

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
MAY 27, 2008
TUESDAY - 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, May 27, 2008. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, Kenneth Moore and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Finance Director Eddie Caldwell and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of April 8 and May 13, 2008

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the April 8 and May 13, 2008 meetings as presented. The motion carried unanimously.

Public Hearing - Rezoning 1345 and 1369 Sulphur Springs Road From Sulphur Springs Neighborhood District (SS-ND) to Hazelwood Town Center (HT-C)

Stuart Scruggs, Michael Norman and Bruce Norman, the owners of the two lots at 1345 and 1369 Sulphur Springs Road, have requested that their property be rezoned to the Hazelwood Town Center from the Sulphur Springs Neighborhood District to the Hazelwood Town Center. The Hazelwood Town Center would allow them to market the property as commercial use.

These lots sit on the edge of the Sulphur Springs Neighborhood District, with property directly across Sulphur Springs Road being the Southwestern Commission Child Development Center and the property to the immediate south being a vacant lot and Parkway Electric and Heating. So commercial properties are located to the west and south of these parcels. According to Planning Director Paul Benson, the proposed rezoning is in compliance with the 2010 Land Development Plan and would create a suitable zone boundary. He felt there would be minimal adverse impact on surrounding property.

The Planning Department has reviewed the request and prepared a report which recommends approval of the request. The Planning Board heard this matter at their meeting on April 21, 2008, and gave unanimous support to recommend that the Town Board approve the requested rezoning.

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

Alderman Moore moved, seconded by Alderman Feichter, to adopt an ordinance to rezone the properties located at 1345 and 1369 Sulphur Springs Road from the Sulphur Springs

Neighborhood District to the Hazelwood Town Center. The motion carried unanimously. (Ord. No. 12-08)

Text Amendment Section 154.212(D) Land Development Standards - Waynesville Commons

At the Board meeting on April 8, 2008, consideration was given for certain zoning amendments for lands located in a Brownsfield Redevelopment area. At that time, the public hearing was held on the proposed amendments, and that hearing was closed. The issue was discussed by members of the Town Board and there was concern about the application of the Brownsfield Development Regulations to the area in question where the Best Buy store is proposed. Mayor Brown noted that there were ongoing conversations with Best Buy representatives, and he was in hopes that a solution could be found that would work for the Town, Best Buy and Cedarwood, the developer.

Since that time, there have been additional conversations between the Town, Best Buy and Cedarwood and some meetings have occurred to further assess the situation. New information emerged at some of those meetings and based upon those details, it has been suggested that the matter be returned to the agenda. Planning Director Paul Benson has been working on some further revisions to the wording for the consideration of the Town Board.

Mr. Benson said in discussing the project with Cedarwood Development, soil contamination was preventing them from putting the building where the ordinance requires. In April the request was to waive the parking except on South Main Street. The proposed amendment now would also allow a variation in areas but clarifies the purpose and intent.

Mayor Brown said it was known that the main site had contamination issues, but he was not aware that the out parcels also had this contamination. He did not want to developer digging up dirt any more than needed. He said the project will still have to be at the automobile scale and there are still three tiers of trees between the road and the side of the building. Mayor Brown said some people have asked why a variance isn't being granted. Paul Benson said it was important that the public understand that this proposed amendment only deals with a Brownsfield site.

Alderman Roberson asked if the ordinance should contain information about contaminated soil. Mr. Benson said the Land Development Standards addresses this. The EPA has delegated authority to the State and an agreement regarding this property is recorded in the Haywood County Register of Deeds Office between the Haywood Advancement Foundation and Cedarwood Development. Alderman Roberson asked if Home Depot and Wal Mart were being required to conform to something like this already. Paul Benson said this was the basis for the amendment to the original proposed ordinance with general language added to prevent building placement on areas of contaminated soil. The proposed amendment is as follows:

SECTION 154.212(D) Development Standards.

Replace the text of the first bullet with the following:

- Parking/Loading Standards. Parking and vehicular use areas may be located on any side of principal buildings in order to prevent building placement on areas of contaminated soil provided that at least one principal building on every lot with

100' or more of frontage on South Main Street has no parking or vehicular use area between the front building line and the street in order to create a street wall on South Main Street.

Add the following text as a third bullet:

- Building orientation. Building fronts shall face a public or private street. Where the side of a building faces a public or private street, that side shall meet all applicable design standards or shall be buffered from the street with a street wall buffer in addition to required street trees and parking lot shade trees, except where a building side is adjacent to South Main Street, in which case a street wall buffer may not be used in lieu of compliance with all applicable building design standards.

David Scarnati, Cedarwood Development representative, said he had been uncomfortable dealing with publicly making comments that there was contamination at this site. Mayor Brown said Waynesville is accustomed to seeing this in the community since this is not the first Brownsfield site in Waynesville. Mr. Scarnati said Cedarwood Development is interested in the community, adding that an area has been designated in the development for placement of public art.

Attorney Griffin said he would like to research the issue to determine whether the Board can reconsider the amendment with the proposed changes without readvertising for another public hearing. The amendment can be placed on the agenda of June 10 if another public hearing is not required. If it is determined that another public hearing is required, the issue will be readvertised for a public hearing at the meeting of June 24. No action was taken.

Public Hearing on Annexation Petition - 2.77 Acres at East Street and Medford Avenue Clyde Congregation of Jehovah's Witnesses

At previous meetings, the Town Board received the petition for annexation of this property by the Clyde Congregation of Jehovah's Witnesses. The Town Clerk was directed to investigate the sufficiency of this petition and found that it met the requirements of the State as a satellite rather than as a contiguous annexation. The Board then set the date for a public hearing on the annexation for May 27, 2008.

As with many properties, the church is requesting annexation which is one of the requirements of the Town's Sewer Use Ordinance in order to connect to service. This tract of land is located a few hundred feet east of the intersection of Medford Avenue and East Street.

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

Alderman Caldwell moved, seconded by Alderman Feichter, to annex the property at East St./Medford Ave. effective June 30, 2008. The motion carried unanimously. (Ord. No. 11-08)

Public Hearing - Electric Substation Financing

For some time, there has been discussion about the construction of a new electric substation to meet the growing demand on Waynesville's current single substation. For several years, town staff has been concerned about the increasing demand upon the 20 megawatt substation. On January 3, 2008, Waynesville set an all time record peak on the substation, reaching 19.894 megawatts which meant it was running at 99.47% of its capacity. As the community continues to grow and the system expands, there will be further demand upon the electrical capacity; consequently, it is felt that an expansion of the capacity is necessary. By placing the second substation at a different connection point, it assures a more reliable source of electricity for our residential and commercial electrical customers.

Based upon the most recent projections, the total estimated cost of the new electric substation should be around \$3,600,000. That includes the station itself along with the underground lines connecting the station into the current system, the engineering and the land. About \$420,000 of that amount has already been spent. It was the opinion of Town Staff that the Town should seek financing on an amount up to \$3,000,000. It was estimated that the 3.5% increase in electric rates and/or some appropriation from fund balance will allow the Town ample funds to pay the difference between the \$3,000,000 and the total cost on the substation.

Finance Director Eddie Caldwell has prepared the application seeking approval of the Local Government Commission for financing the \$3,000,000, and that matter is to appear on the Commission's agenda on July 1, 2008. On May 9, bids were opened on financing this project. The low bidder on the financing for a twelve (12) year period is BB&T at 3.52% interest. There is a lower bidder on a dollar wise basis, but RBC Centura has proposed a repayment system that calls for equal principal payments over 12 years with declining interest payments. This would mean initial payments that would exceed what we feel the Town can afford to pay. The BB&T proposal calls for equal payments over the 12 years.

Town Staff recommended that the award go to BB&T for a 12-year term at 3.52% interest subject to the approval of the Local Government Commission.

As part of the process, State law requires that a public hearing be held on the financing of this project. Attorney Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

Alderman Moore moved, seconded by Alderman Roberson, to adopt a resolution to finance the electrical substation project to Branch Banking and Trust Company (BB&T) in the amount of \$3,000,000 over a twelve-year period at 3.52% interest. The motion carried unanimously. (Res. No. 15-08)

Resolution of Finding Electric Substation

Finance Director Eddie Caldwell has been working on the application to the Local Government Commission for its approval of the financing of the new electric substation. First, the Town Board must authorize the application, and Finance Director Eddie Caldwell attended the Board meeting to seek approval to file this application.

