

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
October 22, 2019

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, October 22, 2019, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Gavin Brown called the meeting to order at 6:30 p.m. with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Ben Turnmire, Finance Director
Elizabeth Teague, Development Services Director
Jesse Fowler, Planner

The following media representatives were present:

Becky Johnson, The Mountaineer
Cory Valliancort, Smoky Mt. News

1. Welcome /Calendar/Announcements

Mayor Brown reminded the Board of the following calendar events:

Saturday October 26 – Hazelwood 5th Grade Fundraiser – Haunter Hustle - 10:00 AM
Thursday October 31 – Treats on the Street – 5:00 – 7:00 PM
Thursday October 31 - Trunk or Treat First United Methodist – 5:00 – 8:00 PM
Thursday October 31 – Fall Festival – Hazelwood Baptist Church 5:00 – 8:00 PM
Tuesday November 5 – Election Day
Saturday November 9 – Veteran’s Day Luncheon AFJTOTC – 11:00 AM – 1:00 PM

2. Adoption of Minutes

A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman, to approve the minutes of the October 22, 2019 regular meeting, as presented. The motion passed unanimously.

B. PUBLIC HEARING

3. Public Hearing to consider application for a Conditional District Rezoning and Map Amendment at 356 Russ Avenue, PIN # 8616-40-3231

- Elizabeth Teague, Development Services Director

Development Services Director Elizabeth Teague presented her staff report to the Board as follows:

Background:

This parcel is the location of the “Bi-Lo Shopping Center” and is owned by RFLP Mountain Creek LLC, who is requesting a Conditional District Rezoning in order to redevelop the property as an apartment complex. If approved, their request would amend the zoning map for the area identified in the Master Plan to Russ Avenue Regional Center Conditional District (HC-RC-CD) and would amend the Land Development requirements specifically as they apply to that property and as shown on the Master Plan.

According to the Town of Waynesville’s Land Development Standards, Section 15.15:

“Conditional Districts (Section 2.6) are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Board of Aldermen in accordance with G.S. 160A-382. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development.”

Conditional Districts are handled in the same way as text and map amendments. The Planning Board held a hearing on this application at a special called meeting on October 1, 2019 and voted unanimously to recommend approval by the Board of Aldermen and found that the project was reasonable, in the public interest and consistent with the 2020 Comprehensive Land Use Plan. A written report from the Planning Board is included in your agenda packet.

If approved by the Board, the site plan and CD designation will replace any conflicting development regulations which would otherwise apply to the development site. The Board of Aldermen may attach reasonable and appropriate conditions and site-specific standards to the development as part of the approval. These should be limited to those that address conformance with the ordinance and officially adopted plans, and those conditions that address the impacts reasonably expected to be generated by the development and use of the site. Should additional conditions be imposed by the Board, “the applicant will have a reasonable opportunity to consider and respond prior to final action.”

The Plan was reviewed by the Town’s Technical Review committee on August 14, 2019 and revised plans and complete application were submitted August 26, 2019.

Notification of this hearing was scheduled for advertisement in the Mountaineer, letters were sent to property owners within 500 feet of the project site, and the property was posted on October 7, 2019.

Conditional District Application and Ordinance Request:

The Mountain Creek Project is proposed to re-use the 8.8-acre Shopping Center site as multi-family development, creating 210 apartments within the Russ Avenue Regional Center District. Multi-family is a permitted use and multi-family over 8 units is considered a major site plan. The applicant has provided

an environmental survey, a master plan and elevations in accordance with the major site plan application requirements. Additionally, the applicant has provided a map amendment application, proof of unified control over the property, a summary of requests associated with the site plan, a project narrative and a completed Statement of Consistency Worksheet indicating their belief in the project's reasonableness and consistency with the Land Use Plan.

Zoning Compliance:

The subject property lies within the Russ Avenue Regional Center District (RA-RC), which has the following purpose and intent statement (Section 2.3.7 C.)

