

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
JANUARY 11, 2005  
TUESDAY - 7:00 P.M.  
TOWN HALL

The Board of Aldermen held its regular meeting on Tuesday, January 11, 2005. 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 December 7 and December 14, 2004

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the December 7 and December 14, 2004 meetings as presented. The motion carried unanimously.

Public Hearing Regarding Annexation of 1.2388 Acres Located on Skyline Drive - Roger and Kathleen Remsen

On October 12, the Board received a petition from Roger and Kathleen Remsen for the annexation of their property, a 1.2388 acre lot on Skyline Drive in the upper part of Eagle Nest. They wish to build a house there and connect to the existing water line which is located on the opposite side of the street. Mr. and Ms. Remsen understand that there is not adequate water pressure on the line near them to provide sufficient water pressure. They acknowledged in their letter submitted with their petition that it will be necessary for them to install a bladder tank and pump in their home to achieve the desired pressure levels.

Deputy Town Clerk Freida Rhinehart investigated the sufficiency of the petition and found that it met the requirements of annexation under the laws of North Carolina.

Attorney Griffin opened the public hearing. No one spoke; Attorney Griffin closed the public hearing.

Alderman Brown moved, seconded by Alderman Feichter, to annex the property located on Skyline Drive as requested by Roger and Kathleen Remsen. The motion carried unanimously. (Ord. No. 1-05)

Public Hearing - Amendment to Section 154.053 Powers and Duties of Community Appearance Commission

At the recommendation of Mayor Foy, an ordinance was drafted which would amend Section 154.053 of the Land Development Standards which would expand the powers of the Community Appearance Commission. At the present time this Commission is an advisory board which uses

the power of persuasion in attempting to convince a developer/builder/property owner of making changes to their plans to implement what the Commission deems to be more aesthetically pleasing than what the developer/builder/property owner has presented.

The proposed amendment allows the Commission to have the power to request several items of the developer/builder/property owner for projects located in the Central Business District or any of the Town Center Districts as follows:

Detailed and dimensioned construction drawings showing the existing conditions and proposed construction or changes to the property;

Photographs, renderings, and/or line sketches of neighboring building(s) which will show scale and massing;

Any additional elevations, plans, maps, photographs, material samples or visual information necessary to fully communicate the scope and details of the project;

Drawings and plans be prepared by a registered architect, engineer, landscape architect, land surveyor, urban planner, or other design professional.

Attorney Griffin opened the public hearing.

Alderman Brown asked if the amendment would inform the applicant of exactly what was needed when they came in with their proposal. Since the Community Appearance Commission is an advisory board there was discussion of whether this amendment would make a difference or if an applicant could do what they proposed as long as they met the Town's requirements without complying with the request of the Commission. Manager Galloway said since this Commission is an advisory board the amendment could allow them to obtain more information; however, if plans are submitted that meet the Town's Ordinance requirements a permit could be issued regardless of the Commission's recommendations. Alderman Moore said this could place the Planning Staff in a difficult position.

Roscoe Wells suggested that the Town amend the section dealing with Planning Department that no permits are to be issued until a recommendation for approval has been issued by the Appearance Commission.

Mib Medford, a member of the Community Appearance Commission, said Waynesville has its unique qualities and the Commission would like to retain those qualities. One recent incident occurred when a proposal was received for renovations to a building in the downtown area (currently in a study area for historic designation). Some Commission Members recommended further study but the proposal was recommended for approval by a majority of the Commission and permits were issued. Mib added that she felt the Appearance Commission should not make recommendations for properties in the Main Street District since it is a municipal service district nor any historic properties since she felt they should be reviewed by the Historic Preservation Commission.

Manager Galloway pointed out that he was in the process of collecting some figures regarding development which is occurring inside Waynesville and its extraterritorial jurisdiction in comparison with that of Haywood County. There is concern that the Town's regulations could be driving developers outside of the Town's jurisdiction and the Town's Land Use Plan could be creating sprawl that it was intended to discourage. It is felt that the more hurdles the Town puts up the more it could hurt the Town by discouraging development.

Mayor Foy felt that the amendment is simply a means for requesting additional information before recommendations are given and he would like to see an architect involved with development. He added that the amendment does not add more restrictions. Alderman Feichter pointed out the importance of giving developers incentive to do a good job.

Alderman Brown felt that the amendment may neither hurt nor help the Town, but asked if it made things better. Some developers have spoken to him about some of the Town's requirements, but once they complied with what the Town recommended they have been glad that they did. It may be necessary to study the issue further before making a decision.

Mib Medford suggested that the Town find out how this is handled by other towns with Community Appearance Commissions. Philan Medford suggested the Towns of Davidson, Huntersville or Cornelius, North Carolina.

Alderman Brown moved, seconded by Alderman Feichter, to delay action for one month in order for the Board to study the issue further and asked that Manager Galloway gather and provide information from other Towns regarding this issue. The motion carried unanimously.

#### Request to Increase Parking Time Limit on Depot Street

Letters were received from two business owners on Depot Street with concern that the 30 minute parking limit on the portion of Depot Street between Montgomery Street and Branner Avenue may need to be increased. They are requesting that the Town Board consider a longer time period for vehicles on that section of street, since changes are occurring with retail trade in this area. The letter from Mr. and Ms. Hall does not suggest a new time limit but Ms. Matthews suggested a two-hour limit as a possibility.

Parking on Depot Street has changed several times over the past few years. In the upper portion of the street, between Main Street and Montgomery Street, the parking is limited to a maximum of three hours. There are a number of county employees who regularly use those spaces for personal parking.

In the middle portion, between Montgomery Street and Branner Avenue, the parking is limited to 30 minutes. This parking limit goes back to the time when Dover Cleaners and the Shoe Shop were in operation and people were in and out of those businesses in a short period of time to drop off or pick up items.

The lower portion of Depot Street, beside Cornerstone Printing, has a time limit of one hour. This ordinance was adopted in 1994 when Mr. and Mrs. Don Norris relocated their business,

Custom Covers, to that building from the industrial park. At that time there were no parking spaces on Depot Street beside the Norris' business, and the Town marked off about six spaces and posted a one hour parking limit.

Alderman Brown said he timed the walk from the newly constructed parking garage to Depot Street and it took two minutes. He asked if Depot Street should be for parking or a pick up and drop off area. Manager Galloway said there is one business owner that calls the Police Department each time a vehicle parks close to his business longer than the allowed time. There are other business owners who get upset when their customers receive a ticket or if a police officer comes into their business to find out who is parking over the time limit and asks them to move. There was discussion that it would better to have one uniform parking time limit rather than three different limits on Depot Street.

Rick Hall said one hour parking may be sufficient, and is certainly better than the thirty minutes now. Ms. Matthews suggested that the parking garage be advertised more.

Alderman Feichter moved, seconded by Alderman Moore, to amend Section 54.148 to change the parking time limit on Depot Street from Main Street to Boundary Street to one (1) hour between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Sundays. The motion carried unanimously. (Ord. No. 2-05)

#### Allens Creek Watershed Forestry Management Plan

Town Manager Galloway said the conservation easements approved for the Allens Creek Watershed required that the Town of Waynesville have a Forestry Management Plan for those areas. In previous discussions with Dr. Peter Bates of the Department of Geosciences and Natural Resources Management of Western Carolina University, it was indicated that they would be most interested in helping the Town in the development of this plan and in actually overseeing the forestry management itself. At one time, Dr. Bates suggested that the development of this plan may take 18 to 24 months.

Alderman Brown had concerns that contracting with Western Carolina University for this project rather than a private firm could violate the Umstead Law. Alderman Brown also asked if services for this would be such that the Town would be required to receive requests for proposals from others. He added that this is a big business and there are a lot of registered foresters.

Alderman Moore felt that the Town should put out a proposal for bids from other places.

Manager Galloway and Attorney Griffin will research these issues and report back to the Board in two weeks.

#### Charles Miller - Concerns Regarding Professor Peter Bates

Charles Miller said he had concerns regarding the development of a Forestry Management Plan and questions about Professor Peter Bates and his qualifications. Mr. Miller asked what other watersheds Mr. Bates has done this type of work on and whether he has a degree in Botany or

other related fields. Mr. Miller added that public presentations should be given regarding this issue. The public needs to ask questions and taxpayers have a right to know what is going on. The public would like to ask questions of the experts regarding these issues.

#### Report by Town Manager Regarding Facilities Study

Manager Galloway said the proposal from ADW Architects was received for the preparation of schematics on the redesign of the Police Department, construction of an additional area on the front of the Police Department and Town Hall renovations. In talking with Jim Powell with ADW Architects, he has indicated that the maximum cost for these schematics is \$12,000.

The Board unanimously felt that they would like to know how the community feels about this since it will involve some tax increase. Alderman Feichter said the Board previously discussed the need to keep the public informed from the beginning. However, it is felt that changes such as construction of a new fire department are necessary for the Town and this will probably be the first step. Mayor Foy pointed out that the schematics keep the Board on track with what can and can't be done. Manager Galloway said the schematics will also give the Board some type of plan to present to the public.

Alderman Brown moved, seconded by Alderman Moore, to authorize the proposal by ADW Architects for the schematics for the renovation of the Police Department including an addition in front of the existing Police/Fire building which would include space for Police, space for development related personnel and some space for a spill over from Town Hall. The motion carried unanimously. (Cont. No. 2-05)

#### Alderman Moore - Speeding Issues

Alderman Moore said he recently spoke with Ralph Henson who expressed concern that people were speeding on Mill Street and sometimes going the wrong way (Mill Street is a one way street). Manager Galloway said a list of streets which included Mill Street was given to the Police Department for their recommendation and should be coming back to the Board in the near future.

Alderman Moore said he received the same type of complaint from Charles Coward regarding the area of Sloan Drive and Mountain View Drive. Manager Galloway said he would mention this to the Police Chief.

#### Adjournment

With no further business, Alderman Feichter moved, seconded by Alderman Brown, to adjourn the meeting at 8:17 p.m. The motion carried unanimously.

Phyllis R. McClure  
Town Clerk

Henry B. Foy  
Mayor