

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR SESSION MEETING
May 14, 2013**

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday May 24, 2013 at 7:00 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Brown called the meeting to order at 7:00 p.m. with the following members present:

Mayor Gavin Brown
Alderman Gary Caldwell
Alderman Julia Freeman
Alderman Wells Greeley
Alderman LeRoy Roberson

The following staff members were present:

Marcy Onieal, Town Manager
Woodrow Griffin, Town Attorney
Alison Melnikova, Assistant Town Manager
Eddie Ward, Deputy Clerk

Representing the media:

Mary Ann Enloe, The Mountaineer

1. Welcome /Calendar/Announcements

Mayor Brown welcomed everyone and asked the Board to refer to the calendar provided by Manager Onieal, and reminded everyone of the Haywood Council of Government meetings that have already been scheduled for August 28, 2013 with Haywood County hosting and October 29, 2013 with Town of Waynesville hosting.

2. Mayoral Proclamation – declaring Saturday, June 15, 2013 “North Carolina Domestic Violence Proclamation 100 Day in the Town of Waynesville

Mayor Brown read the proclamation and will be signing it on behalf of the town.

3. Minutes of April 9, 2013

Alderman Caldwell made a motion, seconded by Alderman Greeley, to approve the minutes of April 9, 2013 as presented. The motion passed unanimously.

B. PUBLIC HEARINGS

4. Public Hearing to consider zoning a currently un-zoned 7.2 acre parcel, recently annexed into the Waynesville corporate boundary and located at 2170 Dellwood Road, (**PIN # 8607-82-2478**), as Dellwood Residential Medium Density (D-RM).

Manager Onieal stated that a 7.2 acre portion of the Queens property located at 2180 Dellwood Road (**PIN # 8607-82-2478**) was annexed upon petition of property owners, Lois P and James Richard Queen, in December 2011. The Planning Board held a public hearing March 18, 2013 and voted to recommend the area be zoned Dellwood Residential Medium Density (D-RM) in accord with planned use as indicated by the Town's 2020 Land Development Plan, and the Town's adopted Land Development Standards.

Town Attorney Griffin opened the Public Hearing for comments about the zoning designation. There were no public comments, and Attorney Griffin closed the public hearing.

A motion was made by Alderman Greeley and seconded by Alderman Roberson to adopt a zoning designation of D-RM (Dellwood Residential Medium Density) for the parcel located at 2180 Dellwood Road (PIN 8607-82-2478), as presented. The motion passed unanimously.

5. Public Hearing to consider Amendment to Section 6.4.3 of the Land Development Standards requiring development of public transit shelters with commercial development.

Manager Onieal explained that following requests made by Citizen Philan Medford and the Board of Aldermen last fall, the Planning Board considered and is now recommending that the Board adopt amendments to Section 6.4.3 of the Land Development Standards which would require development of public transit shelters with commercial development in the following circumstances:

The amendment would:

1. Reduce the thresholds for where transit shelters are required from 100 to 50 residential units for multi-family developments, and square footage of commercial space from 100,000 s.f. to 50,000 s.f.
2. Add the requirement for "institutional" uses of 50,000 square feet or greater.
3. Delete the clause: "are adjacent to present or planned transit routes" to accommodate current on-demand public transit service
4. Require Town staff to work with Haywood Public Transit and the FBRMOP to develop a local transit plan as the basis of grant funding requests.
5. Require Town staff to work in partnership with Haywood Transit to develop transit projects eligible grant funding, and consider providing matching funds for projects such as the construction of transit shelters on public rights-of-way adjacent to priority transit destinations.

Attorney Griffin opened the public hearing and asked for public comments.

Philan Medford, 99 Pisgah Drive, Waynesville, NC read from a handout she prepared, explaining five major points of having a transit shelter, as per the attached comments which shall be part of these minutes.

A motion was made by Alderman Greeley and seconded by Alderman Roberson to adopt amendments to Section 6.4.3 of the Land Development Standards requiring development of public transit shelters with commercial development, with standards and requirements as presented. The motion passed unanimously.

C. NEW BUSINESS

6. Special Event Request for Temporary Street Closing & use on Mini-Park - Main Street Mile, August 23, 2013 ***(request of Eric Yarrington/Jason Bodnar, Main Street Mile)***

The 4th annual Main Street Mile “Run for the Children” footrace benefitting the Shriners Hospital in Greenville, S. C. is scheduled for Friday August 23, 2013 at 6:30 pm. Mr. Yarrington is requesting to close Main Street from 5 pm – 10 pm in order to set up the course, and hold a post race party with live music, foods, drinks, and children activities. The use of the Mini-Park is requested from 4pm on to accommodate race registration. The event has been held for the last three years with cooperation with the Waynesville Police Department and Downtown Waynesville Association.

A motion was made by Alderman Freeman seconded by Alderman Caldwell to approve the closing of Main Street on Friday August 23, 2013 from 5:00 pm – 10 pm for the Main Street Mile footrace and related fundraising events associated with the annual “Run for the Children, benefitting Shriners Hospital, Greenville, S.C. The motion passed unanimously.

7. NCDOT Municipal Agreement for Walnut Trail Bridge Repairs

The NCDOT Bridge Maintenance Division has completed replacement of timber handrails and wheel-guards on the bridge to the Wastewater Treatment Plant at a cost of \$8,736. The NCDOT has requested the Town sign an agreement for the repair.

A motion was made by Alderman Greeley, seconded by Alderman Roberson to authorize the manager and/or the mayor to execute municipal agreement #4012 between the Town of Waynesville and the NCDOT for repair of the Walnut Trail Bridge. The motion passed unanimously.

8. Call for Public Hearing to consider amending Section 54-93 of the Code of Ordinances, regarding use of engine compression brakes (jake brakes) within town limits

Recently citizens in several areas of town, particularly Russ Avenue, have reported an increase in the use of engine compression (jake) brakes. This creates a situation of excessive noise and disturbance in areas adjacent to residential neighborhoods. The use of these brakes was prohibited on Allens Creek Road in 2006 and rather than creating a list of streets where the use of these brakes is prohibited, the staff recommended a ban inside town limits for the use of these brakes except in emergencies.

9. Call for Public Hearing to consider amending Chapter 46 of the Code of Ordinances, regarding safety requirements at skate park facilities

Manager Onieal stated that when skate parks became frequently requested in North Carolina, many local governments were hesitant to construct and operate skate parks due to increased liability and insurance risks (perceived and actual). Local governments now construct skate parks with regularity. In order to receive the protection outlined in Article 3 of North Carolina General Statute 99E, local governments must adopt an ordinance requiring participants to wear personal safety equipment on skate parks including helmets, elbow pads, and knee pads. With the Town's skate park currently under construction, the Town would like to have an ordinance adopted. Appropriate signage will also be posted.

D. UNFINISHED BUSINESS

10. Call for Public Hearing to consider amending multiple Sections of the Code of Ordinances regarding terms of office and discharge of duties for appointees to various boards and commissions

Manager Onieal states that in the summer of 2012 the Board of Aldermen agreed to change appointees' terms to run concurrent with the Town's fiscal year (July 1 – June 30). Also, all appointees shall serve in office until their successions are duly appointed, and it was the intent of the Board that the 2 or 3 year terms for all boards and commission members should be staggered so that the same number of members are rotating on and off the board each year.

A motion was made by Alderman Freeman and seconded by Alderman Wells:

To call for a Public Hearing on June 11, 2013 at 7:00 p.m., or as soon as thereafter possible, in the Board Room of Town Hall, 9 S Main Street, for the purpose of considering an ordinance amendment, which would prohibit use of engine compression brakes within town limits, except in the case of emergency.

To call for a Public Hearing on June 11, 2013 at 7:00 p.m., or as soon thereafter possible, in the Board Room of Town Hall, 9 S Main Street, for the purpose of considering an ordinance amendment, which would require the use of helmets, elbow and knee pads at skate park facilities.

To call for a Public Hearing on June 11, 2013 at 7:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 9 S Main Street, for the purpose of considering multiple ordinance amendments that would remove specific references to terms of office and discharge of duties in the Code of Ordinances, and replace those references with an annually reviewed and adopted Boards & Commissions Manual.

The motions were approved unanimously.

E. COMMUNICATIONS FROM STAFF

11. Town Manager – Marcy Onieal

Capital Project Updates

Manager Onieal said the plans for the skate park were going well in spite of the rain. As far as the park restroom project, Manager Onieal said the Town had already received revised plans, and that staff is still waiting on Reece, Noland, and McElrath to revise the P M & E drawings. As soon as those are ready the project will be put out for bids. Even with the extended delay caused by repeated failure of the previously contracted architect to deliver buildable plans, the Town expects to bid the project by the end of June and have work completed by early fall. The manager explained that although the previous architect failed to pay the engineers with whom he had contracted to assist with drawing the original plans, the Town was covering the costs of those subcontractors, the new designer was donating his services and the new engineers were providing their services at a deep discount in order to assist the Town in keeping the design work within the original approved budget.

Hyatt Trace Incentive Agreement

Manager Onieal wanted to clarify the terms of the loan for \$106,700.00 over 20 years, previously adopted by the Board to support Hyatt Trace, an affordable housing apartment complex, prior to the developer submitting his final application to the Housing Finance Agency. The payback on the loan is expected to be very slow, and is dictated by a formula established by Housing Finance Agency rules, with no freedom to negotiate payback terms. Total payback over the 20 years is expected to be no more than \$20,000, with the remainder due as a balloon payment. The money will be tied up for an extended period of time, but it will be very beneficial to the area. The developer's application to the Housing Finance Agency is due by the end of May, 2013.

Mayor Brown acknowledged the Board's awareness of the loan terms and by consensus confirmed their support for the project to move forward and their commitment of loan funds, contingent on the developer receiving approval of the Housing Finance Agency.

Bolin Easement Agreement

Mr. Kersten has forwarded a draft easement agreement which Attorney Griffin, Jason Rogers and Manager Onieal will look at, and will probably bring before the Board at the next meeting.

Greens Condo Association – Abandoned Pump House

The Town has a request from the Greens Condo Association on Willow road about an abandoned pump house. It is an unused, locked building, and they have asked the Town to remove it. The Town has no use now, or in the future, for the building. The equipment inside the building will be salvaged. The Association has agreed to share in the cost of disposal of the building. The value of the building is less than \$30,000.00.

There is also an abandoned water tank in the general area also, and a similar request will be forthcoming for this water tank.

Junaluska-Waynesville Merger Update

Manager Onieal said the merger is still in a holding pattern with the legislature. May 16, 2013 is the crossover deadline, and the House has been very specific about not wanting to send any senate bills through committee until after the crossover deadline. The merger will most likely be in the House committee on May 23rd or May 30th for the next hearing.

Also, there have been meetings with the Planning Board and the Lake Junaluska Community Council concerning zoning for Lake Junaluska. One of the events planned with Lake Junaluska is a “meet the Town day”. Saturday August 10 is a tentative date planned for Waynesville to have key staff, trucks, vehicles, and equipment on hand for a “show and tell” with the residents of Lake Junaluska.

Disposition of Town Printers

Manager Onieal said all the old printers surplus after going to contract printing were donated in Town to a variety of other governmental agencies and non-profit organizations.

Recreation Park Improvements

The Town has recently added additional handicapped spaces at the request of Recreation Park patrons. Also the grass in the dog park has been replaced with a mulch surface. A fence has been removed to allow for more room for dogs to run about, which is important given the small size of the dog park, along with new landscaping, seating and shade trees. In the future, a water source and other amenities for both dogs and their owners are planned. The manager has encouraged the recreation staff to work with dog park users to create a “Friends of the Dog Park” type group that can assist with fund-raising and volunteer projects associated with enhancing the dog park. Manager Onieal also said that while construction is being done and before permanent parking is available at the adjacent skate park, the Town will temporarily allow parking on the grass & gravel area near the dog park.

SOG/EDI Old Hospital Study

Manager Onieal said the report from the School Of Government was ready for review, and that the consultants from the School of Government desired to present their work to a joint gathering of the Board of Aldermen, Haywood County Commissioners and Economic Development Commission. The Board decided to have the presentation at the next Council of Government meeting, if agreeable with the other entities.

Citizens Requests/ Concerns

Manager asked if there were any other requests or concerns to be brought before the Board. There were none.

Board Standards of Procedures

- Use of Consent Agenda
- Proclamations
- Resolutions vs. Motions
- COG Notice/Participation

There was discussion about the use of these items and the Board's preferences.

Upcoming Ordinance Amendments

- Sign Ordinance
- Appointment process for Boards & Commissions
- Delegation of Authority from Boa to ZBA
- Delegation of Authority for special event request to staff

Manager Onieal discussed the upcoming ordinance amendments that will come before the Board in the near future.

Budget Preview & Workshop Topics

- Revenue Overview
- Business Privilege Licenses-Gross Receipts
- Personnel Considerations
- Assigned Vehicle Program – Police Department
- Unalaska Merger Considerations
- IT Master Plan
- Non-profit Allocations

Manager's One-Year Evaluation

Manager Onieal requested that her first annual performance review be scheduled after the budget is adopted, due to the busy schedule for both staff and board throughout May and June. The mayor and board concurred that a review based on the fiscal year is ideal and will coincide with the manager's plan to review workplans and performance with staff on a fiscal year basis.

12. Town Attorney Woody Griffin

Attorney Griffin had no communication for the Board.

F. COMMUNICATIONS FROM MAYOR & BOARD OF ALDERMEN

There were no communications from the Mayor and the Board of Aldermen

G. CALL ON THE AUDIENCE

- Mary Grace Lodico – Request to install audible signals at Haywood & Church

Mary Grace Lodico, 46 Central Street, Waynesville, NC spoke to the Board concerning placing an audible signal at Haywood St and Church St. Ms Lodico says she often travels from her home to about three blocks away to Waynesville. Being a blind person, Ms. Lodico states that she often uses the audible signal at Church and Main St. and would very much like to see one installed at the light at Haywood and Church Streets. She feels that the Audible sounds are very important and that it would be much easier for the blind pedestrians in Waynesville to cross safely if the audible signal were in place.

Tamara Watson, Waynesville, NC stated she felt the population was aging in Waynesville, and she, being a blind pedestrian also, would very much like to have an audible signal installed in this area.

Manager Onieal said she feels the Town as a whole is committed to making every facility accessible, and that is the only intersection controlled by the Town which does not currently have audible signals. She said the Public Works Director has a long range plan for that intersection, which includes adding a dedicated left hand turn lane and audible signals at the time work is completed. Easements will need to be obtained from adjacent property owners.

Ken Stahl, 44 Lamplighter Dr, Waynesville, NC stated he wanted to bring to the attention of the Board a concern that he has about a large tree that has grown in the roadway in a curve, and on a hill, with a ditch and a bank on the opposite side of the road. This tree is located on the property at 60 Scenic Circle near Mr. Stahl. He gave the Board members pictures of the tree to show the location and condition of the tree. Traffic coming down Scenic Circle Drive is forced to cross the road into on-coming traffic to avoid hitting the tree. Mr. Stahl feels this situation is dangerous and may cause a head on collision in the curve. He said the abandoned house located on the property on which the tree is located belongs to Nancy Norris Evans, of Raleigh, NC. Mr. Stahl requests that in the best interest of public safety, the tree needs to be removed.

Manager Onieal said that trees on private property are not the Town's responsibility to maintain, noting that neither the Town nor DOT typically removes or trims trees from rights-of-way. She said it is the property owner's responsibility to maintain the tree and comply with Town ordinance prohibiting trees from encroaching into the road bed. The next step will be to notify the owner of the violation and Manager Onieal will follow up with Public Works Department staff to see that the private property owner has been properly notified and given time to correct the situation before fines are applied.

H. CLOSED SESSION

A motion was made at 8:35 p.m. by Alderman Greeley, seconded by Alderman Roberson, to go into closed session, as permitted in NCGS 143-318.11(a)(5) for the purpose of negotiating the terms of a contract for property acquisition. The motion passed unanimously.

The board returned to open session at 8:59 p.m., without taking action.

There being no further business, on a motion by Alderman Greeley, seconded by Alderman Roberson, the meeting was adjourned at 9:00 p.m. The motion was approved unanimously.

ATTEST

Gavin A. Brown, Mayor

Eddie Ward, Deputy Town Clerk

Marcia D. Onieal, Town Manager