The Russ Avenue Regional Center District (RA-RC) is a gateway for the community and often defines the first image a visitor has of the town. This district shall be a setting for high intensity land uses addressing the needs of the Waynesville community and surrounding areas. The Russ Avenue Town Center is envisioned as supporting dense development options due to the ample infrastructure in place and the proximity to downtown and the other municipalities in the county. The past emphasis in the Russ Avenue area on automobile traffic only shall be reduced by changing the nature of the district to make the area comfortable for other modes of transit including pedestrian, bicycle and mass transportation options. Central to this transformation is the redesign of Russ Avenue -- turning the existing middle lane into a tree-lined landscaped median. The standards for future development along this corridor will also be important to this transformation, incorporating principles designed to manage access along Russ Avenue. The development of an accessway connecting the rear portions of lots fronting on Russ Avenue will further reduce traffic congestion along the Russ Avenue corridor. Building development in the area is designed to create a comfortable streetscape and public realm by bringing buildings closer to the street, providing sidewalks and street trees and providing access between development and public areas. The mixture of residential and commercial uses is encouraged. Development sensitive to the appearance of the corridor is essential within this district. The highway bridge forms a gateway into the area (and the town) and any future designs should be sensitive to this fact.

The Regional Center District has no maximum density, building footprint, or lot standard, but does require a 10' setback from adjacent lots, a 6' rear setback, and a 6' setback between buildings. Building height is limited to 4-5 stories, and there is a 2% open space requirement for residential. Project proposes a density of 24 units per acre within the required setbacks. (2.4.2)

Multi-family residential is permitted outright and there are no supplemental standard requirements. (2.5.3)

Buildings will address an interior driveway of 25' in width that provides access to development parking and maintains a through access to West Marshall Street and can accommodate emergency vehicles. (4.3)

Building will be four stories in height on all sides with a pitched roof and is compliant within the RA-RC District. Building 1000 will be just under 62' max on one "L" wing and 59' for the other "L" wing of the structure; and building 2000 will be 60' at its highest point. (4.4.2)

Apartments are an allowable building type within the RA-RC District and structures may have a common lawn, porches, terraces, stoops, and shopfronts. (5.3 and 5.5.3)

Development meets the Apartment Residential Building Design Guidelines, in that it has a sloped roof between 6:12 and 12:12. All rooftop equipment except for items such as fans and vents shall be screened from the public right of way. Entrances include covered stoops and porches on the end of buildings. (5.8.2-3)

Developer is asking that garages be located as shown, which face the interior parking areas and are recessed from the alley but still face the alleyway. (5.8.4)

Structures are compliant for permeability with openings every 6-12', exceeding 15% of any side, and with detail design that includes gables, window trim, covered stoop entries, eaves, and offsets in the building roof. (5.8.5) The corner of the building that includes the clubhouse will have a "shopfront" appearance.

Buildings proposed for compliant material as cementitious lap and board and batten siding which is allowed. (5.8.6)

Connectivity and Infrastructure

The project proposes to re-locate and retain the existing thru access using the existing connections to/from Russ Avenue and West Marshall. The developer is asking to redesign this as a 24' wide "alley" that is longer than the maximum block length of 500' at over 1070' in length, in order to maintain two points of connectivity on either side of the property with existing town streets. (6.4.1)

Applicant has shown that they will provide a greenway easement and will work with the Town on alignment in accordance with the NCDOT Russ Avenue widening project and the Town's Greenway feasibility study. Greenway access is provided at two points which are 340' apart, meeting the requirement to provide accessways every 600'. (6.4.2)

A transit stop was discussed with the applicant at technical review. Staff recommends consideration for the location of a transit stop that is situated in consultation with Haywood County Transit be required as a condition of approval, and the applicant indicated at the Planning Board that they would work with Haywood Transit to identify the most appropriate location. (6.4.3)

A 5' wide sidewalk is provided from Russ Avenue along the entrance into the development parking area. Pedestrian facilities continue one side the length of the alleyway for internal circulation and providing pedestrian connectivity to the greenway and between West Marshall and Russ Avenue. Alleys are "intended to provide limited access to the rear of properties but not to accommodate thru-traffic" but in this case they are allowing thru-traffic and exceeding the alley dimensional requirements and providing sidewalk for the purpose of safety and connectivity. (6.6.2)

As part of the NCDOT Russ Avenue improvement project, existing sidewalk along Russ Avenue will be replaced. Applicant is asking that any sidewalk design requirement the Town would impose along Russ Avenue be removed in consideration for the future roadway project which will replace existing sidewalk at this location. (6.8)

Applicant has provided Peak hour trip generation data for proposed and previous uses per the Institute of Transportation Engineers (ITE) Trip Generation guidelines, showing a decrease in traffic demand from the previous use of the site. Given the reduced commercial activity of the past few years on this site, there will no doubt be an increase in traffic from what the community is accustomed to from this site's traffic

impact. However, the proposed daily trips for residential multi-family is still below the Town threshold of 3000 cars per day which would trigger a requirement for a full-blown Traffic Impact Analysis. (6.10)

This property will re-use an existing commercial site that held a grocery store, restaurant and retail. Town water and sewer service, Duke Power, telephone and cable service is already present on the site. Town water and sewer division has confirmed that the Town has capacity to serve 210 new units at this location. All major development must place utilities underground and meet the Town and Duke Energy's standards (6.11).

Applicant has provided 4 new hydrants on the site located in coordination with the Town's TRC staff. Building and Fire Code enforcement has asked for additional grading to ensure emergency access around building 1000 without blocking the building side access and the developer indicated that they would work with building code staff to ensure compliance.

Civic Space

Residential development within the RA-RC District requires 2% Civic Space. The property is within 40' of the Town's Recreation Park and playground across West Marshall Street qualifying applicant for a 50% in required civic space. Therefore, in this location on this 8.8-acre parcel, only 3,833 square feet of civic space would be required. Applicant is providing 5,191 SF of passive open green space in the center of the development, and 8,464 SF of recreational open space that includes an outdoor pool, providing 3.5% civic and open space outside of the floodplain. (7.2-7.3)

In addition, the applicant commits to providing the Town with a greenway easement in accordance with the Town's adopted Pedestrian Master Plan and Greenway Feasibility Study. The easement is shown as 20-foot-wide by approximately 700' long greenway easement (or 14,000 SF depending on alignment) within an expanded buffer area which is 55' wide at its narrowest point (between stream bank and structure) and 120' at its widest (near Russ Avenue). The applicant has suggested that they could consider offering the entire area encompassing the greenway and adjacent greenspace within the floodway to the Town in its entirety, if the Town would be interested in pursuing that approach. Site plan also dedicates 3 parking spaces adjacent to the greenway area for public parking and access.

Staff believes the site plan exceeds the civic space and access requirements but would recommend that an agreement with the Town on future greenway and fishing area easement, or a formal offer of property, be developed as a condition of approval.

Landscaping and Parking

Applicant is preserving existing tree line between its property and the WNC Paving property but is removing trees along the connection to West Marshall Street where they are proposing a retaining wall along the property boundary. Site plan also maintains the existing vegetation within the railroad right of way. (8.3)

At the Planning Board hearing Barbara Norris asked in consideration of pedestrians walking through to access the park or the greenway, and customers accessing her property in vehicles, that landscaping on the West Marshall side of the alley and parking lot be limited and placed for maximum line-of-site and safety.

