

REGULAR MEETING  
TOWN OF WAYNESVILLE  
BOARD OF ALDERMEN  
TOWN HALL – 9 SOUTH MAIN STREET  
JULY 10, 2012  
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, July 10, 2012. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Julia Freeman, J. Wells Greeley and LeRoy Roberson. Others present were Town Manager Marcy Onieal, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure, Planning Director Paul Benson and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Presentation to Retired Town Manager Lee Galloway by Representative Phil Haire

Representative Phil Haire attended the meeting to present a Certificate of Appreciation from the North Carolina General Assembly to retired Town Manager Lee Galloway. Representative Haire said Waynesville is like a second home to him and it is always a pleasure to visit. When he thinks of Waynesville he thinks about all the progressive moves that have been made throughout the years and it is one thing to adopt rules, but another to implement them. So many times he has recognized Waynesville for the series of meetings that were held regarding zoning. By involving the public, at the end of the process when a public hearing was held no one attended. It is his hopes that other towns will use Waynesville as an example in including the public in various processes. Waynesville has been fortunate to have had one of the finest town managers in the State of North Carolina, a manager that is recognized in Raleigh, by the North Carolina League of Municipalities and many others. Waynesville's success is due to its management and staff. Representative Haire read the Certificate of Appreciation, signed by Speaker of the House, Tom Tillis, and extended sincerely congratulations upon Lee Galloway's retirement.

Mayor Brown said he thinks Mr. Galloway is beginning to recognize just how much he has meant to Waynesville. Lee Galloway expressed appreciation for the recognition and for the nice things Representative Haire said about him. No action was necessary

Staff Recognition - Alison Melnikova, Named Assistant Manager of the Year by the North Carolina City and County Managers Association

Manager Marcy Onieal announced that Assistant Town Manager Alison Melnikova recently received recognition of being named Assistant Manager of the Year by the North Carolina City and County Managers Association. Manager Onieal asked retired Town Manager Lee Galloway to report on this accomplishment to the Board.

Lee Galloway said so many times he worked toward making the board look good and one of the best decisions he made during his time in Waynesville was to hire Alison Melnikova, now Waynesville's Assistant Town Manager. Mr. Galloway praised Assistant Manager Melnikova's dedication and commitment to local government and the Town of Waynesville. When Waynesville began its construction phase with the Fire Station, Ms. Melnikova participated in that process and was extremely active in the process of the Police Department/Town Hall/Development Office Building. During renovations of the Hazelwood building, she and Purchasing Supervisor Julie Grasty managed the project. This shows the progression Ms. Melnikova has made as an assistant manager and public official. This spring when nominations were being accepted by the City and County Managers Association it gave him a lot of pleasure to nominate her. On June 30 at the Manager's Meeting, Mr. Galloway was asked to make the presentation because it was known how much it would mean to him, even though he was retired, to make the presentation. One afternoon Alison made the comment that he had changed her interest in a career into a passion and he has always felt that managers should have a passion for what they do. Mr. Galloway said Alison has a great future in Waynesville and he knows the value of having her on staff.

Mayor Brown said it is a comfort to know that Waynesville is in good hands with staff such as Assistant Town Manager Alison Melnikova and Town Manager Marcy Onieal on board.

#### Approval of Minutes of June 26, 2012

Alderman Caldwell moved, seconded by Alderman Freeman to approve the minutes of the June 26, 2012 meeting as presented. The motion carried unanimously.

#### Public Hearing Regarding Request by Wanda S. Brooks to Rezone 0.3 Acre Lot at 154 Hemlock Street From Hazelwood Urban Residential/Mixed Use Overlay to South Main Street Business

A request was received by Ms. Wanda Brooks to rezone 0.3 acres located at 154 Hemlock Street from Hazelwood Urban Residential District, Mixed-Use Overlay to South Main Business District. The rezoning was not recommended by town staff because it was felt that the rezoning does not fit the Town's adopted Land Development Plan. The property is adjacent to single-family residential and is located within a block of residential use. The current zoning of Hazelwood Urban Residential/Mixed Use Overlay permits General Commercial uses along with

a variety of Governments, Personal and Professional Services by virtue of its location at the intersection of two public streets.

The Planning Board, on a split vote at their meeting on May 21, 2012, recommended that the rezoning request be denied.

Planning Director Paul Benson said town staff recommended against the rezoning and Planning Board recommended against the rezoning by split vote, because it was felt that the request does not fit in with the 2020 Land Development Plan. N. C. State Law mandates that zoning be based on a comprehensive land development plan. The process to develop Waynesville's Land Development Plan was a very extensive public involved process. At the present time there is a very clean zoning boundary that runs along Hemlock Street. There is a mixture of uses in the Hazelwood area and several mill houses remain that were associated with the industries once located in the area. In a mixed use overlay district some commercial uses are allowed and this property is in that situation. Under the old ordinance there were 13 allowed business/professional services that were reduced to three categories. The new ordinance does not contain as much specificity as the old ordinance. Restaurants are not permitted, but government and professional services are allowed. General commercial uses are allowed if the building is less than 100,000 square feet. Ms. Brooks would like to see a wider use than what is allowed. The property backs up to residential areas, but the property is sort of a transitional property on a corner with commercial use. The property is located across from the old prison. Mr. Benson said uses are allowed unless specifically listed as being allowed in another part of the ordinance.

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

Wanda Brooks, 63 North Hill Street, distributed copies of the Land Development Standards with the uses highlighted. She said a traffic count that was done in April 2010 showed within 48 hours that 10,037 automobiles traveled on Brown Avenue. This does not include a count on Hemlock Street. Commercial uses close to this property include the old prison camp, animal shelter, convenience center, Southern Concrete, tool rental, stone company, and seven businesses on Hemlock Street ending at HVO where approximately ten (10) transfer trucks travel daily. She felt that a better place to split the zoning would be at the four lane highway rather than along Hemlock Street. Although the property is surrounded by residential, it has been used commercially. The building is taxed as commercial property. She plans to lease the property, but if it is not ready and available for the use requested, those interested in leasing the property will move on. Ms. Brooks said the property is not suitable for residential use. She has a ton of money invested in the property and it has been sitting there for more than a year. Ms. Brooks asked that she be given the same opportunity as the other properties around her.

Pam McCracken, a realtor representing Wanda Brooks, said she is trying to get the property leased for Ms. Brooks. The building still contains restaurant equipment. Ms. Brooks would like to get the property leased so she can pay her taxes and mortgage on the property.

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

Mayor Brown asked Mr. Benson to explain the commercial uses that would not be permitted. Mr. Benson said there are approximately ten that would not be permitted, including pawn shops, vehicle major repair services, adult establishments, gasoline stations and others that could have an impact on the surrounding properties.

There was discussion about the window for a nonconforming use that is grandfathered in. The nonconforming use can be continued if that use is stopped and the property remains vacant for less than six months. Pam McCracken said the property was used as a restaurant at one time and the restaurant equipment is still in the building. Ms. Brooks expressed concern with the vagueness of the Town's Land Development Standards, adding that when someone approaches her about leasing the property she would like to know which uses are permitted. Ms. Brooks said her description of the property's use would be sort of a fast food restaurant, not a sit down restaurant. Alderman Roberson asked if adequate parking was available. Mr. Benson said one parking space is required for every 600 square feet of building, and parking would not be an issue for this building. Ms. Brooks said the building is 1,400 square feet in size. Alderman Roberson pointed out that this rezoning request was similar to another recent request that was denied. Mr. Benson agreed and asked where the line should be drawn because it is difficult to have a hard clad rule. He added that if one property is rezoned to a commercial use, then the owners of the adjacent property could request the same rezoning. Alderman Caldwell said this is a high traffic flow area and he felt that it abuts property that is already zoned commercial.

Attorney Griffin asked if the property is contiguous to the South Main Business District and if that would make a difference. Mr. Benson said under State Law the property is contiguous because it is only separated by right-of-ways. However, an argument could be made that it is spot zoning, but not surrounded by uniformly zoned property. Mr. Benson felt that it could be arbitrary and capricious if action is taken that goes away from the 2020 Land Plan.

Alderman Roberson said if the rezoning is approved, other properties that have been denied could again request rezoning of their property and he was concerned that action to approve this request could set a negative precedence. Mayor Brown said it is the Board's job to be consistent. Alderman Freeman said the property is already considered commercial and she did not realize that it was not zoned commercial. Mayor Brown asked if the request is denied if there was a twelve month waiting period before the request could again be made. Mr. Benson said there is a

twelve month waiting period if the rezoning request is denied, but this requirement can be waived by the Board of Aldermen.

Alderman Caldwell moved, seconded by Alderman Freeman to amend the Town's Land Development Standards Map to rezone the 0.3 acre property located at 154 Hemlock Street as requested from Hazelwood Urban Residential/Mixed Use Overlay to South Main Street Business. Alderman Caldwell amended the motion, seconded by Alderman Freeman, that it was their feeling that the rezoning is justified and consistent with the 2020 Land Use Plan. The motion carried with three ayes (Caldwell, Freeman and Greeley) and two nays (Brown and Roberson). (Ord. No. 13-12)

Award of Bid for Water Treatment Plant Concrete Repairs

Funds were included in the 2011-2012 budget to commence the repairs to the concrete walls of the basins at the Water Treatment Plant; however, the specifications were not ready and the project went to bid in June with the bid opening on Thursday, June 21. In the 2012-2013 budget, funds have been budgeted for the amount that the engineer estimated the repairs may cost, and that was \$305,000, including engineering and administration.

\$498,000 is proposed in rehabilitation and repair work at the Water Treatment Plant for the 2012-2013 budget, but this includes some replacement of actuator valves and repainting in the pipe gallery. The Water Fund will provide \$98,000 of the costs of these projects and it is town staff's proposal that the balance of \$400,000 would be borrowed from the General Fund and repaid over a four year period. Bids were received as follows:

<u>Contractor</u>	<u>Base Bid</u>	<u>Time</u>	<u>Alt 1</u>	<u>Alt 2</u>	<u>Alt 3</u>	<u>Alt 4</u>	<u>Unit Price</u>
Patton Const. Group	\$242,970	90 Days	\$14,100	\$ 3,000	\$11,600	\$8,800	\$320/cf
Hickory Const. Co.	\$354,700	90 Days	\$21,500	\$13,800	\$21,100	\$7,500	\$1200/cf
Carolina Specialties Const.	\$194,268	90 Days	\$ 8,907	\$ 3,874	\$ 8,900	\$3,331	\$658/cf
Taylor & Murphy Const.	\$240,361	90 Days	\$ 9,750	\$ 2,000	\$13,100	\$2,350	\$500/cf

The low bid was from Carolina Specialties Construction. The base bid plus the four alternatives total \$220,000. Unit prices for small repairs around basin were also given, although this part of the bid is not included in the bid comparison. Bids were reviewed and certified by Sutton-Kennerly & Associates, Inc. They, along with town staff have recommended that the bid be awarded to Carolina Specialties Construction, the lowest responsive bidder. The 90 days contract will have a completion date by the end of October 2012.

Alderman Greeley moved, seconded by Alderman Caldwell, to award the bid to Carolina Specialties Construction, Inc., as recommended. The motion carried unanimously. (Cont. No. 11-12)

#### Amendment of Fiscal Year 2012-2013 Adopted Fee Schedule

With the adoption of the 2012-2013 Fee Schedule it was discovered that one fee was omitted. The charge for opening/closing of columbarium niche units in the amount of \$200 needed to be added to the fee schedule.

Alderman Caldwell moved, seconded by Alderman Roberson to amend the Fiscal year 2012-2013 Fee Schedule as recommended to add the fee for opening/closing of columbarium niche units in the amount of \$200. The motion carried unanimously.

#### Report by Attorney Woodrow Griffin

Attorney Griffin said he did not have a report at this time. However, there were a couple of matters that are currently being reviewed.

#### Report by Town Manager Marcy Onieal

Manager Onieal reported on several dates for the Board to be aware of. The next planning meeting of the Lake Junaluska group is scheduled for August 9. Various scenarios are being considered by the Lake Junaluska group, including annexation into the Town of Waynesville. The upcoming Council of Government meeting is scheduled August 13 in Canton.

Update on Property at 95 Morgan Street - At the last meeting Mr. Rich Buyers attended to share his concerns regarding ongoing problems with property located at 95 Morgan Street. Both persons living at the apartment are now incarcerated. In speaking with Haywood County Tax Collector David Francis about foreclosure issues on the property, Mr. Francis said the foreclosure was predicated on Mr. Gaddy paying taxes owed to both Haywood County and the Town of Waynesville. Mr. Gaddy has now expressed interest in bringing tenants to his property that will not cause the same problems.

Update on Changes in Solid Waste Issues - Changes were made beginning July 1 to the Solid Waste Program and the Town of Waynesville has begun hauling solid waste to Haywood County's Landfill located at White Oak. These changes have operated very well. Recent rains have made the landfill muddy and some grading is to be done. It has been discovered that the Town will not be able to drive fully loaded vehicles to White Oak because they will be overweight, even with the added axles. These issues will be worked out and the Board will be kept informed. Manager Onieal said the Town is grateful to the Highway Patrol Representative

that visited with the Town to check axles and weights to make sure that the Town is in compliance. Letters will be delivered this week to commercial customers regarding the cost increases for commercial pickup.

Internet Gaming Update - Town staff is preparing bills to be delivered to those businesses with internet gaming.

Upcoming Projects - Several projects are underway, including the restroom renovation and pavilion at Parks and Recreation. The arch at the Mini Park located at the intersection of Main Street and Depot Street is scheduled to be installed on July 17. A meeting will be held in the next couple of weeks regarding next year's master plan.

### Adjournment

With no further business, Alderman Caldwell moved, seconded by Alderman Greeley, to adjourn the meeting at 7:57 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Gavin A. Brown  
Mayor