This has been an extremely challenging process, for it is much different than past situations when we had one bid on a fire station or a police station and presented a package at one time with one bid. In the case of the substation, different pieces of the puzzle came into play over a period of time. We purchased land for the substation over three years ago and we have had engineering work underway on the site and on the substation for the past two years. Last winter, a transformer had to be ordered because there was a 9-month delivery time and this spring, steel had to be ordered because of the length of time from receipt of order to delivery. Recently construction of the underground raceway or duct bank was bid and will soon be presented to the Board. In June, bids will be presented on the actual construction of the station.

By July 1, when the matter appears on the agenda of the Local Government Commission, the vast majority of the costs should be known and hopefully, they will be close to the \$3,600,000 which we have used as an estimate.

Alderman Feichter moved, seconded by Alderman Moore, to adopt a resolution authorizing the application to the Local Government Commission for approval of the financing. The motion carried unanimously. (Res. No. 17-08)

Carol James Regarding the Tailgate Market

For some time, meetings have been underway to discuss the tailgate market for the sale of locally grown vegetables and plants. Carol James has been involved in these discussions and said she has been working with a new group of people who are looking the needs and continue to explore the needs of this market. She is also working closely with Downtown Waynesville Representatives Buffy Messer and Jamie Cogdill and everyone appears to agree. Ms. James introduced Peter Marks, Program Director with Appalachian Sustainable Agriculture Project. She added that the goals of the market can't be accomplished at their current location. Surveys have been done, two public market forums have been held and they will continue to poll the public and local growers regarding this issue.

Peter Marks said his work with the Appalachian Sustainable Agriculture Project is to help farmers promote themselves. He has worked with other markets, including the Asheville City Market that currently has up to fifty vendors. Mr. Marks said there are approximately 800 farms in Haywood County, controlling about 15% of the land in Haywood County. Keeping this property as working farmland is the best use, but it is also about farmers making a living. These markets can offer fresh produce, processed produce, meat, eggs, cheese, baked goods, crafts, cut flowers and nursery plants. This is important, especially in the downtown area, because it boost downtown development. The tailgate market is currently located in the Badcock Parking Lot, and Mr. Marks said as an outsider he does not see this area as downtown.

Alderman Feichter asked how prepared or processed foot products are managed in this type market. Mr. Marks said there are varying regulations. Items such as jams are really easy to pass and you are allowed to sell meat out of a cooler that is frozen. These type markets should have a positioned designated staff member. Anderson, South Carolina has a positioned designated employee who does this work. Mr. Marks felt that the market should be open air with a roof and should have a vendor fee in order to be self sustaining. Watagua County has approximately

seventy vendors and Ashe County has approximately forty vendors. Waynesville's market has a capacity for 28 vendors.

Alderman Roberson asked if the Extension Office gets involved with the tailgate market. Downtown Waynesville Association Director Buffy Messer said the Extension Office representative actually go to these farms and issue a grower's certificate before the vendors can participate in the tailgate market. Alderman Roberson pointed out that some markets are located in shopping center parking lots that are not being used. Mr. Marks said a lot of markets are located in Town owned parking lots close to the street in downtown areas.

Mayor Brown thanked Mr. Marks for coming from Asheville to speak to the Board about these markets. Mr. Marks said he would love to work with Waynesville on developing a market. Mayor Brown suggested that Mr. Marks be put in touch with Haywood County Economic Development Director Mark Clasby.

Nominations for the Committee to Review the Land Development Standards

At the meeting of May 13, 2008, Planning Director Paul Benson suggested that a Blue Ribbon Panel be appointed to work with the Town Staff and an outside consultant on a review of the Land Development Standards. It was suggested that there be an eight-member panel, with three of those members being the Chairman of the Planning Commission, the Chairman of the Zoning Board of Adjustment and the Chairman of the Appearance Commission. Mr. Benson suggested that if the Town Board members found it acceptable, each member of the Town Board might offer a nomination to serve on the Review Panel. This seemed to meet with acceptance by the Town Board. Those nominations were as follows:

Alderman Feichter - Steve Kaufman
Alderman Caldwell - David Blevins
Mayor Brown - Patrick Bradshaw
Alderman Moore - Joe Taylor
Alderman Roberson - Ken Wilson

Planning Board Chairman Rex Feichter
Board of Adjustment Chairman Mike Erwin
Community Appearance Commission Chairman Daniel Hyatt (or Vice Chairman Bill Skelton if Daniel Hyatt is unable to serve)

Alderman Caldwell moved, seconded by Alderman Moore, to appoint the members to the Committee to Review the Land Development Standards as nominated. The motion carried unanimously.

Land Development Plan Steering Committee Guidelines

Planning Director Paul Benson presented guidelines for the Land Development Plan Steering Committee for the Board to review.

Alderman Moore moved, seconded by Alderman Feichter, to adopt the Land Development Plan Steering Committee Guidelines as presented by Planning Director Paul Benson. The motion carried unanimously.

Appointments or Reappointments Various Boards and Commissions

Board of Adjustment

There are several terms on this Board which will be expiring on May 31, 2008:

Regular Members: Mike Erwin, Chairman
Mack Noland, Member

Alternate Members: Stephanie Welch Strickland

County Appointments: Alternate Member –(appointment must live outside of the town but in the ETJ) Vacant position formerly held by Garnell Day

Alderman Moore moved, seconded by Alderman Caldwell, to reappoint Mike Erwin, Mack Noland and Stephanie Welch Strickland to serve three year terms to expire May 31, 2011. The motion carried unanimously.

Planning Board

There are two terms on this Board which will be expiring on May 31, 2008. At the May 27 meeting the Board voted to recommend to Haywood County that Patrick McDowell be reappointed as the representative from the ETJ.

Member from Inside Town: Don Stephenson

Alderman Moore moved, seconded by Alderman Roberson, to reappoint Don Stephenson to serve a three-year term to expire May 31, 2011. The motion carried unanimously.

Public Art Commission

There are four terms on the Public Art Commission which expire May 31, 2008:

Marilyn Sullivan
Chris Sylvester
Kaaren Stoner
(vacant)

Alderman Feichter moved, seconded by Alderman Caldwell, to reappoint Marilyn Sullivan, Chris Sylvester and Kaaren Stoner to serve four year terms on the Public Art Commission and to appoint David Blevins to serve a four-year term on the Public Art Commission. These terms expire May 31, 2012. The motion carried unanimously.

Consideration of Appointments to Pedestrian Plan Steering Committee

The Town has been awarded a grant to study the existing pedestrian system in Waynesville and additions that should be made to enhance the connectivity of these sidewalk system. A firm has been hired to help with coordinating this study and one of the first steps is to appoint a committee of interested citizens who are pedestrians and can offer advice about the pedestrian system based upon their personal experiences. It has been indicated that a committee of 15 to 20 people was satisfactory.

On May 21, there appeared an excellent article in The Mountaineer about the Pedestrian Grant and the need for this Steering Committee. While there were already some earlier volunteers to serve on that committee, the newspaper article resulted in some additional volunteers. The applications from those who have expressed interest in this committee were distributed to the Board for consideration. Those interested in serving were Ginny Boyer, Sylvia J. Everett, Janet Gray, Kathryn Keogh, Rhett Langston, Carol Lindstrom, Buffy Messer, Carolyn Ramsey, Claire Stewart and Mitchell "Buddy" Young. Town of Waynesville representatives include Fred Baker, Alison Melnikova and Paul Benson.

Planning Director Paul Benson said the Town received a \$20,000 grant for this study, with the State contributing \$16,000 with a \$4,000 match from the Town. Part of this grant is the requirement that a committee be appointed.

Alderman Moore moved, seconded by Alderman Roberson, to appoint the members as presented to serve on the Pedestrian Plan Steering Committee. The motion carried unanimously.

Town Clerk's Report Voluntary Annexation Petition 2508 Asheville Road

At the meeting of May 13, 2008, the Town Board received a petition for the voluntary annexation of 2508 Asheville Road. This property is located at the intersection of Asheville Road and Woods Edge Road just north of Junaluska Elementary School and lies between the School and Plemmons' Plumbing.

Upon making her investigation, Town Clerk Phyllis McClure found that the property under petition meets the requirements of State Statute and would qualify for a satellite annexation into the Town of Waynesville.

Alderman Moore moved, seconded by Alderman Feichter, to adopt a resolution setting a public hearing date on June 10, 2008. The motion carried unanimously. (Res. No. 16-08)

Amendment to Ordinance No. 9-00 Landmark Designation - "Grady Honeycutt Building"

In May of 2000, the Town Board adopted Resolution No. 9-00 which designated the Grady Honeycutt Building in Frog Level as a historic landmark pursuant to the General Statutes of North Carolina. This is the structure at 313 Depot Street which was renovated by Ronnie and Carol James for a gift shop and now serves as the location of the Anglican Church.

It is the policy of the Historic Preservation Commission to name structures after the original owners. Bob Kearney, recently appointed member of the Historic Preservation Commission, discovered that the subsequent study of the history of ownership of this structure indicates that the building should be renamed to the "Messer-Carswell Building" rather than the "Grady Honeycutt Building". In order to accomplish this, it would be necessary for the Town Board to adopt an ordinance to amend Ordinance No. 9-00.

Alderman Moore moved, seconded by Alderman Roberson, to adopt an ordinance amending Ordinance No. 9-00 to change the name of the "Grady Honeycutt Building" to the "Messer-Carswell Building". The motion carried unanimously. (Ord. No. 13-08)

Request for Street Closing Dana Trull of "Fun Things Etc."

Dana Trull, Event Specialist, of Fun Things Etc., has submitted a letter requesting that the alley between Fun Things Etc. at 196 North Main Street and The Mountaineer office be closed from 10:00 a.m. to 2:00 p.m. on Monday, June 9, 2008. The purpose of the closure is to allow a School's Out Celebration.

The street or alley between Fun Things Etc. and The Mountaineer is 30 feet wide, and Manager Galloway said it is his understanding that the Town owns 18 feet and The Mountaineer owns 12 feet. Accordingly, Mr. Jeff Shumaker at The Mountaineer has been contacted by Ms. Trull, and he has given his approval for the closing.

The Street Department personnel will be able to set out barricades to block this section of street prior to the event and to collect the barricades afterward, and the timing should not require any overtime on the part of the street department personnel. Town staff has no objection to the closing of this street for the date and time given.

Alderman Feichter moved, seconded by Alderman Moore, to approve the street closing as requested. The motion carried unanimously.

Resolution No. 7-08 Governor's Highway Safety Program

Waynesville Police Department Lieutenant Brian Beck requested that Resolution No. 7-08 be amended to reflect the correct information. The correct amounts are Federal Funding in the amount of \$6,750.00 with the Town of Waynesville appropriating a cash contribution of \$2,250.00.

Alderman Moore moved, seconded by Alderman Caldwell, to rescind Resolution No. 7-08 and replace the correct information as requested. The motion carried unanimously. (Res. No. 7-08)

Report by Town Manager

Manager Galloway said the Fire Department has now moved to 1022 North Main Street and an open house and dedication will be scheduled toward the end of June. The Notice to Proceed on the Police Department/Development Office should be issued June 4. The contract is currently being reviewed.

Manager Galloway and Mayor Gavin Brown plan to travel to Raleigh on Wednesday, June 4 to attend Town Hall Day.

Alderman Moore - Westwood Circle and Fence Line at Dutch Fisher Park

Alderman Moore said parking along Westwood Circle should be stopped. Westwood Circle is a narrow street and school buses are having a difficult time getting through. Town Manager Galloway will ask Police Chief Hollingsed to review the parking situation on Westwood Circle and give the Board a recommendation. No action was taken.

Alderman Moore said the fence line is about twenty-five feet beyond property that is owned by the Town and should be moved back to where it belongs, allowing the Town to put the property back into circulation. He said this would solve a lot of problems in this area.

Adjournment

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

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor