned plans referenced in Sections (1) and (2) above and make recommendations regarding their aesthetic suitability to the appropriate party, or to the appropriate Town authority. All plans shall be reviewed by the Commission in a prompt and expeditious manner, and all recommendations of the Commission with regard to any reviewed project within the Town shall be made in writing. Copies of recommendations shall be transmitted promptly to the Town Planning Department and to the appropriate party.

Attorney Bonfoey opened the public hearing.

Don Overbay, 219 Walnut Street, Chairman of the Community Appearance Commission, said that their job is to review the overall site plans for development and redevelopment and make recommendations as needed. One of the responsibilities of this Commission is to improve the aesthetics of the Town. Mr. Overbay spoke in favor of the proposed amendments, adding that they were recommended by the Commission and the Planning and Zoning Office.

Mayor Foy said that the Town has a “grand” Appearance Commission and the Board recognizes and appreciates the work of the Commission. Alderman Feichter said that the Board is given copies of their minutes and is delighted with the work being done by this group. Alderman Brown pointed out that in 1982 aesthetics were allowed to be used in zoning and this is one of the purposes of this Commission. The Board commended the Commission for their work.

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the amendments as proposed. The motion carried unanimously. (Ord. No. 33-00)

Public Hearing - Request of Stanley M. Williamson to Designate the Property at 53 Walnut Street as a Local Landmark Property

Mr. Stanley M. Williamson requested local landmark designation for the property located at 53 Walnut Street. A public hearing was conducted by the Historic Preservation Commission on November 15, 2000 and this request was unanimously recommended for approval. This property involves the Williamson home located behind the Presbyterian Church property. The structure has experienced several fires and has been allowed to deteriorate over the years. The previous Town Board had designated this structure as one of the ten worst within the Town, and Code Enforcement Officer Jack Morgan has been working with Mr. Williamson in trying to resolve the condition of the structure.

Attorney Bonfoey opened the public hearing. Mr. Ron Fleenor, 31 Suyeta Park Drive, one of the Historic Preservation Commission Members, spoke in favor of adding this property as a local landmark in Waynesville. Mr. Fleenor said that he has visited the property and was surprised that there was very little damage due to the fires and that damage was mainly in the kitchen area. He said that the inside of the house is sound and most of the work will be required on the outside of the house. New electrical, plumbing and heating systems will need to be installed. Mr. Fleenor said in comparison to the home that he and his family purchased and remodeled, this structure was in better shape.

Ms. Sybil Bowers, Preservation Consultant, 166 Pearson Drive, Asheville, attended the meeting on behalf of Mr. Williamson. Ms. Byers said that she was asked to prepare a report for this house. She said that this house has a good deal of historic significance and the designation as a local historic landmark will protect the appearance of the outside of the building. Ms. Bowers said that Mr. Williamson has been through the house significantly with a local architect. Mr. Williamson has considered using the house as a craft/studio or some type of mixed use. His final decision may depend on the outcome of the feasibility study being conducted by the Town of Waynesville.

Alderman Brown moved, seconded by Alderman Feichter, to adopt an ordinance designating the property located at 53 Walnut Street as a local landmark property. The motion carried unanimously. (Ord. No. 34-00)

Public Hearing - Request by Penny Morse to Designate the Property at 188-190 North Main Street as Local Landmark Property

Ms. Penny Morse requested that her property located at 188 and 190 North Main Street be designated as a local landmark property. This building housed a florist shop for several years and stood vacant for a few years until a restaurant and night club briefly opened there earlier this year. The Historic Preservation Commission conducted a public hearing on this request on November 15, 2000 and unanimously recommended approval. A report on this property was prepared by Sybil Bowers, Preservation Planning Consultant, of Asheville.

Attorney Bonfoey opened the public hearing. Ron Fleenor, 31 Suyeta Park Drive, Waynesville, one of the members of the Historic Preservation Commission, said that this building was one of six commercial buildings on Main Street which were built by 1896 or earlier. This building, along with several others on Main Street, were renovated in the 1940's or earlier, changing the facade. Mr. Fleenor said that this does not change the ability to become a historic structure. He said that Mr. John Horton looked at the history of this building and it was determined that if the original style of the building is unknown, it is impossible to know how to renovate it to its original state.

Ms. Sybil Bowers, Preservation Consultant, 166 Pearson Drive, Asheville, explained that there was a trend in buildings on Main Street to change their facades. When Ms. Morse began work on this building she uncovered what was a historic change around 1940. In designating historic structures, it is becoming common to look at some modern changes to buildings.

No one else spoke. Attorney Bonfoey closed the public hearing.

Alderman Brown moved, seconded by Alderman Feichter, to adopt an ordinance designating the property located at 188 and 190 North Main Street as a local landmark property. The motion carried unanimously. (Ord. No. 35-00)

Public Hearing - Debt to Rehabilitate 5,500 Linear Feet of 24 Inch Sewer Main Along South Lakeshore Drive

During development of the 2000-2001 Town Budget, the Board and staff discussed the need to rehabilitate or replace the 24 inch clay sewer line which was installed in 1938 on South Lakeshore Drive. The estimated cost of repairs was \$750,000, and to pay for the work, Finance Director Eddie Caldwell had proposed a ten-year lease-purchase agreement with an annual payment estimated at approximately \$102,000, which was based upon an interest rate of 6.0%.

Finance Director Eddie Caldwell and Town Manager Lee Galloway explained that under North Carolina law, a financial arrangement of this nature requires that the local government hold a public hearing at which time citizens may comment. At the time that this public hearing was advertised it was thought that the amount to be financed would be \$662,500. Construction bids were received at a much lower amount and it is now proposed that the Town will pay \$55,000 toward this project, and \$450,000 will be financed. The public hearing is to consider a lease-purchase agreement in the amount of \$450,000. The Local Government Commission will review the Town's application for this financing on January 2, 2001.

No one spoke; Attorney Bonfoey closed the public hearing.

Alderman Brown moved, seconded by Alderman Caldwell, to authorize the Town to enter a lease-purchase agreement in the amount of \$450,000. The motion carried unanimously.

Award of Debt Financing for 5,500 Linear Feet of 24 Inch Sewer Line Along South Lakeshore Drive

On November 30, 2000, the Town opened bids for financing the lease-purchase agreement to rehabilitate this sewer line. Although bid packages were sent or hand delivered to every financial institution in Haywood County, only three bids were received as follows:

Branch Banking and Trust	10 years	5.29%	\$87,009.24 annually
Centura Bank	10 years	6.36%	\$91,314.04 annually
First Union Bank	10 years	5.39%	\$87,429.25 annually

The bid from Branch Banking and Trust was for 10 years at 5.29% in the amount of \$87,009.24 annually. When the bids for construction were received well below what had been estimated for this work, Town Manager Galloway and Finance Director Eddie Caldwell began discussions with BB&T regarding a shorter payoff period. BB&T agreed to the request for a shorter financing term on \$450,000, for six years, at \$89,424.85 annually, and, with the shorter term, they were able to offer the Town a lower interest rate of 5.27% annually. Originally, the budget anticipated an annual expenditure of \$102,000 on the debt on this project.

Alderman Moore moved, seconded by Alderman Caldwell, to award the bid for financing to Branch Banking and Trust for six (6) years at a 5.27% interest rate with payments of \$89,424.85 annually. The motion carried unanimously. (Res. No. 31-00)

Award of Bid for Rehabilitation of 5,500 Linear Feet of 24 Inch Sewer Line Along South Lakeshore Drive

On November 30, 2000, bids were received on the rehabilitation of the 24-inch sewer line along South Lakeshore Drive. This is one of the worst lines the Town has for infiltration and inflow of ground water. When Lake Junaluska is filled each spring, the wastewater treatment plant immediately sees a flow increase of 300,000 to 400,000 gallons per day. When the lake is drained in the winter, the flow drops by that amount.

Since the line is located next to Lake Junaluska, it is very difficult to repair the line by digging it up to replace it. Proposals were received to install a liner in the sewer line, which would mean virtually no digging or land disturbance. At the same time, manholes in the lake will be repaired by lining them to reduce water entering through the walls.

This work was estimated at \$750,000. The bids received were below this estimate and were as follows:

Azurix North America, Underground Infrastructure, Inc.	\$505,160.75
Reynolds, Inc.	\$509,870.00
Jones Bros, Inc.	\$527,420.00
Midsouth Partners	\$537,835.90
Insituform Technologies, Inc.	\$961,965.00

These bids were reviewed by Frazier Engineering, P.A. and they have recommended that the Town award the bid to Azurix North America, Underground Infrastructure, Inc., in the amount of \$505,160.75. Once the bid is awarded, a pre-construction conference will be scheduled and a notice to proceed will be issued as soon as possible since this work must be performed before the lake must be refilled in the early Spring of 2001.

