

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ALDERMEN
TOWN HALL – 9 SOUTH MAIN STREET
APRIL 24, 2012
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, April 24, 2012. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Julia Freeman, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager Marcy Onieal, Assistant Town Manager Alison Melnikova, Management Advisor A. Lee Galloway, Town Clerk Phyllis McClure, Town Attorney Woodrow Griffin and Planning Director Paul Benson. Mayor Brown called the meeting to order at 7:00 p.m.

Recognitions

Civilian Police Academy Graduates

Graduates of the 2012 Civilian Police Academy attended the meeting with Police Chief Bill Hollingsed. Chief Hollingsed said members of the Academy meet one night per week for two to four hours. They have opportunities to visit the Police Firing Range and get a general overview of the various daily activities of the Police Department, including communications, records and canine program. After graduation they return to volunteer at festivals and football games.

Mayor Brown said the Town of Waynesville is appreciative for the work of the Civilian Police Academy Members, adding that they are not required to be citizens of the Town of Waynesville. Mayor Brown said this is one of the outreach programs offered through the Police Department by Chief Hollingsed, allowing citizens to learn about the operations of the Police Department and give back to their community. Certificates were distributed to the following graduates of the 2012 Civilian Police Academy: Steve Ariko, Carol Barton, Lowell Coffin, Lydia Dirscherl, Linda Dirscherl, Bob Herrmann, Sue Ellen Jackson, Marti Peithman, Hollis Prior and Pamela Starnes. The Board congratulated the Civilian Police Academy Graduates.

Fire Chief Joey Webb, Sr. – Completion of 2011-12 Municipal Administration Certificate
UNC-CH School of Government

Town Manager Marcy Onieal recognized Fire Chief Joey Webb, Sr., for his completion of a course of study from the UNC School of Government in Chapel Hill, joining Assistant Town Manager Alison Melnikova as a graduate of the class. This course is offered once per year to

senior leadership employees requiring attendance one week per month during September through April. Chief Webb said the class was quite an experience, giving those in attendance the opportunity to learn about employment law, budgeting and various other departments in local government, including what boards go through when they have to make their decisions. The Board congratulated Chief Webb on his accomplishment. Mayor Brown added that it is important for Waynesville to have trained staff available to deal with issues if Town Manager Onieal is away from the office.

Approval of Minutes of March 1 and April 10, 2012 Meetings

Alderman Caldwell moved, seconded by Alderman Roberson to approve the minutes of the April 10, 2012 meetings as presented. The motion carried unanimously.

Mayor Brown thanked Manager Marcy Onieal with the manner the agenda was presented to the Board, adding that it contained a lot of information and was prepared in a very organized fashion with her suggested thoughts and prepared motions.

Public Hearing – US 23 B/South Main Street Corridor Plan – Development of Alternatives for the Transportation Corridor from Hyatt Creek Road to Ninevah Road

For over 10 years, the Town has requested as its highest transportation priority, that NCDOT “upgrade” the commercial section (Hyatt Creek Road to Ninevah Road) of South Main Street. As a result of this request, the project was placed on the State Transportation Improvement Plan (STIP) but only for a feasibility study. In 2002, a NCDOT feasibility study for this corridor recommended a 4-lane roadway with a center median within a 100’ right-of-way, at a projected cost of \$25 million. In the years following development of the study the project remained unfunded and was eventually dropped from the STIP.

In 2007, the Town became concerned that the proposed redevelopment of the vacant former Dayco Industries site into a major shopping center would create the potential for significant traffic congestion on the South Main corridor from both the shopping center and the anticipated spin-off redevelopment of surrounding properties. The Town requested a new feasibility study considering the impact of the redevelopment, which revived the project in the STIP but without any funding assigned for actual construction.

A public workshop was held in July of 2009 during which alternative designs were presented for comment. About this time the Town was completing the Russ Avenue Corridor Plan and determined to undertake its own corridor study to complement and refine the recommendations of the draft NCDOT feasibility study. In 2010, the Town was informally notified by French Broad River Metropolitan Planning Organization (FBRMPO) of the availability of grant funding

for transportation planning and proceeded to engage the services of a consultant to conduct stakeholder workshops, and undertake research and design for the South Main Street Corridor.

Planning Director Paul Benson said the development of alternatives of the South Main Street area have been worked on for approximately one year and it is felt that what is being presented is a great product. When Dayco closed, the South Main Street area went into decline, but was revived with the construction of the Waynesville Commons Project. At the Town's request a feasibility study was begun and the first workshop was held in 2009. During this process, the Russ Avenue Corridor Study had just been completed. The FBRMPO was fortunate to receive grant money for this project. A series of workshops and one public hearing before the Planning Board have been held and it is felt that this is a great plan.

Rodney Porter, LaQuatra Bonci Associates out of Asheville, NC attended, along with Mark Teague and John Conard. The vision of the project was to transform the Main Street area into a community oriented street that was safe, walkable and livable, catered to local needs and embracing the community along South Main Street. Goals and objectives were to obtain community input, analyze and design intersection improvements, and analyze and design access from abutting parcels, with pedestrian and bicycle facilities, address aesthetics, analyze roadway capacity and future travel demand. A document was produced to tie in with the NCDOT Feasibility Study. Beginning at Ninevah Road, there are five roads that connect and a round-a-bout is proposed at this intersection.

The process taken on this project was to develop a coherent plan for the entire corridor, develop a pedestrian-friendly environment, research traffic trends and develop a roadway system that accounts for pedestrian and vehicular safety/travel, develop better neighborhood connectivity, unique streetscape, principles for stormwater and infrastructure improvements.

Recommendations from public meetings included incorporation of left turn lanes, ideal street alignment, improved pedestrian safety and traffic interactions and incorporation of bicycle lanes. The parcels of property would be more consumer-focused, with added connectivity and development in accordance with the Town's Land Development Standards. Pedestrian activity would be improved with safer sidewalks, safer railroad crossings and a planting strip to separate vehicles from pedestrian traffic. Infrastructure would provide curb and gutter, bridge repair and overhead utility coordination.

The round-a-bout at Ninevah Road is proposed to become a gateway feature. Epsom Street is proposed to be closed or dead end. Bicycle lanes would terminate at the round-a-bout. The road will widen from two-lanes to four lanes at the Allens Creek intersection, with a dedicated lane from Allens Creek to South Main Street. There are a lot of large vehicles that come from the Quarry and it is thought that the wider lane would better accommodate truck traffic. At the Hyatt Creek/Balsam Road intersection it may be possible to add a gateway, possibly an artistic

element, but not necessarily a round-a-bout because of the additional reworking that would be required with the railroad crossing and other issues.

Alignment is proposed to remain the same at Old Balsam Road/Hyatt Creek Road, with the addition of a left turn lane from Old Balsam Road to Hyatt Creek Road. There will continue to be a traffic light at the intersection. One of the left turn lanes is proposed to be dropped from Hyatt Creek Road to Town Center Loop, with two straight lanes proceeding to South Main Street and only one turn lane to Town Center Loop. This should prevent collision from cars trying to change lanes.

Mayor Brown asked if there is a way of modifying the report, adding that he did not want to have a document that is contrary to the Land Development Standards adopted by the Board less than one year ago. Paul Benson said this is not a regulatory document.

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

Philan Medford distributed comments to the Board and congratulated the consultants for their report and safety of its design. Ms. Medford said she was thrilled that there were no slip turn lanes and that drivers must stop before they turn right on red, adding that the slip lane at Dellwood Road to Frog Level is difficult to safely navigate. Ms. Medford was appreciative of the inclusion of a round-a-bout, adding that it is safer with the pedestrian refuge. She said it is important that people of all ages and abilities be able to move safely across the street, adding that Waynesville's population majority is over the age of 50 and these intersections are adjacent to neighborhoods.

Henry Foy said as Mayor he remembered the times and battles with the round-a-bout on the Old Asheville Highway. Mr. Foy commended the Board, adding that this is a good plan and will facilitate this work. By having this plan in place, it is easier to get the road designed the way you want it when the time comes for the appropriation.

Paul Benson read comments received by e-mail from the following persons unable to attend the meeting: David Blevins expressed concern with the apparent taking from the Balsam Road side of his property, adding that it would disrupt traffic entering and exiting his business. Ann Stringfield expressed support of the plan, requesting that the design be kept with as many river rock structures as possible.

Paul Black with French Broad River MPO commended the Board on undertaking this project, adding that this will help make their case with NCDOT and helps him do his job when presenting projects to Raleigh to request funding.

Rodney Porter said the plan focuses on pedestrian and vehicular safety and is not just about moving traffic or focused on just one type of traffic or individual.

Alderman Freeman said she did not want to adopt a resolution that is contradictory to what the Board has already adopted. Alderman Caldwell agreed. Alderman Greeley said he was trying to envision what would be required to meet the Town's Land Development Standards. Rodney Porter said if there is parking on front of structures, the pedestrian atmosphere would be separated from business by another row of parking. Depending on how the traffic is laid out you could also end up with more curb cuts resulting in additional traffic cutting in and out of businesses.

Paul Black said he was not sure if there is a way to reconcile the LDS with the proposed plan, giving an example of a sidewalk café, driveway cuts would make it difficult for pedestrian traffic and streetscape to develop. Mr. Black said the Board may want to revisit the LDS.

Brandon Green said there are very few of the structures with the exception of the Verizon Building and Hardees that would stay. Whether the sidewalks are eight feet or twelve feet, it would still be street friendly, and a lot friendlier than it is now.

Alderman Roberson said he likes the layout, but knows what we have been through to get parking allowed in front of buildings, but the safety issue also needs to be considered, adding that he doesn't see where they blend together. Alderman Roberson asked about curb cuts on the design to show where people would get to a row of buildings. Mr. Porter said the design may not show it now, but this would be added as development occurs, adding that reducing the amount of curb cuts makes the area safer.

Alderman Greeley asked if a business would have the option to have the café concept without a row of parking in front of the business. Mr. Porter said they could have that option and he recommended revisiting this area when development opportunities occur, adding that it would be nice to bring buildings up to the street.

Alderman Caldwell said the Old Town Bank will want parking in front and he would still have to support parking in front of businesses.

Mayor Brown said the plan is comprehensive and conceptual in nature, and he would rather have the plan acknowledge that parking is allowed in front of buildings. Paul Benson said the way to view this is that we clearly allow one row in front and more if justified in this district. This is an idealized plan, which may change when NCDOT designs this stretch of road. Alderman Roberson said this does not supersede the LDS. The idea was to give a concept of what the buildings would look like.

Town Manager Marcy Onieal said page 19 of the report refers to the LDS and that all development must meet the guidelines of the LDS that was adopted in April 2011. Alderman Freeman felt that it is important that this be made clear to the public that the plan does not supersede what was adopted in the LDS. Other Board Members agreed.

Libba Feichter said when she served as Alderman and attended a traffic workshop in Raleigh, one of the statements made was that every time you have a curb cut you increase the opportunity of vehicle conflicts by 50%. If there is any way that you can limit the number of accesses, it also increases the safety and adds to the aesthetics.

Alderman Roberson moved, seconded by Alderman Greeley to adopt Resolution 5-12, adopting the US23B/South Main Street Corridor Plan as prepared and presented by LaQuatra Bonci Associates. The motion carried unanimously. (Res. No. 5-12)

Amendment to Amend Section 42-61 Offenses and Miscellaneous Provisions of the Code of Ordinances Regarding Limits on the Possession of Weapons on Town Property

In 2011 the NC General Assembly enacted HB 650 concerning the rights of individuals to own, possess, or carry firearms, which affects a local government's authority to regulate firearms. The new law, which became effective December 1, 2011, prohibits local governments from adopting a blanket ban on carrying concealed weapons in public parks and recreational sites and facilities by narrowing the definition of recreational facilities and specifying precisely where concealed weapons may be prohibited.

The Board reviewed the provisions of the new law during its retreat on February 17, 2012 and referred the matter to the Recreation Commission, directing staff to propose amendment(s) to the Code of Ordinances which will bring the Town into compliance with state statutes. At their meeting on April 10, 2012, members of the Recreation Commission expressed dismay with the new law, and confirmed their unanimous support for prohibiting weapons of any kind in all recreational facilities, areas and parks. The commission and staff have proposed an amendment to the Town's Code, in compliance with the new state statute, which specifies the recreational facilities at which the carrying of concealed weapons continues to be unlawful. Upon adoption, these sites will be posted with appropriate signage and enforced per state statute.

Town Manager Marcy Onieal explained and read the areas that would be designated for banning concealed weapons. Those areas included:

- 1) Old Armory Recreation Center, including community garden on Boundary Street
- 2) Waynesville Recreation Center on Vance Street
- 3) Vance Street Park, including but not limited to the volleyball court, softball field, soccer fields, paved running track and public restrooms

- 4) Pepsi Dog Park, located on Vance Street
- 5) Recreation Park, located between Vance Street and East Marshall Street, including but not limited to tennis courts, softball fields and playground
- 6) Waynesville Disc Golf Course, which routes through the Recreation Park and Vance Street Park
- 7) East Street Park, in the area north of the unnamed tributary of Shelton Branch
- 8) Dutch Fisher Park, located on Westwood Circle, including but not limited to the baseball field and playground

Alderman Freeman moved, seconded by Alderman Caldwell, to adopt Ordinance No. 9-12, amending Section 42 of the Code of Ordinances of the Town of Waynesville by deleting and restating Section 42-61 as presented. The motion carried unanimously. (Ord. No. 9-12)

Appointment of Lee Galloway to represent the Town of Waynesville on the Lake Junaluska Municipal Study Task Force

The Lake Junaluska Assembly Board of Directors has directed the establishment of a Municipal Study Task Force to further review the Preliminary Report on Municipal Status of Lake Junaluska, to collect public input and opinion, and to make recommendations to the Lake Junaluska Community Council as appropriate. The Committee will have 10 voting members representing the LJA Property Owners Association, the community of Lake Junaluska, and the United Methodist Church and three ex officio members, including one slot reserved for a representative of the Town of Waynesville. The mayor has proposed that retiring town manager Lee Galloway serve as the Town's representative on this Task Force. The first meeting of the Task Force is scheduled for Thursday, April 26, 2012, at 7:30 p.m. at the Bethea Welcome Center in Lake Junaluska. The entire board, key town staff and members of the public are invited to attend.

Alderman Greeley moved, seconded by Alderman Roberson to appoint Lee Galloway to represent the Town of Waynesville on the Lake Junaluska Municipal Study Task Force. The motion carried unanimously.

Endorsement of NC Law Enforcement Association Presidents' (NC-LEAP) Legislative Advocacy Program for Public Safety Issues

NC LEAP is comprised of members from 19 different professional law enforcement organizations across the state ranging from the NC Police Chiefs Association, the NC Sheriffs Association, the NC Police Executive Association, the NC Association of Police Attorneys, the NC Law Enforcement Women's Association, NC Chapter of FBI National Academy, etc. LEAP meets yearly to address law enforcement concerns and to prioritize those concerns for the Attorney General to present to the NC General Assembly for legislative consideration. As Past

President of the NC Police Executives Association, Chief Hollingsed attended the most recent LEAP legislative forum and has returned with a summary of legislative initiatives which law enforcement professionals across the state would like to see enacted as a means to improving public safety. LEAP membership voted to make four items top priority for the coming short session of General Assembly which convenes May 8, 2012.

Police Chief Bill Hollingsed attended, along with Reid Taylor with the NC District Attorney's Office. The four priority items include 1) State Crime Lab Expansion, 2) Prescription Drug Issues, 3) Meth Lab Issues, and 4) Sovereign Citizen Legislation. Chief Hollingsed and Reid Taylor presented information to the board about the four priorities and asked that the Board review the information and support their efforts.

Town Manager Marcy Onieal said staff is seeking board direction with regard to legislative advocacy. If the board wishes to engage in legislative advocacy and is in agreement with LEAP's advocacy position, the board could approve as presented. A formal resolution to be shared with LEAP agencies and members of the General Assembly would lend strength to a supportive position.

Alderman Freeman moved, seconded by Alderman Roberson, to support the NC-LEAP. The motion carried unanimously.

Downtown Mini-Park "Gateway to the Smokies" Sign Bid Award

The Waynesville Public Art Commission issued a Request for Quotation for the manufacture, transport and installation of a new arched metal sign for the Downtown Mini-Park based on design and specifications prepared by Ed Kelley and engineering by Sutton-Kennerly. Two qualified bids were received by the deadline of April 5, 2012 as follows:

\$5,571.60 by Moto-Fab Metal Works, Inc., Waynesville, NC

\$9,785.05 by Joe's Welding Service, Waynesville, NC

Public Art Commission Chairman Jan Griffin attended the meeting and expressed appreciation to Assistant Town Manager Alison Melnikova, and Public Art Commission Members Ed Kelly and David Blevins for their work on this project and with the Public Art Commission. It was recommended that the bid be awarded to Moto-Fab Metal Works, Inc., in Waynesville in the amount of \$5,571.60. The sign could be in place by July 18 in time for Folkmoot activities. \$4,200 has been raised to date by the Public Art Commission through their first fundraising effort. A second fundraising letter is expected to be sent soon to raise the remainder of the funds needed for the sign.

Alderman Greeley moved, seconded by Alderman Caldwell, to award the bid, in the amount of \$5,571.60 for the manufacture, transport and installation of the Downtown Mini-Park “Gateway to the Smokies” sign to the lowest responsible, responsive bidder, Moto-Fab Metal Works of Waynesville, NC. The motion carried unanimously.

Ms. Griffin thanked the Board for their support. Ms. Griffin also reported on another fundraiser. Post card size cookbooks will be printed and can be purchased for \$10. Cornerstone Printing has provided a very good quote for printing the cookbook. Public Art Commission Member Bill King suggested that a restaurant section be added with local restaurants contributing one of their favorite recipes for the cookbook and this seems to be agreeable to those restaurant owners that have been asked. Recipes will be included from persons of all ages and plans are to have the cookbook complete and available for purchase in July.

Mayor Brown expressed appreciation for the work that Jan Griffin and the Public Art Commission does for the community.

Street/Sidewalk Closing – Cancellation of Prior Approval for 2012 Downtown Sidewalk Sales

On February 14, 2012, the Board approved a schedule of street and sidewalk closings for Downtown Waynesville Association sponsored events. The Downtown Waynesville Association has announced the cancellation of all 2012 Sidewalk Sales Events, previously scheduled for the holiday weekends of Memorial Day (May 25-26), Independence Day (July 3-5) and Labor Day (August 31 – September 3). DWA has requested that the Board rescind the authorization for sidewalk closures during these times.

Alderman Greeley moved, seconded by Alderman Roberson to rescind authorization to close sidewalks for the 2012 DWA Sidewalk Sales Events, originally scheduled for May 25 – 28, July 3 – 5 and August 31 – September 3, as requested by the Downtown Waynesville Association. The motion carried unanimously.

Communications From Staff – Manager Marcy Onieal

Budget Schedule - A proposed schedule was distributed for Fiscal Year 2012-2013 Budget Workshops and the Board was asked to review and advise which dates and times they would be available to meet.

Economic Incentive Agreement – Sonoco – This agreement was approved previously by the Board, however, it was felt that the Board should be informed that some of the dates and other minor changes were needed to the contract. It was the consensus of the Board to approve the date change and other minor changes. (Cont. No. 4-12)

Service Notification Issues – Some of the merchants in the Hazelwood area were recently inconvenienced due to repairs that were needed resulting in interruption of their telephone service and they did not receive advance notification. Manager Onieal reported that town crews were on the necessary repairs immediately. In the future they will be doing more door to door notification and the Town is reviewing the possibility of getting a reverse call system to notify the Town’s residents of service interruptions and planned projects.

Municipal Building Remodel Update. Assistant Manager Alison Melnikova reported that work is continuing on the Municipal Building with carpet installation scheduled during the middle of May. The project will hopefully be completed by the end of May.

Manager’s Schedule – Manager Onieal will be out of the office May 30 through June 22. Ms. Onieal expressed appreciation to the Board for allowing her this flexibility and said that budget workshops have been scheduled so that she will be available during this time to prepare the budget.

Bank Authority Certifications – Lee Galloway will continue to have signature authority until Manager Onieal returns at the end of June. At that time revised signature cards will be brought to the Board for approval.

Condolences – Condolences were expressed to Water Maintenance Employee Mike Rich and his wife Jackie in the loss of their daughter Samantha on April 28, 2012.

Adjournment

There being no further business, Alderman Greeley moved, seconded by Alderman Caldwell, to adjourn the meeting at 9:14 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor