

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
MARCH 14, 2006
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, March 14, 2006. 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, Finance Director Eddie Caldwell, 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 February 28, 2006

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the February 28, 2006 meeting as presented. The motion carried unanimously.

Public Hearing - Rezone 28.109 Acres - From Sulphur Springs Neighborhood District to Chestnut Park Neighborhood District

This 28.109 acre tract is owned by Dick McCotter Development, Inc. and lies to the northwest of the Town Ridge Development, between the Route 23/74 Bypass and Sulphur Springs Road.

In the Land Development Plan, this tract of land was designated as having the best use as medium to high density residential. Both the Sulphur Springs Neighborhood District and the Chestnut Park Neighborhood District allow this type use, meaning it could fall into either district. In the Sulphur Springs District, ten dwelling units per acre are permitted, but multi-family residential development is prohibited. In the Chestnut Park District, eight dwelling units per acre are permitted and multi-family residential is allowed.

The individual interested in purchasing this tract of land wishes to construct condominium units. In view of the steepness of this property, the planning staff felt that the Chestnut Park Neighborhood District would be a better fit for the plans of the developer. In the Chestnut Park District, lower density is required and multistory buildings with fewer units can be constructed. The Planning Board voted unanimously to recommend approval of this request to the Town Board.

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

Shondra Grant, 142 Mountain View Drive, presented a petition from residents in the neighborhood requesting that any use of Blink Bonnie Drive, Mountain View Drive and Ethel Lane as access to any and all developments be denied both now and in the future for several reasons listed in the petition including: 1. Sulphur Springs park is a full residential and family

oriented subdivision, engineered with streets designed as one-way-in and one-way-out and not wide enough to carry through traffic. 2. Opening up their street to construction and higher traffic flow will devalue their homes. 3. It will bring an end to residents and children being safe in walking, playing or driving in their neighborhood. 4. They have established their homes in good faith and would not want to be destroyed by letting a developer have full access to them. 5. The town ordinance prohibits parking in their yards now which will further complicate any more traffic than they have now. 6. They have major concerns about criminal access. 7. They are already plagued with noise from the highway after a developer was allowed to come in and clear cut the trees that buffered them from the road. 8. The roads are already in need of repair - Mountain View Drive is literally "falling off" of the hill. 9. Their taxes reflect that they live in an upscale residential neighborhood, with by-laws, and they should be protected.

Ms. Grant said she parks in the one lane street now because the Town's ordinance prohibits parking in her yard. There are major concerns about criminal access because the area over the bank is not a very desirable neighborhood and should not be attached to their neighborhood. They are plagued from the noise from the highway after a developer was allowed to cut down the trees and not required to replace them. Mountainview Drive is "falling off" the side of the hill. Ms. Grant said she was left as a single mom when her daughter was five months old and she has worked three part time jobs until she got an executive position. She is sick and tired of trying to pay the taxes and does not want to see her property attached to these "trailer parks". She wanted to know why only two people got a letter. She felt that they were trying to sneak it under the table and she took it upon herself to make sure that everyone that would be affected got a copy of the letter.

Joe Walters echoed everything that Ms. Grant said. He said it was surprising that the residents did not get notified. The situation regarding an entrance through their development was an issue once before when McCotter tried to have an entrance to his subdivision through their neighborhood. This is an upscale neighborhood and will impact their property values. Mountainview is "falling off"and was not made and does not meet the standards of a street in Waynesville at this point in time - two cars cannot pass. This same Board of Aldermen made a decision that Ethel Lane would not be used as an access. Mr. Walters said the residents oppose access to this subdivision through their neighborhood.

Ms. Grant requested to add more to what she just said. She was curious why industry has been done away with, tourism is being allowed, and developers are being allowed to come in and develop every piece of land. Attorney Griffin advised Ms. Grant that the purpose of the public hearing was to consider rezoning property from the Sulphur Springs Neighborhood District to the Chestnut Park Neighborhood District and that some of the issues she mentioned did not relate to the public hearing.

Marianne Walters, 150 Blink Bonny Drive, said when this issue came up before, the Town Engineer Fred Baker came over and discussed the steepness of this hill. She said she remembered that the width of the street was measured and it is very narrow. Recently a new house was built in her neighborhood and the construction trucks caused the pavement to break.

Melanie Newsome, 38 Ethel Lane, said she is new in the area and bought her house in good faith so she could raise her two children there and she wanted it to stay the way it is now. This is a dead end street and she did not know what would happen to this large piece of property behind her. She questioned whether the proposed development would be multi-family and if Ethel Lane would be opened up as a street to be one of three entrances to the property. She does not know what changing the zoning and opening the area to development would do to this area. She feels that the tax value has increased and if this rezoning passes, her property value will go do. This concerns her as a taxpayer and as a single mom.

Kevin Alford, Alford Engineering in Maggie Valley, was contacted by the people purchasing the property to look at the feasibility of adequate design for development of the property. He does not know what the issues in the past for this property have been but feels that the entrance to the property would be from the front rather than the back portion through the Mountainview Drive subdivision. There is a right-of-way from Ethel Lane but he feels that the property would be accessed from Morning View Drive. Mr. Alford said if he develops the property it would be in a tasteful manner, with a 2 - 4 family condominium scenario, without stripping everything off, leaving buffers as they are now. He has received 22 calls on properties ranging from 84 acres down to 6 acres in the Maggie Valley area. Properties in this area are going fast and most people want the properties subdivided. Repair work to adjoining roadways would be done at the expense of the owner of the property. This is the buyer's plan and what he was asked to represent.

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

Mayor Foy said the Board has only received this request this past weekend. He said you can't prohibit someone from getting the best use of their property, but felt that there should be a different entrance to the property. A map of the property shows Morningview Drive, which Mr. Alford felt would be the most practical and highest and best use for the property to access. Mayor Foy said the Board is not prepared to address this issue at tonight's meeting and feels that more information is needed before a decision can be made.

Ms. Grant said a policeman from the Waynesville Police Department told her that she would have to take her daughter and move because she would not want what was in that trailer park having access in her development. Ms. Grant said she lives in a Victorian two-story modular home and these are trailers down there. She cannot sleep with her windows open now because a developer was allowed to clear out all the trees without replacing them. Marianne Walter said some trees were replaced but were only about three feet tall.

Alderman Feichter asked if the residents were mainly opposed to vehicular access to this property through their development. Ms. Grant said this is priority. Their second concern is that trailers could get "sneaked in there" like before. She would not mind one nice house going in past her house; she would be very neighborly but this proposal is ridiculous.

Becky Chafin, did not speak at the public hearing, but asked about the right-of-way at the end of Ethel Lane. Ms. Chafin asked which property owners were notified. Town Clerk Phyllis McClure said approximately 28 letters were mailed to those persons owning properties adjacent to the property proposed for rezoning and a list was available for anyone who wished to see it.

Mayor Foy said when this same type situation came up years before, this high profile area in Waynesville was one of the things that got Waynesville started in developing the land use plan which was adopted in 2003.

Another person asked questions about soil evaluations. The Board said it was the responsibility of a developer to have these tests conducted.

Ms. Grant asked if the residents would be informed before the Board makes any decisions and there was some question about what uses would be allowed if the rezoning is approved. Town Manager Galloway said each of the 29 zoning districts in Waynesville's jurisdiction has regulations, but he suggested that the residents contact the Planning Department or look on the web site under the district to get this information. Residents were advised that unless the issue is changed there will not be another public hearing and additional notifications will not be sent. This was the public hearing to consider the zoning of 28.109 acres from the Sulphur Springs Neighborhood District to the Chestnut Park Neighborhood District.

Manager Galloway said it would be unlikely that the Town would open the right-of-way from Ethel Lane, however a developer would have to submit plans and open up a road to connect to this street.

Ms. Grant asked if her taxes would be lowered if this street is opened up to this development, because it would lower her property value. She is tired of paying \$2,000 for taxes when she gets nothing in return. Her garbage can is literally left in the middle of the street, her street is falling apart, the leaves and tree limbs are never picked up, the curbing is gone and has been since she moved there, she is getting no protection from the Town. She has lived here all her life and feels that she is getting pushed out because people are being allowed to develop every inch of land that we have.

Alderman Feichter moved, seconded by Alderman Caldwell, to table this issue until additional information is available so that an informed decision can be made. The motion carried unanimously.

Amendment No. 1 to 2005-2006 Budget Ordinance

When the Board approved the budget for the 2005-2006 fiscal year, funds were set aside to grant employees a pay increase during the year. There were also funds set aside to implement the recommendations of the Pay and Classification Plan which was prepared by MGT Corporation. As we entered the fiscal year, town staff was still filtering through the recommendations from MGT Corporation. At that time, town staff was not prepared to make recommendations on what portions and how much of the MGT recommendations could be put into effect. It was recommended that a lump sum amount be placed into each of the four funds to cover an estimated increase.

In November, the new pay and classification plan was implemented. Since then, the individual departments have been charged the salaries and wages approved under the plan; however, the funds to cover these expenses were left in a lump sum and not placed into the budgets of each

department. Manager Galloway said the Town is now approaching the 75% point in the fiscal year, and it is requested that the Town Board approve distributing the lump sum appropriation into the individual departments. Amendment No. 1 to the 2005-2006 Budget Ordinance covers this transfer so that wages, social security, state retirement and contributions to the 401(k) will not be overspent.

Finance Director Eddie Caldwell attended the meeting to explain the amendment.

Alderman Moore moved, seconded by Alderman Feichter, to adopt an ordinance amending the 2005-2006 budget. The motion carried unanimously. (Ord. No. 9-06)

Parking Problem at 146 Hazelwood Avenue

The property owner at 146 Hazelwood Avenue contacted the Waynesville Police Department to express concern about a parking situation on Morgan Street. On Sundays, members of the Hazelwood Baptist Church park on both sides of Morgan Street near the intersection with Hazelwood Avenue. In doing so, and since the street is quite narrow, it creates a problem for the resident of 146 Hazelwood Avenue, for she cannot safely turn into her driveway and she cannot safely back out of her driveway.

Lieutenant Brian Beck has investigated this situation and submitted his report to Police Chief Bill Hollingsed. Lieutenant Beck has recommended specific signs to be installed to prohibit parking for the first 100 feet on the south end of Morgan Street. This proposal would prohibit parking between the driveway providing ingress and egress to 146 Hazelwood Avenue from Morgan Street, and it is felt that this signage would correct the problem. Chief Hollingsed has reviewed the recommendation of Lieutenant Beck and concurs.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt an ordinance to implement the recommendation of the Police Department to prohibit parking for the first 100 feet on the south end of Morgan Street. The motion carried unanimously. (Ord. No. 10-06)

Downtown Waynesville Association Street Closing Request for 2006

The Downtown Waynesville Association submitted a list of street closing requests for the 2006 calendar year on behalf of several organizations involved in sponsoring various downtown events.

Alderman Moore moved, seconded by Alderman Feichter, to approve the list of street closings as presented by the Downtown Waynesville Association. The motion carried unanimously.

Annexation Petition - LMK Real Estate Company - 9.4 Acre Tract at Shingle Cove

Mr. Michael Kilpatrick, representing LMK Real Estate Company, submitted a petition requesting the annexation of a 9.4 acre tract of land off Shingle Cove Road into the Town. The owner wishes to connect the property to the public sewer system owned by the Town, and, anyone wishing to apply for a sewer connection must also apply for annexation into the Town of

Waynesville. In this particular case, the property is a non-contiguous to the corporate limits of the Town, but sewer lines are being extended with private funds to connect this tract to the sewer system.

The first step in this matter would be for the Town Board to pass a resolution directing Town Clerk Phyllis McClure to investigate the sufficiency of this petition.

Alderman Caldwell moved, seconded by Alderman Feichter, to adopt a resolution requesting that the Town Clerk investigate the sufficiency of the annexation petition as presented. The motion carried unanimously. (Res. No. 9-06)

Haywood County Council of Governments System-Wide Comprehensive Recreation Plan

In the spring of 2005, the Haywood County Council of Governments met to discuss issues of importance to all the municipalities and the county government. It was decided that two special committees should be appointed, one to deal with issues related to transportation and the other to deal with issues related to recreation.

The Recreation Committee reached the conclusion that a Countywide Comprehensive Recreation Plan was needed, and in late 2005, they approached each unit of local government to seek financial participation in the development of the plan. At that time, the share for the Town of Waynesville was estimated at approximately \$9,000. Board members voted to authorize these funds.

Last month, the Committee received proposals to perform this work from three firms, and they have recommended that the firm of Borge-Waggoner of Chattanooga, Tennessee, be selected for the work. The proposal received from this firm is \$69,900, up from the \$50,000 estimated for the work in the fall. Based upon the proposal received, the Town of Waynesville's share is now estimated at \$11,813, and is allocated on the basis of Waynesville having 16.9% of the countrywide population. It was recommended that the new figure be approved by the Town Board with a possible split in funds over two fiscal years.

Alderman Feichter moved, seconded by Alderman Moore, to approve the Town of Waynesville's participation in the Haywood County Council of Governments System-Wide Comprehensive Recreation Plan at a cost of \$11,813, to be divided over two fiscal years. The motion carried unanimously.

Comments Regarding Retreat

Manager Galloway commended the Board of Aldermen for the time spent at their retreat on Friday, March 10, adding that a great deal was accomplished at the retreat. Alderman Moore said he was impressed with the presentation of Planning Director Paul Benson regarding the discussion and maps of the growth in Waynesville.

Mayor Foy - Marketing Study for a Future Retirement Home

Mayor Foy said a consultant has volunteered to speak to the Board about a marketing study for a future retirement home for the Waynesville area. A time will be arranged for a special meeting in order for the consultant to speak to the Board.

Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Moore, to adjourn the meeting at 7:50 p.m. The motion carried unanimously.

Phyllis R. McClure, Town Clerk

Henry B. Foy, Mayor