

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ALDERMEN
TOWN HALL – 9 SOUTH MAIN STREET
MARCH 22, 2011
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, March 22, 2011. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure, Public Works Director Fred Baker, Planning Director Paul Benson and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of March 8, 2011

Alderman Caldwell moved, seconded by Alderman Roberson to approve the minutes of the March 8, 2011 meeting as presented. The motion carried unanimously.

Public Hearing Regarding Revised Land Development Standards

Nearly three years ago, the Mayor and Board of Aldermen provided funds to hire a consultant to work with the Town in the review and revisions to the Land Development Standards. In addition, the Board created a special committee to work with the consultant and town staff in the conduct of this process. There were 9 representatives on this committee, one each appointed by the Mayor and Aldermen along with the chairmen of the Planning Board, the Board of Zoning Appeals and the Community Appearance Commission. This Committee worked diligently with the consultant, Craig Lewis of The Lawrence Group, as well as with Town Staff members, and each chapter and definition was reviewed. In the fall of 2010, a final document was approved by the Committee.

During the last week of November and first week of December, two public meetings were held to allow the public to attend and learn about the Land Development Plan and the Land Development Standards. Following those public information meetings, the Planning Board heard public comment on the proposed document at their December, 2010, January and February, 2011 meetings. With only a few changes, the Planning Board voted to recommend the revised Land Development Standards to the Mayor and Town Board for approval.

Planning Director Paul Benson attended the meeting to outline the process to date. Mr. Benson said the consultant, Craig Lewis with the Lawrence Group, began his work in 2009, talking with stakeholders and preparing a diagnosis report. The Steering Committee began their work in September 2010, meeting thirty-seven times before turning the document over to the Planning Board. The Planning Board wanted to receive public opinion, so two community meetings were

held and a lot of comments were received with time to digest the ordinance. The Planning Board voted unanimously to recommend the revised LDS document. Mr. Benson said the committee members worked very hard on the document. There were a lot of small changes, mainly in the format, which is now better illustrated with drawings, diagrams and tables. The document size was reduced by using tables rather than text, making the document easier to read and information easier to locate. Sharing the document on the internet is a good way to distribute the information. The ordinance that was adopted in 2003 was cumbersome and difficult to keep updated. This document will be much easier to share and update.

Mr. Benson outlined content changes, which make the ordinance more accessible. Open space requirements are added for residential development and parking in front is allowed to varying degrees based on building type and zoning district. Bicycle parking requirements are added for most types of development. Street grades are permitted to be steep for slightly longer stretches. Hillside density reductions are taken off slopes of less than 25%. Nonconforming renovations are permitted based on square footage instead of a percent of current building value.

Mr. Benson said the next steps include a couple of map changes to include consideration of a rezoning of the area within the South Main Street Boulevard District west of Allens Creek Road/Brown Avenue to Hyatt Creek Area Center. Rezoning portions of the Central Business District within the “railroad corridor” to the Commercial Industrial District will also be considered. Mr. Benson suggested that an evaluation be made of the ordinance after adoption to consider revisions as necessary.

Mr. Benson said this is a massive document and he hopes everyone can keep an open mind that there may be some “tweaks” that need to be made to the ordinance after adoption. He suggested a six month trial period and staff can accumulate information to provide to the board.

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

Henry Foy said in reflecting on what was done originally, early in the game when Ed Russell was chairman on the Haywood County Board of Commissioners, Haywood County and the Town of Waynesville agreed to split the expenses of extending the sewer line outside the corporate limits. During that time there were a lot of satellite annexations, and it is important that those gaps left by satellite annexations be filled accordingly. Mr. Foy said everyone is concerned about the four main corridors coming into Waynesville and this is why there was interest in having the buildings built to the street. He added that one row of parking looks alright and issues such as this arise and can be compromised on. He asked the Board to continue working toward a walkable community and keeping Waynesville a beautiful town. Mr. Foy felt that the 29 districts were planning for the future.

Luis Quevado, said he has an office at 120 Miller Street in Waynesville and he has expressed concerns at previous meetings. Mr. Quevado said other people also shared their concerns. He asked which concerns were considered in the final draft. Mr. Benson said all the comments were shared with the Planning Board and they have recommended two changes. Those were the non-conforming revisions and the composition of the planning board and board of adjustment members.

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

The Mayor and Board of Aldermen felt that the process had been very open and they were proud of the process. One of the biggest issues is parking. Mayor Brown said he has discussed this with many people at various times and he asked Mr. Benson to share some ideas about parking.

Paul Benson said parking is a complicated scenario and he displayed a table to explain parking. He explained how parking is now restricted to a Type 2 pattern which remains in the Central Business District, North Main District and South Main Boulevard District. Most other districts allow a Type 3 pattern which allows one row of parking. Type 4 parking has the potential for allowing larger parking lots. Most developers want one parking space for every 200 square feet of building space. The ordinance requires one space for every 600 square feet. He said it is only when you get a large building that you would get more than one row of parking.

Mr. Benson presented three scenarios. The first was for small retail such as Verizon or CVS Pharmacy with 10,000 square feet in floor area and a required minimum parking of one space per 600 square feet for a minimum of 17 spaces, and most small retailers like to provide 50 spaces. The permitted parking in front would allow 8 – 9 spaces which is less than the lot width. The second scenario would be for medium size retail such as Best Buy, with 30,000 square feet in floor area on a 4.5 acre site. Parking required is one space for 600 square feet or 50 spaces minimum. The parking standard is 1 space for each 200 square feet. The third scenario was for “big box” retail such as Wal-mart with 150,000 – 200,000 square feet in floor area on a 20 acre site. The parking required is one space for each 600 square feet, or 292 spaces. The “big box” or large retail parking standard is one space for each 200 square feet or 875 parking spaces.

Mr. Benson explained that the special use permit has some required documents and notification and this quasi-judicial process has six findings of fact that must be met. The process gives the public an opportunity to speak on the issue and has a higher level of review.

Alderman Feichter said she is proud of the process that the committee and staff have gone through to prepare the document. After speaking with the Town Manager and Mayor and hearing the presentation she is more comfortable with the document. Alderman Feichter said she is a firm believer in compromise for people seeking development of the property and in seeking what is best for Waynesville. Alderman Feichter thanked everyone involved for their diligence.

Alderman Roberson and Alderman Caldwell had additional questions regarding the parking.

Joe Taylor said the parking doesn't help much with the word “required” parking, and he gave as an example a lot that is 100 feet long and a building that is 60 – 70 feet wide, 50% of the required parking is only about ten spaces. Mr. Taylor said for a normal size building it would not be much help, and that it would only help a large building such as Wal Mart. There was some discussion about the special use permit process.

Patrick Bradshaw said with the ordinance adopted in 2003 some businesses like McDonald's went the distance to comply with the ordinance, but he wasn't sure if the town would want all

buildings in the future to be designed to comply this way. The conditional zoning process recently used by Ingles brings the development to the Board of Aldermen for their input. Sidewalks, stormwater and green aspects are unchanged. Mr. Bradshaw said it would be nice to think that everyone could walk to Wal Mart, but most people are going to drive because they will leave with an arm full of things to carry. Consolidating the 29 districts to 8 districts sounds a lot worse in portrayal than it is. No district lost its identity with the proposed changes and the text is set up similar to the original adoption. The main difference is in adjoining districts where one setback requirement might have been five feet and the next six feet. Rather than have adjoining districts with different setbacks, now both districts are the same with either five feet or six feet setbacks. This makes the ordinance easier to navigate for those that administer the ordinance.

Manager Galloway said the committee that reviewed the LDS was a very dedicated committee. They did not agree on everything but there were compromises. Parking was the hardest issue and there were some things that passed on a split vote.

Alderman Caldwell said after the ordinance is adopted, and if there are things out of the ordinary, those issues could be brought back to the Board. The revised ordinance gives developers a chance. Parking has always been one of his concerns and feels that requiring parking only to the side and back has stopped some development and made other development an eyesore.

Manager Galloway asked if examples of various parking situations would help the Board. The Board felt that this would help and Planning Director Paul Benson was asked to develop some parking examples for the Board to review.

Luis Quevado commended the committee for their work. However, he still has some concerns, mainly regarding regulation of development patterns. He said the changes in the ordinance are very well written, but the easiest way for him to understand is when developers come to his office and ask how they can maximize the property they purchase.

Mayor Brown asked if there were other issues such as density and slope that the Board had concerns with. It was the consensus of the Board that the revised Land Development Standards are designed in the direction they want to go. They would like to see examples of parking. No action was taken. The issue will be placed on the agenda of the April 12, 2011 meeting.

Tax Collector James Robertson Request to Advertise Delinquent Taxes

Under North Carolina law, the Tax Collector of a governmental unit must annually appear before the elected officials of that unit to request permission to advertise the names and the properties for which real estate taxes have not been paid.

