

REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
APRIL 27, 2004
TUESDAY - 7:00 P.M.
TOWN HALL

The Board of Aldermen held a regular meeting on Tuesday, April 27, 2004. Members present were Mayor Henry Foy, Aldermen Gavin Brown, Gary Caldwell, Libba Feichter and Kenneth Moore. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Woodrow Griffin. Mayor Foy called the meeting to order at 7:00 p.m.

Approval of Minutes of April 13, 2004

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the April 13, 2004 meeting as presented. The motion carried unanimously.

Approval of List of Surplus Items for May 8 Auction

Each year, normally in the spring, the Town plans an auction at which the surplus materials, equipment and vehicles are placed out for public bid. The Purchasing Department has scheduled the auction for Saturday, May 8, at 10:00 a.m. at Public Works.

Alderman Moore moved, seconded by Alderman Feichter, to approve the list of items as surplus and authorize the disposal at the May 8, 2004 auction. The motion carried unanimously.

Street Closing Request - Downtown Waynesville Association

At the meeting of March 23, the Board approved a list of street closings which had been requested by the Downtown Waynesville Association. Since that time, DWA has been approached by a newly formed organization, MOSAIC, asking about the possibility of holding a street dance on Friday, June 18.

The organization MOSAIC, has a Hispanic connection, and the street dance would feature a group of dancers known as "Manos Latina". As noted by DWA Director Ron Huelster, there is a rapidly growing Hispanic population in Haywood County, and this organization wishes to promote community awareness of the Latino culture. DWA has pledged to work with this group to insure that the evening will be a successful event.

DWA and MOSAIC requested that Main Street in front of the Courthouse be closed on Friday, June 18, between the hours of 5:30 and 9:30 p.m. for this newly requested street dance. It is recommended that this request be approved.

Alderman Brown moved, seconded by Alderman Feichter, to approve the request to close Main

Street on Friday, June 18 as presented. The motion carried unanimously. Alderman Feichter added that this is a great idea and she is glad to see this type of activity in Waynesville.

Consideration of Conservation Easement Allens Creek Watershed

Town Manager Galloway said when he came to Waynesville in January 1994, he had a conversation with Public Works Director who told him that one of the first things to work on was the watershed because someone wanted to construct homes in the watershed area. A public hearing was held at Southwestern Community College regarding the WS-1 rating of the watershed. There were people there who were trying to have the watershed ratings reduced in other communities. However, those in Waynesville wanted to have the WS-1 rating for their watershed in order to protect its pristine water supply. The State declined to lower the classification, but warned that the only way Waynesville could retain this WS-1 rating was for the watershed to be in public hands.

Over the past several years the Town has been involved in purchasing the last of the privately held properties in the Allens Creek Watershed. Through outright negotiated sale in one case and through court action as a result of condemnation in two cases, the Town has been able to secure the remaining 690 acres from Ms. Virginia Barnett, the Haywood Lumber and Mining Company and the Mary Lanning Estate. To bring this into Town ownership, there was an expenditure of just over \$1,350,000 and that included the money to the owners as well as the legal fees, surveying costs and related expenses. That is an average of \$1,956 per acre for the 690 acres which the Town has secured in recent years.

To meet these costs, the Town was able to secure grants totaling \$850,000, and the additional \$500,000 came from the Town's Water Fund. One of the grants came from the Clean Water Management Trust Fund of the State of North Carolina. In exchange for this grant which was awarded back in 1997, the Town Board pledged to place the 690 acres of the private property purchased under a very strict, forever wild Conservation Easement. In addition, the Board pledged to execute a Conservation Easement on the balance of the land which discharges water to the Town's impoundment on the headwaters of Allens Creek. This land, estimated at approximately 6,000 acres, is what the Town has accumulated over the past century, and it provides drinking water for Waynesville, Hazelwood, Lake Junaluska, the Junaluska Sanitary District and a small portion of the Maggie Valley Sanitary District. The total watershed is estimated to serve a population of more than 17,000 permanent residents and many more part-time residents and visitors and tourists to the Waynesville area.

For the past few years, the Town staff has been in negotiations with various agencies over the wording and content of the Conservation Easement on the 6,000 +/- acres in the watershed. Representatives of the Clean Water Management Trust Fund, the Conservation Trust of North Carolina, the Southern Appalachian Highlands Conservancy and the Little Tennessee Land Trust have all been contributors to the language and meaning of the document. At the suggestion of Haywood Waterways, wording is included to permit the monitoring of stream conditions to assure that the high quality of the water from this watershed will not be damaged by silt and sedimentation resulting from forestry management activities.

There are still a few, incomplete details in the Conservation Easement on the 6,000 acres. The final

survey is not yet complete to provide the exact acreage and boundaries on the area, but the area to be placed under this easement is fairly well established. Once the survey is complete, the actual acreage will be added to the Conservation Easement and Town Attorney Woodrow Griffin has suggested that the survey be recorded and included with the easement documents which include:

1. A narrative with a brief history of the watershed and how we got to where we are today.
2. A proposed Conservation Easement on the 690 acres purchased between 1997 and 2002. This is the State's standard, "forever-wild" easement, and the wording in this document is required with little alternatives.
3. A proposed Conservation Easement on the 6,000 acres which the Town owned prior to 1997. This Easement excludes all town owned areas north of the dam, including the Water Plant and grounds, the sludge pond, and the homes of the Water Plant Superintendent and the Watershed Attendant. It also excludes the area north of Rocky Branch Ridge, for the drainage area of Rocky Branch does not flow into the Town's impoundment.
4. A rough map showing the various areas involved.

Manager Galloway pointed out several in attendance who have worked on this issue over the past several years. Bob Brannon with Southern Appalachian Highlands, Bill Gibson with Southwestern Commission and also the Little Tennessee Land Trust, Rusty Painter and Ed Norvell with Conservation Trust of North Carolina, Carl Silverstein and David Ray with Southern Appalachian Highlands Conservancy, Peter Bates with Western Carolina University, and the State of North Carolina.

The following persons spoke:

Carl Silverstein, Southern Appalachian Highlands Conservancy in Asheville encouraged the Board to strongly approve the conservation easement. He said careful consideration has been given to what the Town wanted to give up and what they wanted to maintain. The primary focus is protecting the water quality. The easement prohibits the construction of any buildings and does not allow excavations, mining, industrial, agricultural or grazing uses. However, it retains the right to do forest management. The property may have conditions which may require certain activities such as upgrading roadways and stream crossings and certain activities which can generate revenue. This entire effort has been a team effort with planning and oversight. During the process Mr. Silverstein said he has worked with Public Works Director Fred Baker, Town Manager Lee Galloway, former Town Attorney Michael Bonfoey, Mayor Henry Foy and Alderman Gavin Brown. Chuck Roe, Ed Norvell and others, including the N. C. Foresters and Western Carolina University, have worked together over the past eight years. Later, if timbering activities occur, there will also be a Forest Management Plan and a Harvest Plan developed. Buffers on all streams on the property are included in the Strategic Management Plan. Oversight is included in the stewardship of the property.

Rusty Painter, with Conservation Trust of North Carolina, Director of land Protection spoke. Also attending the meeting was Ed Norvell, Legal Council for the Conservation Trust of NC. Mr. Painter said he works with direct land protection along the Parkway. He explained that a legal agreement that restricts certain uses of property is entered into voluntarily and can last forever in perpetuity. Mr. Painter said the proposed easement should be adopted with the main objective to protect the water quality on this property. The document restricts detrimental uses but also allows some

management of the property. He would like for this easement to be a model for others in North Carolina and across the Country. He added that this is a progressive step for the future citizens of Waynesville and he hoped the Board would accept the easement.

Peter Bates, Professor at Western Carolina University, said he spent almost two years in working to put together a Strategic Management Plan to compliment this easement. He has spent time touring and studying the same type easement in Boston. First, a broad vision statement was included. The next step would be a detailed Forest Management Plan which would maintain and protect the watershed and water quality as well as other objectives. Mr. Bates proposed twenty year cycles of management, which would not include large areas but rather one twentieth at a time. This would help to maintain a vigorous forest, allowing adequate canopy cover and a productive watershed. He added that during the past Century some extensive timbering has occurred in this area. A complete inventory and mapping would be required.

Attorney Griffin opened the public hearing portion of the meeting regarding the proposed conservation easements for the Allens Creek Watershed. The following people spoke:

Dave Dudek, President of the Haywood Waterways Association (HWA), a citizen-based, non-profit organization concerned with surface water quality in Haywood County, said the success of this organization is largely attributed to its successful partnerships. Mr. Dudek said the HWA Executive Committee met in consultation with representatives from the Little Tennessee Sustainable Forestry Project and Southern Appalachian Highlands Conservancy in February 2004 and again in March regarding the proposed working forest conservation easement on the Allens Creek Watershed. Their concerns were heard and have been fully addressed.

Mr. Dudek commended the Town for building an effective partnership that crafted these easements and strategic management plan. Upon reviewing the provisions of the "Forever Wild" and "Working Forest" easements and management plan, he asked to go on record as supporting the primary purpose of this perpetual effort which is to assure high quality waters within the Allens Creek Watershed. Secondary objectives, conservation values, and oversight measures written into the easements are all consistent with the production of high quality drinking water. He stressed the importance of water quality monitoring and the critical need for quality timber sale administration.

He added that HWA envisions significant model opportunities through this water conservation initiative, particularly in the form of environmental education and forestry education resources. He suggested that a Watershed Advisory Board be created to assist in oversight efforts, involving the community in the care taking of this public land.

Paul Carlson, from Macon County with the Land Trust for Little Tennessee, said he has been involved in this project. He said it is a shame to see what is being done in these mountains and we need to take care of our mountains. He appreciates the leadership of the Town for considering this conservation easement. He also supported leaving in the easement the possibility of future timbering, adding that although it may never be used, it may be necessary in the future. For instance, if the Hemlocks die it may be necessary to enter the area and remove them. Mr. Carlson asked that the Town enter into this easement agreement.

Garrett Smathers, retired research scientist with the National Forestry Service and former UNCA Environmental Science Adjunct Professor, said during the 20th Century, most of the land (prior to the Town's purchasing of parcels in the watershed acreage) had been used for mining and heavy timbering purposes. These types of land usage devastated the area's soils, vegetation and streams. Scars of this misuse of the virgin forests still exist today. Three to four feet of the soils washed away during the logging, leaving a thin veneer of stony subsoils and rocky outcrops. Over the past 80 years the watershed area is revealing a remarkable recovery. It will take another 80 - 100 years of isolation to form a stable vegetation cover.

Mr. Smathers said the watershed contains very steep slopes, commonly 30% and some 40% - 50%. These steep slopes are prone to landslides. Historic avalanche scars can be seen from the Parkway. Although these slopes are in a good stage of vegetation recovery, they still release large amounts of sediments into the streams during heavy rains.

Mr. Smathers said a preliminary review of the 1990 Haywood County Soil Survey lists 64% of the Waynesville Watershed soil series as unsuitable for timber management and best left to natural wild land vegetation and wildlife. 25% are listed for only marginal timber management with considerable care, and 11% suitable for timber management with care. He said the Town should proceed with the conservation easement, but not with the forestry management option. A suitable option would be to leave the entire watershed in its natural and wild condition and open for research and education opportunities on how to protect Appalachian Watersheds for good drinking water supplies. Mr. Smathers asked that he be allowed to enter a statement for the record by Earl Lanning who is currently in the hospital.

Statement Summary of Earl Lanning: The future of the Town and County is strongly in congress with the preservation of this wonderful natural watershed resource. He would vote against the proposal of cutting any timber for any reason.

Roscoe Wells, East Marshall St., Waynesville, said there should be some accountability. He asked who will oversee and follow through to check on it? Mr. Wells asked the Board to look farther at Section 3, Article 2, Part 8 regarding 45 days time limitation before looking at a Forest Management Plan. He feels that the public needs to be informed before this is done.

Steve Henson, lives in Clyde and has an office in Waynesville. He is the Executive Director of the Southern Appalachian Multiple-Use Council for balanced forest management. Mr. Henson said he reviewed the maps and received a copy of the Strategic Management Plan. He also spoke with Town Manager Galloway and WCU Professor Peter Bates. Mr. Henson said he was very impressed and endorses the conservation easements being considered by the Town.

Philan Medford, 99 Pisgah Drive, Waynesville, said the water in the reservoir is the highest and only purpose. Secondary is the issue regarding extraction of natural resources. The development of roads leaves some negative impact and she has some concerns about who maintains inventory and frequent monitoring. Ms. Medford felt that some benchmark data is needed. In the draft easement she felt that harvesting should not be allowed until this data is collected. She suggested that a fund be created for monitoring. All important concerns should be considered if timber sales are allowed in perpetuity; if not it is not good public policy.

Owen Anderson, 27 Myrdice Drive, Waynesville, said he has a background in fish and wildlife management and has been with the State of North Carolina for 12 years. He mainly deals with properties which border the Parkway and forest lands. He said this area is a protected ecosystem and a better situation for an ecosystem could not be found. Mr. Anderson said this system supports a variety of animals and as a citizen and user of Waynesville's water he thanked the Town for having a vision to protect the Town's water supply and water quality. He said forest harvesting activity should be strictly restricted, adding that there may be biological reasons in the water to take some actions, since there is concern with disease, etc., in the water as well as the possibility of rare and endangered species in the area. The Best Management Practices currently being operating under are 15 years old. Buffers in the proposed conservation easement do not meet current standards and may need to be increased, including consideration of slopes, soil and natural resources. Mr. Anderson said he applauds the Town for considering the conservation easements.

Ralph Ferguson, Haywood County Political Action Group, asked that the Board consider having a public hearing on this issue and allow the citizens time to contribute their input regarding timbering. Mr. Ferguson said he has been in the mountains where trees have been cut and dragged down the roadway leaving a stream with sediment running into the water. He presented a petition containing approximately 600 signatures of persons who would like to have a say about the possibility of timbering. Mr. Ferguson said he wants to protect this watershed.

Terry Shuler, said he was raised on Lickstone Mountain and was very familiar with the area. The Barnett property was missed when logging was done about 50 years ago and he has seen trees so large that two people could not reach around them. He felt that everyone is more concerned with the logging than the water quality and does not feel that the Town should enter into a conservation easement. Mr. Shuler said there are millions of dollars worth of timber in the watershed, and if the timber is ever cut a helicopter should be used. He asked the Board not to tie its hands where the Town can't make a move, adding that the crusher mine located below this property is making lots of money and the Town should leave its options open.

Robert Brannon, Southern Appalachian Highland Conservancy Board Member and Haywood County citizen said the Town has a very valuable resource. About five years ago, the World Health Report released findings that by the year 2015 there would be traumatic changes around the World because of things happening in the water system. He said there are currently States in battles with each other about water resources. He felt that the Board has engaged the proper people to review these issues who have had experience with this type of issues. Mr. Brannon asked the Board to continue their course for the future, adding that he was glad to see the concern about what future boards might do. He felt that the Board was on the right path to protect the water supply with some type of management and conservation.

Mayor Foy said the Board has received some excellent input on this issue from everyone at the meeting. He added that everyone is in favor of keeping the water monitored and maintained. Some valuable input was also received on timbering and the Board will allow time to continue to receive input from the public.

Mib Medford, 99 Pisgah Drive, Waynesville, said when Dr. Smathers talks about soil not being

stable she asked the Board to look at the motel and unstable home in Waynesville. In these type situations where the soil is disturbed and becomes unstable, if the sediment doesn't flow into the Town's water supply it goes into Lake Junaluska.

Alderman Brown said there will be plenty of time and opportunity for the public to talk to the Board Members. He asked that people feel free to call the Board at any time to discuss this issue. The Board will do the right thing and it will be done with input from the public.

Alderman Feichter said she was grateful for everyone attending the meeting and feels blessed with the information everyone brought to tonight's meeting and that a good decision can be made for the community that this Board serves. She added that the Board could not make a wise decision without the input from the public and she was grateful for their input.

Alderman Kenneth Moore distributed a statement supporting an option to the Conservation Easement that leaves the watershed in its present natural condition, and that develops an Environmental Educational Center near the reservoir dam.

Howard Leatherwood asked who owns the dam and asked if the flood control by the Tennessee Valley Authority (TVA) could be eased in any way to help those people who own property and pay such high flood insurance premiums because of this. Mayor Foy said the Town received money from TVA years ago and there were certain restrictions such as the height of the water in the dam that the Town must comply with.

Alderman Brown thanked everyone attending the meeting tonight, adding that he did not hear anyone express anything other than their conscience and heart. He said all comments received at the public hearing will be taken into consideration. No action was taken. It was the consensus of the Board to allow time to continue receiving input from the public on the proposed conservation easements.

Report From Town Manager on Upcoming Budget

Manager Galloway said he has been working on the budget and plans to present it to the Board at their next meeting on May 11.

Update from Alderman Brown Regarding Signs at Hyatt Creek /South Main Street Intersection

Alderman Brown said he has given a full report to Attorney Griffin regarding the signs located at the former Dayco property. He has spoken to those persons who have promised that they will help to have those signs removed. Attorney Griffin and Manager Galloway will discuss further.

Plan of Action - Clean-Up West Waynesville Area

Mayor Foy asked about the status of a plan of action regarding the clean-up of the West Waynesville area. Manager Galloway said the Code Enforcement Officer has spoken with the property owner and is currently working with him to resolve this problem.

Appointment of Board/Commission Members

Mayor Foy said several applications have been received and he would like to see the appointment of members to vacancies on the various Boards/Commissions placed on the next agenda of May 11.

Adjournment

With no further business, Alderman Brown moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:35 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Henry B. Foy
Mayor