

AGENDA  
REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
TOWN HALL  
JANUARY 27, 2009  
TUESDAY – 7:00 P.M.

The Board of Aldermen held a regular meeting on Tuesday, January 27, 2009. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, Kenneth Moore and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Town Attorney Woodrow Griffin, Assistant Town Manager Alison Melnikova and Planning Director Paul Benson. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of January 13, 2009

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the January 13, 2009 meeting as presented. The motion carried unanimously.

Presentation of Submissions for Public Art Project

Karen Kaufman, a member of the Public Art Commission, requested time to present the finalists chosen for the public art project that their group is proposing for the sidewalk pavers in front of the new police station-development office.

On Friday, January 16, 2009 a special advisory panel evaluated submissions for the project, to be installed in the paver plaza and sidewalk adjacent to the new Police Station/Administrative Offices. The special advisory panel consisted of Henry Foy, Bill Hollingsed, Libba Feichter, Kay Waldrop, Buffy Messer, Shawn Leatherwood and Ed Kelley. Three finalists were chosen from 10 submissions by members of the Tuscola High School Honors Art Class. The finalists were Courtney Boessel, Kelsey Jaynes, Cory Plott and Patrick Burke (team presentation). Each finalist will receive \$250 for their proposal and the winner will receive an additional \$500.

Courtney Boessel, 11<sup>th</sup> grade student at Tuscola High School, was the winner selected from the three finalists with a paver project entitled “Patchwork Community”. In the description of her project, Miss Boessel described that the focal point of the walkway is a giant log cabin square, a popular quilting pattern in the region. The centerpiece of the square is a red heart abstracted into a faceted stone, referencing mining in the region. The diamond also represents the strength and endurance of the Waynesville law enforcement agencies. It is surrounded by contrasting dark and light patterns, emblematic of the cultural diversity in our area, which join at the heart. Triangles are aimed toward the center to emphasize people and commerce drawn to Waynesville. The government, police and firefighters are depicted by a strong, dark angular line, which traverses the entire sidewalk and represents the spine of the community.

Alderman Feichter said all three of the designs of the finalists were quite stunning, adding that these art students were quite impressive young people. Karen said the proposals were sent to the architects, giving them an opportunity to comment on the proposals.

Alderman Feichter moved, seconded by Alderman Roberson, to approve the selection as received for the public art paver project. The motion carried unanimously.

Manager Galloway said in discussions with the architects yesterday, there are some challenges to make this work with the pillars of the building, but some slight modifications can be made to make it work.

#### Appointment/Reappointment Historic Preservation Commission Members

The Historic Preservation Commission is composed of nine members appointed to four-year, staggered terms. At the present time, one of the seats on this Commission has its term expiring on January 31, 2009. In addition, another seat is vacant due to the resignation of Ms. Malinda Messer.

Mr. Herbert Nelson, Jr., 125 Country Club Drive, holds the seat for which the term will end on January 31, 2009, and he has expressed a desire to continue serving. If the Town Board chooses to reappoint Mr. Nelson, it would be to a four-year term which would expire January 31, 2013.

Ms. Malinda Messer served on the Commission for several years before resigning recently. The seat in which she served has a term that would have ended on January 31, 2010. Town Clerk Phyllis McClure maintains a file of applicants interested in serving on the various Commissions and Board which are appointed by the Town Board. There are two applicants on file that had expressed an interest in the Historic Preservation Commission; however, when contacted, one of those individuals withdrew their application noting the press of other business. The other application from Mr. Tom Shaw, Jr., who lives on Walnut Street in Waynesville, was presented to the Board.

Alderman Moore moved, seconded by Alderman Feichter, to reappoint Mr. Herbert Nelson, Jr., to serve another four-year term to expire January 31, 2013 and to appoint Mr. Tom Shaw, Jr., to fill the unexpired term of Ms. Malinda Messer to expire January 31, 2010. At that time Mr. Shaw would be eligible to be reappointed to a full four-year term. The motion carried unanimously.

#### Retreat January 23

Manager Galloway thanked the Board for the time spent at the Board's retreat on Friday, January 23 at Lake Logan Episcopal Center.

One of the items discussed was the increased unemployment rate. Alderman Feichter said she heard an interview on public radio with a Mayor in Southeast Georgia. He said the industry in the Southeast Georgia area is based on peanuts and newspaper printing. With the recent outbreak in Salmonella and the newspaper printer shutting down many jobs were lost, but the Mayor said they just have to keep "plugging along". Mayor Brown said during difficult economic situations employees should not be laid off unless it is absolutely necessary.

### Visit from Rural Development Representatives

Manager Galloway said he had a visit today from Rural Development representatives Pam Hysong and Bob Chandler. They said if Waynesville has any upcoming infrastructure projects to let them know, adding that there may be funding available for some of these projects. Manager Galloway said Rural Development has dealt with Waynesville on other projects. Alderman Feichter said she attended a meeting today at Mountain Projects with Pam Hysong and Ms. Hysong was very complimentary about working with Manager Galloway and Finance Director Eddie Caldwell.

### Extension of One Mile Extraterritorial Jurisdiction

Another item discussed at the January 23 retreat was the Town of Waynesville's Extraterritorial Jurisdiction (ETJ). State Law allows municipalities to extend this area one mile beyond its corporate limits. The ETJ area falls under Waynesville's Zoning and Land Development Standards, but it is not part of Waynesville's corporate limits and those residents do not pay Town of Waynesville taxes. Throughout the years, with annexations and the merger of the Towns of Hazelwood and Waynesville in 1995, the ETJ has remained the same. The Board requested that Paul Benson prepare a map of this area for the Board to review. Mr. Benson presented the map showing the areas involved if Waynesville's one mile extraterritorial jurisdiction is extended as allowed by State Law.

Mr. Benson said this extension would add 1,700 additional properties, increasing the ETJ from 8.2 square miles to 15.3 square miles. Mr. Benson said the Board may want to look at a scenario to fill in some of the holes in the ETJ caused by annexations rather than the entire area. Mayor Brown added that the ETJ is Waynesville's future growth area. Paul Benson said there are priorities in certain areas and expanding the ETJ may require filling the building inspector's position currently frozen in order to handle the increased demands from zoning and land development issues within this area. Mayor Brown asked that Mr. Benson give a prioritization of these areas so the public can be informed regarding what is being considered. Manager Galloway will communicate with Haywood County if the Board of Aldermen considers expanding the ETJ area.

Mr. Benson said the priority areas include Laurel Ridge, Plott Creek and Hyatt Creek. Alderman Moore said he has spoken with a lot of people in these areas and they do not want to be annexed. Manager Galloway suggested if the Board pursues extension of the ETJ, that public meetings be held at a location in the area proposed rather than asking the public to come to Town Hall. Paul Benson said it will be interesting to see what happens in the Legislature regarding annexations and how it might affect extraterritorial jurisdictions, adding that it would not make much sense to evaluate extending the ETJ in an area that you can't annex. No action was taken.

### Amendment to Land Development Standards

Paul Benson attended the meeting to discuss setback requirements on South Main Street. A public hearing was held in March 2008 to amend the setback requirements in the South Main Street District. The issue was tabled at that time. Mr. Benson said the current minimum setback is 30 feet from the centerline. If this setback is increased to 40' from the centerline it would allow 52 ½ feet from the center line. Mayor Brown said the current setback requirement would make developers build where the State road may be located when it is widened. Paul Benson said this was proposed

before Wal Mart was built when the Land Development Standards were adopted in 2003. Mr. Benson said the South Main Street district extends from the railroad tracks to an area close to Ninevah Road. Mayor Brown said the Department of Transportation project area will be from Legion Drive to Hyatt Creek Road. Mayor Brown said he would not want to tell a developer that they could build where a street will later be built.

Attorney Griffin advised that although this issue was tabled in March, since changes to the original advertised public hearing are being recommended, a second public hearing should be held and another advertisement will be necessary.

Paul Benson said the developer requested an amendment to the Land Development Standards to establish a 35' minimum set back requirement with no maximum set back requirement. It is now recommended that a 40' minimum set back be required with no maximum set back requirement.

Roger Winge, a realtor, asked how a deceleration lane would affect the set back requirement if included in the NCDOT plans for South Main Street. Paul Benson said you could exclude the deceleration lane.

No action was taken. A public hearing to consider the amendment will be scheduled for the meeting of February 24, 2009.

#### Adjournment

With no further business, Alderman Moore moved, seconded by Alderman Feichter, to adjourn the meeting at 7:48 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Gavin A. Brown  
Mayor