

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
APRIL 13, 2004
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, April 13, 2004. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Libba Feichter and Kenneth Moore. Also present were Town Manager A. Lee Galloway, Public Works Director Fred Baker, 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 March 23, 2004

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the March 23, 2004 meeting as presented. The motion carried unanimously.

Public Hearings

Amendment to Section 154.403(A)(2)and (3) HILLSIDE PROTECTION

Changes are being recommended in an effort to reduce the density limitations of the hillside area regulations. The graph that is included with this recommendation shows that the number of dwelling units would rise for single family homes on slopes of 15% to 40%. The number of dwelling units would rise in cluster developments on slopes of 15% to 50%. For example, at present, one single family home is permitted on 1.5 acres where there is a slope of 15%. Under the new regulations, one single family home is permitted on .5 acres when there is a slope of 15%.

Public Works Director Fred Baker said there was some thought that density should be reduced on hillsides and the Planning Board asked for some suggestions. The proposed amendment only applies to properties located above 2,900 ft. elevations, which would include areas such as Eagle Nest and Camp Branch. Public water is available to these areas without pumping. Sewer is not extended to areas with greater than 30% slope. The philosophy of the Planning Board is that development on the mountain tops should be controlled so that large condominium projects are not built at this elevation. The Town also has a grading and filling ordinance which addresses steep slopes which should be looked at by an engineer. In the proposed amendment, the density requirements for clustered development are 1/2 vs. single family. Mr. Baker said the idea behind this concept is that clustered development shares the footprint, and has shared roads and driveways. He added that this ordinance was adopted about five years ago and was based upon similar ordinances of other towns. Those ordinances also contained density requirements which were 1/2 for clustered development vs. single family. The Planning Board could be asked to study clustered homes.

The proposed amendment is as follows:

Section 154.403(A)(2)

First Bullet

EXISTING: For the purposes of this section, a hillside area is defined as any lot, parcel or tract that has an elevation (at any point) of 2900 feet above mean sea level.

PROPOSED: For the purposes of this section, a hillside area is defined as any lot, parcel, tract, or portion thereof, with an elevation of 2900 feet or greater above mean sea level.

Second Bullet

EXISTING: Each application for a development in a hillside area shall include a contour map with a scale and five feet contour interval on the site plan submitted for the development to determine the average slope of the lot, parcel or tract of land in its natural state.

PROPOSED: Each application for a development in a hillside area shall include a contour map with a scale and five (5) feet contour intervals on the site plan submitted for the development to determine the average slope of the lot, parcel, tract of land, or portion thereof, in its natural state.

Third Bullet

EXISTING: A = Area of the parcel in acres

PROPOSED: A = Area in acres of the parcel area at or above 2900 feet

Sixth Bullet, Third Square

EXISTING: A grading and density graph which shows the line that connects the hinge point and the average natural slope with the percent site graded and maximum density scales, labeled with the appropriate number for each scale where it is intersected by the line to describe the potential development limits with the number of proposed units or lots in the development and the percentage of the site to be graded.

PROPOSED: Omit entire paragraph as it is not necessary for the developer to provide this information. The town staff can determine the percent of the site to be graded and the density allowed by the average slope.

Section 154.403(A)(3) Hillside Protection (Graph)

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

Attorney Jack Kersten, represented an individual who bought property behind the Greens Condominium. Attorney Kersten said this individual was told that there was an ordinance being developed and he waited to develop this property. Upon adoption of the ordinance he found that when his property was measured a portion was located within the 2,900 ft. elevation and the entire property was placed under this restriction, only allowing him to build about 8/10 of a house on the entire property. Attorney Kersten spoke in favor of the proposed amendment, adding that he felt it was a step in the right direction. If this ordinance was in place several years ago, developments such as Little Mountain and The Sanctuary could not have been built. With this ordinance he said instead of having five clustered homes you could have one house on two or three acres. He feels that this ordinance is a "work in progress", adding that he does not feel that the Town wants the mountainside

sprawled with development and the proposed amendment does help his client with his piece of property. If you make people have 5 - 10 acre lots, you encourage “monstrosities” to be built because the property can then only be developed by someone with lots of money.

Alderman Moore moved, seconded by Alderman Brown, to amend Section 154.403(A)(2) & (3) as recommended. The motion carried unanimously. (Ord. No. 7-04)

Section 154.402(A)(2) Stormwater

Manager Galloway said the Federal Government has implemented new requirements regarding storm water controls. By being in the Asheville Metropolitan Area, Waynesville has fallen into the group of communities required to meet these new regulations. This is an attempt to prevent, reduce or curtail erosion, sediment, trash, road oil and grime, etc., from reaching water sources, contaminating the waters or filling up impoundments like Lake Junaluska with silt and trash. Waynesville and other municipalities will have to make changes to storm water regulations in an attempt to comply with the new rules. This is the first change being requested. Other recommendations will be presented to the Board in the next few months. The recommended change is as follows:

EXISTING:

The storm water facilities standards set forth in subsection (B) of this section shall apply to all proposed developments that will exceed one (1) acre in size; or that have a proposed impervious surface on completion of greater than fifty (50) percent of the total average of the development.

PROPOSED:

The storm water facilities standards set forth in subsection (B) of this section shall apply to all new development projects and all redevelopment projects that cumulatively disturb one acre or more, and to projects of less than an acre that are part of a larger common plan of development or sale, or that have a proposed impervious surface on completion of greater than 12,000 square feet.

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

Alderman Brown moved, seconded by Alderman Feichter, to amend Section 154.402(A)(2) regarding Stormwater as recommended. The motion carried unanimously. (Ord. No. 8-04)

Sections to Add Lawn and Garden Equipment and Outdoor Power Equipment Stores Where Garden Centers or Retail Nurseries are Permitted

This amendment would apply to the following sections by adding “Lawn and Garden Equipment and Supply Stores” and “Outdoor Power Equipment Stores” to the permitted use tables:

- | | |
|-----------------|--|
| Section 154.104 | Central Business District (CBD) |
| Section 154.107 | Dellwood/Junaluska Area Center (DJ-AC) |
| Section 154.114 | Hazelwood Town Center (H-TC) |
| Section 154.117 | Hyatt Creek Area Center (HC-AC) |
| Section 154.121 | North Main Street Boulevard District (NM-BD) |
| Section 154.122 | Pigeon Street Neighborhood Center (PS-NC) |

Section 154.125 Raccoon Creek Neighborhood Center (RC-NC)
Section 154.126 Russ Avenue Town Center (RA-TC)
Section 154.127 South Main Street Business District (SM-BD)

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

Alderman Brown moved, seconded by Alderman Feichter, to approve the amendment as presented. The motion carried unanimously. (Ord. No. 9-04)

Section 154.085(B)(1) to Place a Limitation of 30 Days on Appeal of an Administrative Decision to the Board of Adjustment

Proposed amendment to Section 154.085(B)(1) Appeals of Administrative Decisions as follows:

Section 154.085 Appeals of Administrative Decisions
(B) Appeal Submitted
(1) Filing of Application

EXISTING:

“An appeal of an administrative decision may be taken by any person aggrieved (or by their authorized agent) or may be taken by any officer, department, board or bureau of the town.”

PROPOSED:

“An appeal of an administrative decision may be taken by any person aggrieved (or by their authorized agent) or may be taken by any officer, department, board or bureau of the town. Such an appeal shall be made to the town within thirty (30) days of the receipt of the written notice from the town.

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

Alderman Brown asked if “aggrieved” party is defined. Attorney Griffin felt that the wording is satisfactory for this ordinance, however aggrieved may need to be defined. Alderman Brown asked if an officer, department, board, etc., of the Town was aggrieved would they also receive a thirty day notice? It was felt that this section may need to be reviewed further.

Alderman Brown moved, seconded by Alderman Moore, to amend Section 154.085(B)(1) as recommended. The motion carried unanimously. (Ord. No. 10-04)

Amend Section 154.083(D) by Adding the Following

- (7) Area and Town Center Signs.
 - ◆ Ground signs may be erected at locations which represent the entrance of the area/town center districts.
 - ◆ Only two (2) ground signs per area center district shall be erected.

- ◆ The sign face shall be an oval shape with no more than two (2) faces allowed per sign.
- ◆ The sign face shall not be larger than 4.5 feet in width and 3 feet in height. Smaller sign faces shall have a proportion of 1.5 feet wide to 1 foot high.
- ◆ The overall height of the sign shall be no greater than four (4) feet above ground level.
- ◆ Area center signs shall be supported with six (6) inch by six (6) inch pressure treated posts which shall be painted black.
- ◆ The border and the letters shall be painted black; the background shall be cream colored. A clay color must be used for the logo if a district logo is placed on the sign.
- ◆ The Book Antiqua font shall be the style of lettering used on area signs.

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

Alderman Brown moved, seconded by Alderman Caldwell, to approve the amendment to Section 154.083(D) as recommended for the first six bullets and to return the last two bullets to the Community Appearance Commission for them to review further since it was felt that the Town should not dictate the color and font to be used on the signs. The motion carried unanimously. (Ord. No. 11-04)

Bob Hill - Haywood Community Band

Mr. Bob Hill, representing the Haywood Community Band, thanked the Board for allowing him to speak. Mr. Hill said the band was formed in the summer of 2002 and Waynesville's Board of Aldermen was one of their first contributors. He added that he hoped this Board can contribute again during the 2004-2005 season. Several concerts were held in the Maggie Valley last summer season and they have played in Canton at the Colonial Theater. They would love to also have some concerts in the Waynesville area. One of their greatest needs is to have a permanent place to practice, store their instruments and have concerts. Mr. Hill said a band shell or gazebo at the Recreation Center would be a nice addition and would draw many people to Waynesville. He said in Montgomery, Alabama this is funded by the Recreation Center.

Mr. Hill said their mission is to contribute to musical life and assisting in the musical education of young people. They would like to expand the LINKS program (loaned instruments to needy kids) encouraging people to donate instruments which may be hidden in attics, etc.

John Barrett also spoke to the Board. Mr. Barrett was a former High School band member, growing up and attending high school in Waynesville. He said everyone is proud of Waynesville's downtown area and their band has performed during Folkmoot last year. So far the band consists of 41 members and is gaining each week. They played in Canton last year and have been invited to play in Canton again this year. Mr. Barrett said any help the Town could provide in providing a place or helping them in finding a place to perform would be greatly appreciated.

The Community Band is currently practicing at Grace Episcopal Church. Their goal is to find a permanent location and help in finding this location was requested. It was suggested that they talk with Haywood County to see if they have any suitable sites. It was also suggested that the news

media help in spreading this information and hopefully help in finding a location. No action was necessary.

Agreement With North Carolina Department of Transportation Regarding Railroad Crossings

The N.C. Department of Transportation has been in contact with the Town to offer the placement of railroad crossing signals at four locations. These four locations include 1) Killian Street near Richland Street and Boyd Avenue, 2) Buffalo Lane north of Haywood Builders and Charles Street, 3) Shackford Street north of SMC Concrete and 4) Marshall Street, next to the tennis courts.

On projects in which the State offers railroad-crossing signals, 90% of the funding comes from the federal government. The local government is expected to provide the remaining 10%. The estimated cost for each of the four crossings is \$125,000 each, and the Town is to provide \$12,500 for each crossing. The Town must then pay a municipal share of the annual maintenance cost, estimated at \$1,140 annually for each crossing.

Powell Bill money may be used for this purpose, but with the reductions seen in this revenue source, Manager Galloway said the Town did not wish to see its main funding source of street improvements used for railroad crossing signals.

Public Works Director Fred Baker has reviewed these four crossings and noted that one of them, Buffalo Lane, is not on the Town system. It appears to be a private street serving adjacent property owners. In addition, Fred notes that Shackford Street is a dead end street that actually serves as a back driveway into Wachovia Bank. A representative of the State has indicated that the crossing of Shackford Street is only recommended due to limited sight distance. It is possible that the sight distance can be improved by installing warning and yield signs at this crossing.

Manager Galloway and Public Works Director Fred Baker both recommend that the Town agree to the railroad signal projects on Killian Street and on Marshall Street, but decline the offer of the State for the crossing signals at Buffalo Lane and Shackford Street.

Alderman Caldwell moved, seconded by Alderman Moore, to authorize Mayor Foy to enter into agreements with the N.C. Department of Transportation regarding railroad crossings at Killian Street and Marshall Street, but to decline the railroad crossings on Shackford Street and Buffalo Lane. The motion carried unanimously. (Cont. No. 2-04 and 3-04)

Resolutions Regarding Rail Service to Asheville

An organization known as Western Carolina Rail Corridor Committee has been active in working to have rail service extended to the western part of North Carolina. Mr. Adam Cooper, Government Relations Manager of the Asheville Area Chamber of Commerce, has requested that Waynesville join other local governments, planning organizations and chambers of commerce in adopting a resolution in support of the extension of service to Asheville.

Alderman Moore moved, seconded by Alderman Feichter, to adopt a resolution regarding rail service to Asheville. The motion carried unanimously. (Res. No. 6-04)

No Parking Signs on Balsam Drive

Eddie Lowe, School Resource Officer at Waynesville Middle School, has noted a problem with traffic on Balsam Drive at the beginning and end of the school day. He has made the recommendation that "No Parking" signs be erected on both sides of Balsam Drive between Brown Avenue and Clifton Street. This limitation would only apply between 7:30 and 8:30 a.m. and between 2:30 and 3:30 p.m. Monday through Friday.

Alderman Moore moved, seconded by Alderman Feichter, to adopt an ordinance restricting the parking on Balsam Drive as recommended by Police Office Eddie Lowe. The motion carried unanimously. (Ord. No. 12-04)

Street Closing Request - Virginia Avenue

A letter was received from Reverend Don Letzring, pastor of the Hazelwood Baptist Church, seeking the Town Board's approval for the closing of Virginia Avenue, between Hazelwood Avenue and Kentucky Avenue on Saturday, June 5 between 9:00 a.m. and 5:00 p.m.. This is a block party to kick off the Vacation Bible School for the church.

Police Chief Hollingsed has indicated that his department would be glad to work with the church to facilitate this street closing, and it is recommended that this be approved.

Alderman Moore moved, seconded by Alderman Feichter, to approve the street closing for Virginia Avenue on June 5 as requested. The motion carried unanimously.

Authorization to Advertise Delinquent Taxes

Each year Tax Collector James Robertson requests authorization to advertise the list of delinquent taxes. This advertisement is scheduled to appear on Friday, April 23, 2004.

Alderman Brown moved, seconded by Alderman Feichter, to authorize and direct Tax Collector James Robertson to advertise the delinquent tax listing. The motion carried unanimously.

Public Forum Regarding Watershed Conservation Easement

Manager Galloway said the draft conservation easement for Waynesville's Watershed should be received by the first part of next week. On April 27, 2004 from 1:00 p.m. until 5:00 p.m. a public information session will be held at Town Hall. Representatives of the Land Trusts and town staff members will be on hand to answer questions. This issue will also be placed on the agenda of the April 27 Board Meeting.

In 1997, the Clean Water Management Trust Fund awarded the Town of Waynesville a grant of \$500,000 to assist with purchasing privately held land in the Waynesville Watershed. In exchange for this grant, the Town agreed to place the watershed under a Conservation Easement. This Conservation Easement will name the State of North Carolina, the Conservation Trust of North Carolina and the Southern Appalachian Highlands Conservancy as holders of the easement. The easement will allow the current or future Town Boards to conduct timbering on the watershed, but any timbering will be under very strict guidelines to prevent erosion and to protect the water supply.

The Town will be required to have a Forest Management Plan, and the primary goal of the easement will be to assure that the Town's pristine water supply is not damaged.

Alderman Brown said he wanted to make sure that the public has access to this document and receives adequate information regarding the document. Manager Galloway said a display ad would be placed in the local newspaper and hopefully the news media will help inform the public. No action was necessary.

Concerns Regarding Voting Precincts

Alderman Caldwell said he has received comments regarding the voting precinct for East Waynesville being moved from the Annex II Building to the Agricultural Center off Ratcliffe Cove Road. His concern was that Waynesville residents would then be required to travel outside the corporate limits to vote. Manager Galloway said the Haywood County Board of Elections occasionally moved voting precincts to locations which are handicap accessible. The Elks Lodge was recently moved to the Waynesville Recreation Center. Manager Galloway suggested contacting the Election Board Office to discuss this issue.

Concerns Regarding Clean-Up Issues

Alderman Moore said he has been driving around Waynesville, especially on the west end and taken some pictures of areas which need to be cleaned up. He said it is a shame and disgrace that nothing is being done in some of these areas. If the Town doesn't have an ordinance to handle these issues, the Board needs to adopt one. Alderman Moore said the property owners in the Frog Level and Hazelwood have worked hard to make their areas look good.

Roscoe Wells suggested that the Haywood County Tax Collector be contacted to see if some of the junk items being stored on these properties are being listed as inventory. Ronnie Moore said areas with trash and junk cause property values to decrease.

Attorney Griffin said so many of Waynesville's Ordinances deal with nuisance issues rather than appearance. Other Board Members said these issues are mentioned to them at least weekly. Alderman Brown said it is time to "fish or cut bait" and all Board Members agreed that these areas need to be cleaned up. Mayor Foy said he would like to see a plan of action for the next meeting. Manager Galloway said two people have been taken to Court in the past year, one on Pigeon Street and one beside the Ingles in Hazelwood.

Town of Waynesville Newsletter

Manager Galloway reported that the Town recently published its first newsletter. He commended Town Clerk Phyllis McClure for her work on this project, adding that the printing company helped to format the publication. The Newsletter is scheduled to be published quarterly and contains information for the Town's citizens. Mayor Foy said he already received several good comments about the Newsletter and two people came to Town Hall today to look at the cannon ball recently uncovered in Waynesville.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:55 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor