



Town of Waynesville, NC

Board of Aldermen – Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786

Date: **February 9, 2016** Time: **6:30 p.m.**

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(828) 452-2491

aowens@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gavin Brown

1. Welcome/Calendar/Announcements
2. Adoption of Minutes

Motion: To approve the minutes of the January 26, 2016 regular meeting and January 27, 2016 special called meeting, as presented [or as corrected].

B. CALLS FOR PUBLIC HEARINGS

3. Call for a Public Hearing to consider several rezoning requests along the northwest side of Richland Street, Tax Parcel Identification Numbers 8615-17-5626, 8615-17-2463, 8615-07-7153, and 8615-01-8281, from Main Street Neighborhood Residential and Hazelwood Urban Residential to Central Business District.

Motion: To call for public hearing to be held on February 23, 2016 at 6:30 p.m. or as soon thereafter in the Board Room of Town Hall located at 9 South Main Street to consider zoning map amendment requests along the northwest side of Richland Street, as presented.

4. Call for a Public Hearing to consider applying a Mixed-Use Overlay District onto properties along the southeast side of Richland Street at the corners of Church and Goodyear Streets, Tax Parcel Identification Numbers 8615-17-6586, 8615-17-2186, 8615-17-4206, within the Main Street Neighborhood Residential District.

Motion: To call for public hearing to be held on February 23, 2016 at 6:30 p.m. or as soon thereafter in the Board Room of Town Hall located at 9 South Main Street to consider zoning map amendment requests along the southeast side of Richland Street, as presented.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

February 9, 2016

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5. Call for a Public Hearing to consider a rezoning request at 30 Mauney Cove Road, Tax Parcel Identification Numbers 8616-39-4152, from Dellwood/Residential Medium Density to Dellwood/Junaluska Regional Center Commercial District.

Motion: *To call for public hearing to be held on February 23, 2016 at 6:30 p.m. or as closely thereafter in the Board Room of Town Hall located at 9 South Main Street to consider a zoning map amendment request from Haywood County at 30 Mauney Cove to accommodate improvements to the Convenience Center, as presented.*

C. PUBLIC HEARING

6. Public Hearing to consider the closing of to close an un-opened and un-named portion of right-of-way that is located at 200 Chipping Sparrow Lane.

Motion: *To approve the closure of the unopened right of way at 200 Chipping Sparrow Lane, PIN 8615-62-8173, as presented.*

D. NEW BUSINESS

7. Authorization to Advertise Delinquent Property Tax Accounts in the Town of Waynesville for the Year Ending 2015

Motion: *To authorize staff to advertise all 2014 delinquent property taxes in The Mountaineer on or about March 18, 2015, as required by NCGS §105-369.*

E. COMMUNICATIONS FROM STAFF

8. Manager's Report – Interim Town Manager Mike Morgan

9. Attorney's Report – Town Attorney Woody Griffin

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

10. Overview of Town Manager selection process – Mayor Gavin Brown

G. CALL ON THE AUDIENCE

H. ADJOURN



TOWN OF WAYNESVILLE

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CALENDAR February 9, 2016

2016	
Sat, Feb 6 11:00 AM Lake Junaluska	Haywood Waterways 4 th Annual Polar Plunge Benefitting Kids in the Creek
Tue, Feb 9 8:30 – 10:00 AM Chamber Offices	Haywood Chamber of Commerce Governmental Relations Committee 2016 Legislative Agenda Workshop – Mayor Brown to represent Town
Tue, Feb 9 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Wed, Feb 10 8:00 AM– 6:00 PM First Baptist Church	Ash Wednesday – Drive Through at First Baptist Church for those who cannot get to a formal church service; street closure not required informational purposes only
Thu, Feb 18 5:30 – 7:30 PM Wells Event Center	Elected Officials Reception sponsored by the Haywood Chamber of Commerce (RSVP to Town Clerk by Feb 9)
Mon, Feb 22 5:30 PM Location TBD	Haywood COG – Canton Hosting
Tue, Feb 23 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Thu, Feb 25 12:30 PM Land of Sky Council Offices	French Broad River MPO Board Meeting (Alderman Roberson)
Th – Sa, Mar 3-12 8:30 a.m. – 5:00 PM	One Stop Voting in Haywood County 81 Elmwood Way
Sa – We, Mar 5-9	National League of Cities Congressional City Conference Washington, DC
Tue, Mar 8 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Tue, Mar 15 6:30 AM – 7:30 PM All Voting Precincts	Presidential Preference and Primary Election Day

We-Fr, Mar 16-18	NC Main Street Conference Goldsboro, NC
Sat, Mar 19 9:30 – 11:30 AM Waynesville Middle School	Mountaineer 2-Miler Foot Race, Waynesville Middle School PTA and Mountain Fit
Tue, Mar 22 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Thu, Mar 24 12:30 PM Land of Sky Council Offices	French Broad River MPO Board Meeting (Alderman Roberson)
Fri, Mar 25	Good Friday Holiday Town Offices Closed
Mon, Mar 28 6:30 PM Location TBD	Southwestern Commission Board Meeting
Thur, March 31 Due by 5:00 PM Municipal Building	Special Appropriation Funding Applications Due To be used by Board of Aldermen during budget preparation
Tue, Apr 12 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat. Apr 23 4:00 PM – 1:00 AM Main Street	West Haywood Relay for Life
Mon, Apr 25 5:30 PM Location TBD	Haywood COG – Clyde Hosting
Tue, Apr 26 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, May 6 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Tue, May 10 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, May 14 6:00 AM – 1:00 PM Main Street to Frog Level	Gateway to the Smokies Half Marathon – Haywood Chamber of Commerce - rolling street closures for 13 miles through Haywood County from the intersection of Main & Depot Streets and ending in Frog Level
Mon, May 23 6:30 PM Location TBD	Southwestern Commission Board Meeting
Tue, May 24 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, May 28 6:00 – 9:00 PM Downtown	Another Rockin Block Party - DWA
Mon, May 30	Memorial Day Holiday Town Offices Closed

Fri, Jun 3 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Wed, Jun 8 All Day Raleigh, NC	NCLM Town Hall Day
Sat, Jun 11 10:00 AM – 5:00 PM Downtown	Appalachian Lifestyle Celebration - DWA
Tue, Jun 14 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Jun 24 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Mon, Jun 27 5:30 PM Location TBD	Haywood COG – Haywood County Hosting
Tue, Jun 28 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Jul 1 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Mon, Jul 4	Independence Day Holiday Town Offices Closed
Mon, Jul 4 11:00 AM – 3:00 PM Downtown	Stars & Stripes Celebration – DWA
Fri, Jul 8 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Tue, Jul 12 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Jul 22 1:00 PM Main Street / Historic Courthouse	Folkmoot USA Parade of Nations & Opening Ceremonies Parade: Line-up at 11:30 AM from Blue Ridge Books/Academy Street Opening Ceremonies: 1:00 PM
Fri, Jul 22 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Tue, Jul 26 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Jul 29 6:30 PM Location TBD	Southwestern Commission Annual Dinner
Sat, Jul 30 10:00AM – 5:00 PM Main Street, Downtown	“Where the World Meets on Main Street” International Day Festival
Fri, Aug 5 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association

Fri, Aug 5 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Sat, Aug 6 9:00 AM – 1:00 PM Courthouse Lawn	Sarge’s Annual Downtown Dog Walk
Tue, Aug 9 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Mon, Aug 22 5:30 PM Location TBD	Haywood COG – Maggie Valley Hosting
Tue, Aug 23 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Sep 2 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Fr-Sa, Sep 2-3	47 th Annual Smoky Mountain Folk Festival Lake Junaluska
Mon, Sep 5	Labor Day Holiday Town Offices Closed
Tue, Sep 13 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, Sep 17 6:00 – 9:00 PM Downtown	Block Party - DWA
Mon, Sep 26 6:30 PM Location TBD	Southwestern Commission Board Meeting
Fri, Oct 7 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Sat, Oct 8 10:00 AM – 5:00 PM Main Street, Downtown	33 rd Annual Church Street Art & Craft Show
Tue, Oct 11 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, Oct 15 10:00 AM – 5:00 PM Main Street, Downtown	28 th Annual Apple Harvest Festival – Haywood Chamber of Commerce
Su-Tu, Oct 23-25	NCLM Annual Conference CityVision 2016 Raleigh, NC
Mon, Oct 24 5:30 PM Location TBD	Haywood COG – Waynesville Hosting
Tue, Oct 25 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting

Mon, Oct 31 5:00 – 7:00 PM Main Street, Downtown	Treats on the Street - DWA
Fri, Nov 4 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Tue, Nov 8 6:30 AM – 7:30 PM All voting precincts	Election Day - General Election
Tue, Nov 8 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Nov 11	Veterans' Day Holiday Town Offices Closed
Th-Fr, Nov 24-25	Thanksgiving Holiday Town Offices Closed
Mon, Nov 28 6:30 PM Location TBD	Southwestern Commission Board Meeting
Fri, Dec 2 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Fr-Mo, Dec 2-5	Holly Days Downtown – seasonal events downtown throughout the weekend
Mon, Dec 5 6:00 PM Main Street, Downtown	Waynesville Holiday Parade Line-up begins at 4:30 PM at Walnut and Main Parade begins at 6:00 PM
Sat, Dec 10 5:00 PM Fire Station #1	Waynesville Fire Department Annual Holiday Family Dinner (tent)
Sat, Dec 10 6:00 – 9:00 PM Main Street, Downtown	A Night Before Christmas / Bethlehem Market Place – DWA & First Baptist Church
Tue, Dec 13 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fr-Tu, Dec 23, 26-27	Christmas Holiday Town Offices Closed
2017	
	New Year Holiday Town Offices Closed
	Martin Luther King Jr Holiday Town Offices Closed

Board and Commission Meetings – February 2016

ABC Board	ABC Office – 52 Dayco Drive	February 16 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	February 2 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	February 25 4 th Thursdays 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	February 3 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	February 15 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	February 11 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	February 16 3 rd Tuesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	February 3 1 st Wednesdays 5:30 PM

BOARD/STAFF SCHEDULE

Th – Sa, Jun 23-25, 2016	Town Manager	NCCCMA Manager’s Continuing Ed - Summer Seminar Asheville, NC
Th – Sa, Aug 4-6, 2016	Town Attorney	NC Association of Municipal Attorneys Summer Seminar Asheville, NC
Th – Sa, Aug 18-20, 2016	Town Clerk	NC Association of Municipal Clerks Summer Seminar Asheville, NC

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
January 26, 2016

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, January 26, 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 Jon Feichter
Alderman Julia Freeman
Alderman LeRoy Roberson

The following staff members were present:

Marcy Onieal, Town Manager
Woodrow Griffin, Town Attorney
Amie Owens, Town Clerk

The following media representatives were present:

Mary Ann Enloe, the Mountaineer
Becky Johnson, Smoky Mountain News

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting and began the meeting by thanking the town staff for their diligence during the snow event and the clearing of the streets and sidewalks.

Mayor Brown noted that due to the set up of the board room, he announced the movement of the special called meeting on January 27th to the Municipal Building conference room at 2:00 p.m. Appropriate directional signage will be put in the Town Hall so that interested parties can come to the meeting.

Mayor Brown asked Manager Onieal to update regarding calendar events. Manager Onieal called attention to several upcoming events including:

- February 9 - Chamber of Commerce Governmental Relations Committee 2016 Legislative Agenda Workshop – 8:30 a.m. Mayor Brown will be attending.
- February 18 – Chamber of Commerce Elected Officials Reception – Wells Event Center 5:30 p.m. All elected officials are encouraged to attend.

Manager Onieal noted that the Downtown Waynesville Association events and street closures had been added to the calendar even though they had not been formally approved. She included a copy of all of the events in a separate document.

2. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Feichter, to approve the minutes of the January 12, 2016 regular meeting, the minutes of the January 12, 2016 closed session meeting, the minutes of the January 19, 2016 special called meeting and the January 19, 2016 closed session minutes of the special called meeting, as presented. The motion carried unanimously.

B. UNFINISHED BUSINESS

3. Reconsideration of request by Haywood Arts Regional Theater for Waiver of Tap Fees and Development permits and for in-kind contribution of materials and labor related to installation of water and electric service to theater expansion project

Mayor Brown asked that the item of unfinished business consideration of HART Theater's request for in-kind infrastructure work be discussed out of agenda order. It was previously #9 in the packet. Mayor Brown invited Pat Burgin to the podium to speak on behalf of HART. Mr. Burgin explained that back when the job was initially budgeted, it was discussed with Fred Baker and Lee Galloway and that they had agreed that the Town would pay for fire line/water line for sprinklers and electric services to the building as the Town had done for the original building. Since this was HART's understanding, there were never any funds allocated for this part of the project.

Mayor Brown noted that as an economic driver for the town, it would seem this would be a good investment and would be beneficial. Mr. Burgin explained that the electric lines would need to be single phase only which should reduce the amount requested. Manager Onieal explained that the approximate amount requested was \$26,500 including various fee waivers and in-kind services. She added that there were no funds available via the special appropriations, but questioned whether this could come from water or electric funds or economic development funds without having to do a budget amendment. Finance Director Eddie Caldwell confirmed that this would be possible.

Alderman Feichter asked if there was a break down of labor costs for this project. David Foster, Public Services Director noted that cost for labor and materials was approximately \$8,000 with roughly \$18,000 in capital outlay from the town. Alderman Caldwell added that HART brings in visitors who eat in the restaurants and stay in hotels. Alderman Freeman explained that her questions had been answered by Mr. Burgin. Mayor Brown asked Mr. Foster and his staff to work with Mr. Burgin on the requirements for the project.

Alderman Feichter made a motion, seconded by Alderman Caldwell to approve the request from HART to waive tap fees and development permits and provide in-kind materials and labor up to \$20,000 subject to design specifications being worked out with the Public Services staff. The motion carried unanimously.

4. Consideration of Candidates, Contractual Terms and Appointment of Interim Town Manager

Mayor Brown noted that he had talked with each board member regarding the appointment of an interim town manager. All agreed that both candidates were qualified and would serve the town well. Consensus was that Mike Morgan should be asked if he would like to serve as the interim town manager. Mayor Brown noted that there was a proposed contract included in the board packet and that the hourly rate would be \$60.00 (sixty) dollars per hour, with allocation of a town vehicle so long as he is employed with the town and his appointed time in service would not exceed a period of time allowed by the NC retirement system. Mayor Brown noted that at this time, Mr. Morgan would like to work Monday through Thursday each week. Mayor Brown asked if that was satisfactory with the board; all indicated this was acceptable.

Alderman Roberson made a motion, seconded by Alderman Caldwell to appoint Michael Javen Morgan as the interim town manager, effective February 1, 2016, under terms of the contract to include the hourly rate, allocation of vehicle and time of service noted above. The motion carried unanimously.

Mayor Brown noted that there was one other issue that needed to be approved by the board related to Mr. Morgan's appointment and that was to provide him with the power to execute business matter and sign banking forms (i.e. checks) during his time as interim town manager.

Alderman Feichter made a motion, seconded by Alderman Roberson to approve and authorize Michael Javen Morgan to execute business and banking/checking matters effective February 1, 2016. The motion carried unanimously.

5. Follow up – Open Door Kitchen

Mayor Brown noted that he had followed up on the item that Jack Wadham had brought forth at the previous board meeting. The Mayor has talked with Perry Hines, Executive Director of the Open Door and noted that the Open Door has instituted guidelines for clients that may limit or terminate the ability to utilize the Open Door based on behavior. Mayor Brown added that he had talked with Police Chief Hollingsed who had attended the Frog Level Merchant's Association meeting and spoken with merchants about their concerns. Mr. Hines indicated that there had been mention of placement of a port-a-john, but that nothing had ever been implemented. The Mayor has been asked to be present at the next merchants meeting.

C. PRESENTATIONS

6. Haywood County Tourism Development Authority 1% Zip Code Sub Committee Report

Lynn Collins, Executive Director, Haywood County Tourism Development Authority (TDA) provided a fiscal year-end report and current year update. Ms. Collins explained that Haywood County collects a 4% occupancy on short term rentals under 90 days. Of the amount collected, 3% goes to the TDA for marketing and 1% goes to zip code area where funds were collected. Ms. Collins noted that there are 5 zip code areas in the county with Waynesville utilizing both 28785 & 28786.

Ms. Collins highlighted a listing of projects currently being funded by the Waynesville 1% funds. There is a sub-committee for each zip code and the members for Waynesville are appointed by this board every two years. The sub-committee reviews and makes recommendation for funding. Ms. Collins noted that the sub-committee spends a great deal of time giving consideration to the projects that will be funded. Some of the newer projects include the addition of the Smoky Mountain Aquatic Club Electronic Timing System. This will allow the club to host regional swim meets at the Waynesville Recreation Center.

