

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
JANUARY 10, 2006  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, January 10, 2006. 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, Planning Director Paul Benson, Administrative Intern Alison Melnikova and Town Attorney Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of December 13, 2005

Alderman Caldwell moved, seconded by Alderman Feichter to approve the minutes of the December 13, 2005 meeting as presented. The motion carried unanimously.

Public Hearing - Section 154.309(C)(4) Streets Right-of-Way

In reviewing the requirements for street rights-of-way found in the design standards, Public Works Director Fred Baker found a conflict. In 154.309(C), the width of the street right-of-way is listed at 45 feet, while in 154.309(D) a width of 50 feet is required.

In the past year, there have been a number of developments proposed where it has been difficult for the developer to fit two lanes of pavement, curb and gutter, planting strips and sidewalks on the forty-five foot right-of-way that is required. Mr. Baker has recommended that the width of 50 feet be required, and this would require an amendment to Section 154.309(C), changing the width from 45 to 50 feet.

In addition, Mr. Baker has recommended that the pavement width for streets as listed in Tables VII-2 and VII-3 read 20-28 feet. The Planning Board considered this matter at their meeting of November 17, 2005, and they recommended approval of the changes.

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

Alderman Brown moved, seconded by Alderman Feichter, to adopt an ordinance to amend Section 154.309(C)(4) as recommended. The motion carried unanimously. (Ord. No. 1-06)

Public Hearing - Attendance Requirements Sections 154.051(B), 154.052(B), 154.053(B) and 154.054(B)

Over the past several months, there has been discussion about some additional attendance requirements for members of various Boards and Commissions appointed by the Town Board. As a result of those discussions, amendments were proposed by the Town Board for changes which would add an additional requirement. At present, the ordinances read that an individual may be replaced if they miss more than three consecutive meetings. The proposed change adds a stipulation that a member may be replaced if they do not attend at least 75 % of the meetings in one calendar year. The proposed changes apply to the Waynesville Planning Board, the Board of Adjustment, the Community Appearance Commission and the Historic Preservation Commission. As these Boards/Commissions are established by ordinance under the Land Development Standards, a public hearing is required to adopt amendments to the requirements. Similar requirements for the Recreation and Parks Advisory Commission can be made by adoption of a resolution without the requirement of a public hearing.

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

Alderman Brown moved, seconded by Alderman Moore, to adopt an ordinance amending the attendance requirements in Sections 154.051(B), 154.052(B), 154.053(B) and 154.054(B) as recommended. The motion carried unanimously. (Ord. No. 2-06)

Alderman Brown moved, seconded by Alderman Moore, to adopt a resolution amending the attendance requirements for the Parks and Recreation Advisory Commission to include that they may be replaced if they do not attend at least 75% of the meetings in one calendar year. The motion carried unanimously. (Res. No. 1-06)

#### Public Hearing - Closing Portion of 15 Foot Unopened/Unimproved Alley Beside 1093 Brown Avenue

At the second meeting in November, the Board received a request from the owners of property abutting a 15 foot unopened/unimproved alley beside 1093 Brown Avenue, asking that the alley be closed and abandoned. When this request was received the Board adopted a resolution of intent to close the alley. As required by State law, this resolution of intent to close the portion of the 15 foot unopened/unimproved alley has been advertised for four successive weeks.

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

Alderman Caldwell moved, seconded by Alderman Brown, to adopt an ordinance to close the remaining portion of an unopened/unimproved alley beside 1093 Brown Avenue. The motion carried unanimously. (Ord. No. 3-06)

#### Resolution of Intent - Asheville Road Annexation (US Route 23 Business)

At the Board Retreat last spring, various areas were discussed for annexation into the Town of Waynesville. The area along the Asheville Road (U. S. Route 23 Business) was divided into four sections to be annexed over a period of the next several years. The first section would involve

most of the property on both sides of the road between the existing corporate limits and Ratcliff Cove Road and just beyond on the east side of the road.

Director of Planning Paul Benson prepared a schedule of the annexation process over the next six months leading up to a potential annexation date of July 1, 2006. There are a number of steps required by state law giving citizens the chance to learn about the annexation and to give them an opportunity for input on the annexation process. The first step in this process would be for the Town Board to adopt a Resolution of Intent to annex the area in question.

Paul Benson attended the meeting to explain the process. Phase 1 includes the area along Asheville Road from the existing corporate limits to the round-about, excluding the Hillside Terrace development. This area will require some pretty extensive sewer extensions. Town services are already in place for the majority of the Phase 1 portion.

Manager Galloway said there are several commercial satellite annexations included in this section which were annexed when they requested connection to the Town's sewer. Several residential properties are also connected to the Town's sewer. However, the Town cannot annex individual lots out of a subdivision. The next step in this process will be approval of the annexation report which will be presented at the Board of Aldermen meeting scheduled for January 24.

Alderman Caldwell moved, seconded by Alderman Moore, to adopt the resolution of intent regarding annexation for the area described as the first section along the Asheville Road (US Route 23 Business) . The motion carried unanimously. (Res. No. 2-06)

#### Railroad Crossings - Resolution to Consider Closings - Set Public Hearing Dates

Some progress has been made in the redevelopment of the site formerly occupied by Dayco. The developer on that project has indicated that the project would include retail shopping areas and outlying parcels for restaurants, banks or other establishments. The plans call for the main entrance into the shopping center to be on the vacant lot next to Hardee's restaurant, and in order to do this, a new railroad crossing would have to be permitted by the Norfolk-Southern Railroad Company.

Haywood County Economic Development Director Mark Clasby and the developers contacted the railroad company to discuss this matter. Norfolk-Southern indicated that in order to secure a new crossing, there would have to be three crossings closed. The possibility of what crossings might be closed has been discussed by town staff and railroad personnel, along with representatives of the Department of Transportation which is charged with oversight of the railroads in North Carolina. After extensive thought, the railroad crossings which the group felt would have the least negative impact were as follows:

1. Crossing in Waynesville Recreation Park between Marshall and Vance Streets. This crossing is used primarily by recreation personnel for tractors to access the park area on the north side of the railroad tracks for mowing and maintenance

purposes. Town personnel can access the area through Vance Street at the horse rink or through the picnic area and playground off Marshall Street.

2. Crossing on Old Hickory Drive across from Waynesville Middle School. This crossing serves as one access to Keller Street and the Hickory Hollow Apartments. Work would have to be done to create a cul-de-sac on the north side of the railroad tracks so that larger vehicles could turn around. There would also need to be access assured to the playing fields on the north side of the tracks. Closing this crossing would address one of the complaints the police receive about the large volume of traffic and the speeding traffic going through the Killian Street neighborhood during the pre and post school hours.

3. Crossing at Shackford Street behind Wachovia Bank This crossing has been discussed by the Board previously as the railroad would very much like to close this crossing due to visibility limitations. There may be problems with this crossing if a house and property on the north side of the crossing and behind Wachovia Bank becomes landlocked as a result. The Town Attorney is researching this matter.

Gary O’Nesti, with Cedarwood Development, Inc., one of the developers of the former Dayco property attended the meeting. He said the former Dayco property has a number of environmental issues. A formal presentation of the development has not been presented to the Town yet since the project is a work in progress. Some of the issues faced in developing this property include 1) a facility with environmental issues; 2) development issues; 3) adjoining waterways, including Allens Creek and Richland Creek and 4) the railroad crossing and access to Hyatt Creek Road. The proposed railroad crossing is an "at grade crossing" which will be fully signalized and a traffic study will need to be done. Discussion have been going on with Norfolk Southern and the NC Department of Transportation. With each new railroad crossing installed, there is a requirement that three other crossings be closed.

Jason Field, NC Department of Transportation Rail Division, said it sounds like there is a great opportunity for this property. The Federal Aid Safety Program indicated that every 17 seconds a train hits a car and records indicate that there have been 12 collisions in Waynesville since 1976. In order to decrease the number of collisions, they are always looking at ways to reduce the number of crossings. They looked at the entire corridor in Waynesville in trying to determine if there were any good candidates for closure. All those closures being considered are required to be posted and public hearings must be held giving property owners an opportunity to express their concerns and have their questions answered. Certified copies of the resolution of closure must be mailed to residences whose properties abut the areas being considered for closure.

Bill Barringer, a third generation Southern Railway employee, said he believes in working for the safety of the community. It is a goal to reduce the number of railroad crossings since each crossing represents an opportunity for a car/train collision and that risk needs to be reduced. The new crossing being proposed would be a state of the art crossing.

Alderman Brown said he serves on the Economic Development Commission and the Haywood Advancement Foundation and has been very active in this process. He asked that the Board pass the resolution of consideration and talk to people who live in Waynesville to see how it would affect them. Alderman Brown said he knew the school system supported closing the Old Hickory Drive crossing. Alderman Feichter said the Board has talked in the past about closing the Shackford crossing. Alderman Brown said Shackford Street was once a driveway to access the Shackford house before it was torn down.

Manager Galloway said thought has been given to other possible crossings to close, but these three seem to be the most desirable in terms of the least impacts and the best alternative approaches. In order to close the crossings, a public hearing is required, and notice is to be given to those owning property abutting the crossings. At the present time, with the need to provide proper advertising notice and have letters delivered to adjacent owners, a public hearing date of February 14, 2006 would seem to be the most feasible.

Alderman Brown moved, seconded by Alderman Feichter, to adopt a resolution of consideration to close the portions of the streets and three railroad crossings as presented and set the date for a public hearing for Tuesday, February 14, 2006. The motion carried unanimously. (Res. No. 3-06)

#### Memorandum of Understanding - Forestry Management Plan - Watershed

Under the terms of the Conservation Easement on the Watershed, the Town was required to have a Forestry Management Plan developed by a qualified group. In previous meetings, Town Attorney Griffin advised the Board that the Town could enter into an agreement with Western Carolina University for the preparation of this Plan. The Board authorized Manager Galloway to discuss such a proposal with Dr. Peter Bates who works with the Department of Geosciences and Natural Resources Management at Western Carolina.

The Town Attorney, Dr. Bates, legal representatives of the University and Manager Galloway have worked out the agreement. The proposal calls for a Plan to be developed over the next two years at the cost of \$50,000 which Dr. Bates suggested early. A copy of the agreement was given to the Board for their review and has the endorsement of the Town Attorney and the University's legal department. It was recommended that the Board approve this agreement so that Western can begin their work to develop the Plan.

Alderman Brown moved, seconded by Alderman Feichter, to approve the Memorandum of Understanding for the development of a Forestry Management Plan for the watershed as presented. The motion carried with four (4) in favor (Foy, Brown, Caldwell, Feichter) and one (1) opposed (Moore). (Cont. No. 3-06)

#### Consideration of Award of Bid - Shelton Branch Sewer Improvements

In a continuing effort to address problems of a deteriorated and leaking wastewater collection system, funds were provided in the 2005-2006 budget for the replacement of a section of sewer line known as the Shelton Branch Collector Line. This line is located between Broad Street and Pigeon Street and runs close to the banks of Shelton Branch, near Oakdale Road. This is a major

trunk in the Town's sewer system, collecting wastewater from an area just south of Pigeon Street, starting with Mack Noland's Mountainview Mobile Home Park and includes areas along Oakdale Road, Crymes Cove Road, Country Club Drive, Auburn Park and Hendricks Park. The line is being increased in size in anticipation that additional development will be occurring in this area as land is sold and made available for development.

On Tuesday, January 3, the Town opened bids on this work and the low bidder was H & M Constructors, a division of MB Haynes, Inc., at \$157,040. This is slightly more than the amount included in the budget for the work, but it is work that needs to be done to prevent overflows and spills in this section of line. The Town has worked with MB Haynes in the past and the firm has an excellent reputation. It was recommended that the work be awarded to H & M Constructors.

Alderman Moore moved, seconded by Alderman Caldwell, to award the bid to H & M Constructors, a division of MB Haynes, Inc., in the amount of \$157,040. The motion carried unanimously.

#### Petition for Annexation - 49 Ammons Trail - Phyllis and Calvin Grasty

The Town received a petition for annexation for 49 Ammons Trail submitted by Phyllis and Calvin Grasty. This property is located just off Crymes Cove Road near where it intersects with Children Street. Mr. and Ms. Grasty are interested in providing sewer service to this property and a petition for annexation is required in order to have access to that service.

Alderman Caldwell moved, seconded by Alderman Feichter, adopt a resolution to instruct Town Clerk Phyllis McClure to investigate the sufficiency of the petition from Mr. and Mrs. Grasty. The motion carried unanimously. (Res. No. 4-06)

#### Extension of Bond Agreement - Dick McCotter Subdivision

When Dick McCotter began development of his subdivision, Town Ridge Homes, off Smathers Street, he was required to place a bond with the town to assure completion of the various improvements in the subdivision. That bond was previously extended and expired in October 2005. There remain a few items to be completed, and Mr. McCotter has requested that the bond be extended for one year, until October 2006. Public Works Director Fred Baker and Land Development Administrator Byron Hickox have reviewed this request and they are recommending approval by the Board.

Manager Galloway said Mr. McCotter still has a few trees to be planted and some ditch work to be completed and this work should not take very long to complete.

Alderman Brown moved, seconded by Alderman Feichter, to extend the bond agreement until October 2006 for Town Ridge Homes, located off Smathers Street, as requested by Dick McCotter. The motion carried unanimously. (Cont. No.14-00)

#### Resolution on Bicycle and Pedestrian Grant Funds

Paul Benson said the Town has applied for a \$15,000 grant, with \$13,000 from the NC Department of Transportation and the Town contributing \$3,000. This resolution was adopted in 2004, but a new resolution is required for submission with the new grant application.

Mr. Benson said last summer the Town had an intern who worked on mapping the sidewalks in Waynesville. By doing so, several missing links were discovered and connecting those areas would be a nice project if funded.

Alderman Brown moved, seconded by Alderman Moore, to adopt a resolution regarding the bicycle and pedestrian grant funds. The motion carried unanimously. (Res. No. 5-06)

#### Retreat - Schedule for March 10

Manager Galloway said he has spoken with Vicky Green and Vicky Wade, facilitators for the Board of Aldermen Retreat. They have indicated that Friday, March 10, 2006 from 7:45 a.m. until 5:30 p.m. would be a possible date for the retreat if this is a time which can be scheduled with the Board. It was the consensus of the Board to schedule the retreat for Friday, March 10, 2006 at the Lake Logan Episcopal Center.

#### Introduction of Intern Alison Melnikova

Town Manager Galloway introduced Intern Alison Melnikova, a student at Western Carolina University currently in the MPA Program. Ms. Melnikova has a 4.0 grade point average and this is her last year at WCU. She will be doing an internship with the Town through the summer and during that time will work with the Town's various departments. She has worked at Biltmore Estates and completed an internship at WCU. Ms. Melnikova grew up in Franklin, NC and currently live in Asheville with her husband who is a violinist.

#### Comments of Alderman Moore

Alderman Moore said Don Singleton commended the public works employees, especially Assistant Public Works Director Robert Hyatt. Manager Galloway said the Town is fortunate to have such dedicated employees. On Christmas morning there was an electrical problem which resulted in loss of electricity. Those employees came out and worked for about three hours to try a temporary repair. When this did not work, they came back out and worked for another three hours.

#### Update on New Fire Station Site by Manager Galloway

Manager Galloway said asbestos tests are being conducted on the North Main Street property which is under consideration for the location of a new fire station. These tests will help to determine if the site will be suitable for the location of the new fire station. Attorney Griffin has been working with representatives of Home Trust Bank.

#### Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Moore to adjourn the meeting at 8:35 p.m. The motion carried unanimously.

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