Alderman Brown moved, seconded by Alderman Feichter, to award the bid to rehabilitate 5,500 linear feet of 24 inch sewer line along South lakeshore Drive to Azurix North America, Underground Infrastructure, Inc. in the amount of \$505,160.75. The motion carried unanimously. (Cont No 16-00)

Resolution Regarding State Funds for Regional Councils

In the 1980's the North Carolina General Assembly approved legislation which gave funds to the various Regions for economic development purposes. The portion that Region A is designated to receive is \$55,000, and it is divided up based upon the population of each municipal and county government in the region. The share allocated for Waynesville is \$2,838.11. This money is not received by Waynesville directly but it is distributed by the State to Region A for their use in economic development purposes.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt a resolution requesting that the State issue payment in the amount of \$2,838.11 to Region A on behalf of the Town of Waynesville. The motion carried unanimously. (Res. No. 32-00)

Considerations Regarding the Rezoning of the Property at 931 Oakdale Road - "Crawford's Corner"

Planning and Zoning Manager John Swift prepared an initial report for the Board to consider regarding the rezoning of the property located at 931 Oakdale Road. A petition was received by the Board from residents in this area who were opposed to a package store proposed for this location, and requesting that the Board take action to eliminate this use. Manager Galloway said that this is an issue which the Board should evaluate before moving too hastily. Mr. Swift will prepare a more detailed report which will show the impact that rezoning this property could have.

In the initial report, Mr. Swift presented three points. 1) A rezoning of the property will not eliminate a package store from being operated out of the existing building. 2) A rezoning action can diminish the use of the property as long as there is reasonable use of the property. 3) To eliminate the package store the property must be rezoned and an amortization period established for the non-conforming use.

Board Members discussed the impact that the land use study could have on this area. There was discussion about the creation of residential zoning districts which would allow some commercial uses as a conditional use without allowing alcohol sales, adding that most neighborhoods are opposed to alcohol sales close to their homes. Board Members felt that it is important for communities to have commercial type uses within walking distance of their homes. Alderman Brown said that ABC laws take precedence over zoning laws. Alderman Feichter said that this Board is very sensitive to the community and stressed the importance of listening and being sensitive to the community, but also to be careful and not place the Town in harm's way. Board Members agreed that they must consider what is beneficial to the community and also protect the Town. Board Members agreed that a package store and game room in the same building could be a problem and they did not want to see this issue dropped, but studied carefully. Town Manager Galloway said that he hoped to have a report available for the Board to consider sometime in January 2001.

Requests by Alderman Moore

Alderman Moore said that Mildred Revis at 160 Chelsea Road contacted him regarding a complaint with the Town's sewer system. Ms. Revis said that she has had problems for the past 2 - 3 years at the location where her sewer line empties into the Town's line. She said that a plumber was recently hired to rework her plumbing for \$1,800. Town Manager Galloway said that he will investigate the complaint and see if there is anything that the Town can do to correct the problem.

Appointment of Historic Preservation Commission Members

Alderman Moore moved, seconded by Alderman Feichter, to appoint two additional members to serve on the Historic Preservation Commission. Georgia Forney's term will expire January 31, 2003 and Bette Sprecher's term will expire January 31, 2004. The motion carried unanimously.

Report Regarding Boyd Avenue Bridge Project

Town Manager Galloway said that the Town received a letter authorizing them to accept bids on the Boyd Avenue Bridge Project. Manager Galloway said when Fred Baker came to work for the Town in 1986, this was one of the first projects he began work on. That was fourteen years ago and there have been numerous delays. An environmental analysis was required to ensure that none of the 28 endangered species were located in this area. Once this was completed, another environmental analysis was required because 4 additional species on the endangered list were added. Federal funds will pay 80% of this project, estimated at \$470,000, and the Town funds pay 20%, estimated at \$51,000. No action was necessary.

Deregulation

Town Manager Galloway said that numerous problems have been experienced in the Western United States, especially in California. In the past, one mega watt of power cost \$30 and now it costs \$1,500. As a result, there have been numerous brownouts in California. It is still uncertain how deregulation will affect everyone, but it is felt that industries will be the only ones to benefit and residential customers will pay. It is hoped that the impact of deregulation will be more carefully considered.

Request by Alderman Moore - Changes to Left Turn From Main Street to East Street

Alderman Moore asked if the Town could request that the NC Department of Transportation change the manner in which the traffic signal operates on Main Street. Alderman Moore said that persons turning left onto East Street from Main Street often back traffic up on Main Street since there is not a green arrow or turn lane at this location. There were suggestions that left turns be eliminated or that a slight advance be given to those persons to turn left similar to the traffic light at the intersection of Haywood Street and Church Street. Manager Galloway will investigate those possibilities.

Opening of New Recreation Center

Town Manager Galloway said that the New Recreation Center is scheduled to open on Monday, December 18, 2000 at 6:00 a.m. No admission will be charged for the first two weeks of operation. An official ribbon cutting ceremony will be scheduled sometime in January 2001.

Adjournment

With no further business, Alderman Moore moved, seconded by Alderman Feichter, to adjourn the meeting at 8:18 p.m. The motion carried unanimously.

Phyllis R. McClure

Henry B. Foy

Town Clerk

Mayor