Mr. Robertson typically notifies each individual who has unpaid property taxes, giving them an opportunity to pay the outstanding balance prior to advertising the name and property in the local paper. He attended the meeting to explain the process he follows and answer any questions.

Mr. Robertson said during the last two or three years the data base for the Debt Setoff Program has been filled with unpaid taxes, utility bills and parking tickets. More money has been

collected this year, with three collections to date of \$7,000, \$4,000 and \$2,000, for a total of \$13,000 collected in 2011. The tax collection rate this year is 93% which is slightly lower than in the past. The motor vehicle tax collection rate is also lower, possibly because people are not buying cars like they have in the past. He said more people have requested payment plans for the taxes they owe, which could be related to the economy.

Alderman Feichter moved, seconded by Alderman Greeley, to authorize Tax Collector Robertson to advertise the delinquent taxes as requested. The motion carried unanimously.

Downtown Waynesville Association 2011 Street Closing Request

Ms. Buffy Phillips, Executive Director of the Downtown Waynesville Association submitted the list of planned festivals and events for 2011. Ms. Phillips appeared at the Town Board's annual retreat on February 18 to discuss the events and noted that there were two new events proposed for 2011. One of these is the Appalachian Lifestyle Celebration planned for Saturday, June 11, and the second is the Hispanic Street Dance scheduled for Friday, August 19.

The list submitted by Ms. Phillips listed the events along with dates, times and locations for which she is requesting that certain streets be closed in connection with those events. In addition, a request was presented that merchants be allowed to conduct sidewalk sales for the weekends of Memorial Day, 4th of July and Labor Day.

Manager Galloway said most merchants in the downtown area indicate that on the days of the festivals, they experience some of their highest customer counts of the year. They note that their retail sales certainly benefit from the festivals, and the large number of visitors to our community must have a spillover effect for other businesses in our area.

Alderman Roberson moved, seconded by Alderman Caldwell to approve the request of the Downtown Waynesville Association for street closings and other considerations for the festivals, events and sidewalk sales as presented. The motion carried unanimously.

Water Purchase Agreement Lake Junaluska Assembly

A few years ago, a developer approached the Lake Junaluska Assembly to request that it supply water to a development being planned on the northeastern side of Utah Mountain. The Assembly did not typically serve areas outside of the Assembly area, and as it was a new situation, they approached the Town to discuss the matter. The Assembly and the representatives of Avalon Development came before the Board and the Board indicated that it did not object to the arrangement with Avalon.

At that time, it was agreed that the Town should update its water purchase agreement with Lake Junaluska Assembly to cover matters such as the sale of water outside of the Assembly boundaries. It was also noted at that time that the Town's agreement with the Junaluska Sanitary District was also outdated and needed to be updated and renewed. The Town remains in negotiations with the Junaluska Sanitary District.

The Lake Junaluska Assembly has now signed the Water Purchase Agreement with the Town of Waynesville. The contract is for a ten year period, commencing January 1, 2011, and ending on December 31, 2020. Town staff recommended that the Town Board approve the agreement, with one correction on Page 3, #12, the dollar amount should be \$2.48 rather than \$3.04 per one thousand gallons.

Public Works Director Fred Baker recommended approval of the agreement. He said Lake Junaluska Assembly is seasonal and feels the Town has provided more than ample room for growth. The Department of Natural Resources is requiring contracts and interconnections between systems. Contracts are a way of not making assumptions but it must be mutually agreeable. The Assembly is allowed to resell water to others if they get permission from the Board of Aldermen. Waynesville has a long history of selling water to Lake Junaluska Assembly and the Junaluska Sanitary District.

Aldermen Feichter moved, seconded by Alderman Greeley, to approve the agreement with Lake Junaluska Assembly and authorize Mayor Brown to execute the agreement on behalf of the Town. The motion carried unanimously. (Cont. No. 2-11)

Water Purchase Agreement Junaluska Sanitary District

At the Town Board's Retreat on February 18, 2011, the matter of the Water Purchase Agreement between the Town and the Junaluska Sanitary District (JSD) was discussed at length. A review of the negotiations over the new agreement was provided to the Board, and the three or four remaining, unresolved issues were discussed in detail. The main point of difference centered upon the minimum amount of water to which the JSD wished to commit. JSD was asking for a minimum of 50,000 gallons per day and the Town was asking for a minimum of 350,000 gallons per day. For the past three years, JSD has purchased an average of 466,000 gallons of water per day from the Town.

At the Retreat, Public Works Director Fred Baker explained that in order for the Town to supply the requested 750,000 gallons per day to the JSD, a number of improvements would be necessary to the water system. To justify making those improvements and to pay the cost of funding those improvements, he felt the Town needed to be assured of a steady, dependable revenue stream from the JSD. JSD had asked for a minimum of 50,000 gallons per day and if it is their intention to go elsewhere to secure their water or to make capital improvements so that they can supply their own water, the Town would not want to make the investment to assure delivery of the 750,000 gallons JSD was requesting. The Town Board made the decision to hold with the minimum of 350,000 gallons per day, and this information was conveyed to the JSD attorney, Burt Smith, by Town Attorney Woody Griffin.

On Wednesday, March 16, Town Attorney Griffin received the letter from the JSD Attorney Burt Smith asking for a minimum of 200,000 gallons per day rather than the 350,000 gallons per day that the Board had previously offered. As this matter has previously been discussed by the Town Board, Town Staff did not feel that they could negotiate the matter further; consequently, the matter was returned to the Town Board for further discussion.

Public Works Director Fred Baker said the Sanitary District was originally the same as Lake Junaluska, with the exception of the volume of water. JSD is about twice as large. JSD objected to portions of the contract, one objection was in requesting permission to sell water outside their boundaries which does not appear in the document prepared by the JSD Attorney. They objected to the minimum volume. The risk to the town is they would not be a full compliance customer. They cut the minimum volume which would allow them to secure other supplies which would make them a less valuable customer. JSD is Waynesville's largest customer and they are important to the town.

Mayor Brown asked if there were issues about the size of lines, etc. Mr. Baker said the biggest draw of water we have had is a little more than 500,000 gallons per day. Significant increase in their demand over the next 10 years is possible. Some customers have indicated a decrease in pressure because of demands on the system. Waynesville is recommending improvements to the lines to meet those demands and will spend quite a bit of money installing lines to meet that growth. Approving the contracts will guarantee revenues for the Town from these two systems for the next ten years.

Mr. Baker said he would like to delete item "d" and delete the language that is so vague. The maximum day and hour allowance may be more and the JSD needs to take responsibility for refilling tanks at night to meet these demands. These are the issues that Waynesville is trying to address by specifying minimum pressure. It is not possible to supply the demand for pounds per square inch (psi) without some tanks.

Approval of Bids for Recreation Center Roof

Manager Galloway said the roof replacement at the Recreation Center was discussed at the retreat. Rather than trying to schedule this in next year's budget and since money remained in the capital reserve fund it was decided to replace the roof this year. Bids were received as follows:

	<u>The Bonitz Company</u>	<u>Triad Roofing</u>	<u>Carolina Mountain Roofing & Construction, Inc.</u>
Gym	\$ 52,095	\$ 62,010	\$ 62,241
Office & Entrance Area	\$ 16,780	\$ 24,965	\$ 26,883
Pool	\$ 43,670	\$ 43,387	\$ 51,133
Racquetball & Boiler Room	\$ 10,960	\$ 15,812	\$ 17,432
TOTAL	\$123,505	\$146,174	\$157,689

Town staff recommended that the bid be awarded to The Bonitz Company in the amount of \$123,505.

Alderman Feichter moved, seconded by Alderman Roberson, to award the bid to The Bonitz Company in the amount of \$123,505 as recommended by Town Staff. The motion carried unanimously.

Project Ordinance Dayton Drive/Route 276 Water System Improvements

Manager Galloway said a grant was received for \$213,000 from the Rural Center which would allow the Town to extend the water line from Gateway Street to the Ivy Hills pump station where Waynesville connects with the Maggie Valley water system. The grant runs the line out Russ Avenue, crossing US 19 to the entrance to Ivy Hills. This project would extend from Ivy Hills to Queens Farm. Presently there is a 6" cast iron water line, which sometimes runs under buildings and along the creek. This project would relocate the water line on the right-of-way of US 19. The money has already been spent and Waynesville has met its match for the project. Several documents need to be taken to the Rural Center, including a budget ordinance for the project.

Alderman Caldwell moved, seconded by Alderman Greeley, to adopt the Project Ordinance for the Dayton Drive/Route 276 Water System Improvements. The motion carried unanimously. (Ord. No. 3-11)

Adjournment

There being no further business, Alderman Caldwell moved, seconded by Alderman Greeley to adjourn the meeting at 8:51 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor