

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
DECEMBER 9, 2003
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, December 9, 2003. 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 Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of November 25, 2003

Alderman Feichter moved, seconded by Alderman Caldwell, to approve the minutes of the November 25, 2003 meeting as presented. The motion carried unanimously.

Public Hearing - Amendment to Section 154.119(D) - Addition of Uses for Main Street Neighborhood District

A request was received a few months ago by the Planning Board to change the zoning district for a lot owned by Ron Muse at the corner of Richland and Church Streets. The change would have taken the lot from the Main Street Neighborhood District to the Downtown District. Mr. Muse withdrew his request for this zoning change.

There was discussion as to whether some additional uses might be added to the Main Street Neighborhood District, providing Mr. Muse with some additional alternatives for the use of this lot. The Planning Staff was instructed to review the list of possible uses which might fit into this district, and return at the November meeting with their recommendation. At that time, the Planning Board indicated that they did not wish to add any more uses to this district, voting against any changes to the permitted uses table. The owner and his potential buyer, Mr. Earl Bradley, asked that the request be submitted to the Town Board.

Attorney Griffin opened the public hearing. The following persons spoke.

Earl Bradley presented drawings and said he would like to construct a building on this property for his business, Earl's Automotive. Mr. Bradley felt that some uses such as an automotive repair shop were overlooked for this zoning district when it was being developed and he felt that an automotive repair shop should be added as a use at this time. He also asked that the Board and people located in the Main Street District be allowed to have input regarding any changes so they will not be overrun by what he wants to do.

Jan Sterrett, 247 Church Street, said her property overlooks this property. Requests for rezoning this

property have been going on for a number of years. A stream runs through the middle of the property and permits would be needed from the Army Corps of Engineers and studies would need to be done before anything can be done on the property. Ms. Sterrett said when she moved into her house 18 years ago mosquitos were not a problem, but since Mr. Muse bought the property and began filling it in there are mosquitos, flooding and other problems when it rains. Ms. Sterrett asked that the amendment request be denied. This is a residential neighborhood and there are many historic houses in the area. The residents would like to keep this a residential neighborhood and do not want commercial uses. Ms. Sterrett said this is wetland property, containing a natural spring and there are tires and sticks with nails on the property. If this request is granted it will have an impact on the neighborhood.

Attorney Russell McLean said years ago Tom Lee owned this property and operated Sinclair Oil Company which was destroyed in a fire in 1939. The property along the railroad tracks has always been commercial. There are 13 businesses along the railroad track today, as well as a garage building and this area should remain commercial. Attorney McLean felt that the Planning Board did not realize that this area was commercial. This request is not a question about the increase in water flow, because the water from the elementary school is now piped to this area. The issue is what the use would be and what benefit that use would be. The property owner is considering granting a 10' dedicated greenway to the Town to buffer the residential area from the business community. This could resolve the issue that the property has been taken and sidewalks put on the property without authorization. The highest and best use of the property should be considered. It is within the 100' right-of-way of the railroad. Attorney McLean said drains have been installed under the railroad track without permission from the railroad company. By allowing this use requested by Mr. Bradley, the Town could regulate the use in a proper way, unlike Sutton's Automotive on South Main Street. Attorney McLean said Mr. Bradley would present a petition with 46 signatures of people who would like to see this done and feel that this project would be beneficial to the Town. Damages suffered by Mr. Muse could then be released.

Ron Muse said the water on this property is harder to handle because the Town abandoned one of the two 18" culverts under Richland Street. The creek on the property is above the people's yards. City employees set up a transit which shows the water would not drain into their yards. Mr. Muse said he placed fill dirt and a ditch on the property. He thought that it was benefitting the community. The Town asked one lady in this area to take her fence down. She said if her 18 month old child got hurt she would sue, so he did away with the ditch on the property, then there was flooding. Mr. Muse said he would have sold this lot to the Town for \$30,000 if someone had asked him. There is no solution until this is resolved.

Attorney Griffin said the Board is not addressing the flooding issues at this time. He asked that anyone else who spoke address issues regarding the amendment proposed rather than flooding issues.

Philann Medford, 99 Pisgah Drive, resides in the Main Street District. Changing the uses for this property also changes the uses for the entire district. This is a very important concern. Some residents did participate in the community meetings and it was never expressed that an auto repair is a desirable permitted use in this district.

Bill Sterrett, 247 Church Street, said his property joins Mr. Muse's property. In May 2000 he wrote a letter to the Mayor, Board of Aldermen and Town Manager regarding this issue. Requests to rezone the property from R-2 to C-2 were presented by Mr. Muse in 1985 and 1989 and were denied both times. Property owners in the areas were opposed to commercial zoning in this area. Ron Muse purchased the property in 1990 and was aware that the property was zoned R-2 at that time. He again requested rezoning in 2000 but withdrew his request. Property values would deteriorate, the historic neighborhood would be degenerated and noise and lights would increase if this rezoning is approved.

Ron Muse said the proposed changes in use being requested are only for this piece of property. Attorney Griffin clarified that the public hearing involves proposed changes to the entire zoning district.

Earl Bradley presented a petition with 46 signatures of persons in this neighborhood in support of his project. Mr. Bradley said he plans to have nice fences, trees and buffers and he plans to make the property look residential. He wants to make it so no one will have to look at torn up vehicles. It will cost some money but he feels that he can make viable use of the land.

Alderman Brown asked how this request got to this point and why there was not a written request. The original request was to rezone the property from Main Street Neighborhood District to the Downtown District. The request would have been denied by the Planning Board and the Planning Board asked that the Town's Planning Staff come up with a list of uses which might be added to the Main Street Neighborhood District. At the next Planning Board meeting these uses were presented, but the Planning Board did not recommend this request (five in favor of denying and one opposed). Mr. Bradley then asked that the request to add the additional uses be presented to the Board of Aldermen.

Alderman Brown moved, seconded by Alderman Moore, to deny changes to the uses in the Main Street Neighborhood District. The motion carried unanimously.

Mayor Foy commended Mr. Bradley for his presentation.

Manager Galloway clarified that the Town of Waynesville did get permission from the railroad and waited one year for this permission to install the culvert underneath the railroad tracks. The Town did not have a permit from the Corps of Engineers for the project which they began at Goodyear Street to alleviate the flooding in this area. However, Mr. Muse called the Corps of Engineers and they had the Town stop the project.

Mr. Bruce Kingshill - Presentation of Audit of Town Financial Records for Fiscal Year Ending June 30, 2003

Mr. Bruce Kingshill, representing Ray, Bumgarner, Kingshill and Associates, attended the meeting to present the annual audit report of the Town's financial records for the period ending June 30, 2003. This year's audit contained changes as a result of the new directives adopted by the Governmental Accounting Standards Board (GASB 34), "The New Financial Reporting Model for

Local Government". These changes are intended for those reviewing the audit report a much better picture of the total assets of a governmental unit and to identify any changes, which are occurring in those assets.

Mr. Kingshill said this audit incorporates fixed assets and liabilities. Waynesville is a Phase II Implementer and next year streets, bridges and sidewalks will be added. Pages 3 - 12 give a capsule of what the Town did this fiscal year. Two and one-half million dollars was incurred on the parking deck. Some problems were incurred in compliance with one of the Town's grants due to a contractor not properly turning in invoices and the company filing bankruptcy. It was recommended that the Town assign one person in finance to oversee these issues. It was pointed out that the regulations regarding grants differ according to each grant and involve complicated issues.

Mr. Kingshill said the Town has a management team with high integrity and it is always a pleasure to do the audit for Waynesville.

Manager Galloway said the new GASB was a massive undertaking and there is still a lot of work to do this year before a true value of the Town is established.

The Board thanked Mr. Kingshill and his staff for their work on the audit. No action was necessary.

Cash Report - Finance Director Eddie Caldwell

Finance Director Eddie Caldwell distributed a cash report comparing last year with this year as of June 30, 2003. No action was necessary.

Preliminary Annexation Report

Town Manager Galloway said in the past the Board has indicated that the area viewed as the most attractive for annexation was the land bordering the Asheville Road between East Street and Howell Mill Road. After the Land Use Plan was adopted last spring, the Board suggested that it was time to conduct an annexation study of this area. This was one of the first assignments given to new Town Planner Paul Benson.

Town Staff felt that it was most appropriate to divide the Asheville Road into four potential areas for annexation. Estimates were given for each of the four areas of the annual revenues from property taxes as well as revenues from other sources such as Powell Bill, Franchise Tax and Sales Tax. It also includes estimated annual costs which will be incurred for each area for street lights, for buying out the contract of the Lake Junaluska Volunteer Fire Department and for the reduction in water revenue due to the conversion from out of town to in town utility rates. Finally, there is a list of the capital costs, which would be required in order to provide services to the areas to be annexed. These include the expenses, which would have to be made for sewer lines and facilities, street improvements and street lighting. A projection was given for the number of years estimated to recover the cost incurred for the annexation.

Town Manager Galloway suggested that the Board study the report for the next thirty days and Town

Staff will report at that time the next step required to proceed. No action was required.

Solid Waste Ordinance

Town Manager Galloway said a few years ago, the Town began the work of recodifying the Town Code Book. This was last done about 15 years ago, and there have been many additions to the Code since that time. Many of the parts were outdated and in need of change and one of the last sections which needed to be addressed was the Solid Waste Ordinance. In recent years several problems have been found with attempting to enforce this section of the Code. One of the problems was with the large volumes of limbs and other items left for pickup. Many of these have been left by commercial tree trimmers, etc. It was felt that it was unfair for the Town to spend more than 30 minutes at each residence and only those items generated by the average residence should be picked up by the Town. A draft was distributed to the Board for their review.

Alderman Feichter moved, seconded by Alderman Caldwell, to approve the amendments proposed to the Solid Waste Ordinance. The motion carried unanimously. (Ord. No. 31-03)

Cancel Meeting of December 23, 2003

Alderman Brown moved, seconded by Alderman Caldwell, to cancel the December 23, 2003 meeting. The motion carried unanimously.

Annual Certification of Firemen

Each year, the Town Board must certify the list of firemen to the State of North Carolina. This is required in order for the firemen to be eligible for the Line of Duty Death Benefit as well as for credit in the Firemen's Pension Fund.

A list of the full time and volunteer firefighters in the Town's department who meet the requirements to be certified to the State was completed and verified by Fire Chief Bill Fowler. There have been no changes since last year.

Alderman Moore moved, seconded by Alderman Feichter, to approve the annual certification of firemen as presented by Fire Chief Bill Fowler. The motion carried unanimously.

Recess/To Reconvene Meeting Friday, December 12, 2003

Alderman Brown moved, seconded by Alderman Feichter, to recess the meeting at 9:35 p.m. and to reconvene the meeting on Friday, December 12, 2003 at 11:30 a.m. at the Employee Appreciation Luncheon at the Waynesville Recreation Center, 550 Vance Street. The motion carried unanimously.

Reconvene Meeting - Friday, December 12, 2003

Mayor Foy reconvened the meeting at approximately 1:00 p.m.

The Mayor and each of the Board Members praised the Town's employees for the work that they do.

Alderman Brown moved, seconded by Alderman Caldwell, to grant all full and part time employees a 2% pay increase effective with the check they receive on January 2, 2004. The motion carried unanimously.

Alderman Feichter moved, seconded by Alderman Moore, that beginning with payroll checks issued on January 16, 2004, the Town begin making a 3% contribution to a 401(k) account for all full time employees other than law enforcement officers (law enforcement officers already receive a 5% contribution). The motion carried unanimously.

Alderman Moore moved, seconded by Alderman Feichter, to reward the Town employees by granting them another day off during the year to take as they wish. This day could be Presidents Day, Veterans Day, Martin Luther King Day, Columbus Day, their own birthday or any other day they choose, with the approval of their supervisor. The motion carried unanimously.

Alderman Caldwell moved, seconded by Alderman Brown, to grant an additional half-day holiday this Christmas Eve, beginning at 12:00 noon on Wednesday, December 24, 2003. The motion carried unanimously.

Mayor Foy moved, seconded by Alderman Caldwell, to increase the Christmas bonus for 2003 to \$400 to full time employees, \$200 for permanent part time employees and \$50 for part time employees. The bonuses will be prorated for employees having less than one year of service. The motion carried unanimously.

Mayor Foy and the Board expressed appreciation for all the work done by the Town employees. They wished the employees a Merry Christmas, safe holiday season and great year ahead in 2004.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Caldwell, to adjourn the meeting at approximately 1:10 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor