

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR SESSION MEETING
September 13, 2016**

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday September 13, 2016 at 6:30 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 6:30 p.m. with the following members present:

Mayor Gavin Brown
Alderman Gary Caldwell
Alderman Julia Freeman
Alderman Jon Feichter
Alderman LeRoy Roberson

The following staff members were present:

Rob Hites, Town Manager
Woodrow Griffin, Town Attorney
Eddie Ward, Deputy Clerk
Elizabeth Teague, Development Services Director
Eddie Caldwell, Finance Director
David Foster, Public Services Director
Joey Webb, Fire Chief

Representing the media:

Mary Ann Enloe, the Mountaineer
Cory Villancourt, Smoky Mountain News

1. Welcome /Calendar/Announcements

Mayor Brown welcomed everyone to the meeting and noted the following calendar events including:

- September 17th – Block Party – Downtown Waynesville Association; 6:00 pm
- September 26th – Southwestern Commission; 6:30 pm
- October 8th – 33rd Annual Church Street Art & Craft Festival; 10:00 am
- October 15th – 28th Annual Apple Harvest Festival; 10:00am

2. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Roberson to approve the minutes of the August 23, 2016 meeting as presented. The motion passed unanimously.

3. Proclamation: Constitution Week – September 17-23, 2016

Mayor Brown stated that the Town of Waynesville had proclaimed the week of September 17th - 23rd as Constitution Week. He said this week marked the 229th anniversary of the drafting of the Constitution of the United States of America. After reading the Proclamation, Mayor Brown urged everyone to take time to read the Constitution and to understand that at the end of the day it is the bedrock of what this Board is doing tonight.

B. PUBLIC HEARING

4. Public Hearing to consider a request for Annexation from the Lake Junaluska Assembly for PIN 8616-59-1245 at 1023 Dellwood Road in order to receive municipal services.

Mayor Brown asked Ms. Elizabeth Teague, Development Services Director, to present a staff report for this request.

Ms. Teague said a building permit application with development plans, (dated 11/25/15) for PIN 8616-59-1245, 1023 Dellwood Road, had been received by her department for Shining Rock Academy for the purpose of a school. This lot is the former site of a motel, and is owned by Lake Junaluska Assembly. The lot is being leased by Shining Rock Academy and is within the Town's Extra Territorial Jurisdiction and therefore is part of the Town's Comprehensive Land Use Plan and is subject to the Town's Zoning regulations.

The Public Hearing has been duly notified.

Ms. Teague said the lot is zoned Regional Center District which is the Town's most flexible Commercial District. This is the same zoning category as the area of Russ Avenue and South Main Street/Hyatt Creek Road. Schools are listed as a permitted use out-right in the Regional Center Districts, which means they are not subject to a Special Use Permit review process, or other additional review or requirements.

Quoting from the Town Zoning Board of Ordinances section 2.3.7 Regional Center (RC) Districts Purpose and intent, Ms. Teague noted:

2.3.7 Regional Center (RC) Districts Purpose and Intent

A. The Dellwood/Junaluska Regional Center District (DJ-RC) will develop in the future into a hub for retail, service and employment uses serving Waynesville and the region. It is envisioned that such uses be concentrated here in order to limit sprawling strip commercial development in the area. The vision for the district is that of a well-defined area, but one designed to accommodate large-scale development. Development should encourage the intermixture of uses and provide for residential uses in addition to those uses heavily dependent on the automobile. Transportation improvements made in this district will form a network of roads and pedestrian ways and provide accommodations for all modes of travel. An improved Russ Avenue with a landscaped median should enhance the traffic situation in the area. Rear access ways connecting adjacent development shall be required to provide access between developments supplementary to the public streets. The outdoor auditorium at Lake Junaluska will serve as the town center for this area.

The lot abuts the Town's sewer system line that runs along Dellwood Road and the Town's water line that runs along Jule Noland Road. There is also sewer available through Lake Junaluska across the street and at the adjacent campground. It lies within the Town's Urban Service Boundary, which is "the planned growth area for the Town of Waynesville for the next 20 years." (2020 Land Development Plan; April 23, 2002)

According to the Land Use Plan, the Urban Growth Boundary and the ETJ serve the purpose of limiting "urban sprawl," by directing development along major transportation corridors, promoting infill development, and restricting development outside the growth area. Within the RC District and Urban Services Boundary, the Land Use Plan encourages redevelopment of this former motel site and intentionally accommodates a large scale use such as a school. Ms. Teague said that the development of this lot as a school is consistent with the Town's current Zoning and Comprehensive Land Use Plan.

With the plans and building permit application received by Development Services, a request for proposed connection to the Town water and sewer system was received. The Town ordinance states:

Sec. 58-277. - Requests for connections to, extension of sewer lines outside town limits.

..... (b) A written petition for voluntary annexation which meets the requirements of G.S. Ch. 160A art. 4A for the particular piece of property in question shall accompany all written requests for connections to or extensions of sewer lines outside the corporate limits of the town. The petition shall be addressed to the board of aldermen and shall comply in all respects with the then-existing annexation laws of the state.

(c) The board of aldermen shall have 180 days from the date of submission of the voluntary petition for annexation to the board of aldermen within which to commence the annexation process.

(d) The board of aldermen may accept or reject a written request for extension of sewer lines outside the corporate limits of the town without regard to whether or not it accepts the property in question for annexation; however, if the board of aldermen rejects the written request for connection to or extension of the town sewer lines outside the corporate limits of the town, the board of aldermen shall also automatically reject the petition for annexation.

In June, Ms. Teague said she was contacted by Mr. Patrick Bradshaw, Engineer on the project for Shining Rock Academy, and he asked her on behalf of his clients and the underlying property owner, if there were any alternatives to this ordinance requirement. Ms. Teague said she wanted to emphasize that Mr. Jack Ewing, Executive Director at Lake Junaluska, made it clear that the Assembly did not want to be annexed just for the purpose of annexation. Ms. Teague and staff involved in the technical review of the project, met with Interim Town Manager Mike Morgan to discuss options for managing the sewer connection request to determine if in fact the ordinance need to apply in this case. Upon research, Ms. Teague said that the old motel had never been connected to the Town's sewer system, even though the sewer runs right in front of it, therefore this is a new connection

Staff recommends that "following the existing Town policy" is the most equitable in that it treats the Shining Rock Academy development the same way as the Town has treated other development projects in this same situation. Therefore, the staff recommends annexation of this property into the Town pursuant to Town ordinances.

Alderman Roberson asked Ms. Teague what the capacity of the sewer line is for the property that would be annexed. She referred the question to Mr. David Foster, Public Services Director. Mr. Foster stated that it is a primary service line, and another main service line comes from Jule Noland Road, so there are no issues with the capacity of the lines. The costs will be low because a meter is already in place.

Alderman Jon Feichter asked what the motel was connected to if it was not connected to the Town's sewer line. Mayor Brown confirmed they were on a separate septic system.

Ms. Teague referred the Board to maps she provided to show that the area is within the Urban Services Boundary, and the Town's ETJ. She stated that these areas are the areas that the Comprehensive Land Use Plan targets for urban growth.

Mayor Brown confirmed with Ms. Teague that the submitted plans have been reviewed and approved by the Development Services Department, and are in compliance.

There were several questions from the Board as to the boundaries of the property abutting other properties, such as the Laurels and the Bojangles property which are in the Town's municipal boundary. It was confirmed that Bojangles is receiving water and sewer services from the Town of Waynesville.

Mayor Brown stated that this property is near where the Lake Junaluska School was located before it burned in 1968. He said that property now houses the Fellowship Church, and is connected to the Town's water and sewer at this time.

Attorney Woodrow Griffin opened the Public Hearing and informed speakers that the three minute time limit would be enforced.

**Attorney Burton Smith
Representing Lake Junaluska Assembly
and Shining Rock Classical Academy**

Mr. Smith stated that he was here to support the application and recommendation of the staff. He introduced Mr. Patrick Bradshaw of Civil Design Concepts, Mr. Jack Ewing of Lake Junaluska Assembly, Alex Davis and Larry Clark of Clark and Leatherwood as participants in the planning process of the project.

There were no other comments.

Attorney Woodrow Griffin closed the Public Hearing.

Mayor Brown reiterated to the Board that this annexation is required because of the Town's ordinance requiring the property owner to petition for annexation in order to be connected to the Town's water and sewer system. The property itself, if annexed, will not generate any property taxes because under State Law the use of the property makes it tax exempt. As far as utilities, Shining Rock Academy will be treated as any other customer.

When asked for comments, the Board expressed they understood the annexation was in compliance with the Town's ordinance and Land Use Standards.

Ms. Elizabeth Teague reviewed the Petition for Annexation of Non-Contiguous "Satellite" Areas, and the Ordinance to Extend the Corporate Limits of the Town of Waynesville, North Carolina. Ms. Teague stated that Town Clerk Amie Owens had reviewed the petition and found it to be in compliance.

Mayor Brown pointed out to the Board that they had the option to not annex the property and still offer services to the property if they chose to proceed in that direction.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman, to approve the request for Annexation from the Lake Junaluska Assembly for PIN 8616-59-1245 at 1023 Dellwood Road in order to receive municipal services. The motion passed unanimously.

C. NEW BUSINESS

5. Budget Amendment FY 2016/17 for Water Treatment Media Replacement.

Mr. Eddie Caldwell, Finance Director, stated he was asking for a Budget Amendment to the Water Fund for \$250,000.00 for additional funding needed to finish the repairs to the dam's spill way and to replace the filter media at the Water Treatment Plant. The plan was to start the projects in the prior year FY 15-16 and complete them in the current year FY 16-17. The Town budgeted \$400,000.00 in the prior year FY 15-16 and \$300,000.00 in the current year FY 16-17 on capital projects in the Water Treatment Department. He stated that last year FY 15-16 the Town spent \$77,077.39 on these capital projects. Mr. Caldwell said this budget amendment will re- budget funds allocated for last year FY 15-16 and not spent, to the current year's budget.

David Foster explained that when the bids were sent out to replace the filter media at the Treatment Plant last year, the quote came back extremely high. Staff then carved the project down, and was not able to finish it while trying to bring it to a figure that could be managed financially. He said that this year the spillway project is approximately \$360,000.00. He explained that with this budget amendment the spillway project and the filter media project will be completed this year.

A motion was made by Alderman Roberson, seconded by Alderman Feichter, to approve an amendment to the Fiscal Year 2016-2017 Budget Ordinance for the purpose of replacement of the media at the Water Treatment Facility, as presented. The motion passed unanimously.

D. COMMUNICATIONS FROM STAFF

6. Managers Report – Town Manager Rob Hites

Manager Hites thanked the Board and commended staff on the presentation tonight.

7. Attorney's Report – Attorney Woodrow Griffin

Attorney Griffin had nothing to report

E. COMMUNICATIONS FROM MAYOR AND BOARD

Mayor Brown asked Ms. Teague to give a brief explanation of the Plott Creek Project. She explained that this is a sidewalk project that links the Plott Creek School into Hazelwood, along Plott Creek Road and Hazelwood Avenue. It includes pedestrian improvements over the Richland Creek Bridge. That project was placed on the priority need list in the state transportation funding system. It is ranked now as the number one pedestrian project for Haywood County. This will go before the TAC on Thursday, and Alderman Roberson is The Town's representative. Ms. Teague said she wanted affirmation from the Board that they are still in favor of this project. This project may not get construction funding from the Transportation Improvement Program until 2018, and the Town will be obligated for a Letter of Commitment for 20% of construction cost. Ms. Teague asked the Board if they still wanted the project to be moved forward, and the TAC take action on it to get in the funding list. Also she asked the Board if they were comfortable with executing Letter of Commitment for the 20% match, even though it may still be several years off.

The consensus of the Board was to authorize Ms. Teague to proceed with the Plott Creek project.

F. CALL ON THE AUDIENCE

No one addressed the Board.

G. CLOSED SESSION

No Closed Session was held.

H. ADJOURN

With no further business, Alderman Caldwell made a motion, seconded by Alderman Freeman to adjourn at 7:21 pm. The motion passed unanimously.

ATTEST

Gavin A Brown, Mayor

Robert W. Hites, Jr., Town Manager

Eddie Ward, Deputy Clerk