Property is bordered by Richland Creek to the North, the railroad to the south, Russ Avenue to the west, and WNC Paving and West Marshall Street to the East. On the other side of the railroad track is the Walnut Street NR MXO District which includes other buildings associated with WNC storage, and the shopping center at 311 Walnut. On the other side of Marshall Street is the East Waynesville UR District which contains Waynesville Recreation Park's playground and tennis courts. Type A Buffer yards would be required between RC and NR/UR districts, but the applicant is asking that this LDS Section 8.4.1 requirement be waived in consideration for the project's location and existing context. (8.4)

Applicant requests street tree requirement along Russ be waived in consideration for NCDOT project design as their property area along Russ is within the NCDOT Construction easement. (8.5)

In re-using the existing site, locations of proposed tree plantings within the parking lot have been impacted by the presence of existing utilities so that in some cases there are parking spaces are more than 40 away from a shade tree. They have asked to be allowed plant the same number of trees that would be required but to be given flexibility in their location as alternate compliance. (8.5)

Additional Parking lot screening should be required between the first parking space and West Marshall Street. (8.6.1)

Parking and Driveways

The required parking standard is 1.5 parking spaces per multi-family unit. For 210 units, 315 parking spaces would be required. Drawing shows that 320 spaces are provided, 8 of which are ADA compliant, and 3 of which are dedicated for public use adjacent to the greenway. 318 spaces would also require 16 bike spaces and they have indicated that this will be provided. The drawing as shown therefore meets the parking requirement. (9.2)

Parking is located at the interior of the project so that it is in the rear of the building adjacent to Russ Avenue, and to the rear of the building adjacent to the proposed greenway. On the West Marshall Street side, the first parking space is over 55' away from the right of way but includes 2 parking bays. As an Apartment in the RC District parking adjacent to a right of way should only be 1 bay. Because of the site and the way West Marshall Street ends at the entrance to the WNC Storage and the access to this property, the applicant is requesting this requirement be waived. (9.3)

Parking spaces and layout meets the requirements for layout and circulation. (9.4.2)

Parking areas include sidewalks and crosswalks that meet Town requirements for internal pedestrian circulation. (9.4.4)

Development uses existing driveways to Russ Avenue and West Marshall Street, and which were designed for the past shopping center use. (9.8)

Lighting and signage for the parking lots, buildings, and driveway entrances shall be submitted to Town staff for approval and must comply with Chapters 10 and 11 of the Land Development Standards.

Environmental:

Portions of the lot fall within the 100-year floodplain and will require a floodplain permit and compliance. The development proposes to remove impervious surface out of the floodway and to bring in fill to elevate structures and parking lots one foot above Base Flood elevation. (12.3)

The “pre-development” impervious surface on this site was 6.02 acres. The post development impervious surface as drawn is 4.19 acres, which is reduction in overall built upon area of 1.83 acres. This area is gained by increasing the buffer area along Richland Creek and pulling all impervious surface out of the floodway. It is also gained along the railroad corridor and by the 5,191 square feet greenspace being added at the center of the development. The net loss of impervious surface would exempt them from the stormwater management ordinance, but they are still providing a stormwater management and drainage plan to manage roof and parking lot runoff. This includes a swale along the railroad and Russ Avenue sides of the property and underground stormwater control measures at the low side of the property where it abuts the greenway and buffer area along Richland Creek. This provides stormwater control measures where currently there are none, and reduces the impervious surface, improving the existing condition. (12.5)

Consistency with the 2020 Land Development Plan

Staff submits that this Conditional District request is consistent with the Town of Waynesville’s 2020 Land Development Plan in that the proposed development:

- “Concentrates commercial with residential development along transportation corridors allowing for a mix of uses...” (p. 4-3)
- “infill development in the Town of Waynesville as an alternative to continued outward expansion.” (4-4)
- “provides an attractive range of housing opportunities and neighborhoods...” (4-6)
- “provides pedestrian access in conjunction with new development.” (4-9) and “implements the Richland Creek Greenway Plan.” (4-10)
- Creates a “diverse mix of community facilities and public spaces to serve the residents of and visitors to Waynesville.” (4-13)

Staff believes this project is reasonable and in the public interest because it re-uses an existing commercial site promoting the “orderly growth, development and enhanced land values of the Town” and introduces high residential density along a major transportation corridor within a Town Regional Center District. It also reduces impervious surface within the floodplain, increases the stream buffer and greenspace along Richland Creek and helps the town with build out of our greenway system.

Alderman Feichter asked about the water and sewer capacity for the project. Ms. Teague said this project had been reviewed by the Technical Review Committee and included in supplemental information for the sewer plant study.

Alderman Caldwell asked if there was a Public Transit area. Ms. Teague stated that this could be included in any conditions that the Board asked for, and then work with Haywood Transit to see what the best location for their bus should be.

Chris Day
Civil Design Concepts

Mr. Day stated that there are two four story buildings consisting of 210 multi-family units and include one, two, and three bedrooms. Building 1000 will be an “L” shaped building and will consist of 93 living units and building 2000 as a “horse-shoe” shaped building consisting of 117 units, a clubhouse and a leasing space. He described a deck and pool, patio area, clubroom, fitness center, wi-fi, dog spa, firepit and grill area. Mr. Day also stated there would be 320 parking spaces that exceeds the spaces required by ordinance. Three of these parking spaces would be for access to Richland Creek and for the future Greenway. Mr. Day explained that he believed this was a great redevelopment for Waynesville. He spoke about a recent study of retail store closings and the opportunity presented of this proposal/redevelopment of BI-LO’s closing. Mr. Day told the Board that this project is in line and consistent with the goals of the 2020 Land Development Plan. He also further reviewed the following project goals which he felt were met:

- High intensity Land use situated on almost 2 less acres of built-upon area that the existing BI-LO site occupies
- Storm water best management practices that are currently non-existent on the site
- Supports density- no cap
- Proximity to Downtown/ walkability
- Area comfortable for other modes of transportation (Pedestrians, bikes, mass-transit)
- Sidewalks throughout the development
- Dedication of land along Richland Creek for future Greenway to be constructed by the Town

Mr. Day said that the developer is open to a signed transit stop. He advised that the developer is willing to provide the cut-through access from Russ Avenue to West Marshall Street.

- In-town location by the Town’s park and recreation facilities.
- Encouragement of mixture between residential and commercial uses

Alderman Feichter asked about the stormwater run off from the parking lot. Mr. Day said that the developer would be removing asphalt and creating a buffer before it goes into the creek. He said there was an underground stormwater facility which provides for the stormwater to collect and has a filtration system in order to clean the collection of water.

Alderman Roberson had a question concerning the lighting of the area where the apartments are located. Mr. Day explained that there would be low voltage lighting with shields in order to keep the light onsite.

Town Attorney Bill Cannon opened the Public Hearing at 7:16 p.m. and asked if anyone wished to speak.

Danielle Moore
Maggie Valley

Ms. Moore stated that she was a former resident of Waynesville and had concerns about homeless people hanging out near the area causing problems for the people in the apartments. She said they would be a danger to adults and scary to kids living there. She also talked about the apartments not being affordable housing. She said she made \$2000.00 monthly, and she could not afford living there with her three teenagers.

Town Attorney Cannon closed the Public Hearing at 7:21 pm.

Mayor Brown alluded to the ten items the developer is seeking as variances as part of the conditional district as follows:

- Chapter 5, 5.8 - House/Townhouse/Apartment Residential Building Design Guidelines The proposed elevations are based on a 'Mountain Craftsman' style. Features include pitch roofs (6/12 to 12/12) with a minimum overhang of 12 inches, expressed building entries at the ground level with covered porches, and appropriate building details (gables, columns/posts, building plane differentiation, substantial window/door trim, balconies). The choice of material for the elevations is cementitious siding in both lap and board and batten design to break up the texture of the elevations and asphalt shingles for roof areas that will be seen. Those areas not seen from the street will be TPO flat roof for HVAC equipment that will be screened using walls. Apart from the building programming we have tucked parking at the first floor on the defined 'rear' of the building.
- Chapter 6, 6.6- Town Street Classification and Design- Allow the developer to provide an alley with a 24-foot right of way through the site that exceeds the maximum length of 400ft and provides access between Russ Avenue and West Marshall Street. Also parking access off said alley is requested as shown on Master Plan.
- Chapter 6, 6.8 -Pedestrian Facilities- Due to the anticipated NCDOT roadway improvements, request removal of the requirement to provide public sidewalk along property's Russ Avenue frontage.
- Chapter 7 -Civic Space- Developer requests that proposed civic/open space not to be dedicated to a 3rd Party. The developer proposes to offer a 20' easement to accommodate the proposed greenway trail along Richland Creek to be permitted and constructed by the Town of Waynesville. In addition, the developer proposes to provide 3 public parking spaces in the northeast section of the site.
- Chapter 8, 8.4.1- Buffer Yards- Developer requests the required Type A Buffer Yard adjacent to this adjacent WS-NR zoning district be eliminated based on the separation of the districts by the existing railroad as well as the differences in topography.
- Chapter 8, 8.5 -Street Tree Plantings- Due to the anticipated NCDOT roadway improvements, request removal of the requirement to provide a planter strip with street trees along property's Russ Avenue frontage.
- Chap 8, 8.6 -Parking Lot Landscaping- Allow the developer flexibility to provide the same number of plantings, but remove the specificity of location with relationship to parking spaces due to spatial conflict with existing and proposed utilities
- Chapter 8, 8.6.1 -Parking Lot Screening- Remove the requirement to provide a semi- opaque screen from the parking lot to the adjacent parcel (PIN # 8616-40-7478) due to the need of a retaining

wall because of the grade variance between the properties. The requirement is to be replaced by preservation of the existing trees on the adjacent parcel (PIN # 8616-40-7478).

- Chapter 9, 9.3 - Permitted Parking Locations- The developer requests the removal of the requirement.
- Chapter 12, 12.5- Stormwater Management- Based on section 12.5.2 (C) the proposed project would not be subject to the stormwater management guidelines based on a reduction of built upon area but will be providing several best management practices including the removal of all existing impervious surfaces currently located within the regulatory floodway along with the combination of stormwater detention/treatment and grass swales to promote discontinuous imperviousness.

Alderman Feichter said he felt that the complex had been misunderstood and asked what the cost of a one-bedroom apartment would be in the project. Ms. Katherine Mosley said they are still very early in the process, but they are looking at the market rate such as Vantage Pointe, but these apartments would be a higher amount because they are newer. She said they would possibly be rented for around \$1000.00 for a one bedroom.

Alderman Feichter asked if the alley would be striped. Ms. Mosley said if this was desired by the City, then they would be open to striping the alley.

Ms. Mosley explained to the Board how the “cut through” would be integrated into a stream buffer per say and be more of a pedestrian amenity accompanying the proposed Greenway.

Alderman Julia Freeman stated that she had attended the Planning Board meeting on October 1st and she was an extensive meeting with a lot of detail presented on both sides. She said that it was a unanimous vote from the Planning Board on the project.

Mayor Gavin Brown made a motion, seconded by Alderman Gary Caldwell, that the application is consistent with the Town’s Land Use Plan because it concentrates commercial with residential development along transportation corridors allowing for a mix of uses, infill development in the Town of Waynesville as an alternative to continued outward expansion, provides an attractive range of housing development, and implements the Richland Creek Greenway Plan. The motion passed unanimously.

Mayor Gavin Brown made a motion, seconded by Alderman LeRoy Roberson, that the zoning amendment is reasonable and in the public interest because the project re-uses and improves an existing commercial site promoting the orderly growth, development and enhanced land values of the Town and introduces high residential density along a major transportation corridor within a Town Regional Center buffer and greenspace along Richland Creek and helps the Town with build out of our greenway system. The motion passed unanimously.

Mayor Gavin Brown made a motion, seconded by Alderman Gary Caldwell, to approve the map amendment with the following conditions:

- 1. The thru-access be permanently open always, not gated, and built to provide safe access to pedestrians and traffic.***

- 2. A reasonable place for public transportation and school bus site be located on the site.**
- 3. The developers provide additional grading along building number 1000 to ensure emergency access and in coordination with Town building code staff and Fire Department.**
- 4. The developers provide the greenway as designed on the map and dedicate it to the Town of Waynesville and/or conveying it to the Town of Waynesville.**
- 5. The landscaping adjoining the WNC Storage property be such that it will not interfere with the line of sight triangle for those accessing the public right-of-way**
- 6. The environmental proposal of a swale at the railroad and the Russ Avenue sides be implemented and the underground stormwater storage on the lower side of the property be implemented.**

C. NEW BUSINESS

4. Request to the Board of Aldermen to allow the Waynesville Public Art Commission to sign a contract with the Mountaineer to develop a new logo.
 - Jesse Fowler, Planner

Mr. Jesse Fowler explained to the Board that The Waynesville Public Art Commission is working with the Mountaineer to develop a website and walking art trail booklet. He said that discussions during this development process have led to the idea that the Waynesville Public Art Commission should update their logo to better match the spirit of Waynesville. He said the Public Art Commission would contract with the Mountaineer for the development of the website and the logo.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to allow the Waynesville Public Art Commission to change its logo. The motion passed unanimously.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve the contract proposal at \$50.00 per hour, and not to exceed eight hours, by the Mountaineer. The motion passed unanimously.

5. Request approval of Fee for Service Contract with Haywood Waterways to update the Town's Stormwater Management Plan
 - Elizabeth Teague, Development Services Director

Ms. Teague told the Board that the Town of Waynesville participated in an audit with the State Department of Environmental Quality in which the Town was asked to update our municipal stormwater management plan for compliance with the Town's National Pollutant Discharge Elimination Permit (NPDES). She explained that Haywood Waterways has provided a proposal to assist Town staff with this effort at a cost of \$12,000. Ms. Teague assured the Alderman that the Plan will come back before them for approval prior to submittal to the State.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman, to proceed with a fee for service contract with Haywood Waterways to update

the Town's Stormwater Management Plan at a cost not to exceed \$12,000. The motion passed unanimously.

D. CONTINUED BUSINESS

6. Request for Approval of Resolution and Ordinance to re-establish a truck route in Waynesville
- Rob Hites, Town Manager

Manager Hites reported to the Board that Main Street through the Downtown is increasingly congested. Large trucks are finding it more difficult to traverse the area especially when they need to make turns from Main to Church, Miller and Depot Streets. He said that according to the Powel Bill Map, Haywood Street is a Town maintained street, and its use is completely regulated by the Town. If the Town Board wishes to provide an alternate route for trucks that are traveling through Town, they may consider adopting Haywood Street from its intersection with South Main to its intersection with Branner as a truck route. Branner would also be designated a truck route to its intersection with Walnut.

Manager Hites explained to the Board that if Haywood Street is made a truck route, the Town will need to redesign the intersection at Haywood Street and Main Street where Diamond and Gold is located. More property will be needed to make that intersection wide enough to accommodate the turning of full-size tractor trailer rigs. The intersection of Haywood and Joy Streets will also need to be redesigned and widened.

The consensus of the Board was to table the project and consult with Town Engineer Preston Gregg to gather information and cost estimates to approve the truck route.

Manager's Report

- Rob Hites, Town Manager
7. Request to Approve a change order to Forrest Westall of McGill and Associates Contract for negotiating an SOC (Special Order of Consent)

Manager Hites stated that the Town had contracted with Forrest Westall of McGill and Associates to draft and negotiate a "Special Order of Consent" at the Department of Environmental Quality's request in order to establish a time line for improving the waste treatment plant and agreeing on the chemical composition (limits) of the Town's treated sewerage during the construction phase. When certain components of the plant are taken out of service in order to rehabilitate them our ability to treat the waste will be constrained. Manager Hites said that It is established practice to agree in advance on a realistic set of limits that the plant can meet in recognition that the construction will limit the plant's efficiency. Mr. Westall who managed the Western office of DENR and negotiated dozens of SOC's, drafted the Town's application. The response of the Regional Office of DENR was to deny any effort to reduce the treatment limits. Reducing limits has been an accepted part of SOC's for over forty years. This process should have been a standard negotiation.

Manager Hites said that since there was no progress in Asheville, we have had to refer the negotiation to DENR's central office in Raleigh. This unforeseen roadblock will result in Mr. Westall negotiating with the Raleigh staff and most likely redrafting the SOC. He has expended the funds he set aside for negotiation and needs to request an amendment to his contract to cover the additional time to negotiate with the folks in Raleigh. He proposed an hourly contract with an upper limit of \$5,000. If things break loose

quickly, he may not need to expend much of the additional funds. If we must go through an appeal process in Raleigh, we may be meeting regularly with the Raleigh regulatory staff.

As part of his justification for the increase to the contract, Town Manager Hites provided an overview of the meeting that he and Finance Director, Ben Turnmire, attended in Raleigh with the NC DENR staff. He explained that part of the SOC was to ask for relaxed limits under the existing permit only to the levels that we have been seeing when there are events that cause increases in certain bacteria or byproducts such as ammonia and fecal coliform. Unfortunately, the regional representatives from NC DENR were not allowing such and were recommending that the plant when renovated be moved to 8 MGD for treatment which would change the permit to another level and would be a two-year wait to do so. The plant during such increased events has been handling 8 MGD and has a plan to add another clarifier in year 20 to continue to do so. Manager Hites also commented that the PER showed concerns about I & I (infiltration and inflow) which is part of the collection system, not the treatment system. He noted that the Raleigh NC DENR staff were receptive to the Town provided an updated PER and results of the smoke testing that is being done to identify areas where the system may have some issues that increase I & I. If the SOC negotiation continues to go well, then a final PER will be completed, approved by NC DENR and then the Local Government Commission (LGC) will look at approving a 30-year amortization for the plant. If approved, then the State Revolving Fund (SRF) loan could be favorably changed to a 30-year loan; therefore, decreasing the amount of the overall increase that would be passed to citizens. It is for this reason that Manager Hites recommended the extension of Forest Westall's contract so that he can continue to work on the PER revisions and get the SOC negotiations completed.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to approve the change order of the contract with an upper limit of \$5,000 to complete the negotiation of the SOC with the regulatory staff of NC Division of Environmental Resources. The motion passed unanimously.

Well Drilling on Montgomery Street

Manager Hites informed the board members that there was previously a dry-cleaning operation on the corner of Church and Montgomery Streets and that for several years, the state has been monitoring whether there was any ground contamination. This week, a crew has been drilling small four-inch wells to take samples of the soil to be sure that there is no contamination. If all the wells do not show contamination, the site would be considered remediated and the monitoring could cease.

Attorney's Report

- Town Attorney Bill Cannon

Attorney Cannon had nothing to report

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Jon Feichter asked about the replanting of the vegetation across the creek in Frog Level. Ms. Teague stated that Haywood Waterways was looking into potential grant funding, and she has not heard back from them concerning the replanting. She said that any site plans would also have to address the needs of Giles Chemical.

Mayor Brown told the Board that the next meeting will be held after the November 5th election. He said that there would most likely be members of the Board that will not be re-elected. Mayor Brown thanked each member and said he had enjoyed working with everyone. He told the Board that he is confident that whoever will be on the Board for the next four years will continue with progress in making Waynesville a great place to live, work and visit.

G. CALL ON THE AUDIENCE

H. ADJOURN

With no further business, a motion was made by Alderman LeRoy Roberson, seconded by Alderman Gary Caldwell, to adjourn the meeting at 8:24 p.m. The motion carried unanimously.

ATTEST:

Gavin A. Brown, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk