

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
SEPTEMBER 9, 2014

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, September 9, 2014 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 J. Wells Greeley
Alderman LeRoy Roberson

The following staff members were present:

Marcy Onieal, Town Manager
Woodrow Griffin, Town Attorney
Amie Owens, Town Clerk
Paul Benson, Interim Planning Director

Representing the Media:

Mary Ann Enloe, the Mountaineer

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting and Manager Onieal noted the following calendar events:

- September 13 – Building Bridges Mud Run
- September 25 - Guaranteed Rate/Ty Pennington volunteer day
- September 29 – Retirement Reception for Buddy Young, Public Works Director at Lake Junaluska
- September 30 - VC3 Open House and Tour – if any one is interested in attending please let Manager Onieal know. This is a good opportunity to see what services VC3 provides for the Town.
- October 5 - Prayer Walk sponsored by Drugs In Our Midst

Mayor Brown clarified some of the details regarding Guaranteed Rate/Ty Pennington Day including the fact that a resolution had been developed for this occasion. Manager Onieal was asked to update regarding this event. She noted that the Guaranteed Rate/Ty Pennington Day would be the intensive initial start to the renovation project. Mr. Pennington and six (6) executives from Guaranteed Rate would be on site on September 25. There had been 500+ volunteers who have signed up to help that day. Manager Onieal explained that due to the enormous response for volunteers, they would be scheduled in two hour shifts and while the focus was on renovation activities, there would be opportunities for continued fundraising including sale of food, CDs and T-shirts. She noted that on that

day, all of the town managers would serve as guides and provide tours of the campus. Manager Onieal added that since the Town is a sponsor of the event, the Aldermen are invited to attend and participate. The tentative schedule is below:

- 8:00 a.m. to 9:00 a.m. - Breakfast at the Open Door Kitchen with Ty Pennington and representatives from Guaranteed Rate (ticketed event)
- 9:00 a.m. - Site dedication celebration ceremony – Presentation of Proclamation; remarks from various individuals including Mayor and representatives from Guaranteed Rate
- 10:00 a.m. - Work begins; volunteers scheduled for two hour shifts (this will be throughout the weekend)
- Noon – Media and photo-op time
- Construction will be continuous until 5:00 p.m. to 6:00 p.m.
- 7:00 p.m. Benefit dinner at the Chef's Table (ticketed event)

Manager Onieal explained that the estimated renovation costs were between \$200,000 and \$500,000, and that as of the meeting date, they had raised \$285,000; \$30,000 of which was from the Gala on August 28. She acknowledged the outpouring of community support and explained that the plan is to complete Phase 1 by November 1. This is a tight time frame from a construction standpoint. Manager Onieal added that Dale Burris, Facilities and Maintenance Director for Haywood County, is serving as the contractor of record and will coordinate all of the subcontractors on the project. She noted that Haywood Helps has applied for 35 grants and is awaiting any award notifications which allows for additional funding sources. Manager Onieal concluded by informing the Board that the construction plans were completed on September 5 and that Mr. Burris and Jason Rogers, Building Inspector, met for an in-depth review on September 8. Permits will be issued on September 10, 2014.

Manager Onieal noted that there were three separate business items related to Haywood Helps on the agenda. Mayor Brown recommended completion of these items slightly out of order in an effort to streamline the agenda.

Request to Waive Construction Fees for Haywood Pathways Center

The first item for discussion was the previous item 7 under new business - request to waive construction permit fees for the Haywood Pathways Center on behalf of Haywood County, the property owner. Manager Onieal explained that the permit fees for this project would amount to approximately \$1,000 for permits, and that it has long been customary for the Town and County to waive building permit fees for each other, since both government entities represent the same constituents.

Alderman Greeley made a motion, seconded by Alderman Freeman, to waive all construction permit fees associated with the conversion of the former Department of Corrections facility in to the Haywood Pathways Center. The motion carried unanimously.

Request street closure of Hemlock Street for Construction at Haywood Pathways Center

This item was previously item 8 under new business. Hemlock Street will be closed to public traffic for three days (September 25-27) from Brown Avenue to Belle Meade Drive, with access available only for construction crews, equipment and emergency personnel. The closure will also accommodate the large number of volunteers and spectators expected at the construction site during the Ty Pennington visit, and ensure the safety of all. There will be signage and barricades in place, with access controlled by personnel from both the Waynesville Police Department and Sheriff's Department.

Alderman Greeley made a motion, seconded by Alderman Roberson, to approve the closure of a section of Hemlock Street to allow for construction at the Haywood Pathways Center beginning September 25 through September 27, 2014. The motion carried unanimously.

Proclamation – Guaranteed Rate/Ty Pennington Day – September 25, 2014

Mayor Brown read aloud a Proclamation declaring September 25, 2014 as Guaranteed Rate/Ty Pennington Day in Waynesville. He commented that the faith-based community took the lead in the project and were the first to attempt to address the issue of homelessness. They then joined with the nonprofits and consequently included others to help. Mayor Brown noted that this illustrates the cooperation between all to address community problems with community solutions and that he is pleased that the Town is part of this project.



Proclamation – National Day of Service and Remembrance – September 11, 2014

Mayor Brown requested that Alderman Greeley read aloud the Proclamation declaring September 11, 2014 as National Day of Service and Remembrance. The proclamation urged citizens to recognize the heroism of firefighters, rescue and law enforcement personnel, military service members and volunteers who responded and remember those who lost their lives to the tragic events of September 11, 2001.



2. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Freeman, to approve the closed session minutes of the August 12, 2014 (regular meeting) as presented. The motion carried unanimously.

Alderman Roberson made a motion, seconded by Alderman Greeley to approve the minutes of the August 26, 2014 (regular meeting) as presented. The motion carried unanimously.

B. PRESENTATION

4. Waynesville Public Art Commission Annual Report

Ms. Ann Melton, Chairperson, provided the annual report from the Waynesville Public Art Commission (WPAC). She began by thanking the Board for the Love Lane sign designating it as the oldest residential neighborhood in Waynesville.

Ms. Melton thanked the Town staff for their assistance in placing Chasing Tadpoles and the work that went into preparing the site. She noted that each day she sees individuals there taking pictures and people enjoying the artwork. Ms. Melton highlighted three goals for the WPAC for the upcoming year:

1. Placing the art piece *La Femme*. It is an unusual piece that looks very theatrical and modern and the WPAC would like to see it put it on the HART Theater property possibly between the new and old stage buildings.
2. Have a piece of public art in Hazelwood. The suggestion has been to have something representative of the Plott Hound, which is the state dog and have it placed in a special location, with the view of Plott Balsam behind it.
3. Develop and publish a walking tour booklet of the art pieces in Waynesville which would include information on artist, the piece and insight into the motivation or inspiration for the piece. This item would not be completed until after placement of *La Femme* and the Hazelwood piece.

Mayor Brown noted that the piece in Frog Level was attracting many and felt it was aptly placed. Manager Onieal added that the use of property in Hazelwood for public art was tricky as there was no public property there. She has had previous discussions with a private owner related to placement of a piece, but no agreement had been reached.

Mayor Brown thanked Ms. Melton for her report and noted that no tax dollars are used to purchase or commission these pieces, all funds are via donation and through various grants obtained from the Community Fund supported by the Medford Grant.

C. PUBLIC HEARING

5. Public Hearing for the purpose of hearing an appeal of rezoning decision by the Waynesville Planning Board for property located at 668 & 746 North Main Street (PIN # 8615-59-3075 and 8615-59-6206)

Manager Onieal explained that the Planning Board had voted unanimously to deny the applicant's request and to leave zoning in this area unchanged. She called on Interim Planning Director Paul Benson for further comment. Mr. Benson provided a map of the area and parcels in question. Mr. Benson noted that the tract at 668 formerly housed A Matter of Record second-hand store and the property at 746 housed multiple tenants including a barber shop, beauty shop and food store. He explained that the Walnut Street Neighborhood District is an older neighborhood district with a

residential core of medium density; single family homes surrounded by appropriately designed service and business uses along Walnut Street and North Main Streets. The Mixed-Use Overlay District permits live/work units, animal services, ATMs and banks, business support services, day care homes, dry cleaning and laundry, government services, personal services, post offices, professional services and general commercial less than 100,000 square feet, outside sales and restaurants.

Mr. Benson recited the additional uses allowed under the North Main Street Neighborhood Center District, which include: auto parts sales, gas stations, vehicle and heavy equipment sales and rental, general commercial (greater than 100,000 square feet), recycling collection stations, neighborhood manufacturing and others that may not be in keeping with the adopted land use goals of the Town's 2020 Plan. He added that the concern expressed by the Planning Board is that allowing the change in zoning would move away from the intent of the district. Mr. Benson illustrated the clear zoning boundary on the map and indicated that the Planning Board had voted unanimously to deny the rezoning request.

Alderman Roberson inquired if all of the existing businesses were in compliance with the mixed use overlay district requirements. Mr. Benson confirmed that everything there now is conforming in mixed use overlay; the only exception is if a building is empty for one year or more, it would have to conform with the Walnut Street Neighborhood District Mixed Use Overlay requirements, rather than the general requirements. The building in question had previously been used as an automotive dealership; however, as it has been empty for more than one year, the requirement is to conform to the new standards.

Alderman Freeman clarified that if a building is empty for one year with no tenants then the owner would have to conform to the mixed use overlay district requirements. She used the example of the gas station and automotive repair shop on the corners. Mr. Benson affirmed that if a business was vacant for one year or more, it must comply with the new standards, but noted that those particular businesses used in Ms. Freeman's example are actually in another district, where their use is allowed outright or through Special Use permit.

Town Attorney Woody Griffin announced rules and procedure regarding Public Hearings and called the public hearing to order at 7:33 p.m, with the following speakers providing comment for the record:

Mr. Lamar Eberhart, indicated he was representing three residents on **Nelson Park Drive**, those who reside closest or most adjacent to the proposed rezoning properties. He indicated that the main concern was an increase in commercial noise if the zoning is changed. Having noise from heavy equipment or construction equipment is of concern to those who live near and above the properties.

Ms. Diane Kline, 129 Nelson Park Drive, lives directly above the property and expressed that the current noise is intolerable. She has owned her home for 9 years and has been awakened at 6:00 a.m. daily due to noise and trucks and is concerned about additional noise.

Ms. Paula Harrell Wilhelm, no address given, indicated that her parents own the property in question and are applicants for the rezoning. She passed out a letter to the Board written by her mother (a copy of which follows, and is attached as part of these minutes). She noted that she would be reading as the voice of her mother. Ms. Wilhelm noted that her parents are both retired and health

issues have slashed their retirement savings considerably and her father is bedridden and needs total care. Ms. Wilhelm read the letter to the Board.

September 8, 2014

Dear Mayor Brown and Aldermen,

Thank you for listening to my letter tonight. I do hope you can agree with me to rezone our property in East Waynesville.

My husband, Leroy, and I were born in Haywood County in 1924. We bought this property in 1960. Leroy had been in the car business in a rental property and he wanted to open his own car dealership. We had been in business 5 or 6 years and the town was prospering and growing. The Alderman approached Leroy wanting to buy some of our front property to widen the road. Leroy said you don't have enough money to buy the property but I will gladly give it to you. That's just the way he is.

Leroy started with a used car business and then got the Land Rover franchise. I feel like our Land Rover business not only brought revenue to the town because of the Land Rover sales and service but also provided employment. We sold Land Rovers in 27 different states and each summer had an annual Land Rover Caravan that started on our property and we drove to the Blue Ridge Parkway and then ended at the test farm for a picnic. We had customers from as far as California to attend. Some of our customers decided to stay and open businesses like the Swag. Haywood County has always been our home.

We did not have retirement accounts back then but Leroy decided to build additional rental buildings on our property for our retirement. We built 2 additional buildings and have rented them for 30 years. When Leroy was unable to work any longer, we started renting the main building and have made a decent living from the rental. Leroy always said this would pay for our retirement and now it does not. The property has served us well and we had a good business there. Now we have found that the Town of Waynesville has put restrictions on the property that makes it impossible to keep the rental income. It saddens our spirits. We always wanted our two daughters to own this property and make it a place to be proud of.

We have had to move to assisted living due to Leroy's health. I would be there in person but Leroy is bedridden and I cannot leave him. If we had been aware of this zoning, we would have been asking for a change before now. We have paid our taxes and been good citizens of the Town of Waynesville. It is difficult enough to pay for assisted living but we have managed to do so until we have been unable to rent our property. When my daughter told me that we could not rent to Meinke I was sure she must be wrong. Our insurance was also canceled because we had an empty building. I never thought the Town of Waynesville would restrict the property we have owned for over 50 years or why the zoning changes at our property. We have been there much longer than the Tool Shed but they have commercial zoning.

I appreciate you listening to my concerns and I ask for your help and support our rezoning.

Dorothy Harrell

Ms. Nina Harrell, 1962 Woodburn Road, Charlottesville, Virginia, also a daughter of the applicants, indicated that she hoped that her parents had always been good neighbors and that the goal was to continue to be good neighbors and have businesses that would be good neighbors as well. She noted that the currently zoned businesses could certainly have noise associated with them. Ms. Harrell explained that the buildings were built specifically for automotive type uses and could not be easily converted to another type of business. She noted that there was no intention of having noisy or unattractive facilities and that each of the buildings would be receiving new roofs and painting of the facades to be more up to date. Ms. Harrell explained that the goal has always been to provide retirement income for her parents and to have businesses that would help to support the economy in Waynesville. She offered her contact information to anyone who would like to have it to address any concerns outside of this arena and reiterated that the Harrell family wished to remain as good neighbors and to maintain the property in a manner that would allow for comfort for her parents in their later life.

Mr. Denver Stevens, 71 East Marshall Street, explained he moved to the area about a year ago and spent \$115,000 to bring his home up to the modern standards. He was happy that he and his family could walk to the park and was attracted to the neighborhood for its homey feel. Mr. Stevens commented that bringing in industry would hurt the neighborhood and suggested that areas in Frog Level area may be better suited for an industrial park area. He added that it was nice to drive through Waynesville with nice quiet and residential areas; the properties in question look run-down, but need a face lift and some tenants with no change to the zoning.

Ms. Diane Whitlock, 112 East Marshall Street, indicated she was concerned about the potential rezoning. She noted that the property has not been kept up very well and can appreciate individuals having to have retirement income, but fixing up the property would allow for better tenants and to get better rent. Ms. Whitlock added that if the neighbors are concerned and there are lots of possibilities for businesses that are covered as is, it may be better to find proper management of the property rather than rezoning.

There being no additional individuals who wished to address the board, the public hearing was closed at 7:50 p.m.

Mayor Brown inquired if the request was being made for both properties. Mr. Benson confirmed that the application covered both properties. Mayor Brown asked if it would be possible to rezone one and leave the other. While it would be possible to look at the properties separately for zoning purpose, the applicant's request was for both parcels.

Mayor Brown commented that all of the members were familiar with this and were aware of the situation. He asked each of the members to comment as it was now the Board's decision to make regarding this appeal.

Alderman Roberson commented that part of the reason for the land development standards was to consolidate areas for commercial businesses to avoid commercial creep. He indicated he supported the decision of the Planning Board.

Alderman Greeley noted that this issue represents the types of difficult decisions that at times have to be made. He commented that zoning is never easy and could appreciate the commercial use that the property has been used for previously. Alderman Greeley asked when the rezoning standards were adopted. Mayor Brown answered March 22, 2003. Alderman Greeley indicated support of the Planning Board's recommendation, noting that the Board of Aldermen should not create pockets where exceptions are made that would set a precedent and cause future problems.

Alderman Caldwell explained that he has known the Harrells for many years and always known them to be good to the community and was very sorry that this zoning change [of a decade ago] escaped their attention. He noted that the property was an auto dealership for years and felt that the Harrell's may not have been aware of the zoning requirements. Alderman Caldwell commented that he respected the Harrell's and felt they would not allow tenants in who would not be respectful to neighborhood. He acknowledged how this may lead to a hardship for the Harrells in their retirement. Alderman Caldwell would prefer that the property be allowed to be re-zoned as North Main Street Neighborhood Center.

Alderman Freeman noted that the former auto business had operated in Town for 50 years. She acknowledged that it was possible that the Harrell's did not realize that the zoning regulations had changed. Alderman Freeman noted that there were lots of automotive dealers and operations in the area and that this building was built for automotive services and would cost a great deal to upfit. She added that there are other vacant buildings that look terrible in various areas; the Harrell's are trying to modernize and make their buildings look nice. Alderman Freeman indicated support for rezoning both properties.

Mayor Brown noted that the land use standards were enacted in 2003 and that Mr. Benson had provided a recommendation in his report at the last meeting that the Planning Board consider updating the land development standards since the current plan is based on 2000 census data. Mayor Brown agreed that the data in the plan might be updated, but that many goals would likely not change in the updating process. He reminded the board that there was a great deal of neighborhood involvement over an extended period of time, in developing the land use standards in the first place and that it would make sense to review and revise the plan with a similar process from time to time as necessary. Mayor Brown stated it was a demanding process, but one he felt the community should do every 5 – 10 years.

Alderman Greeley added that there is a lengthy list of conforming uses already allowed with the current zoning and encouraged the Harrells to investigate the additional uses to seek tenants that would conform to zoning by right.

Alderman Caldwell made a motion; seconded by Alderman Freeman, to rezone the properties located at 668 & 746 North Main Street (PIN #8615-59-3075 and 8615-59-6206) from Walnut Street Neighborhood District, Mixed-Use Overlay to North Main Street Neighborhood Center, as requested by the property owner. The motion failed by a vote of 2-3 (with Mayor Brown, Alderman Greeley and Alderman Roberson opposed).

D. NEW BUSINESS

6. Request for additional on-street parking designated as Handicapped accessible in the 200 block of North Main Street (requested by Haywood County Manager Ira Dove)

Manager Onieal received a request from Haywood County to add additional handicapped accessible parking in front of the Historic Courthouse as their new security protocol prevents entering the building via the side and rear doors of the building. This change will require individuals parking in the parking deck to make a much longer trek to the main entrance in the front of the building, and renders the handicapped parking spaces reserved in the deck non-compliant according to ADA standards. Manager Onieal explained that there were several possibilities including the designation of additional handicapped spaces; exchanging one space from in front of the Mountaineer that is currently designated as handicapped for a space in front of the courthouse and/or cut down the existing sidewalk to ensure that all spaces would be considered handicapped/wheelchair accessible. The concern is that one of the critical offices in the courthouse is the Veteran's Service office and individuals visiting would require closer access. Ms. Onieal mentioned that some downtown merchants and Waynesville Downtown Association had expressed concern over designating additional on-street parking as handicapped, as many of the on-street spaces, designated as handicapped parking in the downtown area now are underutilized and remain empty much of the day,

Mayor Brown noted that it was important to try to accommodate the citizens related to access and asked if there had been complaints. Manager Onieal explained that the Town had received no

complaints but noted that the County had made the change only this week and was anticipating a need for more handicapped spaces. Discussion was held regarding various options.

Alderman Caldwell made a motion, seconded by Alderman Roberson, to make no change in designation of downtown parking at present and to revisit the issue, if and when complaints are received or a real need arises to add additional handicapped designated spaces. The motion carried unanimously.

E. COMMUNICATIONS FROM STAFF

8. Town Manager – Marcy Onieal

NCDENR Groundwater Assessment Program

Manager Onieal reported that she had received a request from NCDENR for access to Montgomery Street and surrounding areas to conduct groundwater testing due to closing of dry cleaning facilities. She noted that the Town has always participated and cooperated with DENR, but that this is the first time they have asked to drill into a public parking lot. NCDENR is checking for an underground plume of residual contaminants.. Manager Onieal indicated that staff has talked to them about haphazardly painting the sidewalks during the location process and has requested they wait until later in November (after leaf season) for this activity to occur.

IT updates

Manager Onieal explained that communications via the CodeRed messaging system regarding hydrant testing and various website communications have been going well. The VOA deployment for Police Department has been delayed due to staff vacations at VC3 and other scheduling conflicts.

Manager Onieal noted that a new tracking program - PubWorks – has been installed with new applications for public services. The system provides concrete data to use with decision making and will be used for fleet maintenance and both internal and external facility work orders. The system allows for inventory tracking and uses barcode scanners. This will make the total cost of repairs -- labor, equipment, overhead and materials readily available and provides timely and efficient reporting. Manager Onieal commended the Public Services staff for their selection of the program and for getting it set up and in use so quickly. The month of September will be used for testing, with a go- live date of October 1, 2014.

Alderman Caldwell noted that this system is a good idea especially when keeping up with vehicle information. Manager Onieal added that this will help with the budget and provide the most current and accurate data possible, and will lead to more informed decisions with regard to vehicle purchase and replacement.

Employee Updates

Manager Onieal noted several employee updates including:

--Retirement: Billy Goodson-9/1/14

--Transfer: Mike Clontz from Meter Reading to Wastewater Treatment Plant

--PS Employees of the Month – Water and Sewer Maintenance crew – Dwayne

Yarborough, Crew Leader, Equipment Operator James Brown and Utility Maintenance Workers Jody Shuford and Brandon Flynn recognized for their installation of 81 radio read meters in one week.

--Leadership Haywood 2105: Amie Owens, Administration Tim Petrea, Parks & Recreation

--SOG Municipal Administration Course 2014-15: Daryl Hannah, Streets Superintendent

--Police Department Promotion Ceremony on September 18th including the retirement of K-9 officer Levi.

Manager Onieal thanked the Board for their support of training and development of staff and noted that many took time on their own for these various training and educational opportunities. She acknowledged how valuable well-trained staff are to the organization.

Crows at Laurel Ridge Country Club

Manager Onieal noted that she had received a request from Laurel Ridge Country Club regarding permission to shoot the crows that were tearing up the golf course. Manager Onieal provided pictures to the board of the damage in question. She noted that Waynesville is a bird sanctuary and that current ordinances do not allow firing of weapons inside town limits. Mayor Brown added that there is really no way to give permission to do this. He added that every golf course has to treat for grubs and other insects that crows eat, and that every course has to deal with this issue. The board declined to take action on the request.

9. Town Attorney - Woody Griffin

Attorney Griffin had no business to discuss.

E. COMMUNICATIONS FROM MAYOR AND BOARD OF ALDERMEN

Mayor Brown thanked the Board for their attention and consideration. He noted that sometimes the board has to make tough decisions and go on; these decisions are not personal but have to be made.

F. CALL ON THE AUDIENCE

No one addressed the Board.

G. ADJOURN

There being no further business to discuss, Alderman Roberson made a motion, seconded by Alderman Greeley, to adjourn the meeting at 8:22 p.m. The motion passed unanimously.

ATTEST

Gavin A. Brown, Mayor

Marcia D. Onieal, Town Manager

Amanda W. Owens, Town Clerk