

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
JUNE 14, 2005
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, June 14, 2005. 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, Finance Director Eddie Caldwell and Town Attorney Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of May 17, May 19 and May 24, 2005

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the May 17, May 19 and May 24, 2005 meetings as presented. The motion carried unanimously.

Public Hearings

Public Hearing Fiscal Year 2005-2006 Budget

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

Alderman Brown moved, seconded by Alderman Moore, to schedule adoption of the budget at the regular meeting of June 28, 2005. The motion carried unanimously.

Request by Myrna Gordon to Rezone 3.59 Acres Located at Russ Avenue and US 276 From Dellwood Neighborhood District to Russ Avenue Town Center

The Dellwood Neighborhood District is planned to be a low to medium density residential district, while the Russ Avenue Town Center is designed to be a gateway to the Town and have higher density, mixed use development. The Development Plan for 2020 indicates that this property is to be within a low to medium density mixed-use development district.

Ms. Gordon has requested that her property, located on the east side of Russ Avenue, and zoned as Dellwood Neighborhood District be rezoned to Russ Avenue Town Center, the same as property located immediately to the northwest and on the opposite side of Russ Avenue.

The Planning Board, in a split vote, recommended that this rezoning request be approved by the Town Board.

Attorney Woodrow Griffin opened the public hearing. The following people spoke:

Keith Gibson said he was in favor of rezoning the property as requested. He said at one time the property out to the Maple Grove Church was zoned commercially 200 feet along both sides of the road. Mr. Gibson asked that the rezoning change be approved.

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

Alderman Feichter expressed some concern about rezoning this piece of property, how the rezoning would affect the adjoining property owners and if requests by other property owners for the same type of rezoning would follow. Alderman Brown pointed out that the same zone being requested is located directly across the street and Mayor Foy felt that this property is a continuation of the Russ Avenue District.

Alderman Moore moved, seconded by Alderman Brown, to adopt an ordinance to change the land use classification of the 3.59 acre parcel (PIN #8616-24-5686) as requested. The motion carried unanimously. (Ord. No. 19-05)

Amendment to Section 154.130 - Walnut Street Neighborhood District

The Planning Board recently received a request for rezoning in the Walnut Street Neighborhood District. There are 136 properties in this district, with a wide range of commercial uses permitted; however, only properties that front on either Walnut Street or North Main Street may be commercial. 59 properties front on one of those two streets and 77 do not. Of those 77 properties, 9 have non-conforming uses.

The Planning Staff notes that this district is a ring of commercial uses with a core made up almost entirely of residential property. Only one non-conforming property is located in the residential core, the Dickson Law Office. All other non-conforming property is along the edge of the district. It was the staff opinion that the regulations for the Walnut Street Neighborhood District should be amended to permit commercial development on lots which front on West Marshall Street. This change would eliminate five of the nine non-conforming properties in the district.

The Staff did not recommend rezoning two lots with mini-warehouses and one lot with a beauty shop, as it was felt that this would intrude into the residential core of this district.

The Planning Board voted to recommend to the Town Board that the Land Development Standards be amended to permit commercial use for the properties within the Walnut Street Neighborhood District that border West Marshall Street. The proposed amendment is as follows:

Section 154.130 Walnut Street Neighborhood District (WS-ND), (B) Development Standards, (8) Design and Operation Standards, (b) Location.

Add the following text:

"All "Institutional and Civic", "Business, Professional and Personal Services" and "Retail Trade and Food Services" Uses permitted in the WS-ND District (as listed in Section 154.130©)) must be located on lots abutting Walnut, North Main or West Marshall Streets."

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

Alderman Brown said with this amendment all locations fronting Walnut, North Main or West Marshall Streets will be commercial and the locations on the inside will remain residential. This is the way the Land Use Plan was designed and twenty years from now we will see how this has worked. The Forga and Holbrook properties will remain non-conforming uses.

Alderman Brown moved, seconded by Alderman Feichter, to amend Section 154.130 as recommended. The motion carried unanimously. (Ord. No. 20-05)

Report on Offer to Purchase Town Property Lot #2 and Lot #4 - Shingle Cove Tract

At the Board Meeting of May 12 an offer was submitted by Mr. Charles William Messer, L.M.K., Inc., LLC, to purchase lots #2 and #4 that the Town owns in Shingle Cove. Following that meeting notice of the intent to sell the property was advertised in the local newspaper as required by State Law. A letter was prepared by Town Clerk Phyllis McClure and faxed to several real estate agents in Haywood County regarding the offer and explaining the upset bid procedure. As of this date no additional offers have been received.

It was pointed out that the tax value on the two lots is currently \$15,066 and \$16,675. Two real estate brokers attended the Board Meeting regarding other matters.

Alderman Caldwell moved, seconded by Alderman Feichter, to accept the offer submitted by Mr. Charles William Messer, L.M.K., Inc., LLC, to purchase lots #2 and #4 in Shingle Cove. The motion carried unanimously.

Request to Close Boundary Street on Monday, July 4th

The Town received a petition to close Boundary Street between its western intersection with Walnut Street and Mead Street on Monday, July 4, 2005, between the hours of 3:00 p.m. and 10:00 p.m. The request was signed by all the residents of Boundary Street who would be affected by this closing. The purpose of the request was to have a neighborhood party to celebrate Independence Day.

This same request was made and approved last year and there were no problems with the closing at that time. Barricades will be provided so that residents may put them up no earlier than 3:00 p.m. and remove them no later than 10:00 p.m. on July 4. Emergency personnel will also be notified of the street closing.

Alderman Brown moved, seconded by Alderman Moore, to approve the request to close Boundary Street on Monday, July 4 between the hours of 3:00 p.m. and 10:00 p.m. as requested. The motion carried unanimously.

Appointments to Recreational Planning Committee and Metro Transportation Committee

At the recent meeting of the Haywood County Council of Governments, there was a discussion about the value of having special committees made up of representatives from each unit of government. The purpose of these committees was to attempt to reduce redundant activities and to assist each local government in operating more efficiently. There was also the goal of working more closely together to achieve transportation funding for Haywood County. It was felt that these cooperative efforts would allow the various governmental units to be of greater service to the citizens of the municipalities and county.

Two of the committees which were mentioned were a Recreational Planning Committee and a Metro Transportation Committee. Some of the governmental units have already made appointments to these two committees.

Alderman Brown suggested that Alderman Feichter serve on the Metro Transportation Committee and Alderman Caldwell serve on the Recreational Planning Committee. Town Planner Paul Benson would serve as the other Town representative on the Metro Transportation Committee.

Alderman Feichter said she would be glad to serve on the Metro Transportation Committee if the Board feels that she can represent the interests of Waynesville and its citizens. Alderman Feichter added that Alderman Caldwell deals well in matters regarding recreational issues. Alderman Caldwell said he was willing to serve on the Recreational Planning Committee.

It was the consensus of the Board of Aldermen that Alderman Feichter and Town Planner Paul Benson be appointed to serve on the Metro Transportation Committee and Alderman Caldwell be appointed to serve on the Recreational Planning Committee as representatives of the Town of Waynesville.

Amendment No. 1 to the 2004-2005 Budget Ordinance

Finance Director Eddie Caldwell presented the first amendment to the 2004-2005 Budget Ordinance. He explained that the amendment includes the money needed for the extension of the water line for Haywood Vocational Opportunities. The Town received a grant for this extension, which is estimated at \$130,000. The grant totaled \$65,000 and the other half will be paid for equally between the Town, Haywood County and HVO (Town's share approximately \$22,000). Also included in the amendment is \$216,000 for the purchase of property for an electric substation and a reduced transfer from general fund of \$227,050 to cover the \$525,000 additional electric purchase costs.

Alderman Moore moved, seconded by Alderman Brown, to adopt Amendment No. 1 to the 2004-2005 budget ordinance. The motion carried unanimously. (Ord. No. 22-05)

Amendment No. 1 to the 2004-2005 Financial Operating Plan for Internal Service Funds

The Internal Service Funds, which include Public Works and the Garage, are operated separately from the General, Water, Sewer and Electric Fund budgets and must be amended separately from the general budget amendment.

Manager Galloway said the cost of gas and oil has skyrocketed this past year. \$110,000 was budgeted but at the end of June that expense will be closer to \$160,000. An amendment in the amount of \$50,000 is needed for the 2004-2005 fiscal year.

Alderman Brown moved, seconded by Alderman Moore, to approve Amendment No. 1 to the 2004-2005 Financial Operating Plan for Internal Service Funds. The motion carried unanimously. (Ord. No. 23-05)

Manager Galloway said fewer budget amendments were required this year. Manager Galloway commended Finance Director Eddie Caldwell and the department heads for doing such a good job in calculating the budget and staying within the budget.

Charles Miller said with the increased costs of gas and oil the Town should take a look at the Town vehicles which are kept running when parked. Manager Galloway pointed out that some of the Town's vehicles, especially emergency response vehicles, have several items such as radios, which will run the battery down if the vehicle is turned off. Manager Galloway will look into the matter.

Review of Electric Rates

Manager Galloway said he will meet with Finance Director Eddie Caldwell tomorrow to evaluate electric rates. Progress Energy plans to increase electric rates for residential customers 10%, commercial customers 12% and industrial customers 15% effective October 1. Although the increase for the Town's electric customers has already taken effect, the Town's wastewater treatment plant, which is on Progress Energy's system, will increase from \$113,000 annually to about \$129,000 annually. The review of electric rates will be done quarterly. No action was necessary.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Moore, to adjourn the meeting at 7:35 p.m. The motion carried unanimously.

Phyllis R. McClure, Town Clerk

Henry B. Foy, Mayor