

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
JANUARY 23, 2007
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, January 23, 2007. 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, Town Attorney Woodrow Griffin, Finance Director Eddie Caldwell, Assistant to the Town Manager Alison Melnikova and Public Works Director Fred Baker. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of December 12 and December 28, 2006

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the December 12 and December 28, 2006 meetings as presented. The motion carried unanimously.

Public Hearing - Amendment to Section 154.600(G)(2) Nonconforming Mobile Home Parks and Housing in Parks

At the November and December meetings of the Planning Board, time was spent in discussing the requirement that in most of the zoning districts, where a manufactured home park is a non-conforming use, if a lot in that park remains vacant for six months, the space may not be filled. The request had been received that the Planning Board eliminate the six-month deadline to replace a manufactured home in a nonconforming manufactured home park.

There was lengthy discussion at the initial meeting of November 20, 2006, and it ended with the Planning Board tabling the matter and asking Planning Director Paul Benson to give the matter further review.

At the second meeting on December 18, 2006, Mr. Benson came back to the Planning Board with five options to consider in dealing with the issue. Of these five, options 3, 4 and 5 were eliminated, leaving Option 1 and 2 for consideration. Option 1 would leave the current ordinance in place, maintaining the six-month deadline for replacement of the units after which the space must remain vacant. Option 2 would eliminate the time frame as requested, with existing spaces as of April 22, 2003 (date the Land Development Standards were adopted) could be reused regardless of how long they have remained vacant unless the entire park was vacated for more than six months. After lengthy discussion, the Planning Board voted unanimously to eliminate the six-month requirement for filling vacant spaces within existing parks.

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

Attorney Jack Kersten, representing Ken and Marianne Hobbie, said his clients have spent more than three quarters of a million dollars to comply with the Town's requirements and they are very careful in

their selection of clientele for their mobile home park. One of the residents went into a nursing home and asked that the mobile home space be held until he came back. The resident is now deceased, the mobile home has been moved out, and the space has been empty for quite some time. Since it has been longer than six months, the Town has told them they could no longer use the mobile home space. He said it is silly to ask that they not allow the space to remain vacant longer than six months. This mobile home park is an adult community and if the owners run it properly and are selective in their residents, they should not be limited to a six-month time period to fill vacancies.

Attorney Kersten said the Town should treat mobile home parks the same as any other nonconforming business. If the mobile home park goes out of business, another would not be allowed in its place. However, if there is an empty mobile space this would not mean that the mobile home park is going out of business.

Mack Noland, 712 Pigeon Street, said he and his wife Myrtle operate a 40 unit mobile home park, and Mr. Noland has served on the Board of Adjustment for many years. He said a lot of his notes follow what Attorney Kersten and Mr. and Mrs. Hobbie have said. Most mobile home lots are taken quickly once they become vacant. Mr. Noland said he reviews applications thoroughly before accepting new residents into the mobile home park. He added that the Planning Board voted unanimously to eliminate the six-month time period requirement.

Marianne Hobbie, 35 Lucious Ridge, said she and her husband have operated this mobile home park for a little more than five years. There is a need in this community for retirement housing. When considering new residents, they are screened very carefully and five out of six are probably turned away. The park has very stringent rules and they have never had to call the police except for medical emergencies. Residents in the park that do not comply with the rules are given seven days to move.

Mr. Noland said if his residents are given thirty days to move if they do not comply with the rules.

Bruce McGovern, representing Mr. and Mrs. Fisher, said they live in a house directly across the street from their mobile home park. They are currently using four spaces and would like to use the other four. He said Mr and Mrs. Fisher are lifelong residents of Haywood County and they just want the chance to be good citizens. Mr. McGovern added that young married couples cannot afford to buy houses, but they can afford to buy 1,700 square foot mobile homes.

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

Alderman Caldwell said he agrees that a mobile home park is a business like any other business and does not feel that there should be a time limit on filling a vacant mobile home space. Alderman Caldwell said a lot of retirees are moving to this area and mobile home park owners should have the right to take time to select the right person for their mobile home park without putting limitations on their business.

Alderman Feichter said if there are mobile home parks that are a problem, the Town should address that problem.

Alderman Moore said he lives in a mobile home and has enjoyed every minute of it.

Mayor Foy asked the Board to remember the reason that the six-month time limitation was placed in the ordinance originally.

Alderman Moore moved, seconded by Alderman Caldwell, to adopt the amendment to Section 154.600(G)(2) as recommended. The motion carried unanimously. (Ord. No. 1-07)

Public Hearing - Amendment to Section 154.306 Table VII-1 Off Street Parking Standards

During the summer of 2006, the Planning Board considered two amendments requested by Kevin Cable. First, there was a request to increase the minimum number of off-street parking spaces for multi-family dwellings from 0.5 spaces per unit to 2.0 spaces per unit. The second request from Mr. Cable was to lower the maximum residential density in the Hazelwood Neighborhood district from unlimited to 8 units per acre.

The Planning Board voted unanimously to increase the number of parking spaces as requested, to 2.0 spaces per unit. The Planning Board voted 5 to 3 to recommend that the maximum number of units be set at 16 units per acre rather than the 8 which Mr. Cable had requested.

In August, when the two matters came before the Town Board, both were tabled for further study. The Planning staff has researched how other municipalities approach this matter, and found that the requirement for the number of parking spaces should be based upon the type of rental and with the number of bedrooms in each unit. At the meeting of November 20, staff submitted a recommendation to the Planning Board as follows:

For elderly, disabled and subsidized units	-	0.5 spaces per unit
For one bedroom units	-	1.0 spaces per unit
For two bedroom units	-	1.5 spaces per unit
For three bedroom units	-	2.0 spaces per unit

The Planning Board voted unanimously to approve this recommendation from staff.

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

It was felt that one parking space per bedroom unit should be required as a minimum and eliminate the 0.5 parking space per unit minimum for elderly, disabled and subsidized units. Public Works Director Fred Baker said the more minimum parking spaces that are required increases the expense of the housing units. However, the market will determine the number of parking spaces. Mr. Baker added that there are no minimum parking space requirements for single family houses. Manager Galloway pointed out that it could be dangerous for elderly or disabled individuals to park on the street.

Alderman Brown moved, seconded by Alderman Moore, to amend Section 154.306, as recommended except to eliminate the 0.5 spaces per unit requirement for elderly, disabled and subsidized units. The motion carried unanimously. (Ord. No. 2-07)

Public Hearing - Amendment to Section 154.110(B)(1) East Waynesville Neighborhood District (EW-ND) and Amendment to Section 154.113(B)(1) Hazelwood Neighborhood District (H-ND)

The Planning staff gave additional thought to the matter of setting a maximum number of units. Mr. Cable had requested that the maximum number be set at eight units per acre in the Hazelwood Neighborhood District rather than an “unlimited” number as the Land Development Standards now allow. Because the East Waynesville Neighborhood District carried the same “unlimited” allowance, the Planning Board recommended that any change be effective in both districts, not just the Hazelwood Neighborhood district.

The Planning Board previously voted to recommend that the maximum number of units in these two districts be set at 16. After additional review, the Planning staff reiterated its recommendation for the maximum number to be set at 16 units per acre. One Planning Board member made a motion to reduce the number to 12, but that motion died for a lack of a second. The recommendation to the Town Board for the East Waynesville Neighborhood District and the Hazelwood Neighborhood District remains at 16 units per acre.

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

Public Works Director Fred Baker said reducing the maximum number of units allowed works against affordable housing. He added that it would be difficult to build 16 units per acre.

Alderman Brown moved, seconded by Alderman Feichter, to amend Sections 154.110 and 154.113 as recommended. The motion carried unanimously. (Ord. No. 3-07)

Steven Miller, Martin-McGill Water and Sewer Asset Management Plan

In 2005, the Town applied for a grant from the Rural Center for the development of a Water and Sewer Asset Management Plan. The Town contracted with Martin-McGill to prepare this plan. It took a great deal of time just to gather the information to commence the work, and the first draft of the plan came out during the summer of 2006.

Town staff members reviewed the Plan and then met with Mr. Steven Martin to discuss the content and made a number of suggestions for changes in the document. At that point, Staff recommended that the final document be changed to include the most recent water and sewer rate increases which took effect on August 1, 2006. In addition, it was recommended that the Plan be delayed until the annual audit was completed. Then the Plan could include the actual revenue and expenditure and fund balance figures from the audit.

Mr. Miller attended the Board meeting to formally present the document. Some of the important information which appears in the document includes:

Pages 13-14	Water and Sewer Pipe by Age and Diameter
Page 15	Expected Remaining Life of Water and Sewer Line by Linear Feet (Note how much water and sewer line is expected to reach its life expectancy in the next ten years.)
Page 23	Last paragraph discusses both systems and notes most of the water lines were installed in the 1960's and made of galvanized iron with a normal life expectancy of approximately 30 years.
Page 23	Many sewer lines were installed in the 1940s and made of Vitrified Clay with a normal life expectancy of approximately 40 years.

Page 24	Begins discussion of the 45 water projects and 44 sewer projects that fall under the Capital Improvements Plan that has been developed. The cost of these over the next 20 years is estimated at \$31,700,000.
Page 27	Recommendations on how the Town might raise the necessary revenues over the next ten years to pay for these capital expenditures.
Page 31	Recommended Rate Increases
Page 32	Recommended Introduction of System Impact Fees for new water and sewer customers to generate approximately \$160,000 annually

Mr. Miller said impact fees, not currently implemented by the Town, could help pay for improvements. New water and sewer users would buy in their fair share of use of the system and this could generate approximately \$150,000 per year. The Board thanked Mr. Miller for his presentation.

Alderman Feichter moved, seconded by Alderman Caldwell, to accept the Water and Sewer Asset Management Plan Report submitted by Martin-McGill. The motion carried unanimously.

Presentation by Eric Romaniszyn Haywood Waterways Association

Mr. Romaniszyn made a power-point presentation to the Board on the effects of growth upon water quality and the importance of protecting aesthetics and values for Haywood County. As the representative of Haywood Waterways, he explained ways in which growth can be managed so that the quality of our water may be maintained. The presentation was a forerunner of a series of growth readiness workshops to be co-sponsored by Haywood Waterway Association, the Tennessee Valley Authority, the State Extension Office and the Southeast Watershed Forum. Mr. Romaniszyn said support has already been received from the Towns of Canton, Clyde and Maggie Valley and from Haywood County. Workshops will begin in Haywood County during the first or second week in March.

Alderman Moore moved, seconded by Alderman Feichter, to endorse the project presented by Mr. Romaniszyn. The motion carried unanimously.

Consideration of Resolution for Town Participation in GreenPower

There is a program in North Carolina called GreenPower. Greenpower or renewable energy is electricity that is generated from non-traditional power sources such as solar, wind, small hydro and organic matter sources. It is considered cleaner and “greener” than traditional energy sources, is better for the environment and provides cleaner energy choices for citizens.

In this program, individuals and corporations may generate power from a renewable energy source, therefore not creating damage to the environment. The individual or firm may then sell that power to companies such as Progress Energy and Duke Power. In our own county, there was an article recently about a couple that installed a wind system near Clyde, with the power which is generated being sold to Progress Energy.

The production of GreenPower is usually more costly to produce than energy generated by other sources. Voluntary contributions to North Carolina GreenPower are used to purchase renewable energy from producers located across the State, helping to offset the higher cost of generation. Any

resident of North Carolina may participate by contributing through their utility company to NC Green Power for as little as \$4 per month, which will add a block of 100 kilowatt hours of renewable energy to the North Carolina power supply. The contribution is added to the monthly electric bill and then passed along to NC GreenPower.

Alison Melnikova presented additional information explaining the GreenPower program and the process by which this program could be made available to the Waynesville electric customers. A few individuals have expressed interest in this program and the Mountaineer recently carried an editorial endorsing the GreenPower Program. Once a customer signs up for this program, it would be fairly simple to add whatever charge the customer authorizes on the monthly bill as a tax deductible contribution toward GreenPower.

Alderman Feichter moved, seconded by Alderman Brown, to adopt a resolution establishing the NC GreenPower Program in the Town of Waynesville. The motion carried unanimously. (Res. No. 1-07)

Consideration of Reappointments to Historic Preservation Commission

The Board needs to consider appointments and reappointments to the Historic Preservation Commission. Recently the group lost a good member when John Binford passed away. Mr. Binford's term ran through January 31, 2009, so an appointee is needed to fill that unexpired term.

There are three terms which have an expiration date on January 31, 2007. Ms. Laura Soltis has resigned and does not wish to be reappointed, so a new appointee is needed for that slot on the Commission. The other two terms are presently held by Mr. Marc Yops and Mr. Shawn Leatherwood.

Alderman Brown moved, seconded by Alderman Moore, to reappoint Marc Yops and Shawn Leatherwood to serve additional four year terms to expire January 31, 2011. The motion carried unanimously.

Individuals interested in serving on this commission can apply for appointment. Alderman Brown will speak to an individual that expressed interest in being appointed and Town Clerk Phyllis McClure will advertise these vacancies.

Certification of Firemen

As required on an annual basis, the Town must certify the status of the full-time and volunteer members of the Fire Department. This is part of the program in which the fire fighters belong to the State Firemen's Association and have benefits through that organization. To qualify, a fireman must have a minimum of 36 hours of training in 2006. Fire Chief Bill Fowler has designated the status of each fire fighter. The Town Board needs to affirm the list from Chief Fowler and then the Town will pay the \$17 per fireman to the State.

Alderman Moore moved, seconded by Alderman Caldwell, to approve the list as certified by Fire Chief Fowler. The motion carried unanimously.

Manager Galloway said recently there was a vacancy in the Fire Department for a full time employee. That vacancy was filled by Dewayne Yarborough. Mr. Yarborough's father, Wayne Yarborough, a full time employee and volunteer fireman, passed away last year after a fire. Mayor Foy said the

Yarborough family has a long history of being good employees of the Town, especially in the Fire Department.

Alderman Feichter expressed appreciation for the new Fire Department reports being done by Assistant Fire Chief Joey Webb.

Alderman Moore - Letter Regarding Noise

Alderman Kenneth Moore said he received a letter from Ms. Susie Plemmons, a resident of Blink Bonny Drive, regarding noise from dirt bikes in the area that is causing a problem for the residents. It was unclear whether this area is within Waynesville's jurisdiction. Manager Galloway will ask the Police Department to investigate.

Alderman Moore - Dogs Running at Large

Alderman Kenneth Moore asked what could be done about dogs in Waynesville that are running at large. Manager Galloway said the Town of Waynesville adopted Haywood County's Animal Control Ordinance and Haywood County enforces the ordinance. Alderman Moore asked about regulating the number of dogs allowed. Manager Galloway said Alison Melnikova solicited information from other towns and found that some towns allow no more than three dogs, some allow seven and many did not have any regulations. Manager Galloway added that Town Attorney Griffin could draft an ordinance for the Board to consider according to the maximum number of dogs the Board wanted to allow. No action was taken.

Closed Session Real Estate Matters

Alderman Brown moved, seconded by Alderman Caldwell, to adjourn to closed session at 8:48 p.m. The motion carried unanimously.

Return to Regular Session

Alderman Brown moved, seconded by Alderman Caldwell, to return to regular session at 9:25 p.m. The motion carried unanimously.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Feichter, to adjourn the meeting at 9:28 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor