

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
APRIL 10, 2007
TUESDAY – 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, April 10, 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 and Assistant to the Town Manager Alison Melnikova. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of March 27, 2007

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the March 27, 2007 meeting as presented. The motion carried unanimously.

Public Hearing Boundary Annexation Agreement With Maggie Valley

Under North Carolina law, General Statutes 160A-58.21 through 160A-58.28, two or more municipal governments may enter into a binding agreement concerning future annexations in order to enhance orderly planning by such towns as well as residents and property owners in areas adjacent to such towns. These agreements are intended to set boundaries which designate areas which are not subject to annexation by one or more of the participating municipalities. These agreements may not exceed 20 years in length, and in order to withdraw from an agreement, a municipality must give the other municipality a notice of at least five years. A Boundary Annexation Agreement must be approved by ordinance adopted by the governing boards of the municipalities following a public hearing on the agreement.

For several years, the staffs of the Towns of Waynesville and Maggie Valley have been in discussion on a Boundary Annexation Agreement between the two towns. The elected officials of both communities have been kept apprised of this process and have voiced support for the development of such an agreement. On the map, the boundary agreement follows geographical features for the most part, beginning at Mount Lyn Lowery and then following Eagle Nest Ridge and the ridge on the west side of Mauney Cove. The boundary line leaves Mauney Cove Ridge, going north and following the property line on the east side of the Nichols Farm, crossing U. S. Route 19 and following the west and north property lines of the Queens' Farm and continuing to the Utah Mountain Ridgeline. The boundary then follows the Utah Mountain Ridgeline for several thousand feet and ends at Coleman Gap, a point on Interstate 40.

The Town Board of the Town of Maggie Valley considered the Boundary Annexation Agreement at its meeting on Tuesday, April 3rd, and it was approved.

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

Manager Galloway said he and Maggie Valley Manager Tim Barth will discuss a request to seek approval from Haywood County if in the future either Town extends the corporate limit more than three miles beyond the existing corporate limit.

Alderman Brown moved, seconded by Alderman Moore, to adopt an ordinance to approve the Boundary Annexation Agreement between the Town of Waynesville and the Town of Maggie Valley and authorize Mayor Foy to sign the agreement. The motion carried unanimously. (Cont. No. 8-07; Ord. No. 9-07)

Public Hearings Amendments to the Land Development Standards

Section 154.103 - 154.131 Clarify Parking Location Requirements

This amendment is intended to clarify parking location requirements by adding the following language (shown in bold) to all districts:

“Parking and vehicular use areas, **excluding driveways generally perpendicular to the front building line**, must be located to the side or rear of the principal structure located on the property, **behind the front line of the principal structure projected to the side lot lines.**”

This matter previously came before the Town Board with a slight difference in the wording. At that time, there were some questions about the application of the initial proposal, as it appeared to prohibit any parking in front of a principal structure, even in front of a residence. The proposal was sent back to the Planning Board for review. The matter was discussed and some alterations have been made to the proposal. The revised proposal was approved by the Planning Board on March 19, 2007.

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

Alderman Brown moved, seconded by Alderman Feichter, to approve the amendment to Sections 154.103 - 154.131 to clarify parking location requirements as presented. The motion carried unanimously. (Ord. No. 10-07)

Section 154.403(A)(2) Hillside Protection Standards

This amendment, requested by Steve and Karen McClure, is intended to reduce the area subject to the Hillside Protection section of the Land Development Standards by raising the elevation to which these standards apply from 2900 feet to 3100 feet. This requested amendment would exclude the applicant’s property from the hillside density requirements.

Amend Section 154-403(A)(2) Hillside Protection Standards to delete the phrase “...an elevation of 2900 feet...” and replace with “...an elevation of 3100 feet...”.

Waynesville is surrounded on three sides by steep mountain ranges reaching elevations of over 6000 feet. In recognition of the combination of factors making dense development undesirable on steep slopes including: erosion, landslides, watershed protection, viewshed protection, and difficulty of urban services provision, the Town of Waynesville has adopted hillside protection standards that basically reduce grading and density on steep slopes greater than 2900 feet in elevation.

The Planning Board considered this request at their meeting of March 19, 2007, and voted 4-1, with one abstention, to deny the requested amendment, leaving the Hillside Protection Standards at 2900 feet.

Attorney Griffin opened the public hearing.

Attorney Jack Kersten, representing Mr. and Mrs. McClure, felt there were problems with the Hillside Protection Standards. He clarified that the amendment requested is to replace “an elevation of 2900 feet” with “an elevation of 3100 feet” (not 3,125 feet as advertised). Mr. and Mrs. McClure own a house and 1.425 acres. They have a 2.995 acre lot left and the standards will not allow them to build on this property because of its elevation. Attorney Kersten said density has nothing to do with safety. It can’t be based on appearance if you force people to buy large lots and then they build large homes. He felt that the ordinance is arbitrary and capricious.

Attorney Kersten said he was told that the hillside protection standards were pushed through in order to keep a developer from completing his project. He said that he was also told that the Town could not supply water to elevations above 2,900 feet and this is why this elevation was chosen. Attorney Kersten asked the Board to consider changing the elevation from 2,900 feet to 3,100 feet. Attorney Kersten felt that the elevation should begin in relation to where the mountain begins.

Mayor Foy said if a lot is larger at higher elevations, it allows the developer to get a better grade. He added that it is difficult in the mountains to set a standard elevation, and it was felt that 2,900 feet would be a good standard. Mayor Foy agreed that there are lots at higher elevations that do not have a steep grade.

Alderman Brown said there are areas such as Halltop that can be developed in “envelope areas”. He felt that the ordinance should be reviewed overall and that a burden should not be placed on the taxpayer to do this.

Alderman Feichter said situations may be different and there are areas that can be built upon that are higher than the 2,900 feet elevation and some areas below that elevation that cannot be built upon.

It was felt that this ordinance should be reinvestigated and it was suggested that the Planning Board and Public Works Director review the ordinance. One suggestion was to consider a conditional use process, reviewing each situation to see if there is sufficient room for a driveway and house.

Manager Galloway said Planning Director Paul Benson may already be working on reviewing this ordinance.

Alderman Brown moved, seconded by Alderman Feichter to deny the request for an amendment to the Hillside Protection Standards until it can be studied further. The motion carried unanimously.

Amend Zoning Map to Rezone 1.36 Acres Located at Franklin Street From the Allens Creek Neighborhood District to the South Main Business District

There are situations where properties are located on the boundary of one of the zoning districts and could have been in one zoning district just as easily as another. A 1.36 acre parcel adjoining the South Main Street Business District was placed in the Allens Creek Neighborhood District. The owners of the property, Clyde and Mary Lou Green, have requested that the parcel be rezoned to the South Main Street Business District.

The Planning Staff has reviewed this request and considered the location of this parcel in relation to the rest of the Allens Creek Neighborhood District in which it is located. There is no platted right-of-way from the lot to Franklin Street, the nearest road in this zoning district. On the other hand, the same owners have a lot which abuts the lot being considered and have access across that lot to South Main Street. If the lot were to be developed for commercial use, there would be no connection to Franklin Street and no resulting increase in traffic attempting to access this site. A landscape buffer would be required along the border with the residential lots facing Franklin Street. In view of these factors, the Planning Staff recommended that the lot be rezoned into the South Main Business District.

At their meeting of March 19, 2007, the Planning Board considered this request and voted unanimously to recommend the change to the South Main Business District to the Mayor and Aldermen.

Attorney Griffin opened the public hearing.

Patrick Bradshaw, 298 Mountain Grove Road, with Bradshaw Engineering appeared to represent Old Town CCC for Mr. and Ms. Green. Mr. Bradshaw said the lot has historically been under joint ownership. Alderman Brown asked what type of buffer would be required on the east side of the property. Patrick Bradshaw said it would require a 15' buffer.

Alderman Moore moved, seconded by Alderman Caldwell, to rezone the property located at 210 Franklin Street (PIN # 8604-78-4504) from the Allens Creek Neighborhood District to the South main Business District. The motion carried unanimously. (Ord. No. 11-07)

Request to Close Portion of Depot Street and Commerce Street

At the meeting of March 27, 2007, Ms. Carol James, President of the Frog Level Merchants' Association, Inc., appeared before the Board requesting that certain streets be closed in conjunction with the Whole Bloomin' Thing Festival on May 12, 2007. At that time, there was considerable discussion about the alternative routes for traffic attempting to pass through Frog Level on Depot Street. The Police Department expressed concern about the suitability of Water Street and Charles Street to provide a satisfactory detour for large trucks.

Ms. James had suggested that signage be placed on Russ Avenue and Dellwood Road to try to halt any large trucks from entering the Frog Level area on May 12. The Town Manager suggested that the Board delay a decision on the request until he had a chance to discuss this possibility with Town Staff members. The Board agreed to table the matter until the meeting of April 10.

The Town Manager has discussed detours for the Frog Level area with the Public Works Director and the Chief of Police. The Public Works Department is considering the appropriate signage to divert trucks away from Frog Level and has already begun work to have these signs in place on May 12. The Manager, Police and Public Works will have a joint meeting within a week to plan the detour and the signage.

At the last Board meeting, one alderman suggested that if a satisfactory detour could be arranged, the town approve the request for this year on an experimental basis. If it does not work this year, the Board would have some reason to decline future requests of this nature. If the closure does work, then there should be no problem approving future requests to close the street.

Manager Galloway said it was his recommendation that the Town Board approve the request of the Frog Level Merchants' Association to close Commerce and Depot Streets on Saturday, May 12, 2007, between the hours of 7:00 a.m. until 5:30 p.m.

Alderman Feichter moved, seconded by Alderman Moore, to approve the request by the Frog Level Merchants' Association to close Commerce and Depot Streets on Saturday, May 12, 2007 between the hours of 7:00 a.m. and 5:30 p.m. The motion carried unanimously.

The Board thanked Manager Galloway for his work with Chief Hollingsed, Lieutenant Beck and Public Works Director Fred Baker. Alderman Feichter said the Frog Level area is an important area to Waynesville.

Request for Funding - Folkmoot

Ms. Patsy Rogers, representing Folkmoot, USA, requested time on the agenda to request funding from the Town for a grant to do a study to determine Folkmoot's economic impact in Waynesville. The work will be done by Western Carolina University and will take place during Folkmoot this year.

Folkmoot Director Jamye Cooper attended the meeting. She said this is a repeat of the study done in 2001, which is now six years old. The study determines geographic boundaries and economic impact. Changes to programs are made based upon findings in the study. This study will show if changes made from the 2001 study have worked. It will tell where the audiences come from and their age. It helps to determine what types of Folkmoot performances people will attend. Ms. Cooper said the Haywood County Economic Development Commission has pledged \$1,000. Some help may also come from private corporations. Some of the money for this study may need to be taken out of Folkmoot's operating budget. Next year Folkmoot will celebrate its twenty-fifth anniversary. Ms. Cooper said she would share the results of the study with the Town.

Alderman Brown pointed out that this funding will be in addition to the \$30,000 yearly contribution by Waynesville to Folkmoot.

Alderman Brown moved, seconded by Alderman Feichter, to contribute \$2,000 for the study for Folkmoot. This money will be appropriated from the next fiscal year budget. The motion carried unanimously.

Resolution to Seek Requests for Proposals for Financing the Expansion of the Water Plant Lab

For close to two years, work has been underway on planning the expansion of the laboratory and office area at the Waynesville Water Plant. This project was brought to the Town Board's attention several years ago during a tour of Town facilities. These plans are now ready for bidding and the Town will need to seek financing on this project which has an estimated price tag in excess of \$350,000. As required by the North Carolina General Statutes, prior to going to financial institutions seeking financing of a project, the finance director must have the approval of the elected officials to seek funding.

Alderman Moore moved, seconded by Alderman Feichter, to approve a resolution authorizing Finance Director Eddie Caldwell to seek financing for the expansion of the Water Plant Lab project. The motion carried unanimously. (Res. No. 4-07)

Alderman Moore said this Water Plant is special and the employees should be commended for their work. Alderman Feichter said these employees do a wonderful job and the Town owes this upgrade to its employees. Manager Galloway said this plant was built in 1954 and the employees have been good stewards of the facility over the years.

Voluntary Annexation Requests

During the last part of 2006, there were a number of annexation requests submitted to the Town of Waynesville. Town Staff discussed the number of petitions and suggested that it would be more cost efficient to handle annexations on a set schedule rather than at each meeting of the Town Board. This would cut down on the research time by the Town Staff as well as the cost of advertising for the public hearings.

With that in mind, there have been three voluntary annexation requests received in the past quarter. As this is the first meeting of the subsequent quarter, the three Voluntary Annexation Petitions are as follows:

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|----|--------------------------|------------|-------------------------|
| 1. | 68 Lloyds Mountain Ridge | .407 Acres | Coleen Moore |
| 2. | Bradley Heights | 4.90 Acres | Jeremy & Tiffany Messer |
| 3. | 2348 Russ Avenue | .13 Acres | Darrell & Mary Schmidt |

Alderman Brown moved, seconded by Alderman Caldwell, to adopt a Resolution directing Town Clerk Phyllis McClure to investigate the sufficiency of the petitions for annexation. The motion carried unanimously. (Res. No. 5-07)

Cancellation/Rescheduling of the Board Meeting of Tuesday, May 8, 2007

This year, the North Carolina League of Municipalities has scheduled its annual Town Hall Day for Wednesday, May 9, 2007, in Raleigh. This is the day set aside for elected and appointed officials from local government to visit their legislators and to lobby for those issues which are important to our communities. There are several important bills in the General Assembly this session, and some will have a dramatic affect upon the Town of Waynesville.

Manager Galloway said in talking with Mayor Foy, it was suggested that the Board consider either canceling or rescheduling the meeting of Tuesday, May 8, to another time so that those who would be attending Town Hall Day would be in Raleigh for the morning sessions on May 9.

Alderman Brown moved, seconded by Alderman Feichter, to cancel the regular meeting of Tuesday, May 8, 2007 and schedule a special meeting on Thursday, May 10, 2007 at 7:00 p.m. The motion carried unanimously.

Manager Galloway said the budget will be presented the board at the meeting on May 10 and a budget workshop can be scheduled for Monday, May 14.

Watershed Appreciation Month

The month of April is Watershed Appreciation Month. Alison Melnikova, Assistant to the Town Manager, has scheduled several events during three weekends in April, including birdwatching, hiking and special presentations on the watershed's history.

Waynesville Country Club Request to Close Portion of Ninevah Road

A request was received to close a portion of Ninevah Road for a grand reopening of the Waynesville Country Club. No action was taken on the request.

Pancake House Property - Depot Street

Manager Galloway said some preliminary test results were received and there seems to be some leakage from contaminants on the property at Depot Street. Alpha Environmental will be conducting additional testing for this site. Ms. Melnikova is gathering information from the State regarding possible grant monies.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Moore, to adjourn the meeting at 8:28 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor