

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
SEPTEMBER 13, 2005
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, September 13, 2005. Members present were Mayor Henry Foy, Aldermen 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 August 23, 2005

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the August 23, 2005 meeting as presented. The motion carried unanimously.

Public Hearing - Rezoning Request Parcel on Russ Avenue/U.S. Route 276 From Dellwood Neighborhood District to Russ Avenue Town Center

Keith and Ollie Gibson and Jerry and Esther Hightower have requested the rezoning of their property on Russ Avenue/U. S. Route 276, from the Dellwood Neighborhood District to the Russ Avenue Town Center.

The Dellwood Neighborhood District is planned to be a low to medium density residential district separating the Russ Avenue Town Center and the Dellwood/Junaluska Area Center commercial districts. The 2020 Land Development Plan proposes low to medium density mixed use zoning for this property and neighborhood. The existing Dellwood Neighborhood District permits a number of "business, professional and personal services" for properties in this district that are adjacent to Russ Avenue. The Russ Avenue Town Center permits a very wide range of high density commercial uses that would not be in accord with existing or planned land use for the property owned by the Gibsons and Hightowers. The subject property would be an island in the Dellwood Neighborhood District, and the uses of property adjacent to the tract under consideration fit in Dellwood District rather than the Russ Avenue Town Center.

For these reasons, the Planning Staff recommended that the request from the Gibsons and Hightowers be denied and that the property be left in the Dellwood Neighborhood District. At their meeting on August 29, 2005, the Planning Board voted to deny the rezoning petition. The applicants asked that the matter be presented to the Mayor and Board of Aldermen for their consideration.

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

Alderman Feichter said the Planning Board does a very good job of thoroughly investigating these requests, therefore, she is reluctant to over rule their recommendation without good reason. Mayor Foy supported Aldermen Feichter, adding that the Town has a good Planning Board and he feels that the Board of Aldermen should support them. This piece of property is surrounded by the Dellwood Neighborhood District. Alderman Moore said the property is not contiguous with the Russ Avenue District and changing the zone could be illegal spot zoning. Attorney Griffin agreed that this request could certainly border on spot zoning.

Alderman Feichter moved, seconded by Alderman Caldwell, to deny the request to rezone the property on Russ Avenue/US 276 from Dellwood Neighborhood District to Russ Avenue Town Center. The motion carried unanimously.

Public Hearing - Amendment to Section 154.113(B)(8)(b) Hazelwood Neighborhood District

Patrick Bradshaw, Bradshaw Engineering, submitted a request for an amendment to Section 154.113 (B)(8)(b) of the Hazelwood Neighborhood District as follows:

Existing Text

All "Institutional and Civic" uses, "Business, Professional and Personal Services" uses, and "Retail Trade and Food Services" uses permitted in the H-ND (as listed in Section 154.113©) must be located at the intersection of at least two (2) public streets. Proposed Text (change in bold print and highlighted in yellow)

All "Institutional and Civic" uses, "Business, Professional and Personal Services" uses, and "Retail Trade and Food Services" uses permitted in the H-ND (as listed in Section 154.113©) must be located at the intersection of at least two (2) public streets **or located along South Main Street between Mississippi Avenue and Virginia Avenue.**

Mr. Bradshaw is planning to purchase the property located at 1210 South Main Street within the Hazelwood Neighborhood District for use as a professional office. At present, as shown in the existing text above, this district allows commercial and office uses only on properties located at the intersection of two public streets. There are now 21 properties within the Hazelwood Neighborhood District that abut South Main Street. Only two of these properties are in nonconforming commercial use, the property at 1210 South Main Street and a nearby property at 1170 South Main Street. Both of these are "grandfathered" for office use. Out of the 21 properties, 12 are adjacent to intersections and could be use for commercial use; however, at this time, none of these corner properties are in commercial use.

There are six properties located in the area of the proposed amendment. Two of these are permitted commercial use lots because they are at the intersection of public streets: however, both are presently in residential use. Two lots noted previously are "grandfathered" for office use, and the remaining two lots are in residential use.

The Planning Staff felt that it would be difficult to justify changing the permitted uses in a single block in the Hazelwood Neighborhood District. It provides benefits to a relatively small portion

of the district not enjoyed by other similarly situated property within the district. In addition, the proposed text would open the property under consideration to a range of commercial uses much wider than the existing grandfathered professional offices. This could lead to a chain effect of making other properties in the vicinity, including the single family residences directly across the street from this tract, less desirable for residential use. Finally, the proposed amendment is not supported by the Land Development Plan which indicates planned land use for this area to be low to medium residential.

For the reasons stated above, the Planning Staff could not recommend the request for the text amendment which Mr. Bradshaw submitted. The Planning Board declined to recommend the requested text amendment to the Town Board.

Although they come without a supporting recommendation from the Planning Board, the applicants asked that this matter be presented to the Mayor and Board of Aldermen for their consideration.

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

Patrick Bradshaw, 287 Mountain Grove Road, Bethel, with Bradshaw Engineering said he hoped to purchase the property at 1210 South Main Street, which is included in the area affected by the proposed amendment to allow the same permitted uses as those properties located on corner lots. This property has been occupied by Martha June Setzer's Real Estate Office since 1974. The property is grandfathered in and can continue to be used commercially unless it is vacant for a six-month period. Ms. Setzer closed her office June 1, 2005 due to illness and after January 1, it will lose its grandfather status unless the commercial use is reestablished before that time. Mr. Bradshaw said the traffic count on South Main Street in front of this business is close to 10,000 vehicles per day.

Alderman Feichter said one of the reasons for conducting the Land Use Study was to stop the multitude of changes being proposed at almost every board meeting. Hundreds of hours were spent by staff and community volunteers on this study. The study was highly praised and recognized by the N. C. Planners Association and won a very prestigious award. It was felt that this plan still has not had an opportunity to settle and she expressed concern that it was being "picked to death".

Mr. Bradshaw, who serves on the Town's Planning Board, said the Planning Board tries to effectively evaluate many lots and realizes how much time was spent on just this one issue. However, he has a hard time looking past the long time commercial business owners and allowing those uses only on the corner lots. It is true that people don't react until it affects them personally.

Town Manager Galloway said if you went back to look at the corner of Mississippi and Virginia Avenues a convenience store could locate at that corner and there are lots of corner lots in the Hazelwood area that would allow businesses. The Planning Board may need to go back and look at the uses and see if improvement is needed.

Martha June Setzer said there was a lot of work done on the Land Use Study and she did come and complain at that time. Ms. Setzer said she now has cancer and needs to resolve this issue. On June 1 she had a contract to sell the property under a franchise situation. However, it would be difficult for anyone to get a loan and close by December 1. It would also be difficult to get a loan on property that had grandfather rights only, since the business could not be expanded. Ms. Setzer felt that she is being penalized for being in the middle of the block rather than the corner.

Philan Medford, 99 Pisgah Drive, Waynesville, said she attended each meeting of the Land Use Study. There are images that come up in her head with the reluctance to follow the mistakes made in the 1960's. Ms. Medford felt that this could open up all of South Main Street to other types of development and the research was not to do that. The scale of housing and businesses is a smaller scale in order to promote affordable housing. The traffic count is an issue. Need to find a way to be sensitive to the citizens. She hates to push it through to meet a short term personal request.

Dick Young, 211 Virginia Avenue, said his property joins Mayor Foy's property and Martha June Setzer's property. Mr. Young was opposed to rezoning the property.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt an ordinance amending Section 154.113(B)(8)(b) as requested because of the urgency of the request and asked that the Planning Board study the surrounding area and report their findings to the Board of Aldermen. The motion carried unanimously. (Ord. No. 25-05)

MGT - Staffing Study for Town Personnel

In adopting the budget for the 2004-2005 fiscal year, the Mayor and Board of Aldermen provided funds for a Staffing Study and a Compensation and Classification Study. The Staffing Study was intended to analyze the Town's operations and help determine whether there are a sufficient number of employees or if the Town is over or understaffed to perform the work of providing services to the community. The Compensation and Classification Study was intended to analyze the pay provided personnel, compare it to the region and help determine if adjustments were needed.

During the summer of 2004, proposals were solicited and considered by Human Resources Director Margaret Langston and Town Manager Galloway. MGT Corporation was selected for preparation of both the Staffing Study and the Pay and Classification Study. Some of the recommendations that the Staffing Study made were very reasonable and have already been implemented. Others will need to be considered by the Board and Town Staff for implementation over a period of time. Mr. Mark Curfman and Ms. Rusheda Adeshina from Columbia, South Carolina, attended the meeting to present both the Staffing Study and the Compensation and Classification Study developed by MGT.

In adopting the 2005-2006 budget, funds were set aside to implement some portion of the Compensation and Classification Study, and it was also planned to begin assessing a share of the health insurance costs upon employees who select coverage for their spouses and/or children. Because of the uncertainties and questions Finance Director Eddie Caldwell, Ms. Langston and

Manager Galloway had after receiving the earlier copy of the Compensation and Classification Study, they had recommended that changes be delayed until some point during the fiscal year.

Manager Galloway said the Town has been fortunate over the past years not to have a large number of turnovers in personnel. However, with the growth occurring in Waynesville he felt it was important to make sure that Waynesville's staff is adequate.

Mark Curfman and Rusheda Adeshina attended the meeting to present the findings of the studies. Mr. Curfman said his firm has been in business for approximately thirty years and is based in Tallahassee, Florida with six offices at various locations throughout the United States. Mr. Curfman gave an extensive review of his company's finding regarding the staffing study and recommendations for restructuring of town staff to ensure that work is done in an effective and efficient manner. One of the major recommendations was to develop, implement and utilize a plan for technology upgrade in all departments.

Some of the recommendations included revising the senior management team in administration and hiring a risk management coordinator in the human resources operations. In Finance, reassign one customer service representative to building inspections and purchase an automated meter reading system. The study recommended several reorganization issues within the Parks and Recreation Department, including development of departmental, program and activity goals, advertising and marketing strategy and performance of an annual safety audit. The Planning and Land Use Department recommendation included maintaining current staffing but to also transfer one customer service representative to the department and to deploy mobile technology to record field actions/decisions. Organization into flexible crews was recommended for Streets and Sanitation. The possibility of adding a laboratory technician to conduct lab analysis and to investigate liability/risks of the watershed attendant's position was suggested for the Water Treatment Department. Reorganization with Police and Fire Departments included considering hiring a single public safety administrator as head of the Fire and Police Department.

Mr. Curfman then gave an overview of the recommendations for the Compensation and Classification Plan. This plan was done to ensure equity between similar jobs, both internally and externally and to develop a more manageable classification and compensation system for the town. Salary surveys were compared with similar jurisdictions including Buncombe County, Cities of Asheville, Brevard, Hendersonville, Morganton, Newton, and several others. Total implementation of the study by October 1 would cost \$362,411. A breakdown of the total includes 3% flat adjustment at \$138,624, adjustment to minimum \$45,628, adjustment to market \$133,525 and adjustment to step \$44,634. Implementation of the study would result in competitively paid employees, flexible pay plan and a cost-effective solution to the Town's classification and compensation issues.

Mr. Curfman answered questions of the Board and asked that they take time to review the recommendations. It was recommended that a special workshop be held for further review of the studies. The Board thanked Mr. Curfman and Ms. Adeshina for their attendance and presentation at the meeting. Board Members indicated that they would like to implement some the recommendations as soon as possible, hopefully before January 1. Manager Galloway said some

of the recommendations have been implemented and it may be possible to implement other recommendations by November 1.

County Transportation Improvement Program Recommendations From Transportation Committee of the Haywood County Council of Governments

At the meeting of August 23, 2005, Alderman Feichter presented a list of several major construction projects which had been recommended by the Transportation Committee of the Haywood County Council of Governments. This group has been meeting for the past few months and is made up of representatives from each of the municipalities and the County, with elected officials and planners serving. The group reviewed the various projects which appear on the Transportation Improvement Program (TIP) of the North Carolina Department of Transportation and discussed the current funding status and construction time frame of those projects. They also discussed projects which are needed but which do not appear on the TIP.

Alderman Feichter said this list is in addition to those projects already on the N. C. Transportation Improvement Program. Alderman Feichter asked that the Board send a letter of support regarding the recommendations made by the Transportation Committee. The following projects were recommended.

- 1) A feasibility study of the Chestnut Mountain Loop from NC 110 south of Canton through Dutch Cove to US 19-23 and continuing to I-40. This will create an alternative for Bethel residents to winding through streets in Canton which places a burden on traffic flow in residential neighborhoods.
- 2) Request the MPO monitor and coordinate with NCDOT and the Tribal Authority to determine the schedule for funding and completion of Soco Gap connector from Maggie Valley to Qualla Boundary.
- 3) Improvement of US 276 from US Business 23 in Waynesville across the Waynesville Mountain to the bridge over the East Fork of Pigeon River at intersection of US 276 and NC 110.
- 4) Resurfacing of US 19 from Lake Junaluska through Maggie Valley (excepting the new stretch of 1.8 miles).
- 5) Major upgrade to US 276 (Russ Avenue) to US 74 to Walnut Street in Waynesville.
- 6) Widening Walnut Street from US 276 (Russ Avenue) to US 23 Business, Waynesville, connecting these highways.

Alderman Moore moved, seconded by Alderman Caldwell, to send a letter from the Town of Waynesville Board of Aldermen to the MPO requesting that all projects on the 2006-2012 TIP remain top priority and that their recommendations for projects be considered for inclusion in the TIP currently being prepared for adoption in September. The motion carried unanimously.

Bridge Inspection Agreement With the NC Department of Transportation

In 1978, the Surface Transportation Assistance Act was approved and provided funding under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program. That act came about as a result of some bridge collapses which occurred on an Interstate highway in Connecticut and another over a river between West Virginia and Ohio. Under this program, funds are distributed to the 50 States to operate a bridge inspection program on both federal and State highways and on those of municipalities.

The North Carolina Department of Transportation offers the opportunity to local governments to participate in this program of bridge inspections. Using federal funds, the State provides 80% of the cost and the municipal government provides 20%. The State contracts with an engineering firm specializing in bridges to make inspections of the bridges on the Waynesville road system and to prepare a report on the conditions of the bridges and recommendations for structural improvements which are needed. There is also a numerical rating given each bridge, and that rating is used by the State to determine the placement of the bridge on the Transportation Improvement Program. In recent years, low ratings for Scates Street and Boyd Avenue bridges helped get those structures replaced, and the bridge on Hendrix Street is on the replacement schedule because of the rating which was assigned a few years ago.

The Town does not have the expertise to inspect the condition of these bridges, and there are almost a dozen on the Town's system for which the Town is responsible. If an engineering firm were hired to do the inspections, the Town would pay the full cost, but under this program, the Town only pay 20%.

Alderman Caldwell moved, seconded by Alderman Feichter, to adopt a resolution to authorize the Town to participate in this program. The motion carried unanimously. (Cont. No. 20-05)

Bill Phillips and Bob Armstrong Discussion of Cardinal Lane and Wrenn Way

Mr. Bob Armstrong requested time on the Board's agenda to discuss the chip seal or BST method of resurfacing Cardinal Lane and Wrenn Way in 2004. A group from this area appeared in the fall of 2004 to express their dissatisfaction with the work which was preformed by the N. C. Department of Transportation. They also expressed their dissatisfaction with the chip seal or BST method in general and requested that the Town Board authorize funds to resurface those streets using an asphalt overlay for a smoother surface.

The Board asked that a meeting be set up with representatives of the Department of Transportation so that they might inspect the work performed and give an opinion as to that work. Such a meeting was held and the DOT representative indicated that they felt the job was at or above average for BST or chip seal work.

Subsequently, Mr. Armstrong again appeared before the Board and asked that the street be resurfaced with an asphalt overlay. The Board indicated that it was too late in the fall for satisfactory resurfacing of any type but that the matter would be discussed at the Board Retreat in the Spring of 2005. At the Retreat in April 2005, the Board discussed the matter, with the majority of the Board in agreement that the Town's policy on the use of the BST or chip seal method would remain as written.

Mr. Armstrong submitted a folder which was included in the agenda package for each Board member and a request that Cardinal Lane and Wrenn Way be resurfaced with a 1 ½ inch asphalt overlay. Mr. Armstrong, joined by several of his neighbors, presented photographs of the area, which included Cardinal Lane, Wrenn Way and Summer Way. He said the street is slick, shiny and slippery and large trucks traveling along the streets leave tire marks creating a problem. Daniel Cox said he obtained information from three different states to find the proper way to put down chip seal. All the information revealed that three ingredients are used; tar, gravel and choke (sand). Mr. Armstrong said the contractor did not use sand, used rubber rollers rather than steel rollers causing the tar to bleed up through the other material. Also the pavement should not have been driven on for twenty-four hours and it was. One half of the street should have been completed before the other half was started. The BST method should not be used on steep grades and if a problem is discovered it should be taken care of quickly. Mr. Armstrong said the Homeowner's Association feels that a 1 ½ inch cap would work much better on this street. They requested an estimate from WNC Paving to install a 1 ½ inch asphalt cap over the chip seal on approximately ½ miles of street and were given a \$25,000 estimate.

Mr. Armstrong said if the contractor did a poor job, the Board should get the contractor to deal with it and he hoped the Town would do something soon before cold weather is here again. He added that he does not plan to come back again to ask the Board for their help. Mr. Armstrong said there are about fifty families that live in this area and approximately 25% of the taxes collected by the Town come from this area.

Alderman Moore asked if the street was in better shape before this was done and why was it done. Jess McClure, another resident in this area, said about one year prior to the BST paving application, the street had been recapped and was in good shape. Mr. McClure said he did not understand why the BST paving application was used. He said there are now places in the street that are breaking. It seems to him that the asphalt underneath was probably ok and the material that was placed on top is making it unstable.

Alderman Caldwell asked if the State would be responsible for coming back and looking at this situation. The Town bid this work to the State to do the job correctly. Mr. Armstrong said a representative from the State did come back and said that it was an average to above average job. Mr. Armstrong added that the last time his group came to the Board Meeting they were under the impression that someone would be back in the spring to repair the road. Now he is of the understanding that the road will not be fixed until the Town asks that it be fixed.

Alderman Caldwell said at this point the Town should set up a meeting with DOT and find out how the road can be fixed. If there is a problem created by the work that was done, it was felt that the Town should not be responsible for the expense; it should be at the expense of the contractor.

Mayor Foy said the Town has a policy to pave all streets above 2,850 feet elevation using the BST method.

Mr. Armstrong suggested that the Town pave streets using the BST method on a case by case basis. He felt that streets with southern exposure should not be paved using this method.

It was the consensus of the Board that Manager Galloway contact NCDOT and request that a representative revisit the situation to determine if the paving was done correctly. If the paving was faulty they also wanted to determine if further damage was created and what it will take to correct the damage. Mayor Foy suggested that NCDOT Representative of District 14, Conrad Burrell, be asked to visit the site also.

Appointments Recreation and Parks Advisory Commission

The terms of Lee Starnes, Wallace Messer and Dortha Evans on the Recreation and Parks Advisory Commission will expire on September 30, 2005. All three of these individuals have been good and faithful members of the Commission and valuable in their contribution to the Recreation Department. Mr. Messer, Ms. Evans and Mr. Starnes have indicated a desire to continue service on this Commission.

Alderman Feichter moved, seconded by Alderman Caldwell to reappoint Lee Starnes, Wallace Messer and Dortha Evans to serve another three-year term to the Recreation and Parks Advisory Commission, said terms to expire September 30, 2008. The motion carried unanimously.

Appointment by Mayor Waynesville Housing Authority Commission

The term of Mr. James R. Edwards on the Waynesville Housing Authority Commission will expire on September 30, 2005. Under the federal and state regulations, appointments to the Housing Authority are the purview of the Mayor of a community; however, Mayor Foy has traditionally asked that the Town Board endorse these appointments. The Mayor contacted Mr. Edwards and he has indicated his agreement to continue serving on the Housing Authority Commission. Mayor Foy reappointed Mr. Edwards for a new, five year term which will expire on September 30, 2010.

Surplus Items for Auction

Each year, the Town holds an auction of surplus equipment including a variety of items from each Town department. In advance of the auction, a list of these items is presented to the Town Board for its approval and as a declaration of the items being surplus. The auction this year is scheduled for Saturday, October 1, at 10:00 a.m. at the Public Works Facility on Legion Drive.

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the list of surplus items for the auction as presented. The motion carried unanimously.

Alderman Moore - Proposed Development on Allens Creek Road

Alderman Moore read an article from the newspaper regarding a proposed development on Allens Creek Road. This development contains 260 custom home sites on 1.5 to 12 acre lots, involving five custom builders. He was concerned that this development was proposed for the ridge at the Waynesville Watershed.

Manager Galloway said this development is proposed at the end of Lickstone Road. The area on the ridge at the Waynesville Watershed has very strict regulations and contains a total of three tracts of land, approximately 15 acres in size each. Drainage must be directed away from the watershed and the total development on the property is limited to three home sites.

Charles Miller - Jake Brakes and Speeding on Allens Creek Road

Charles Miller brought a tape recording of large trucks traveling along Allens Creek Road that he said was recorded at 2:00 a.m. Mr. Miller said there are a lot of people living in this area who have health problems and there are others who work nights. He said there has not been a police car along Allens Creek Road for the past few months and the speeding is getting out of hand. Mr. Miller said four out of the five times he called the Police Department no one responded. He added that he sees two or three police vehicles on the By Pass at one time and it is a shame and disgrace for anyone to live in this community and have to listen to jake brakes.

Mr. Miller said he took water samples in the creek and had them analyzed. He said the rock crusher has "killed" the creek with silt. There are fish in the creek but the fish living below the rock crusher and above the rock crusher look like two different species. Mr. Miller said he also took samples of dust on the Blue Ridge Parkway and those samples contained high amounts of mica dust which gets in your lungs and will kill you like asbestos.

Mr. Miller said it seems that the truck drivers are using their jake brakes purposely but jake brakes are useless on flat ground, they are just making a loud noise. The local drivers who haul all the time are not the problem. Alderman Feichter asked if someone could visit the rock crusher and ask that they pass along to the drivers that the jake brakes not be used. Manager Galloway said this is something that can certainly be tried.

Roscoe Wells - Speeders and Hand Held Radar

Roscoe Wells said he had good news that the UPS truck no longer travels down East Marshall Street at 45 - 50 miles per hour since the driver was reprimanded for speeding in Waynesville. Mr. Wells said he asked some questions at the last Board of Aldermen Meeting and has not received an answer. He wanted to know if the Town of Waynesville had a hand held-radar and, if not, he would consider purchasing one. He also wanted to know if there have been any speeding tickets issued in Waynesville. Manager Galloway said at the last meeting he said the Town did not have a hand-held radar, but the police vehicles have the units in the cars. He also said that information regarding citations issued for speeding violations was available at the Police Department.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting 10:24 at p.m. The motion carried unanimously.

Phyllis R. McClure, Town Clerk
Henry B. Foy, Mayor