Ms. Collins provided comparisons between actual and projected occupancy tax amounts. She noted that for 2014/2015, the 28785/28786 zip code was 4% better than projected and 8% better than the previous year. At the end of calendar year 2015, the Waynesville zip codes was 16% above projections thanks in part to the Cycle NC Mountains to Coast tour. Ms. Collins took the opportunity to again thank the town for hosting that event. She commented that she did anticipate that there will be a small hit due to the weather in December being clear and warmer, but that overall for all zip codes, they were currently running 12% ahead of projections.

Manager Onieal noted that some of the funds were being used for way-finding signage across all zip codes to allow for consistency throughout the county. Ms. Collins added that applications for 1% funds must be in by February 29, 2016. She provided an example of how Maggie Valley was using its funds to do cooperative marketing of the entire town rather than a single event or events. They have determined that marketing the destination rather than the festival is successful.

Mayor Brown inquired as to the group sales efforts and any notable successes. Ms. Collins explained that the Group Sales Representative with the TDA had been on staff since August and had booked several familiarization tours and had several groups and trade shows looking to book here in the coming year. The TDA fields inquiries and leads daily and hope to host 15 groups between May and November.

Mayor Brown thanked Ms. Collins for her report.

7. Request to consider a proposal to rename Pigeon Street to Martin Luther King, Jr. Boulevard

Phillip Gibbs, representing various citizen constituencies and organizations, presented a proposal to rename Pigeon Street to Martin Luther King, Jr. (MLK, Jr.)Boulevard. He began by noting this is a proposal that will make some happy and some not so happy; any time we want to change something it is hard. This proposal was brought forth due to the fact the Annual MLK, Jr. Prayer Walk is from Main Street and goes down Pigeon Street which leads to the black community. Mr. Gibbs added that some think this name change would cause problems because the property value may drop or make taxes go down or up. He explained that we need change in Waynesville and could use a street in Waynesville dedicated as MLK Drive. Mr. Gibbs noted that there are 15 businesses, 1 church and 26 houses along the stretch of the road where a possible name change is being requested. To change a street name could help to change the ideology of Waynesville. Mr. Gibbs concluded by noting, in America, our diversity is our super power.

Mayor Brown inquired what other groups have been in discussion regarding this issue. Mr. Gibbs noted that at this point, just concerned citizens. Mayor Brown asked if any other streets have been considered. Alderman Feichter asked if Mr. Gibbs envisioned the name change starting at the intersection to Pigeon Street. Mr. Gibbs answered yes and would terminate at the Town Limit as it does

currently. Mayor Brown noted that he and Manager Onieal had spoken briefly about this proposal noting that at this point, there were no recommendations. There would need to be input from the County as well as the State as this was a State Road. Development Services Director Elizabeth Teague voiced that she would like the opportunity to study this proposal and work with Mr. Gibbs and citizens to get the conversation started. The Board agreed by consensus that Ms. Teague would bring back information to the board at a later date. Alderman Caldwell added that he felt it would be beneficial to do some type of survey of the businesses and homes on that stretch of street. Mayor Brown thanked Mr. Gibbs and Ms. Teague for their willingness to work on this project.

Myrtle Noland, 712 Pigeon Street, Waynesville asked the board not to change the name as there were currently no African Americans living on the street and there were other streets that could be used as MLK, Jr. Boulevard. The road has been Pigeon Street for as long as anyone can remember and it should remain as such.

Mack Noland, 712 Pigeon Street, Waynesville, also asked the board not to change the name as it had historical significance back to the 1800's. He noted that individuals who live on the street and pass their properties down to their children will have to update deeds and changing addresses usually carries a bit of a headache.

Mr. Gibbs returned to the podium and provided an example of a historic street in Chapel Hill, NC where the name had been changed, but the signage reflected the historical significance of the street and its former name.

An unidentified African American gentleman approached the podium and explained that it was true that you can go anywhere in the US there is an MLK, Jr. street at one point, the circle near the drive in theater was considered for such naming. He questioned, what does anyone have against the name?

Mayor Brown noted that this is a two-fold issue – how can this be done and if it is appropriate to do so. The mayor asked individuals to work with Ms. Teague so that she may ascertain what is involved related to 9-1-1, the county requirements and state roads. If appropriate, a public hearing will be held on this issue at which time everyone who wishes to speak may do so.

8. Fire Fighters Relief Fund Board Appointments – 2 vacancies/2 applicants

Mayor Brown noted that Mr. Noland who spoke earlier was a candidate for one of the two open positions on the Fire Fighters Relief Fund Board. Mayor Brown noted that the other candidate was Daniel Pottinger; applications for both were included in the board packets. Fire Chief Joey Webb explained that the vacancies were due to one death and one individual who had asked not to be reappointed.

There was no formal motion and second, but the board agreed by consensus to appoint Mack Noland and Daniel Pottinger to the Fire Fighters Relief Fund Board for a term of two-years ending January 1, 2018.

D. PUBLIC HEARING

9. Public Hearing to consider Ingle's Conditional District Master Plan Amendment Request related to wall signage in the Russ Avenue Regional Center Conditional District (RC-CD)

Ms. Teague explained that this was a public hearing for a conditional district master plan amendment requested by Preston Kendall with Ingle's. She noted that the signage plan was out of conformance and was not addressed in the original zoning text. Byron Hickox, Land Use Administrator, provided an illustration of the proposed sign plan explaining that it included 9 signs with overall square footage of 400 sq. ft. The maximum allowed is 1500 sq. ft. The restriction that has come into play was the number of signs rather than the total square footage. Ingle's and the Development Services staff tried various layouts to group the signs prior to suggesting this amendment. Such an amendment to the conditional district zoning requires action by both the Planning Board and by the Board of Aldermen.

Mr. Hickox read the proposed wording for this amendment noting that it is site specific.

*d. **Signage.** The number of signs allowed to be attached to buildings exceeding 80,000 square feet may exceed three, but not more than 10, provided that the total surface area of signage is no more than 15% of the wall surface area to which the signs are attached.*

Mr. Hickox noted that many of the signs are not intended to be seen from Russ Avenue, but would direct pedestrians to the appropriate entrance to the building. He noted that this amendment had received unanimous approval by the Planning Board at their October 19, 2015 meeting.

Mayor Brown asked if this amendment would be something that should be taken back to the Planning Board for a full zoning change. Mr. Hickox noted that this had not come up before and that due to the size of the business unless there was another big box store, it would be irrelevant.

Preston Kendall, representing Ingle's Markets reiterated that the only sign that will be seen from Russ Avenue is the main Ingle's sign. All others will only be seen from the parking lot to give direction, showing where Starbucks is, the pharmacy drive through, etc. He noted that Ingle's is using under 4% of allowed signage with 9 signs. Mr. Hickox added that both staff and the Planning Board agree that this change falls within the spirit of the ordinance.

Town Attorney Woody Griffin opened the public hearing at 7:34 p.m. explaining that those who wish to speak about this subject raise their hand and be recognized. Speakers are asked to keep comments to three minutes or less. No one addressed the board

Attorney Griffin closed the public hearing at 7:35 p.m.

There were no additional questions or comments from the Board.

Alderman Caldwell made a motion, seconded by Alderman Roberson to adopt the Conditional District Master Plan Amendment related to wall signage in the Russ Avenue Center Conditional District, as presented and as unanimously approved by the Planning Board. The motion carried unanimously.

E. NEW BUSINESS

10. Sponsorship of Haywood Waterways 4th Annual Polar Plunge on February 6, 2016

Manager Onieal noted that the Polar Plunge is on February 6, 2016 and that the team is seeking board sponsorship of a Waynesville team. The request is for \$500.00 which was the same as in previous years. This donation helps to support Haywood Waterways and Kids in the Creek program. Haywood Waterways is a partner with the town for stormwater permitting and helps with various other projects involving greenways and erosion control.

Alderman Feichter made a motion, seconded by Alderman Freeman to approve sponsorship of Haywood Waterways 4th Annual Polar Plunge in the amount of \$500.00 as requested. The motion carried unanimously.

11. Street Closure Requests

a) Mountaineer 2-Miler Foot Race, hosted by Waynesville Middle School PTA and Mountain Fit – rolling closures through Hazelwood (Brown Ave., Sulphur Springs Rd., Elysinia Ave., Hazelwood Ave., Brown Ave.) beginning and ending at Waynesville Middle School, 9:30 – 11:30 AM on Saturday, March 19, 2016.

Susanna Barbee and Regan Wyatt requested a rolling street closure for the event and explained that proceeds would go to work with children who are interested in running but may not have the resources for good shoes, clothes and training. The course is a flat two mile loop. This is the first year for this event.

b) West Haywood Relay for Life – Main Street from Church Street to Depot Street from 4:00 pm Saturday, April 23, 2016 until 1:00 a.m. on April 24, 2016.

Mark Scott, West Haywood Relay for Life came before the board once again asking for a street closure for the Relay for Life event. He noted that there is a good team working hard on this including Chairman Rusty Wallace and John Sanderson. Mr. Scott noted that they hope to give the town another great event in the same capacity as last year. He presented the Board with a certificate of thanks for their support.

c) Haywood Chamber of Commerce’s Gateway to the Smokies Half Marathon – rolling closures for 13 miles through Haywood County from the intersection of Main & Depot Streets and ending in Frog Level, from 6:00 am – 1:00 pm, Saturday, May 14, 2016.

Manager Onieal noted that last year was the inaugural event and had been a great success. The route would be the same as the previous year.

d) Downtown Waynesville Association street closures

Manager Onieal explained that she had officially added these events to the calendar and that there are no conflicts at this point. In an effort to be pro-active, she asked for approval to include all

festivals and events and street closures. Manager Onieal explained that if other events need to be approved or added, they would be brought before the board.

Alderman Freeman made a motion, seconded by Alderman Feichter to approve all of the noted street closures as presented and to approve the addition of the Downtown Waynesville Association events on the calendar. The motion carried unanimously.

F. COMMUNICATIONS FROM STAFF

12. Town Manager – Marcy Onieal

Weather Response Update

Manager Onieal again thanked the staff for their response to the winter weather event. Public Services staff worked 12 hour shifts and all supplemented streets and sanitation by assisting where necessary. Manager Onieal added that the Town staff was fully engaged and active through the weekend. She noted appreciation of the business community, specifically Brandon Green with Clyde's Restaurant who opened just to feed town staff; Bogart's gave a discount to staff on Saturday and Custom Paving assisted by supplying motor graders. Manager Onieal applauded the value of social media noting that via online services Facebook reached over 5200 people with information about the storm and clean up efforts.

Manager Onieal explained that while answering telephones in administration during the event, there were no complaints received, but rather inquiries about other county services and when the Recreation Center would re-open.

Career Track and HR Updates

Manager Onieal noted that Career Track and pay and compensation program had been implemented with a January 2016 deadline. The Leadership team focused a huge amount of effort for transparent, equitable and livable wage and succession planning and individual improvement as part of the career track development. The goal of career track is to move all employees as close as possible to market rates for their pay grades. Manager Onieal explained that this was a highly innovative project and required lots of time from leadership team. She thanked the Finance staff for their countless hours to reprogram MUNIS to better coordinate with the career tracks.

Manager Onieal commented that all full time employees who were eligible received career track adjustments and the part-time adjustments would be completed with the next pay period. She added that every dollar that was approved by the board will have been spent by June 30 of this year. Manager Onieal noted that parameters had been put around part-time pay grades and made it clear that the pay plan maximum and minimums for job classifications have not changed. She explained that the biggest adjustments occurred at the lowest end of the pay scales with the new base living wage for a full time employee is \$11.55/hour. Manager Onieal reiterated that career track is a work in progress; a program that will require continual monitoring and support from the board. Without such monitoring, it can be misused or neglected. She added that this is not a finished product and that continued work with incoming manager and staff will be necessary to build this into a fair and equitable system. Success will take mentoring, encouragement and promotion within the organization.

Mid-Year Operational and Financial Reports – Staff

Finance Director Eddie Caldwell presented financial information for the period beginning July 1, 2015 through December 31, 2015. He noted that in looking at the general fund, revenues were slightly ahead of the past two years with overall expenditures running at 50.35% at the six month mark which is slightly more than previous years.

Mr. Caldwell noted that there had been an increase in police department expense due primarily to overtime due to assistance on I-40 and an officer involved shooting which required the officers to be paid during their absence and to have additional officers to cover their work loads. He added that the Recreation department purchased equipment this year which is the reason for their increase; this should fall back in line given time. Mr. Caldwell noted a possible budget amendment for the police department, but thought with the tremendous savings in fuel that should help them.

Mr. Caldwell summed up the General Fund numbers by noting expenditures were well below at this point due to not booking receivables. Much of receivables do not get booked until January. Sewer fund revenues running well comparable with other years. Electric fund is down due to purchases in cold weather – the true ups, plus the expenditures includes professional services for power contract. Asset services allocates back to departments for actual costs. Mr. Caldwell noted that in the Garage fuel savings from gas and diesel are helping to keep expenditures low. The current rate for diesel is \$1.43 and \$1.18 for gasoline. Propane was \$0.99 on the last invoice.

Mayor Brown applauded Mr. Caldwell for the financial update and the departments for keeping their expenditures low.

Administrative Services

Amie Owens, Administrative Services Director, provided the report for Administrative Services noting the following:

Human Resources:

- Essentially flat for health insurance premiums
- Partnering with Triune for administration of initial ACA reporting
- Includes employee notifications and report filing
- New Hires – 16; Retirees - 7

Wellness:

- Provided 5 Lunch and Learn sessions since beginning of FY
- Renewed efforts for wellness programming and new theme for 2016 of “All In”
- Continued participation of approximately 1/3 of workforce

Communications/Record Keeping:

- Added to website resulting in increased traffic
- Continued to develop presence on social media
- Hazelwood minutes now preserved via microfilm at NC State Archives
- Responded to over 200 general information requests; sent 34 press releases
- Update of Emergency Action Plans for all departments

Fire Department

Fire Chief Joey Webb reported that there were 2,352 calls for service including 63 fires, 64 vehicle crashes, 153 citizen assist calls and \$128,500 in loss from fires. During the past six months, the fire department developed its strategic plan; unfortunately, manpower was a deficiency. Chief Webb reported that the downtown disaster drill held in June was successful with 19 agencies participating. The department just had its insurance rating inspection and passed. Chief Webb indicated that the Mayor should receive notification of that passing soon. Once the grade is back, the fire department will review the rural districts and lower the rating, if possible.

Development Services

Ms. Teague reported that Development Services is now fully staffed and she is proud to work with her team. She noted that the department is averaging 40 to 60 permits per month. Ms. Teague noted that working with the Historic Preservation Commission, they are applying for National Register for Greenhill Cemetery and are in the process of choosing a consultant.

Ms. Teague highlighted the various plans that are being reviewed including the 2020 plan, the 2035 Long Range Transportation Plan with the MPO and the Parks and Recreation Master Plan. Ms. Teague explained that there are many things happening in the community and the Development Services staff is in place to help connect people and help facilitate the process particularly those starting new businesses. The technical review committee meets regularly to create a comfortable discussion table, to discuss builder/developer needs and infrastructure.

Police Department

Police Chief Hollingsed was not able to be at the meeting as the Town of Waynesville was the host for the annual police chief's conference but he provided information on the following topics:

K-9 Program - The WPD K9 Unit consists of four Narcotics Detection/Tracking Dogs and one Explosives Detection/Tracking Dog. The K9 Training Sergeant, Brandon Gilmore, was recently selected as the National Vice President for the Southeast Region for the United States Police Canine Association (USPCA). The Waynesville Police Department trains K9 Teams from all over western NC.

Unified Narcotics Investigative Team - The U.N.I.T. is comprised of Drug Investigators from the Waynesville PD (3), Haywood SO (3), Canton PD (1), Maggie Valley PD (1), and the State Bureau of Investigation (1). In the past 6 months, members of the UNIT have made cases on 3 separate Meth Labs that information was received about, a number of Drug Trafficking cases, and a Sale and Delivery that resulted in an Overdose Death of a Waynesville man. Investigations by the UNIT were also conducted in the areas of Prostitution and Illegal Gambling. The UNIT also provided surveillance for the FBI, which led to the arrest of a very complex Bank Robbery ring.

Expansion of Evidence Processing - The Criminal Investigations Division completed the expansion of the Evidence Processing Room. This was necessitated by the increasing demands placed on local law enforcement by the NC State Crime Lab system. This new area will allow Evidence Technicians a safe work environment to analyze fingerprints, utilize the Cyanocrylate Fuming Chamber, employ alternative light sources, and use chemical processing techniques on critical evidence. The old Patrol Storage Room was converted into the new Processing Room. A Patrol Storage area was then created with the addition of a wall in the Prisoner Detention Room.

Repeat Offender Program - The Repeat Offender Program was initiated within the TAC Unit in order to identify and focus on individuals that were committing the majority of the crimes in Waynesville. In the past 6 months, it was expanded to include all of Patrol and CID to assist in the identification and arrest of these Career Criminals. We have also expanded the program to meet with the District Attorney's Office in order to ensure that any pending cases are solid and that there is no hindrance to a successful prosecution. This program has led to Habitual Felon convictions on numerous repeat offenders.

Nuisance Abatement - In the past 6 months, the Waynesville Police Department has been engaged in proactive measures in order to address quality of life issues in the following communities:

- Frog Level
 - Carolina Avenue
 - Taylor Avenue/Hamer Avenue
 - Fuller Drive
- Chestnut Park
 - Georgia Avenue
 - Craven Street / Hillside
 - Burris Lane / Allen's Creek

Improvements to these neighborhoods/communities are being made through active enforcement of the law, Code Enforcement Ordinances, working with the Health Department, the property's Landlords, and with the District Attorney's Office.

Recreation and Parks

Rhett Langston, Recreation and Parks Director reported various numbers regarding participation with senior programming, participation in offered camps and the Day Camp Certification obtained by Tim Petrea from the American Camp Association. He noted that his staff had a retreat with Nyda Bittman-Neville on working together as a team. Mr. Langston added that since the department is working toward CAPRA certification, there have been reviews of the policies, procedures and processes utilized in providing services at all locations. Training opportunities have been identified.

Mr. Langston excitedly added that attendance had reached greater than 140,000 this year and that the period from October through December had been the best on record. The Waynesville Recreation Center was named as the best fitness center for the fifth year in a row by the readers of the Mountaineer. He added that he would be working with Ms. Teague regarding the Parks and Recreation Master Plan and that the Recreation Center would be paid off in 2018. Mr. Langston concluded by noting the arrival of the new weight equipment later in the week and provided the board members with copies of the Recreation and Parks Annual Report for their review.

Public Services

Mr. Foster reported that while there were multiple successes during the first six months of the year, in the interest of time, he would highlight only a few. **Streets and Sanitation** - purchase two knuckle boom trucks which reduce time for brush pick up and minimizes exposure to injury. The Town only needs three more commercial customers to come back and have break even point that was set by the reduction in rates last April. **Asset services** – by using alternative fuel vehicles, it is estimated to save \$8,400 this year. **Water and Sewer** – with the addition of the capital construction crew there has been better interconnection and less need to re-do jobs due to planning.

Alderman Feichter asked if there was an estimate on the completion of the Elysinia project. Mr. Foster responded it will take an additional two to three months to complete.

Mr. Foster continued with his report noting that mapping GIS for all water/sewer infrastructure is in process; electric infrastructure has already been mapped. **Water/Sewer Treatment** – both continue to work well with several upgrades completed at the water treatment plant and needs identified for the wastewater treatment plant. **Electric Division** – the wholesale power agreement with Santee Cooper has been finalized. A new peak clipping generator has been installed which will allow for cost savings on the Duke Energy and Santee Cooper agreements.

Manager Onieal thanked the department managers for their reports and commented to the board, “You can see from these reports that I am leaving you in good hands. I have had an excellent staff. I thank them, and I thank the citizens of Waynesville. It has been my pleasure to serve you and I hope to be of service to the people of Waynesville in the future.”

5. Town Attorney

Town Attorney Woody Griffin had nothing to report.

G. COMMUNICATIONS FROM MAYOR & BOARD OF ALDERMEN

Mayor Brown again thanked Wells Greeley for his service and invited those in attendance to a reception in the lobby area.

H. CALL ON THE AUDIENCE

Susan Jaynes, 72 Welcome Lane, in the Waynesville ETJ wanted to inform the board that there is a need for better lighting on Main Street after the Christmas lights are taken down, it is dark and individuals walk out from in between cars and it is dangerous. Mr. Foster noted that he is working with a vendor on an option for LED lighting for Main Street.

Ms. Jaynes also inquired about a noise ordinance regarding the train cars slamming together at all hours of the night at the Evergreen Plant on Howell Mill Road. Mayor Brown indicated he would speak with the plant manager and let him know he is receiving complaints.

I. ADJOURN

There being no further business to discuss, Alderman Caldwell made a motion, seconded by Alderman Roberson, to adjourn the meeting at 8:58 p.m. The motion carried unanimously.

ATTEST

Gavin A. Brown, Mayor

Amanda W. Owens, Town Clerk

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
SPECIAL CALLED MEETING
January 27, 2016

THE WAYNESVILLE BOARD OF ALDERMEN held a special called meeting on Wednesday, January 27, 2016 at 2:00 p.m. in the conference room of the Municipal Building, 16 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Brown called the meeting to order at 2:00 p.m. with the following members present:

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

The following staff members were present:

Marcy Onieal, Town Manager
Amie Owens, Town Clerk

Others Present:

Hartwell Wright, NC League of Municipalities, HR Division

The following media representatives were present:

Mary Ann Enloe, the Mountaineer

1. Welcome

Mayor Gavin Brown welcomed everyone to the meeting and explained that the purpose of the meeting was to begin discussion of the process for hiring a town manager.

Mayor Brown explained he had talked with Hartwell Wright before and asked for assistance from the NC League of Municipalities in beginning the search for a new town manager.

Hartwell Wright, NC League of Municipalities, HR Division noted that some members may be at a slight disadvantage if they had never been involved in this process, but he would like to assist in developing the understanding of the group. He noted that his overview will be basic not meant to demean anyone's intelligence. Goal is that when the board leaves this meeting, that a process will be in place for moving forward and the group finds the information useful in accomplishing that. Mr. Wright questioned if an interim manager had been named. Mayor Brown responded, yes, Mike Morgan had been appointed at the meeting on January 26th.

Mr. Wright provided information about managers in NC noting that as the board begins its selection process for a new town manager there are currently 41 entities looking for a

manager or executive director at this time. It is probable that Waynesville will be competing with other municipalities for managers.

Mr. Wright added that he had two rules for this meeting: 1) interrupt with questions at the time you have the question and 2) there were no more rules. This is meant to be a very informal conversation style meeting.

Mr. Wright explained the League's role in the process is to provide assistance; the League will not get involved in the hiring process. He added that this is a three step process - recruit, assessment, and hiring and the first decision to make is if the Town will do the process internally, or if a consultant or firm will be engaged to handle the process. Mr. Wright reminded the board that above all else, confidentiality during the process is paramount. At any time the confidentiality is broken, it is your responsibility to inform the candidate(s).

The board members agreed by consensus that the process would be conducted by a consultant.

Mr. Wright then discussed with the group what to look for in a consultant and the importance of unity of the board. This is the most important decision that will be made during time in office. The manager is the ambassador and face of the town. Manager works for the board as a whole, not individuals on the board. If candidate sees division in the board, they will move on.

Mr. Wright provided information on the development of a profile for the consultant to use in the recruitment of a town manager including education, salary, experience and board-collective desired traits. He cautioned against using absolute terms such as must or required; use language such as preferred. Mr. Wright encouraged open honest discussion of such traits and preferences when building the profile and suggested use of local media throughout the process to keep citizens informed about the process. Outline the process and so that the citizens know what you are doing.

Mr. Wright also noted that it is important for a consultant to give responses to all that apply, even if someone does not qualify as a professional courtesy at every stage in the process. He suggested using an application as it will provide additional information than a resume and provides information such as previous employers, references and confirmation that all is correct with signature attestation.

Mr. Wright instructed that once candidate pool is established (5 to 7) it is possible to have interviews via alternative methods such as skype or telephone. Alderman Feichter commented that paper only tells you so much. Mr. Wright noted that leaving the option open for the board to interject in the process is recommended. The consultants will do assessment but the key is to be sure that they do it to the level that the board requires.

Mayor Brown asked how does the Board choose a consultant. Mr. Wright explained that an RFP may be of benefit. A listing of consultants is available from the NCLM; the NCLM does not make recommendations as to any preferred consultant. Mr. Wright will email the listing to the board.

While the final decision is the board's, the consultant can take care of the reference checks. Mr. Wright cautioned against internal consulting firm background checks alone; do federal background check as well as driving, financial and criminal. Hiring firm that utilizes these checks or a private firm to do them allows for mitigation of the risk to the town.

Mayor Brown asked about citizen input on criteria for building the profile. Mr. Wright explained that based on the confidentiality of the process, the liability is greater with citizens on the interview panel. His advice was to develop a plan and work that plan – do not waiver based on citizen pressures. He also added that it is imperative that all members need to receive information at the same time. Not one at a time. The consultant should be instructed that no one member is allowed to have information – it goes out to all even if only one requests it.

Mayor Brown asked about employee input. Mr. Wright explained that employees can have thoughts about what they are looking for and the consultants may ask leadership team about what traits they are looking for in a manager. Finalists could meet the department directors if that is agreed upon, but again candidates need to know in advance and department directors must uphold strict confidentiality. Mayor Brown asked about input from former town managers or the interim manager. Mr. Wright noted that the interim manager is a good resource but that no input from former managers should be requested except possibly during the profile building.

Mayor Brown commented that this is the only employee that the board hires and it is very important. The consultant's role is to determine the technical/competency traits, it is the board that will choose and interview for the position. Mr. Wright added that at the time of final interviews, each board member should fill out an evaluation form for each candidate. This will allow for discussion of areas where there may be differences.

Alderman Feichter asked about the cost of a consultant. Mr. Wright answered that consultants average from \$20,000 to \$30,000 for services. Alderman Feichter continued by asking how do you make the offer? Mr. Wright added that this is something that you can work with the consultant on. Once you agree on what the offer is you can allow the consultant to help negotiate. Mr. Wright noted that it is imperative to have the town attorney review the offer letter before you send it and to have the attorney review any contract submitted by the candidate.

Mayor Brown clarified with the Board that all were clear on what the next steps were going to be related to hiring of a town manager. All acknowledged they understood.

Alderman Roberson noted that the board needed to choose a consulting firm first and then develop the profile. Alderman Feichter added that putting out an RFP for consultants will take some time. Mr. Wright agreed and suggested that after the RFP was developed and sent out that face-to-face meetings with the managing consultant be held. Mayor Brown asked if there should be some concrete timelines/deadlines developed. Mr. Wright noted that the first step is to select a consultant; he suggested allowing enough time to review/interview consultants before choosing.

Alderman Feichter inquired who builds the RFP. Mr. Wright explained that he had a generic template document available but that the specifics would be developed by this Board and indicated that the interim manager would also be an excellent resource for this document. Mayor Brown volunteered to work with Mr. Morgan to get a draft prepared for the board. The board agreed that they would like to begin this process as soon as possible and have an RFP ready within the next two weeks, if possible.

The board members agreed by consensus that this was the best plan of action and all were supportive of this plan.

2. ADJOURN

There being no further business to discuss, the meeting was adjourned at 3:25 p.m.

ATTEST

Gavin A. Brown, Mayor

Amanda W. Owens, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 9, 2016

SUBJECT: Call for a Public Hearing to consider several rezoning requests along the northwest side of Richland Street, Tax Parcel Identification Numbers 8615-17-5626, 8615-17-2463, 8615-07-7153, and 8615-01-8281, from Main Street Neighborhood Residential and Hazelwood Urban Residential to Central Business District.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 3-B
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: This rezoning request includes four lots that are developed commercially and located between the railroad tracks and the Richland Creek, but which are currently zoned residential. The first two are in the Main Street Neighborhood District, belong to members of the Forga family and hold warehouse buildings. The other two are in the Hazelwood Urban Residential District, with the largest belonging to the Jorstad's and holding a multi-unit commercial building, and the other belonging to the Milner's and holding a commercial building (formally the Terminix building).

MOTION FOR CONSIDERATION:

To Call for a Public Hearing to be held on February 23, 2016 to consider zoning map amendment requests along the northwest side of Richland Street.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Planning Board Minutes and Staff Report
2. Applications
3. Location Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: Action is to call for public hearing only.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 9, 2016

SUBJECT: Call for a Public Hearing to consider applying a Mixed-Use Overlay District onto properties along the southeast side of Richland Street at the corners of Church and Goodyear Streets, Tax Parcel Identification Numbers 8615-17-6586, 8615-17-2186, 8615-17-4206, within the Main Street Neighborhood Residential District.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 4-B
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: This rezoning request is for the lot owned by Ron Muse at 504 Church Street and the two lots owned by the Barker Trust at Goodyear Street. These are corner lot areas that address Richland Street, across from the railroad tracks. These property owners had asked to be rezoned to the Central Business District along with other properties along the Richland Street corridor. At the December 21, 2015 Planning Board Meeting however, the Board asked that these owners consider a less impactful approach because of their proximity to established residential uses in the Main Street Neighborhood and concerns expressed by several of the neighbors at the public hearing. As a result, the property owners worked with staff to bring back an amended request to apply a mixed-use overlay to their lots rather than rezoning to a commercial district. The Mixed Use Overlay would allow some commercial uses and “live-work” units, but would not allow all of the commercial uses as permitted in the CBD.

MOTION FOR CONSIDERATION:

To Call for a Public Hearing to be held at the next regularly scheduled Board of Aldermen meeting on February 23, 2016 at 6:30pm to consider a zoning map amendment requests to apply the Mixed Use Overlay onto three properties in the Main Street Neighborhood Residential District along Richland Street.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Planning Board Minutes
2. Location Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: The action required by the board is to call for the public hearing only.



TOWN OF WAYNESVILLE

Planning Board

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Chairman

Patrick McDowell

Planning Board Members

Danny Wingate (Vice)

John Feichter

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

Shell Isenberg

L. Brooks Hale

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD REGULAR MEETING

Town Hall – 9 South Main St., Waynesville, NC 28786
December 21, 2015

THE WAYNESVILLE PLANNING BOARD held a regular meeting on December 21, 2015 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Vice Chairman Danny Wingate welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Danny Wingate
Bucky Dykes
Phillip Gibbs
Marty Prevost
Shell Isenberg
Anthony Sutton

Absent:

Patrick McDowell
Robert Herrmann
Brooks Hale

The following staff members were present:

Elizabeth Teague, Development Services Director
Amie Owens, Town Clerk
Byron Hickox, Land Use Administrator
Ron Sneed, Attorney

Vice Chairman Wingate introduced the newest Planning Board member, Anthony Sutton. Mr. Sutton was sworn in by Town Clerk, Amie Owens prior to any business being conducted.

Members voted by consensus to move the Planning Board meeting to January 25, 2016 which is one week later than the regular schedule to avoid interfering with the Martin Luther King, Jr. holiday.

2. Adoption of Minutes

Development Services Director Elizabeth Teague noted that there were two corrections made to the minutes after distribution to the Board Members. These did not change any of the contexts of the minutes.

- Patrick McDowell was incorrectly identified as Phillip McDowell under Absent:
- The signature line for approval of the minutes should have indicated Vice Chairman Danny Wingate's name for signature as he led the meeting.

Board Member Shell Isenberg made a motion, seconded by Board Member Bucky Dykes, to approve the minutes of the November 16, 2015 meeting as corrected. The motion carried unanimously.

B. NEW BUSINESS

1. Public Hearing and Consideration for a Special Use Permit request by Haywood County for the installation of a communications tower in association with the new Emergency Management Services/911 Center at 1620 Brown Avenue, PIN 8605-70-9569

Attorney Ron Sneed provided an overview of the quasi-judicial process and the responsibilities of the Planning Board members, including the listing of standards which would be considered as part of the deliberation, and the duties of those individuals who would be testifying. Vice Chairman Wingate identified the parties involved and confirmed that no Board Members had any previous conversations with the parties outside of this hearing.

Those testifying were sworn in by Vice Chairman Wingate and the hearing was opened at 5:41p.m.

Staff Presentation:

Byron Hickox, Land Use Administrator – “Good Evening. I hope everyone is doing well. I’ve got just a brief staff presentation here. If you have had a chance to look over, I am sure if you all are, umm, certainly familiar with this site. This is located at 1620 Brown Avenue, on your agenda it was listed as 285 North Main that is actually the mailing address for Haywood County; that is not the location for the project. The project is at the Sheriff’s Office at 1620 Brown Avenue. It is a property of 3.9 acres and is one of 5 contiguous properties all along Haywood County that makes up the 12.7 acre complex that make up the Sheriff’s Office complex down on Brown Avenue.”

“What they are asking for is a special use permit to construct a monopole wireless communications tower of 140 feet in height. A wireless monopole communications towers require a special permit in all districts they are permitted in. So there’s not anything unusual about this particular location, anywhere you would propose to construct one of these towers you would be required to have a special use permit, so that is why we are here. This is located in the Hyatt Creek Regional Center District that’s a district – umm – regional center districts are our districts of highest development and generally the greatest density and largest commercial retail and some industrial uses. In looking over our 2020 Development Plan this is consistent with use in that area, it is called Waynesville Our Heritage, Our Future, 2020 Land Development Plan. According to this plan, the planned use for the subject property is community facilities which is pretty self explanatory. This category includes land that is or is proposed to be developed for ownership and operation by a public or semi-public institution or organizations with a community-wide focus. And it certainly seems that this sort of development meets that definition. The surrounding land use around this to the north and west is retail and commercial to the south. Subject property abuts a railroad line. All the properties to the east again are also owned by Haywood County and contain various buildings and operations related to Haywood County. This tower was for mission-critical two-way wireless communications for the County’s law enforcement, fire and emergency medical agencies, as well as local emergency management and county services.”

“Now, before we get to staff recommendations, I’m gonna pass out this document here, that Mr. Sneed alluded to a few moments ago. There are 30 questions there and those are various requirements, the first 30 that are required by our land development standards as what we call supplemental standards that pertain specifically to wireless monopole communications towers which is what we are looking at tonight. The final six questions, or I should say, the final question is sort of an open ended one, Questions 31 through 36, are the six slightly more subjective questions that Mr. Sneed mentioned. I don’t think we need to go through all of these thirty unless you really want to, they are basically a very cut and dried, they either meet the standard or they don’t. Do they meet FAA guidelines? Do they meet the height requirement? Do they meet the set backs? Do they have the appropriate amount of buffering? If it joins a residentially zoned district are the set backs appropriate? It does not adjoin a residentially zoned district. So that is the first thirty questions, what are your feelings on those, do you feel like you’d like a moment to sorta look through those?

Board Member Anthony Sutton – “Yes, please.”

Byron Hickox: “Okay, sure.”

Attorney Ron Sneed: “Excuse me, is it your testimony that those references in this sheet is in the staff’s opinion are the matters in the application that fulfill these requirements?”

Byron Hickox: “Yes, Yes, I filled this out today when this questionnaire was given to me and the first thirty items, which are the items that relate to requirements in the land development standards. The only item is number nineteen (19), I wouldn’t say it is questionable, but I answered it as mute as was submitted to us in their application. Take a look at question 19 on page six, the question says Is stealth technology being used, that is, is the tower and antennas designed to blend into the surrounding environment through use of color and/or camouflaging architectural treatment. And the answer to that was No. We received, in the original, I think even as early as the preliminary applications it was made clear that, umm, the stealth technology was really designed with cellular communications towers in mind and that in a public safety application for this type of tower it is not really practical and I am certainly not an engineer and could not speak to whether this is possible. But, uhh, we have seen in a number of occasions in some of their documentation that it is not practical in a public safety communications environment.”

Board Member Anthony Sutton: “But it did say that it was a brushed finish and not a shiny finish.”

Byron Hickox: “That actually applies to the fence, I believe. I want to say that... yeah”

Board Member Anthony Sutton: “Oh, okay.”

Byron Hickox: “But I believe that, as far as a requirement goes, yes, but the finish on the tower itself, yes, it is not a shiny reflective surface.”

Silence then papers ruffling

Byron Hickox: “Lots of the items are not applicable; they are sort of follow up questions. The tower is not artificially lit, umm, the FAA requires that towers of 180 feet or higher be lit and it is also related to topography, so I was speaking to Mr. Dale Burris earlier today and you know, if you were in Nebraska where everything is flat, they might require lighting on a tower that is only 80 or 100 feet tall. Here with our topography in the mountains, that changes a little bit. So in this area they wouldn’t require lighting until you reach 180 feet; this is only 140 feet proposed tower. So no lighting is required by the FAA, so all the follow up questions regarding lighting are not applicable.”

Byron Hickox: “Would you like to move on to questions 31 through 36?”

Barely audible, non identified – “Uh, huh”

Byron Hickox: “And again these are the more subjective questions (cellphone rings in background), this is really sort of turn up the heat, so to speak, umm, let’s just start and go through each of these if you don’t mind.”

“Question number 31, does the proposed special use conform to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site? Now this is my opinion that I filled out here this afternoon, but this is really yours to make here.”

“Question number 32, are adequate measures being taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads?”

“Question number 33, are adequate utilities, water, sewer, drainage, electric, etc available for the proposed use?”

“Number 34, will the proposed use not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?”

“Number 35, will the establishment of the proposed use not impede the orderly development and improvement of surrounding property for uses permitted within the land development district?”

“And finally, number 36, will the establishment, maintenance or operation of the proposed use not be detrimental to or endanger the public health, safety or general welfare?”

“So, if you notice, it may seem a little odd that these questions are answered yes, because they were asked in the negative. So they are phrased in a little bit of a round about manner. And number 37 is the additional conditions if the board wants to place any conditions on the use as part of the approval to assure that mitigation measures are associated with the use. Such conditions shall become part of the special use permit approval and shall be included in the final site plan application. So with that, let’s take a look at staff recommendations.”

“If you want to go back to your staff report there. Its page three, I believe, of this particular section. Staff recommends that the following findings of fact can be established. That One - The proposed use is conforming to the neighborhood because - a. Regional Center Districts are intended to be a setting for high intensity land uses; b. the Town of Waynesville's comprehensive land development plan indicates that this property be developed by public institutions with a community-wide focus; c. a privately-owned 180-foot tall monopole wireless communications tower currently exists less than a quarter mile from Haywood County's proposed tower location; and d. the site is surrounded by industrial and commercial property. Two - The site will have restricted access (coughing in background) and so not create traffic hazard or congestion. Three - Adequate utilities are available for the proposed use. Four - The tower will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. Five - The construction of a communications tower at this location will not impede the orderly development and improvement of surrounding property for permitted uses within the land development district. And Six - The establishment, maintenance or operation of the use shall not be detrimental to or endanger the public health, safety or general welfare. On the contrary, this proposed tower has been deemed a necessary improvement to the current county-wide public communications system and is critical to improved emergency management service for the community.”

“The Development Services staff feels that the proposed project is both consistent with the Town’s 2020 Comprehensive Plan and meets the required standards for findings for a special use permit. For these reasons that the Development Services staff recommends approval of the special use permit request by Haywood County. Do you have any questions for me at this time?”

Board Member Shell Isenberg: “What are one are they using now?”

Byron Hickox: “Uhh, I believe they are using a facility, and I don’t want to speak out of school here, I believe it is... what is the current tower being used now, Mr. Burris?”

Mr. Burris approaching the podium

Dale Burris, Facilities Maintenance Director, Haywood County: “I’m Dale Burris, I’m the Facilities Maintenance Director for Haywood County. Ahh, actually the uses, where our towers are... or lack of towers I would say, our antenna usage is on top of the annex at the courthouse located at 215 North Main Street.

Board Member Shell Isenberg: “So still a separate use like this one would be... better placed.”

Dale Burris: “Yes, sure we have multiple antennas on this facility; this would be one tower with all of the antennas located on it.”

Board Member Shell Isenberg: “And it will be only for this purpose nobody else will share this tower?”

Dale Burris: “Ahh, due to 911 EOC there is no other use, no one else can use this, cellular services or anything like that, that is correct.”

Board Member Anthony Sutton: “This is for county and the city, correct?”

Dale Burris: “It is for county and municipalities, that is correct, sir.”

Board Member Bucky Dykes: “So, so when you, when you build this will you take out other antennas that may be elsewhere or is this just a augmentation of the system?”

Dale Burris: “The, umm, it is my understanding that the antennas on the existing location now would be removed and these antennas would connect to our repeater sites in the appropriate locations.”

Board Member Marty Prevost: “And is there anyway to use the monopole that is already there? Is that not possible, the one that is behind Ingle’s?”

Dale Burris: “Are you speaking to the one that is owned by and I think leased by other cellular companies?”

Board Member Marty Prevost: “Uh, huh.”

Dale Burris: “Well, the issue would be at that point was 911 does not allow communications for 911 EOC purposes on a tower such as that... It goes back to them not being able to use our tower as well we can’t use theirs, and then of course, as well as the lease space and having external antennas on that tower itself.

Board Member Anthony Sutton: “How could we provide for it and make sure there no cell overlap (fades out)...”

Dale Burris: “I would, I would defer that question to our tower expert, but I am pretty sure you are correct on that.”

Vice Chairman Danny Wingate: “Anybody else have any other questions...for the applicant?”
(Quietly to Mr. Burris) “Do you want to have someone from the tower company speak at this time or is there something else that you want to say?”

Dale Burris: Well, I just like to add, first of all I want to ahh, thank Ms. Teague and Mr. Hickox for actually helping with this, I mean they reading the ordinances is very timely and it’s been, certainly been a great job that you are able to get these ordinances together like you have. I would like to speak on one (coughing in background) item you mentioned about the built in stealth technology. In the ordinance it does require that the tower fencing cannot be reflective, so the tower itself and the fencing is set up to be galvanized and we do have the perimeter with Leland Cyprus around the fence itself, the secure fence, that ties back into the facility. Ummm, while it is hard to hide a 140 foot tower, we can at least try to hide the fence.” (Laughter in background) And I guess at this point, I’ll turn it over to our tower expert, Mr. Chris Kelley... I’m sorry, sir.”

Board Member Shell Isenberg: “So these are, so in this white area (pointing to graphic of the proposed tower site) that’s where the tower and that’s where the fence will come to?”

Dale Burris: “Yes, sir, that would be correct. We are going to extend that fencing on out to the sidewalk. Ahh, and due, the reason is we have enough planner space between the sidewalk, the existing sidewalk, at the law enforcement center and the fence and then it will have one secure entrance, its an abutted, the fence will abut to the law enforcement center to have a secure location...”

Board Member Shell Isenberg: “With that entrance there will remain, you’re gonna just, the fence will go up to that road.”

Dale Burris: “That is correct, sir, that is correct.”

Board Member Anthony Sutton: “And you’re planting Leland Cyprus...”

Dale Burris: “Yes, that is correct.”

Board Member Anthony Sutton: “Those seem to grow very tall very quickly. Will this essentially be a hedge?”

Dale Burris: “That is the intent, and how its laid out on the plans is to where it will be a hedge to hide those three sides facing the roads, because you’ve got the front side facing towards Brown Avenue then the opposite side, I guess that is the north side facing towards Ingle’s and then the west side, (gesturing) trying to get my bearings correct, basically is the old Hickory plant, so there is those three areas that falls under the ordinance that we have to meet.”

Board Member Anthony Sutton: “Those tend to grow to be about 26 feet in about six years; any concerns...”

Dale Burris: “It will, I, well, it won’t affect the actual tower antennas at their height.”

Board Member Phillip Gibbs: “But that, they will be maintained well, right?”

Dale Burris: Yes, sir, we will be keeping them maintained. We will probably not, will try our best not to let them get over five feet above the razor wire on the fence.”

Board Member Shell Isenberg: “What kind of a structure will be underneath to control all of the equipment?”

Dale Burris: Well, see all of the equipment is actually in the radio control room which is in a secure location inside the law enforcement center; there is no equipment, no buildings, no additional structures other than the tower, foundation and footings.

Vice Chairman Danny Wingate: “You said you would like to call on someone else.”

Dale Burris: “Yes, sir, Chris Kelley with Mission Critical Partners.”

Mr. Kelley approaching the podium

Chris Kelley, Mission Critical Partners: “Ah, yes, Chris Kelley, Mission Critical Partners, the County’s consultant from Stecoah, Pennsylvania. Just three quick things I wanted to just cover on the RF engineering side and you had mentioned about interference. One of the goals and why we always focus on 911 public safety on their own towers there is that you start opening up a lot of other interference potential when you collocate on existing towers that are out there, too, because there are a lot more antennas on there and you don’t control what’s going on with those towers and with public safety we have that first and foremost, in mind. As I mentioned before all of the antennas currently on the existing facility now due to - why we need them now, there is a lot more horizontal space on the facility, the new facility, with the roof top being so low it really made us have to get vertical space to accommodate all of the antennas on there, we are looking at putting at least 20 antennas as part of that outfit all for public safety.”

“Some of that were the height of the tower increases is for two main reasons: one is line of site for our microwave dishes. That provides the backdoor connectivity to the remote sites in order to provide network connectivity for some of them, as well as the actual coverage from the antennas that we put on the towers which always have to get not only above the tree lines, but have to be able to just see the remote sites out there and provide a coverage footprint so you can actually achieve the coverage when you need it on portables for fire or police or whoever may need to make that connection there. So with that, we actually originally were looking at a 180 foot tower and trying be cognizant of what we really needed, and we were able to drop that down to 140 feet.

Board Member Anthony Sutton: “This says 140 feet, but there’s an antenna on the top. Do you know the height of the entire tower including the antenna?”

Chris Kelley: The height and I believe the overall height of the tower is 140 feet.

Board Member Anthony Sutton: “But there’s an antenna located on the top; and I can see it on top.”

Shuffling of papers and coughs

Dale Burris: “That is actually the lightning rod.”

Board Member Anthony Sutton: “Okay.”

Dale Burris: “That is above everything and it can extend from one up to ten feet depending upon what the static electricity is that is happening on the location at the ground.

Board Member Anthony Sutton: There is one that says for the City of Waynesville, its right at the top... at the lightning rod. ”

Dale Burris: Yes, we’re, the Town of Waynesville will be... right, all our antennas based on NFBA and NEC, national electrical code, has to be below the lightning rod. So, the top portion, so the Town of Waynesville has radio communications from remote locations that you are aware of is at the top of the tower.

Chris Kelley: “Any other questions for me?”

Board Member Anthony Sutton: “How tall is the lightning rod?”

Chris Kelley: “Ten feet.”

Board Member Anthony Sutton: “Ten feet. So, actual height of the entire structure is 150 feet including the lightning rod.”

Chris Kelley: “Yes, I believe that is the final and that’s why I asked....”

Muffled discussion unidentifiable party – So, its 141 feet?

Carroll Montgomery approaching the podium

Carroll Montgomery, Advanced Wireless Solutions: “My name is Carroll Montgomery and I am with Advanced Wireless Solutions, the contractor that has been selected to build the tower. I am from Johnson City, Tennessee. To answer your question, it could be 141 or it could be 150, when we say at the top, you have a side mount that goes onto a round leg at the top of the tower. If that side mount, if this is the top of the tower and this is the side mount (attempting to illustrate using hand gestures) coming out here, if it is like that... you are going to see maybe point five feet but if that side mount is brought down here to where the antenna is even with the top of the tower, it could be 141, to give you your answer. And if uhh, does that answer...?”

Board Member Anthony Sutton: “That does answer.”

Carroll Montgomery: “Do you have any other questions?”

Board Member Shell Isenberg: “Yes, sir... with the new tower, how much more service does this now create, or ability, I guess for service than the towers that are set on the courthouse?”

Chris Kelley: “The primary service from a lot of the remote sites now has the largest footprint across the county. With the tower here now, it expands much further outside of the town here, as well as provide a much larger footprint for a backup scenario because this is also our back up if any of the remote sites fail, it can provide a much wider footprint across the county for any of the agencies on the outside as well.”

Board Member Shell Isenberg: “So coverage is increased substantially?”

Chris Kelley: “Yes, I think substantial is a good way to put it.”

Board Member Bucky Dykes: “So you are increasing the coverage as well as the efficiency with this tower?”

Chris Kelley: “Correct.”

Board Member Marty Prevost: “But some of those other remote sites will be taken out?”

Chris Kelley: “No, the remote sites will remain in effect. This is to primarily replace the existing antennas that are out the same amount of antennas that are on the existing facility now. When we relocate, we are relocating all of these to the tower.”

Vice Chairman Danny Wingate: “Any questions?” “Thank you.” “Would anyone else like to comment? Staff, rebuttal, anybody... so I guess we can close the hearing?”

Vice Chairman Danny Wingate: “Before we close here, Mr. Sneed one question maybe before the hearing wraps... we have to approve each of these things or put a condition on it, is that correct?”

Ron Sneed: “Correct. You have to find all of those have been proved and you have that quirky one that has to do with stealth technology and this isn’t totally, not one that appears to be totally in vision, but that is one that this board has to find that what they are arguing is sufficient to satisfy the requirement. It sounds like there is no need to work yourselves to death on this one. If you agree with the staff’s findings or what they propose as the findings, you could adopt as your findings the staff’s proposed findings on that sheet.”

Vice Chairman Danny Wingate: “Alright. We will now close the hearing and ahh... (interrupted)”

Board Member Anthony Sutton: “Can we also stipulate something on number 37?”

Ron Sneed: “Sir?”

Board Member Anthony Sutton: Like on number 37, could we put something in to require them to keep the cypruses below a certain number of feet?”

Ron Sneed: “That could be done.”

Multiple Board Members discussing various stipulations at the same time – garbled on microphones and recording

Board Member Shell Isenberg: “Wasn’t that a restriction or law that you could only go to 150 or is it that just the way that... (interrupted)”

Board Member Anthony Sutton: “No, this is for the landscaping around the tower.”

Ron Sneed: “If you are making such a proposal, then you have to have some basis or reason for doing that. If you have some, something, and I am sure that you have some reason or you wouldn’t say anything. But this board would have to agree to the reason for putting a limit on the Cyprus and your evidence so far is that no harm from a fully grown Cyprus and the controlling, maybe self controlling, and they testified that they will try to limit that height because they have to have clear view for their equipment.”

Vice Chairman Danny Wingate: “It would be real subjective.”

Multiple Board Members discussing various stipulations at the same time – garbled on microphones and recording

Ron Sneed: “Please keep in mind that this entire discussion is public record and the discussion needs to be loud enough so she can get the record.

Vice Chairman Danny Wingate closed the hearing at 6:09 p.m.

Board Member Anthony Sutton made a motion, seconded by Board Member Bucky Dykes to approve the staff findings and to approve Haywood County’s request for a Special Use Permit for the construction of a monopole wireless communications tower. The motion carried unanimously.

PUBLIC HEARINGS – CONSIDERATION OF ZONING CHANGES

Ms. Teague provided background on the upcoming series of public hearings as they were the result of multiple applications filed in the same geographical area. All petitioners were requesting consideration for changing of their existing zoning areas to that of Central Business District in an effort to allow for more commercial and small business uses. Ms. Teague added that the properties in question had historically been zoned as commercial; however, following the revision of the land use map in 2003, this was changed. She highlighted the flood plain map and where each of the properties fell related to 100 and 500-year flooding. Ms. Teague provided pictures of the area and that illustrated the proximity of the railroad tracks and other commercial businesses.

Ms. Teague reminded members that although the requests were similar, all hearings and decisions would be considered individually. When she concluded, the first in this series of public hearing was announced by Vice Chairman Wingate.

2. Public Hearing and Consideration of a zoning map amendment from Hazelwood Urban Residential to Central Business District at 52 Killian Street, PIN 8615-07-7153 and adjacent multi-unit property, PIN 8615-07-8281

Vice Chairman Wingate called the hearing to order at 6:34 p.m.

Ms. Teague provided the staff report including the intent and purpose of the existing Hazelwood Urban Residential District and the requested Central Business District. In the interest of time, she again noted that the Consistency with the 2020 Land Development Plan would be the same for all properties being reviewed and explained that the plan was a visioning document that was developed to ensure effective land use planning.

Ms. Teague relayed the staff recommendation to change the zoning of this property to Central Business District to enable more improvement and economic opportunities for use of those structures that currently exist.

The Board Members asked questions pertaining to the types of businesses that could be allowed if the zoning was changed, about the impact of being in the flood plain and requirements for sidewalks, buffering and lighting. Ms. Teague explained that since most of the surrounding area is already being used commercially, traffic patterns are already established and would provide an opportunity to bring in new businesses which may lead to improvements and impacts. Rezoning does not guarantee road improvements nor does it automatically require sidewalks be built. At this time, only a home occupation is allowed with no signage permitted for the property.

Jack Kersten, representing property owners Jon and Leah Jorstad, explained that this area is unique in its current zoning. Historically, it has been commercial, only after 2003 was it changed to residential. He commented that the Town needs a place for start up businesses and that the Jorstad's had several ideas for use of the property including an artisan studio and an enclosed cat motel. Mr. Kersten noted that rental of property on Main Street is expensive and that if approved, the natural rejuvenation of the area could occur and would be a chance for the town to expand.

John Ebert, Killian Street, spoke in favor of the proposed change explaining that there is ample parking available for a small business. He noted that there is currently a landscape contractor utilizing one of the units. Mr. Ebert added that he has met with most of the neighbors and they confirmed that the areas has been commercial and did not see this as a big change for the location. Board Member Gibbs asked who would be responsible for any buffers if this change was made. Ms. Teague answered that the property owner would be responsible for meeting land use requirements.

Troy Inman, whose property is adjacent to another that is being considered for rezoning, added that when he purchased his property, the area was commercial and he was given a listing of about 25 businesses that could be opened there. Mr. Inman was supportive of the change as he is considering applying for a similar zoning change. Vice Chairman Wingate reminded Mr. Inman that he would need to reapply if he wished to move forward with his request.

There being no further individuals to address the board and no further questions from board members, Vice Chairman Wingate closed the hearing at 7:07 p.m.

Board Member Anthony Sutton made a motion, seconded by Board Member Phillip Gibbs, to approve the requested rezoning of from Hazelwood Urban Residential to Central Business District for property located at 52 Killian Street, PIN 8615-07-7153 and adjacent multi-unit property, PIN 8615-07-8281. The motion carried unanimously.

3. Public Hearing and Consideration of a zoning map amendment from Main Street Neighborhood Residential to Central Business District at 182 Richland Street, PIN 8615-17-2463

Vice Chairman Wingate called the hearing to order at 7:12 p.m.

Ms. Teague noted that this is a lot owned by Christine and Viola Forga that has existing buildings on site that are currently used for storage for Forga Contracting/Construction. Again, the request is to change back to a commercially zoned area. Ms. Teague added an adjoining lot owned by William Scott Forga would be considered at a later date as the application was not submitted in time to meet the deadline for discussion at this meeting. Ms. Teague explained that because of the site abutting the railway corridor and within the floodplain, conversion to residential use is highly unlikely. The staff recommendation is to change the zoning of the property to enable more improvement and economic opportunities for use of the existing structure.

Vice Chairman Wingate asked if anyone wished to speak on this issue. No one addressed the board.

Vice Chairman Wingate closed the hearing at 7:12 p.m.

Board Member Marty Prevost made a motion, seconded by Board Member Anthony Sutton, to approve the requested rezoning of from Main Street Neighborhood Residential to Central Business District for property located at 182 Richland Street, PIN 8615-17-2463. The motion carried unanimously.

4. Public Hearing and Consideration of a zoning map amendment from Main Street Neighborhood Residential to Central Business District at 504 Church Street, PIN 8615-17-6586

Vice Chairman Wingate opened the hearing at 7:13 p.m.

Ms. Teague explained that the request was received from Richard Muse for property located at 504 Church Street. Ms. Teague provided the intent and purpose of districts as before. The property has been marketed unsuccessfully as residential. Rezoning would lead to redevelopment and revitalization. There has been concern about the slope of the property. Ms. Teague provided views from the property. The staff recommendation was to approve the change in zoning in an effort to enable more improvement and economic opportunities for the lot; short of that, staff would

recommend that the Planning Board work with the property owner to consider an overlay designation for the residential district to allow some commercial or mixed use.

Ronald Muse, property owner, provided his own pictures for the board to review. He provided a history of the property and its use as a commercial business. Mr. Muse noted that he had worked with the town and that drainage issues had been remedied. He expressed concern that due to the location of the property in between districts, there would be no use for property unless it was rezoned. Mr. Muse acknowledged that he had previously submitted requests for rezoning which had been denied. He reminded the board that a portion of the property is in the 500 year flood plain. Board Member Isenberg asked what kind of businesses had considered the location in the past. Mr. Muse answered light automotive was the most recent.

William Sterritt, Church Street resident, spoke against the rezoning and provided the board with a 31 year history of the rezoning of this and the contiguous properties. Mr. Steer explained that he was not anti-business, but that this particular location would detract from the historic neighborhood setting of Church Street and expressed concerns about noise and light.

Rob Roland, 91 Worsham Drive in Waynesville, spoke in support of the change noting that the area started with a commercial form and the property is looking at 270 degrees of commercial with the railroad track in front. He noted that the necessary buffers that Mr. Muse would build will be easy because of the lay of the land. Mr. Roland has had calls for commercial properties in or near Frog Level and due to the residential zoning has had to turn them away or find other areas for businesses.

Vice Chairman Wingate asked if anyone wished to speak on this issue. No one addressed the board.

Vice Chairman Wingate closed the hearing at 7:30 p.m.

Discussion was held among the board members regarding the possibility of a mixed use overlay that could be applied to this property. Ms. Teague called attention to Section 2.6.2 of the Land Development Standards discussed further mixed use overlays. She explained that in order to develop such an overlay, there would have to be a zoning study of the corridor and involve property owners and would require an amendment to the mixed use table and would take some time. There are other mixed use overlay areas that could be used as examples should the board wish to go in this direction.

Ms. Teague continued noting that the current option that the board is reviewing is for a change to Central Business District. She reminded members that even though Mr. Muse has applied for commercial zoning multiple times and the decision has not been favorable, the board is only to look at the facts of the current situation, not what has occurred in the past and make their decision based on now.

Board Member Anthony Sutton made a motion, seconded by Vice Chairman Danny Wingate, to approve the requested rezoning of from Main Street Neighborhood Residential to Central Business District for property located at 504 Church Street, PIN 8615-17-6586. The motion failed as the remaining members voted in opposition.

Board Member Phillip Gibbs made a motion to explore the option of a mixed use overlay

further before a decision is made regarding this particular property. There was no second to this motion; however, the group indicated agreement by consensus.

This agenda item will be tabled and future action following further review.

5. Public Hearing and Consideration of a zoning map amendment from Main Street Neighborhood Residential to Central Business District at 191 Richland Street, PIN 8615-17-2186 and 24 Goodyear Street, PIN 8615-17-4206

Vice Chairman Wingate called the public hearing to order at 7:39 p.m.

Ms. Teague explained that the property is owned by the Lorna J. Barker Trust with Betty Henderson as the trustee. Ms. Teague informed members that compared to the other lots in this series of rezoning requests along Richland Street, this lot has more development potential as a residential lot because of the size and depth from Richland Street. Additionally, this lot is flat and does have access from Goodyear, a side street serving the abutting residential neighborhood. However, redevelopment of this lot has not occurred, and it currently holds a mixture of storage buildings. Conversion to commercial or mixed use would make this lot more marketable and would provide flexibility in the development standard allowing better use of the lot. Rezoning this to commercial would also require the development a preservation of a buffer along the lot lines abutting residential properties.

Ms. Teague noted that the staff recommends changing the zoning of this property to Central Business District to enable more improvement and economic opportunities for this lot and in keeping with the original nature of the corridor. This would make the lot more marketable and increase the chance of redevelopment and infill. Short of that, staff would recommend the Planning Board work with the property owner to consider an overlay designation for the residential district to allow some commercial or mixed-use, or possibly the development of some multi-family or commercial/residential, or work/live type of approach. Because of this lot's location between the Richland Street corridor and the neighborhood district, a conditional rezoning based off of a specific plan may also be a good approach.

Betty Henderson, trustee, explained that her family had owned the property since 1948 and was not aware of the zoning change in 2003 and tore down the warehouse, which would have been grandfathered in. She noted that with the proximity to the railroad tracks and train traffic coming through, this was not a good site for residential properties due to shaking and noise. Ms. Henderson voiced that she would be amenable to a mixed use for the property citing examples of artist cooperatives and live/work situations. She added that residential use was not feasible.

William Sterritt, Church Street resident, spoke in favor of a mixed use overlay for the property rather than change to Central Business District and cited that neither he nor his neighbors were informed of this particular property being on the agenda for discussion. Mr. Sterritt noted that he feels this does deserve further study.

Ms. Teague explained that the notices regarding the rezoning request had been properly sent out to individuals and the media and that signage was posted on all properties in question. She

clarified that individuals who were within 150 feet of the boundary were those required to receive notice.

Hillary Green, 243 Richland Street, commented that she lives across from the railroad tracks and had not had difficulties with shaking from the train traffic. Her concern was that businesses would be going in without neighborhood input. Board Member Gibbs clarified with Ms. Green that she did not experience shaking, but only noise. She confirmed.

Doc Queen, Meadow Street, commented that he had never been shaken out of his bed by the train and the only time he hears the train when it blows its whistle. His concern was that a rezoning change would do damage to the neighborhood; he would like to see it remain residential.

Dick Young, 191 Meadow Street, he commented that the train has never caused issues. His concern is that he did not receive notice about this request and wondered why. He also noted that he worked at 182 Richland Street previously and felt that 191 Richland Street should remain residential.

Ms. Teague noted that there was an addressing issue related to 182 Richland Street and she has been working with Haywood County Land Records to assist with remedying the shared address.

Vice Chairman Wingate asked if anyone else wished to speak on this issue. No one else addressed the board.

Vice Chairman Wingate closed the hearing at 7:53 p.m.

Board members held further discussion regarding possible mixed use overlay for this property as well. Ms. Teague reminded members that in order to create a new mixed use overlay, the Planning Board would have to research, then initiate a text and map amendment, and provide proper notice to the public. The recommendation from the Planning Board would then be provided to the Board of Aldermen who would make the legislative decision which could take two to three months.

Board members discussed the potential of live/work studios and agreed that further study and neighborhood involvement would be warranted. Board Member Gibbs noted that if the board was sensitive to the neighborhood's needs and positions, it would make the Planning Board's job easier.

Board Member Shell Isenberg made a motion, seconded by Board Member Phillip Gibbs to explore the option of a mixed use overlay further before a decision is made regarding this particular property and table this request until the Planning Board can determine if a mixed use overlay would meet the Town's goals for the lot and the area. The motion carried unanimously.

6. Presentation by staff on Land Use Impacts of Howell Mill Road Improvements

In the interest of time and due to the fact that this agenda item was not time-sensitive, Ms. Teague requested that this agenda item be tabled until the next Planning Board meeting on January 25, 2016.

Board Member Marty Prevost made a motion, seconded by Board Member Anthony Sutton to table the agenda item on Land Use Impacts of Howell Mill Road Improvements. The motion carried unanimously.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

There were no additional public comments.

D. ADJOURN

Vice Chairman Wingate thanked the newest Planning Board Member Anthony Sutton for his input and participation.

With no further business to discuss, a motion was made by Board Member Phillip Gibbs, seconded by Board Member Anthony Sutton, to adjourn the meeting at 8:01 pm. The motion carried unanimously.

Danny Wingate, Acting Chairman

Amanda Owens, Town Clerk



TOWN OF WAYNESVILLE

Planning Board

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Danny Wingate (Vice)

John Feichter

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

Shell Isenberg

L. Brooks Hale

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD SPECIAL MEETING

**Town Hall – 9 South Main St., Waynesville, NC 28786
January 28, 2016**

THE WAYNESVILLE PLANNING BOARD held a regular meeting on January 28, 2016 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Vice Chairman Danny Wingate welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Danny Wingate
Bucky Dykes
Brooks Hale
Anthony Sutton
Phillip Gibbs
Marty Prevost
Shell Isenberg
Robert Herrmann

Absent:

Patrick McDowell

The following staff members were present:

Elizabeth Teague, Development Services Director
Eddie Ward, Deputy Town Clerk
Byron Hickox, Land Use Administrator

2. Adoption of Minutes

Board Member Bucky Dykes made a motion, seconded by Board Member Anthony Sutton to approve the minutes of the December 21, 2015 board meeting as presented. The motion passed unanimously.

B. NEW BUSINESS

1. Public Hearing and Consideration of a zoning map amendment from Dellwood Medium Density Residential District to Dellwood Junaluska Regional Center District at 30 Mauney Cove Road, PIN 8616-39-4152 (Haywood County Convenience Center)

Vice Chairman Danny Wingate opened the Public Hearing.

Development Services Director, Ms. Elizabeth Teague, asked Mr. Byron Hickox, Land Use Administrator, to present the first item on the agenda. Mr. Hickox stated that the property located at 30 Mauney Cove Road consists of 1.29 acres, and is a partially developed lot containing a waste collection station, also known as the Convenience Center, operated by Haywood County. This Convenience Center has been in operation at this location for over 20 years, and is the busiest center in the county with 225,000 visitors annually. When Haywood County approached staff about reconfiguring the overall site to alleviate traffic problems, staff realized the current use is defined as a Recycling Collection Station, and is not a permitted use in this district and could not be expanded. Mr. Hickox said the adjacent district is Dellwood/Junaluska Regional Center and this district permits the operation of Recycling Collection Stations.

Staff Recommendation:

The rezoning of this property would allow the Convenience Center to be improved and expanded, and is critical to allow for more traffic lanes and safer entrances and exits on Mauney Cove Road. Mr. Hickox stated the Convenience Center would be consistent with this zoning and would enhance a necessary community service to the visitors and residents of the Lake Junaluska District. The Town of Waynesville Development Services Staff recommends approval of the request for rezoning.

Mr. Hickox explained to the Board there would be two requested actions.

1. Motion to find/not find the request consistent with the 2020 Land Development Plan by meeting the needs of the residential, commercial, and institutional needs of the community and promoting infill and improving an existing neighborhood area.

2. Motion to recommend approval of Haywood County's request for rezoning the property at 30 Mauney Cove Road from Dellwood Medium Density Residential to Dellwood/Junaluska Regional Center.

Kris Boyd
Haywood County Planning Director

Mr. Boyd stated that Haywood County was obligated to provide solid waste disposal to the residents of Haywood County. There are three ways to fulfill this obligation. First, the County has a Landfill, a Materials Recycling Facility, and Convenience Centers. Several of the Centers have become over burdened by use, and the County is taking the initiative to upgrade these facilities. A Center in Hazelwood has recently been upgraded, and now the Center at Mauney Cove needs to be improved. Mr. Boyd explained that there are traffic safety hazards because of the heavy volume of traffic at the Center. He said this site is open five days a week, and an average of 865 vehicles and deposit 17,000 pounds of solid waste in this facility on a busy day. Mr. Boyd stated that it is a necessity to upgrade the Convenience located on Mauney Cove Road not only for the volume, but for the traffic and safety needs.

Ira Dove
Haywood County Manager

Mr. Dove stated that the homeowner of the residence to the north of the Center was the person who leased, and then sold the property to the County. There are currently ten facilities operating in Haywood County, and this is the busiest one. He said the County was asking for the entire parcel to be rezoned Commercial which would allow more turning radius into and out of the Center. Preliminary designs for the upgrade show expansion width and lengthwise on the property and the addition of one more lane. Mr. Dove said that hopefully this will alleviate traffic being backed into Mauney Cove Road.

Ms. Teague explained to the Board that when plans are submitted for the project, they will have to meet the Land Development Standards, including buffering, where as of now because of the current zoning, they do not.

The Board had several questions for Mr. Boyd concerning traffic flow, and making sure that the North Carolina Department of Transportation is onboard with the design.

Ms. Teague reminded the Board that the design of the Center was not being approved in this meeting, but the rezoning to allow the expansion was what was being considered. She said that Staff felt this was a very important rezoning to allow the County to be able to move forward with the project for the Center.

Vice Chairman Danny Wingate closed the Public Hearing.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann to find the request consistent with the 2020 Land Development Plan by meeting the needs of the residential, commercial and institutional needs of the community and promoting infill and improving an existing neighborhood area. The motion passed unanimously.

A motion was made by Board Member Brooks Hale, seconded by Board Member Phillip Gibbs, to recommend approval of Haywood County's request for rezoning the property at 30 Mauney Cove Road from Dellwood Medium Density Residential to Dellwood/Junaluska Regional Center. The motion passed unanimously.

2. Public Hearing and Consideration of a zoning map amendment from Main Street Neighborhood Residential to Central Business District at Richland Street (referred to as second Forga lot), PIN 8615-17-5626

Vice Chairman Danny Wingate opened the Public Hearing.

Ms. Teague stated this request is for the .27 acre tract that holds a small warehouse and outdoor storage. It is adjacent to the Forga property approved for rezoning at the Planning Board meeting held on December 21, 2015. If it is approved, it will go forward to the Board of Aldermen with other recommended rezonings along Richland Street. The properties are adjacent to the railroad, and are mostly in the flood plain because of the creek, and have been used commercially for many years.

Staff Recommendation

Because of this location abutting the railroad corridor, and being located in the flood plain, residential use is unlikely. Staff recommends approval of the request for rezoning from Main Street Neighborhood Residential to Central Business District thus enabling more opportunities and improvement for the existing structure.

Ms. Teague indicated to the Board that there would be two requested actions.

1. Motion to find/not find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of a historically mixed-use area.
2. Motion to recommend to the Board of Aldermen approval/approval with conditions/or denial of the requested rezoning of the property from the Hazelwood Urban Residential District to the Central Business District.

The Board had several questions concerning the possible rezoning of surrounding properties. Ms. Teague said notifications of the rezoning for these properties had been sent out, and only Giles Chemical had expressed interest in an adjoining property.

Vice Chairman Danny Wingate closed the Public Hearing.

Board Member Anthony Sutton made a motion, seconded by Board Member Marty Prevost, to find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of a historically mixed-use area. The motion passed unanimously.

A motion was made by Board Member Robert Herrmann, seconded by Board member Anthony Sutton, to recommend to the Board of Aldermen approval of the requested rezoning of the property from the Hazelwood Urban Residential District to the Central Business District. The motion passed unanimously.

3. Continued discussion (tabled from December) and consideration of a zoning map amendment at 504 Church Street, PIN 8615-17-6586 and at 191 Richland Street, PIN 8615-17-2186 and 24 Goodyear Street, PIN 8615-17-4206.

Ms. Elizabeth Teague explained that two separate rezoning requests were tabled by the Board at the Planning Board Meeting on December 21, 2016. Since that meeting Ms. Teague has met with property owners Ms. Betty Henderson and Mr. Ron Muse, to discuss their vision for these properties, and a possible mixed-use overlay option that would allow some commercial uses in these properties that are adjacent Main Street Neighborhood. Ms. Teague discussed zoning categories listed in the 2020 Land Development Standards. She said some uses were permitted in a limited fashion, and this is to give some flexibility, and to decide where mixed-uses are appropriate. She said the purpose of the Mixed-Use Overlay District (MX-O) is a zoning district established to permit certain limited mixed-uses within residential neighborhoods. The applicability is for frontage of locations or blocks shall be identified on the Land Development Map to permit certain non-residential uses a permitted in the Use Table in Section 2.5.3. Such locations are noted as either PC (Permitted on any Corner Lot located at the intersection of two publicly-maintained streets) or PL (Permitted in Designated Locations on the Land Development Map).

Ms. Teague stated that both property owners agreed that a mixed –use overlay option would be acceptable. Some of the uses that are allowed in addition to what is already allowed:

- | | |
|--|---|
| 1. Live Work Units | 6. Government Services |
| 2. ATM | 7. Personal Services |
| 3. Banks, Credit Unions, Financial Serv. | 8. Professional Services |
| 4. Business Support Services | 9. General Commercial (less than 100,000 sq. ft.) |
| 5. Dry Cleaning and Laundry Serv. | 10. Restaurants |

Staff Recommendation

Ms. Teague said staff believes that a mixed-use overlay is a reasonable compromise to the North Main Street Neighborhood as a way to improve the development of these under utilized lots, and staff recommends rezoning this property to a Mixed-Use overlay to allow for a limited number of new allowable uses. She reminded the Board that there are two requested actions:

1. Motion to find/not find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of a historically commercial area.

2. Motion to recommend to the Board of Aldermen approval/approval with conditions/ or denial of the requested rezoning of the property for the Main Street Neighborhood Residential District to a Main Street Neighborhood Residential District Mixed-Use Overlay.

There was much discussion among the Board about the different types of uses that could be allowed in this District. It was the consensus of the Board that any type of business would be an improvement to the area.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Bucky Dykes, to find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of a historically commercial area. The motion passed unanimously.

A motion was made by Board Member Brooks Hale, seconded by Board Member Bucky Dykes to recommend to the Board of Aldermen approval of the requested rezoning of the property from the Main Street Neighborhood Residential District to Main Street Neighborhood Residential District Mixed –Use Overlay. The motion passed unanimously.

4. Presentation by staff on Land Use Impacts of Howell Mill Road Improvements.

Ms. Teague introduced Mr. Tim Shook who owns property on Howell Mill Road.

**Tim Shook
Howell Mill Road**

Mr. Shook stated that he had approached the Board eight years ago to rezone, because his property is adjacent to Ingles on one side, Sonoco Plastics plant in front, and behind the property is the Town of Waynesville electric sub station. Now that there is a three lane road with sidewalks, Mr. Shook would like to be rezoned commercial so he can explore possibilities of development with his property.

Ms. Teague gave some background of the project:

- Runs from Russ Avenue at Rite Aid to Asheville Highway
- \$11.6 million road improvement by NCDOT
- Installation of wider lane, shoulders, roadway straightening, sidewalks, and roundabout
- New bridge which eliminates at grade railroad crossing
- Expected completion 60 days
- Access for Evergreen Packaging, Sonoco Plastics, Schulhofer's, and Waynesville Rec Center
- Access to 30 plus acres of Town property
- Access for residential lots along Howell Mill, Happy Hill, Calhoun Road, and Radio Tower Road
- Adjacent to several large tracts of land.

Ms. Teague stated that in September – October 2008, the Town received a request from Mr.

Tim Shook to rezone 7 acres at 333 Howell Mill Road from Howell Mill Neighborhood District to Russ Avenue Town Center. The rezoning request failed three to four at the Planning Board level. The request was appealed to the Board of Aldermen and they tabled it to allow time for additional study, based on several concerns:

1. When Associated Packaging moved in, the Board committed to trying to keep area residential.
2. Interest in seeing higher density residential.
3. Reluctance to change map during evaluation of Town's Land Development Standards.
4. Interest in seeing impacts of NCDOT Howell Mill Road Improvement Project.

Ms. Teague said some of the physical impacts of the project were improvements to grading, drainage, culverts, and structures and alignment. There is improved traffic, truck, and pedestrian safety overall. Other improvements include aesthetics of bridge and roadway, intersection and signal improvements at Russ Avenue and Asheville Highway.

With this project, there is increased visibility of roadway at both ends, linking two Commercial/Industrial areas with direct route that is wider, straighter, and faster. There is also improved access to Town Park facilities, and increase thru-traffic and truck traffic. Ms. Teague stated these improvements means the area will become a desirable place for new development. The current zoning for this area west to east is Russ Avenue Regional Center Commercial, Howell Mill Medium Density Residential, and Commercial Industrial Commercial.

Ms. Teague stated there are a lot of parcels along that corridor that will be impacted by this project. She encouraged the Board to involve the community to see what type of development is desired in this location, and what is not desired. She asked the Board for their ideas in how to engage property owners in discussion of what they want to see. Some recommendations are to reach out to property owners through surveys and the Planning Board possibly hosting a community meeting. Ms. Teague said she would consult with Mr. Mike Morgan, Interim Manager, and the Board could discuss options at the next meeting.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

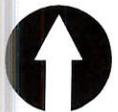
No Comments.

D. ADJOURN

With no further business, a motion was made by Board Member Robert Herrmann, seconded by Board Member Bucky Dykes, to adjourn the meeting at 6:55 pm. The motion passed unanimously.

Danny Wingate, Acting Chairman

Eddie Ward, Deputy Clerk



1 inch = 200 feet
January 28, 2016

Haywood County

— REQUESTED REZONINGS

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 9, 2016

SUBJECT: Call for a Public Hearing to consider a rezoning request at 30 Mauney Cove Road, Tax Parcel Identification Numbers 8616-39-4152, from Dellwood/Residential Medium Density to Dellwood/Junaluska Regional Center Commercial District.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5-B
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: This rezoning request is for the Haywood County Convenience Center which has been in operation at this location for over 20 years. It is 1.29 acres and is located approximately 120 feet from Russ Avenue. The current use is defined as a Recycling Collection Station and is not a permitted use in this district. As a pre-existing, nonconforming use, the facility can not be expanded or altered to address the traffic and safety needs as well as demand for use of the Station. The adjacent district is Dellwood/Junaluska Regional Center, which permits the operation of Recycling Collection Stations. Rezoning to the Regional Center District would allow the Convenience Center to be improved and expanded to allow for more traffic lanes and a safer entrance and exit onto Mauney Cove Road.

MOTION FOR CONSIDERATION:

To Call for a Public Hearing to be held at the next regularly scheduled Board of Aldermen meeting on February 23, 2016 at 6:30pm to consider a zoning map amendment request from Haywood County at 30 Mauney Cove to accommodate improvements to the Convenience Center.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Planning Board Minutes
2. Location Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: Action required is to call for the public hearing only.



1 inch = 100 feet
 January 25, 2016

Haywood County

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TOWN OF WAYNESVILLE

Planning Board

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Chairman

Patrick McDowell

Planning Board Members

Danny Wingate (Vice)

John Feichter

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

Shell Isenberg

L. Brooks Hale

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD SPECIAL MEETING

Town Hall – 9 South Main St., Waynesville, NC 28786
January 28, 2016

THE WAYNESVILLE PLANNING BOARD held a regular meeting on January 28, 2016 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Vice Chairman Danny Wingate welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Danny Wingate
Bucky Dykes
Brooks Hale
Anthony Sutton
Phillip Gibbs
Marty Prevost
Shell Isenberg
Robert Herrmann

Absent:

Patrick McDowell

The following staff members were present:

Elizabeth Teague, Development Services Director
Eddie Ward, Deputy Town Clerk
Byron Hickox, Land Use Administrator

2. Adoption of Minutes

Board Member Bucky Dykes made a motion, seconded by Board Member Anthony Sutton to approve the minutes of the December 21, 2015 board meeting as presented. The motion passed unanimously.

B. NEW BUSINESS

1. Public Hearing and Consideration of a zoning map amendment from Dellwood Medium Density Residential District to Dellwood Junaluska Regional Center District at 30 Mauney Cove Road, PIN 8616-39-4152 (Haywood County Convenience Center)

Vice Chairman Danny Wingate opened the Public Hearing.

Development Services Director, Ms. Elizabeth Teague, asked Mr. Byron Hickox, Land Use Administrator, to present the first item on the agenda. Mr. Hickox stated that the property located at 30 Mauney Cove Road consists of 1.29 acres, and is a partially developed lot containing a waste collection station, also known as the Convenience Center, operated by Haywood County. This Convenience Center has been in operation at this location for over 20 years, and is the busiest center in the county with 225,000 visitors annually. When Haywood County approached staff about reconfiguring the overall site to alleviate traffic problems, staff realized the current use is defined as a Recycling Collection Station, and is not a permitted use in this district and could not be expanded. Mr. Hickox said the adjacent district is Dellwood/Junaluska Regional Center and this district permits the operation of Recycling Collection Stations.

Staff Recommendation:

The rezoning of this property would allow the Convenience Center to be improved and expanded, and is critical to allow for more traffic lanes and safer entrances and exits on Mauney Cove Road. Mr. Hickox stated the Convenience Center would be consistent with this zoning and would enhance a necessary community service to the visitors and residents of the Lake Junaluska District. The Town of Waynesville Development Services Staff recommends approval of the request for rezoning.

Mr. Hickox explained to the Board there would be two requested actions.

1. Motion to find/not find the request consistent with the 2020 Land Development Plan by meeting the needs of the residential, commercial, and institutional needs of the community and promoting infill and improving an existing neighborhood area.

2. Motion to recommend approval of Haywood County's request for rezoning the property at 30 Mauney Cove Road from Dellwood Medium Density Residential to Dellwood/Junaluska Regional Center.

Kris Boyd
Haywood County Planning Director

Mr. Boyd stated that Haywood County was obligated to provide solid waste disposal to the residents of Haywood County. There are three ways to fulfill this obligation. First, the County has a Landfill, a Materials Recycling Facility, and Convenience Centers. Several of the Centers have become over burdened by use, and the County is taking the initiative to upgrade these facilities. A Center in Hazelwood has recently been upgraded, and now the Center at Mauney Cove needs to be improved. Mr. Boyd explained that there are traffic safety hazards because of the heavy volume of traffic at the Center. He said this site is open five days a week, and an average of 865 vehicles and deposit 17,000 pounds of solid waste in this facility on a busy day. Mr. Boyd stated that it is a necessity to upgrade the Convenience located on Mauney Cove Road not only for the volume, but for the traffic and safety needs.

Ira Dove
Haywood County Manager

Mr. Dove stated that the homeowner of the residence to the north of the Center was the person who leased, and then sold the property to the County. There are currently ten facilities operating in Haywood County, and this is the busiest one. He said the County was asking for the entire parcel to be rezoned Commercial which would allow more turning radius into and out of the Center. Preliminary designs for the upgrade show expansion width and lengthwise on the property and the addition of one more lane. Mr. Dove said that hopefully this will alleviate traffic being backed into Mauney Cove Road.

Ms. Teague explained to the Board that when plans are submitted for the project, they will have to meet the Land Development Standards, including buffering, where as of now because of the current zoning, they do not.

The Board had several questions for Mr. Boyd concerning traffic flow, and making sure that the North Carolina Department of Transportation is onboard with the design.

Ms. Teague reminded the Board that the design of the Center was not being approved in this meeting, but the rezoning to allow the expansion was what was being considered. She said that Staff felt this was a very important rezoning to allow the County to be able to move forward with the project for the Center.

Vice Chairman Danny Wingate closed the Public Hearing.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann to find the request consistent with the 2020 Land Development Plan by meeting the needs of the residential, commercial and institutional needs of the community and promoting infill and improving an existing neighborhood area. The motion passed unanimously.

A motion was made by Board Member Brooks Hale, seconded by Board Member Phillip Gibbs, to recommend approval of Haywood County's request for rezoning the property at 30 Mauney Cove Road from Dellwood Medium Density Residential to Dellwood/Junaluska Regional Center. The motion passed unanimously.

2. Public Hearing and Consideration of a zoning map amendment from Main Street Neighborhood Residential to Central Business District at Richland Street (referred to as second Forga lot), PIN 8615-17-5626

Vice Chairman Danny Wingate opened the Public Hearing.

Ms. Teague stated this request is for the .27 acre tract that holds a small warehouse and outdoor storage. It is adjacent to the Forga property approved for rezoning at the Planning Board meeting held on December 21, 2015. If it is approved, it will go forward to the Board of Aldermen with other recommended rezonings along Richland Street. The properties are adjacent to the railroad, and are mostly in the flood plain because of the creek, and have been used commercially for many years.

Staff Recommendation

Because of this location abutting the railroad corridor, and being located in the flood plain, residential use is unlikely. Staff recommends approval of the request for rezoning from Main Street Neighborhood Residential to Central Business District thus enabling more opportunities and improvement for the existing structure.

Ms. Teague indicated to the Board that there would be two requested actions.

1. Motion to find/not find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of a historically mixed-use area.
2. Motion to recommend to the Board of Aldermen approval/approval with conditions/or denial of the requested rezoning of the property from the Hazelwood Urban Residential District to the Central Business District.

The Board had several questions concerning the possible rezoning of surrounding properties. Ms. Teague said notifications of the rezoning for these properties had been sent out, and only Giles Chemical had expressed interest in an adjoining property.

Vice Chairman Danny Wingate closed the Public Hearing.

Board Member Anthony Sutton made a motion, seconded by Board Member Marty Prevost, to find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of a historically mixed-use area. The motion passed unanimously.

A motion was made by Board Member Robert Herrmann, seconded by Board member Anthony Sutton, to recommend to the Board of Aldermen approval of the requested rezoning of the property from the Hazelwood Urban Residential District to the Central Business District. The motion passed unanimously.

3. Continued discussion (tabled from December) and consideration of a zoning map amendment at 504 Church Street, PIN 8615-17-6586 and at 191 Richland Street, PIN 8615-17-2186 and 24 Goodyear Street, PIN 8615-17-4206.

Ms. Elizabeth Teague explained that two separate rezoning requests were tabled by the Board at the Planning Board Meeting on December 21, 2016. Since that meeting Ms. Teague has met with property owners Ms. Betty Henderson and Mr. Ron Muse, to discuss their vision for these properties, and a possible mixed-use overlay option that would allow some commercial uses in these properties that are adjacent Main Street Neighborhood. Ms. Teague discussed zoning categories listed in the 2020 Land Development Standards. She said some uses were permitted in a limited fashion, and this is to give some flexibility, and to decide where mixed-uses are appropriate. She said the purpose of the Mixed-Use Overlay District (MX-O) is a zoning district established to permit certain limited mixed-uses within residential neighborhoods. The applicability is for frontage of locations or blocks shall be identified on the Land Development Map to permit certain non-residential uses a permitted in the Use Table in Section 2.5.3. Such locations are noted as either PC (Permitted on any Corner Lot located at the intersection of two publicly-maintained streets) or PL (Permitted in Designated Locations on the Land Development Map).

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Staff Recommendation

Ms. Teague said staff believes that a mixed-use overlay is a reasonable compromise to the North Main Street Neighborhood as a way to improve the development of these under utilized lots, and staff recommends rezoning this property to a Mixed-Use overlay to allow for a limited number of new allowable uses. She reminded the Board that there are two requested actions:

1. Motion to find/not find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of a historically commercial area.

2. Motion to recommend to the Board of Aldermen approval/approval with conditions/ or denial of the requested rezoning of the property for the Main Street Neighborhood Residential District to a Main Street Neighborhood Residential District Mixed-Use Overlay.

There was much discussion among the Board about the different types of uses that could be allowed in this District. It was the consensus of the Board that any type of business would be an improvement to the area.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Bucky Dykes, to find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of a historically commercial area. The motion passed unanimously.

A motion was made by Board Member Brooks Hale, seconded by Board Member Bucky Dykes to recommend to the Board of Aldermen approval of the requested rezoning of the property from the Main Street Neighborhood Residential District to Main Street Neighborhood Residential District Mixed –Use Overlay. The motion passed unanimously.

4. Presentation by staff on Land Use Impacts of Howell Mill Road Improvements.

Ms. Teague introduced Mr. Tim Shook who owns property on Howell Mill Road.

**Tim Shook
Howell Mill Road**

Mr. Shook stated that he had approached the Board eight years ago to rezone, because his property is adjacent to Ingles on one side, Sonoco Plastics plant in front, and behind the property is the Town of Waynesville electric sub station. Now that there is a three lane road with sidewalks, Mr. Shook would like to be rezoned commercial so he can explore possibilities of development with his property.

Ms. Teague gave some background of the project:

- Runs from Russ Avenue at Rite Aid to Asheville Highway
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- Access for residential lots along Howell Mill, Happy Hill, Calhoun Road, and Radio Tower Road
- Adjacent to several large tracts of land.

Ms. Teague stated that in September – October 2008, the Town received a request from Mr.

Tim Shook to rezone 7 acres at 333 Howell Mill Road from Howell Mill Neighborhood District to Russ Avenue Town Center. The rezoning request failed three to four at the Planning Board level. The request was appealed to the Board of Aldermen and they tabled it to allow time for additional study, based on several concerns:

1. When Associated Packaging moved in, the Board committed to trying to keep area residential.
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Ms. Teague said some of the physical impacts of the project were improvements to grading, drainage, culverts, and structures and alignment. There is improved traffic, truck, and pedestrian safety overall. Other improvements include aesthetics of bridge and roadway, intersection and signal improvements at Russ Avenue and Asheville Highway.

With this project, there is increased visibility of roadway at both ends, linking two Commercial/Industrial areas with direct route that is wider, straighter, and faster. There is also improved access to Town Park facilities, and increase thru-traffic and truck traffic. Ms. Teague stated these improvements means the area will become a desirable place for new development. The current zoning for this area west to east is Russ Avenue Regional Center Commercial, Howell Mill Medium Density Residential, and Commercial Industrial Commercial.

Ms. Teague stated there are a lot of parcels along that corridor that will be impacted by this project. She encouraged the Board to involve the community to see what type of development is desired in this location, and what is not desired. She asked the Board for their ideas in how to engage property owners in discussion of what they want to see. Some recommendations are to reach out to property owners through surveys and the Planning Board possibly hosting a community meeting. Ms. Teague said she would consult with Mr. Mike Morgan, Interim Manager, and the Board could discuss options at the next meeting.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

No Comments.

D. ADJOURN

With no further business, a motion was made by Board Member Robert Herrmann, seconded by Board Member Bucky Dykes, to adjourn the meeting at 6:55 pm. The motion passed unanimously.

Danny Wingate, Acting Chairman

Eddie Ward, Deputy Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 9, 2016

SUBJECT: Public Hearing to close a right-of-way

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 6-C
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY:

George and Renee Garrett have petitioned the Town to close an unopened right-of-way that runs through their property at 200 Chipping Sparrow Lane, PIN 8615-62-8173. Pursuant to NC General Statute 160A-299, the Board adopted a resolution declaring the Town's intent to close the street or alley at their January 12, 2016 regular meeting and called for public hearing. This right-of-way closure petition request has been reviewed by the Technical Review Committee and is not used for any utilities or access to another lot.

The a copy of the resolution and notice of public hearing was published for four consecutive weeks in the Mountaineer on January 15, January 22, January 29 and February 5.

MOTION FOR CONSIDERATION:

To approve the closure of the unopened right of way at 200 Chipping Sparrow Lane, PIN 8615-62-8173, as presented.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Resolution of Intent to Close a Right-of-Way
2. Site location map
3. Petition Materials submitted by the Garretts.

**A RESOLUTION OF INTENT TO CLOSE AN UNNAMED RIGHT-OF-WAY (ALLEY) AT 200
CHIPPING SPARROW LANE; PIN 8615-62-8173**

WHEREAS, Renee and George Garrett have submitted a petition to the Town of Waynesville to close an un-opened and un-named portion of right-of-way that is located within their lot at 200 Chipping Sparrow Lane and that petition was submitted on December 2, 2015; and

WHEREAS, NCGS 160A-299 requires that the Town of Waynesville Board of Aldermen must adopt a resolution of intent to close any right-of-way in order to notify abutting property owners and the public of this petition and to call for a public hearing to consider this action; and

WHEREAS, the Town must send notice to all abutting property owners by registered or certified mail advising them of the day, time and place of the public hearing, enclosing a copy of the Resolution of Intent, and advising them that the question as to closing that unnamed right-of-way (alley) on the property of 200 Chipping Sparrow Lane; and

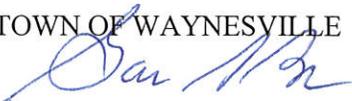
WHEREAS, the Town shall post adequate notices on the applicable right-of-way (alley) as required by N.C. G.S. 160A-299; and

WHEREAS, the Town Board shall give full and complete consideration of the matter and grant full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in a public hearing;

NOW, THEREFORE, the Board of Aldermen of the Town of Waynesville do adopt this Resolution of Intent to Close this right-of-way and in so doing, direct Town staff to mail notices, post the property, and advertise a public hearing to consider the matter, and to schedule this public hearing for February 9, 2016. After such hearing the Board may consider taking action to close said right-of-way and authorize the Mayor and the Town Clerk to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title for the width of the abutting land owned by them, to extend to the centerline of the herein closed right-of-way (alley) (with provision for reservation of easements to the Town of Waynesville for utility purposes) in accordance with the provision of N.C.G.S. 160A-299.

This the 12th Day of January, 2016.

TOWN OF WAYNESVILLE



Gavin A. Brown, Mayor

ATTEST:



Amanda W. Owens, Town Clerk

NORTH CAROLINA
HAYWOOD COUNTY

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Board of Aldermen of the Town of Waynesville, North Carolina, at a meeting held on January 12, 2016 at 6:30 o'clock p.m. at the Town Hall in the Town of Waynesville.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official corporate seal of said Town to be affixed, this the 12th Day of January, 2016.

Amanda W. Owens

Amanda W. Owens, Town Clerk



NORTH CAROLINA
HAYWOOD COUNTY

I, Brittany L Buchanan, a Notary Public, do hereby certify that Amanda W. Owens, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

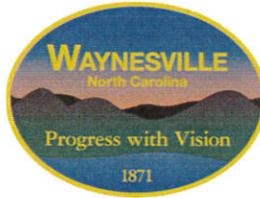
WITNESS my hand and notarial seal this 14 day of January, 2016.

Brittany L Buchanan

Notary Public

My Commission Expires: May 10, 2020





TOWN OF WAYNESVILLE, NORTH CAROLINA
STREET CLOSING REQUEST

Remit to the Town Clerk, 16 South Main Street, Waynesville, NC, 28786.

The procedure for street closing requests within the Town of Waynesville or its extra-territorial jurisdiction follows NCGS 160A-299, "Procedure for Permanently Closing Streets and Alleyways:"

- (1) When property owners propose to permanently close any street or public alley, they must petition the Board of Aldermen requesting that the described street or public alley be closed (petition attached). All property owners whose property abuts the street or right-of-way as shown in the county tax records must sign the petition. The Board of Aldermen may establish a fee to cover the Town's advertising and administrative costs.
- (2) The petition shall be submitted to the Town Clerk to be placed on the agenda at the next regular meeting of the Board of Aldermen to call for action to adopt a resolution declaring the Board's intent to close the street or alley and calling for a public hearing on the question.
- (3) A copy of the resolution shall be published once a week for four successive weeks prior to the hearing and a copy sent by registered or certified mail to all owners of property adjacent to the street or alley as shown on the county tax records. If the street or alley is under the authority of the State Department of Transportation, then a copy of the resolution shall also be mailed to the NCDOT. No street or alley under the control of NCDOT may be closed without NCDOT consent.
- (4) The Board of Aldermen shall then hold the public hearing and any person may be heard on the question, including Town planning, public safety, and public works staff. After the hearing, the Board may then vote to close the right of way if it is satisfied that the closing of the right-of-way is not contrary to the public interest, and that no property owner in the vicinity of the right-of-way or within the subdivision in which it is located would be deprived of reasonable means of ingress and egress to his or her property. The Town may reserve its right, title and interest in any utility improvement or easement within the street or alley being closed. Such reservation may also extend to private utilities.
- (5) A certified copy of the Order to close the right-of-way shall be filed with the register of deeds of Haywood County. Any person aggrieved of the closure, including the NCDOT, may appeal the order to the General Court within 30 days of adoption.
- (6) Upon closing a street or alley in accordance with NCGS 160A-299, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley that was closed. The division of land within the closed right-of-way may be altered by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each owner and signed by each property owner that has an ownership right in the closed right-of-way.

PETITION FOR STREET CLOSING REQUEST

We, the undersigned property owners of property located abutting a private street or alleyway known as easement south of 200 Chipping Sparrow Lane located off of Chipping Sparrow Lane, do hereby petition the Town of Waynesville Board of Aldermen to permanently close said street or alleyway.

NAME/SIGNATURE PROPERTY/MAILING ADDRESS

1. Renée and George Garrett 200 Chipping Sparrow Lane
Renée R. Garrett [Signature] 28186

2. _____

3. _____

4. _____

5. _____

6. _____

Attach additional sheets if necessary

Date Request Received at Town Hall: _____ By: _____

All property in the development south of
200 Chipping Sparrow Lane has been purchased
by the Petitioners. There are no improvements
on this property (water, sewer, elec. etc.)

JEFFREY W. NORRIS & ASSOCIATES, PLLC
ATTORNEYS AT LAW

JEFFREY W. NORRIS
Also member of Pennsylvania
and Georgia Bars

Norris Professional Building
177 North Main Street
Waynesville, NC 28786
Telephone: (828) 452-2221
Fax: (828) 452-3534
www.norrisandassoc.com

LARRY T. REIDA
Of Counsel
Also member of Maryland Bar

May 23, 2014

Honorable Gavin Brown
Town of Waynesville
16 South Main Street
P.O. Box 100
Waynesville, NC 28786

Re: Abandonment of Easement

Dear Mr. Brown:

This firm represents George and Renee Garrett.

The Garretts own property in Waynesville that is subject to right-of-way dedicated to the Town. I have enclosed a copy of a survey which shows the right-of-way. The survey indicates that the Garretts are going to purchase an additional parcel and combine it with an existing parcel, and they have done that.

I do not know of any reason why the Town would want to continue to have a right-of-way in that location. The developer did not continue the development as originally planned and it seems exceedingly unlikely that the Town would ever need such an access, but that is what I would to discuss.

I look forward to hearing from you.

Thank you for your consideration.

Sincerely,

JEFFREY W. NORRIS & ASSOCIATES, PLLC

Jeffrey W. Norris

JWN:mpf
Enclosure

c: George & Renee Garrett

GENERAL NOTES:

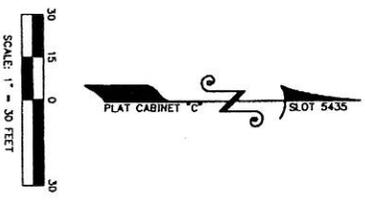
- 1 - ALL PROPERTY CORNERS NOT DESCRIBED ARE COMPUTED POINTS.
- 2 - BEARING CALCULATED BY PROPORTIONAL COMPUTATION METHOD.
- 3 - THIS SURVEY MEETS THE REQUIREMENTS OF A CLASS "A" SURVEY.
- 4 - PROPERTY SHOWN HEREON IS SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHT OF WAY OF RECORDS.
- 5 - ALL ROADS SHOWN HEREON ARE PRIVATELY MAINTAINED UNLESS OTHERWISE NOTED.
- 6 - THE PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING AND REPAIRING THE ROADS SHOWN HEREON.
- 7 - PROPERTY SURVEYED IS NOT IN A FLOOD HAZARD AREA.
- 8 - THERE IS NO RECOVERABLE HORIZONTAL CONTROL WITHIN 2000'.
- 9 - NORTH IS PLAT NORTH AS PER PLAT CABINET "C", SLOT 5435.
- 10 - THE PROPERTY SHOWN HEREON IS SUBJECT TO THE RULES, REGULATIONS, ORDINANCES AND/OR JURISDICTIONS OF LOCAL, STATE AND/OR FEDERAL AGENCIES, IF ANY, THE REQUIREMENTS OF SAID RULES, REGULATIONS, ORDINANCES AND/OR THE LIMITS OF SAID JURISDICTIONS ARE NOT SHOWN HEREON, UNLESS SAID OTHERWISE.
- 11 - THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH, AND THE SURVEYOR HAS NO KNOWLEDGE OF ANY INTERESTS IN THE PROPERTY SHOWN HEREON. ANY INTERESTS THAT MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY, OR IN ANY OTHER PUBLIC RECORDS, OR IN ANY RECORDS OF ANY COURTS, OR IN ANY RECORDS OF ANY SURVEYOR'S INSTITUTIONS WHICH MAY EXIST, ARE NOT SHOWN HEREON.
- 12 - ALL PROPERTY CORNERS SHOWN HEREON, NEITHER FOUND OR SET ARE TO BE CONSIDERED CONTROL CORNERS.

CERTIFICATE OF OWNERSHIP AND DEDICATION

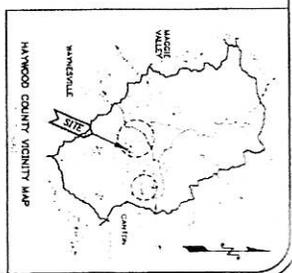
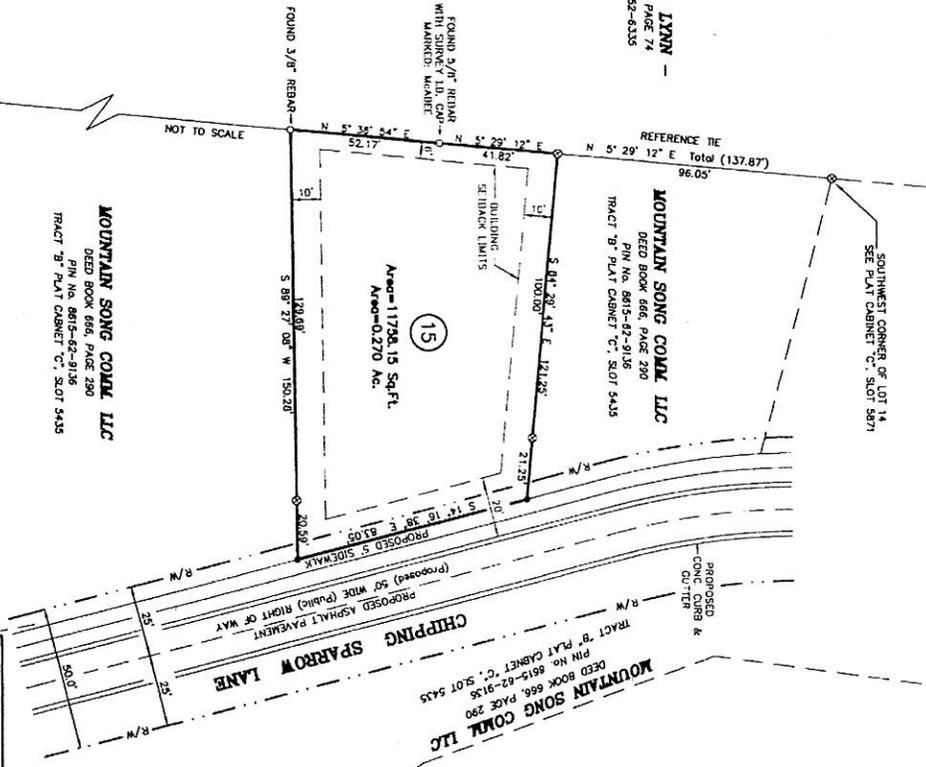
I (WE) HEREBY CERTIFY THAT I (AN WE ARE) THE OWNER(S) OF THE PROPERTY LOCATED WITHIN THE SUBDIVISION-REGISTRATION JURISDICTION SHOWN ON THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL ROADS AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED IN THE DISCLOSURE OR PRIVATE ROADWAYS, WHERE APPLICABLE.

DATE: _____

OWNER(S): _____



MARTHA D. LYNN
 WILL BOOK 96E, PAGE 74
 PIN No. 8615-52-6335



TRACT "A"
 - OVERBELT -
 DEED BOOK 72B, PAGE 354
 PIN No. 8615-52-9135
 PLAT CABINET "C", SLOT 5435

DASHED LINES INDICATES BOUNDARY LINES NOT SURVEYED AND WERE DRAWN FROM INFORMATION FOUND IN REFERENCED DOCUMENTS

LEGEND:

- - SET 5/8" REBAR WITH SURVEY I.D.C.P.
- - RND. CORNER AS LABELED
- - POINT NOT SET

THIS PLAT CREATES A SUBDIVISION OF LAND WITHIN THE TOWN OF WAYNESVILLE WHICH HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

I, CLIFFORD G. SECHSER CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN REFERENCED DOCUMENTS; THAT THE KIND OF PRECISION AS CALCULATED IS 1/100,000; AND THAT THE BEARING AND DISTANCE MEASUREMENTS WERE MADE BY ME OR UNDER MY SUPERVISION BY MEASUREMENTS BY HAND AND SEAL PMS 120E, DAY OF MAY, 2011.

PROFESSIONAL LAND SURVEYOR REGISTRATION NUMBER L-3952

CERTIFICATE OF TOWN OF WAYNESVILLE
 I, HEREBY CERTIFY THAT THE PLAT WAS REVIEWED AND APPROVED BY THE TOWN OF WAYNESVILLE PLANNING AND ZONING FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF HAYWOOD COUNTY.
 TOWN OF WAYNESVILLE - PLANNING DIRECTOR *Paul Bevers* 5/16/11 DATE

CERTIFICATE OF REGISTER OF DEEDS
 REGISTER OF DEEDS *Johnston S. Scharpa* 5/16/2011

CERTIFICATE OF REVIEW OFFICER
 STATE OF NORTH CAROLINA, COUNTY OF HAYWOOD
 REVIEW OFFICER OF HAYWOOD COUNTY
 STATE OF NORTH CAROLINA, COUNTY OF HAYWOOD
 REVIEW OFFICER OF HAYWOOD COUNTY
 CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING
 REVIEW OFFICER *Stephanie L. Perkins*
 DATE: 5-16-2011
 BY: *M. Miller*

LOT 15 - Revised

THIS SURVEY PLAT IS A REVISION OF LOT 15, MOUNTAIN SONG COMMUNITIES PREVIOUSLY RECORDED IN PLAT CABINET "C", SLOT 5927 OF THE PUBLIC RECORDS OF HAYWOOD COUNTY, NORTH CAROLINA THIS SURVEY PLAT SHALL SUPERSEDE SAID PREVIOUSLY RECORDED PLAT

2011003978
 HAYWOOD CO. NC FEE \$71.00
 05-16-2011 10:21:11 AM
 SHERIDAN RECORDS
 1000 W. STATE ST. SUITE 100
 HAYWOOD, NC 28743
 BK: MAP CABIC
 PG: 5932-5932



PLAT PREPARED FOR:
MOUNTAIN SONG COMMUNITIES, LLC
 WAYNESVILLE TOWNSHIP, HAYWOOD COUNTY, NC.

CLIFFORD G. SECHSER
 PROFESSIONAL LAND SURVEYOR L-3952
 149 MOODY DRIVE, WAYNESVILLE, NORTH CAROLINA 28786
 PHONE (828) 452-2362

REFERENCES
DEED BOOK 66E, PAGE 290
PLAT CABINET "C" SLOT 5435
REVISIONS

PIN NUMBER	6815-52-9136
DATE	02-13-2011
SCALE	1" = 30'
DRAWN BY	
CHECKED BY	
JOB NUMBER	10-012
FILE NUMBER	6815-289
SHEET NUMBER	1 OF 1

C/S932

STREET CLOSING ORDER

A RESOLUTION ORDERING THE CLOSING OF AN UNNAMED RIGHT-OF-WAY (ALLEY) AT 200 CHIPPING SPARROW LANE; PIN 8615-62-8173

WHEREAS, on the day of 12th day of January, 2016 the Board of Aldermen of the Town of Waynesville directed the Town Clerk to publish the Resolution of Intent of the Board of Aldermen of the Town of Waynesville to consider closing the unnamed right-of-way (alley) between George Drive and Brown Avenue, in the newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Town Hall on February 9, 2016; and

WHEREAS, the Town of Waynesville Board of Aldermen on the 12th day of January, 2016 ordered the Town Clerk to notify all persons owning property abutting that unnamed right-of-way (alley), as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Clerk has advised the Board of Aldermen of the Town of Waynesville that letters were sent to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing that unnamed right-of-way (alley) at 200 Chipping Sparrow Lane would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the Town Clerk has advised the Board of Aldermen of the Town of Waynesville that adequate notices were posted on the applicable right-of-way (alley) as required by N.C. G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on February 9, 2016; and

WHEREAS, it now appears to the satisfaction of the Board of Aldermen of the Town of Waynesville that the closing of said right-of-way (alley) is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his or her property;

NOW, THEREFORE, subject to the reservation of easements to the Town of Waynesville for utility purposes as shown on a map recorded in Book of Maps 857, page 696 in the office of the Haywood County Register of Deeds, the unnamed right-of-way (alley) at 200 Chipping Sparrow Lane is hereby ordered closed, and all right, title and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of N.C.G.S. 160A-299.

The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning

lots or parcels of land adjacent to the street or alley, such title for the width of the abutting land owned by them, to extend to the centerline of the herein closed right-of-way (alley) (with provision for reservation of easements to the Town of Waynesville for utility purposes) in accordance with the provision of N.C.G.S. 160A-299.

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Haywood County, a certified copy of this Resolution and Order.

Upon motion duly made by Alderman _____ and duly seconded by Alderman _____, the above resolution was duly adopted by the Board of Aldermen of the Town of Waynesville at a meeting held on the 9th day of February, 2016, in the Town Hall.

Upon call for a vote, the following Aldermen voted in the affirmative:

and the following Aldermen voted in the negative:

This the 9th Day of February, 2016.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Amanda W. Owens, Town Clerk

NORTH CAROLINA

HAYWOOD COUNTY

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Board of Aldermen of the Town of Waynesville, North Carolina, at a meeting held on February 9, 2016 at 6:30 p.m. at the Town Hall in the Town of Waynesville.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official corporate seal of said Town to be affixed, this the 9th Day of February, 2016.

Amanda W. Owens, Town Clerk

NORTH CAROLINA

HAYWOOD COUNTY

I, _____, a Notary Public, do hereby certify that Amanda W. Owens, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this ____ day of _____, 2016.

Notary Public

My Commission Expires: _____

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 9, 2016**

SUBJECT: Authorization to advertise 2015 Delinquent Property Taxes

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 7-D
Department: Financial Services
Contact: James Robertson, Tax Collector
Presenter: James Robertson, Tax Collector

BRIEF SUMMARY: The tax office respectfully requests that authorization be granted to advertise all 2015 delinquent property taxes in the local newspaper, *The Mountaineer*, as required by NCGS §105-369. These are taxes that were billed on property values as of January 1, 2015, which became due as of September 1, 2015 and became delinquent as of January 6, 2016. After the approval of the Board, delinquent notices will be sent out to the taxpayer, which will allow about a month for delinquent accounts to become current before being advertised in the local newspaper. A target date of March 18, 2016 has tentatively been set for the delinquent ad.

MOTION FOR CONSIDERATION: *To authorize staff to advertise all 2015 delinquent property taxes in The Mountaineer March 18, 2016, as required by NCGS §105-369.*

FUNDING SOURCE/IMPACT: It has been shown in previous years, that the sooner that the delinquent advertisement is done, there is a better chance of collection of delinquent taxes. This early advertisement also allows the tax collector to see what additional revenue will be collected and how to move forward with further collection proceedings.

ATTACHMENTS:

- NCGS §105-369

MANAGER'S COMMENTS AND RECOMMENDATIONS:

§ 105-369. Advertisement of tax liens on real property for failure to pay taxes.

(a) Report of Unpaid Taxes That Are Liens on Real Property. - In February of each year, the tax collector must report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property. A county tax collector's report is due the first Monday in February, and a municipal tax collector's report is due the second Monday in February. Upon receipt of the report, the governing body must order the tax collector to advertise the tax liens. For purposes of this section, district taxes collected by county tax collectors shall be regarded as county taxes and district taxes collected by municipal tax collectors shall be regarded as municipal taxes.

(b) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1013.

(b1) Notice to Owner. - After the governing body orders the tax collector to advertise the tax liens, the tax collector must send a notice to the record owner of each affected parcel of property, as determined as of the date the taxes became delinquent. The notice must be sent to the owner's last known address by first-class mail at least 30 days before the date the advertisement is to be published. The notice must state the principal amount of unpaid taxes that are a lien on the parcel to be advertised and inform the owner that the name of the record owner as of the date the taxes became delinquent will appear in a newspaper advertisement of delinquent taxes if the taxes are not paid before the publication date. Failure to mail the notice required by this section to the correct record owner does not affect the validity of the tax lien or of any foreclosure action.

(c) Time and Contents of Advertisement. - A tax collector's failure to comply with this subsection does not affect the validity of the taxes or tax liens. The county tax collector shall advertise county tax liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. The municipal tax collector shall advertise municipal tax liens by posting a notice of the liens at the city or town hall and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. Advertisements of tax liens shall be made during the period March 1 through June 30. The costs of newspaper advertising shall be paid by the taxing unit. If the taxes of two or more taxing units are collected by the same tax collector, the tax liens of each unit shall be advertised separately unless, under the provisions of a special act or contractual agreement between the taxing units, joint advertisement is permitted.

The posted notice and newspaper advertisement shall set forth the following information:

- (1) Repealed by Session Laws 2006-106, s. 2, effective for taxes imposed for taxable years beginning on or after July 1, 2006.
- (1a) The name of the record owner as of the date the taxes became delinquent for each parcel on which the taxing unit has a lien for unpaid taxes, in alphabetical order.
- (1b) After the information required by subdivision (1a) of this subsection for each parcel, a brief description of each parcel of land to which a lien has attached and a statement of the principal amount of the taxes constituting a lien against the parcel.
- (2) A statement that the amounts advertised will be increased by interest and costs and that the omission of interest and costs from the amounts advertised will not constitute waiver of the taxing unit's claim for those items.
- (3) In the event the list of tax liens has been divided for purposes of advertisement in more than one newspaper, a statement of the names of all newspapers in which advertisements will appear and the dates on which they will be published.
- (4) A statement that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes.

(d) Costs. - Each parcel of real property advertised pursuant to this section shall be assessed an advertising fee to cover the actual cost of the advertisement. Actual advertising costs per parcel shall be determined by the tax collector on any reasonable basis. Advertising costs assessed pursuant to this subsection are taxes.

(e) Payments during Advertising Period. - At any time during the advertisement period, any parcel may be withdrawn from the list by payment of the taxes plus interest that has accrued to the time of payment and a proportionate part of the advertising fee to be determined by the tax collector. Thereafter, the tax collector shall delete that parcel from any subsequent advertisement, but the tax collector is not liable for failure to make the deletion.

(f) Listing and Advertising in Wrong Name. - No tax lien is void because the real property to which the lien attached was listed or advertised in the name of a person other than the person in whose name the property should have been listed for taxation if the property was in other respects correctly described on the abstract or in the advertisement.

(g) Wrongful Advertisement. - Any tax collector or deputy tax collector who willfully advertises any tax lien knowing that the property is not subject to taxation or that the taxes advertised have been paid is guilty of a

Class 3 misdemeanor, and shall be required to pay the injured party all damages sustained in consequence. (1939, c. 310, s. 1715; 1955, c. 993; 1971, c. 806, s. 1; 1983, c. 808, s. 1; 1983 (Reg. Sess., 1984), c. 1013; 1993, c. 539, s. 725; 1994, Ex. Sess., c. 24, s. 14(c); 1999-439, s. 1; 2000-140, s. 73; 2006-106, s. 2.)