

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
SEPTEMBER 8, 2009
TUESDAY - 7:00 P.M.

The Board of Alderman held a regular meeting on Tuesday, September 8, 2009. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Assistant Town Manager Alison Melnikova, Town Attorney Woodrow Griffin, Planning Director Paul Benson and Land Use Manager Byron Hickox. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of August 25, 2009

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the August 25, 2009 meeting as presented. The motion carried unanimously.

Outstanding Officer of the Year Awarded to Master Police Officer Scott Muse

Waynesville Police Detective Jeff Haynes works part time with the Thirtieth Judicial Alliance as a teacher of elder abuse training within the seven county Thirtieth Judicial District and he is affiliated with the Fraternal Order of Police. Detective Haynes attended the meeting on behalf of the 30th Judicial Alliance Fraternal Order of Police, and thanked everyone for allowing him to share the outstanding efforts of “one of our own officers of the county.” He said the agenda indicates discussion of overview of the Elder Abuse Program but the purpose for being here is to recognize Master Police Officer Scott Muse. Detective Haynes said Police Chief Hollingsed was unable to attend the meeting and sends his apologies for missing this occasion.

Sergeant Matt Shell with the Haywood County Sheriff’s Department and Fraternal Order of Police President for Haywood County Lodge 16 thanked the Board for allowing the opportunity to make a presentation of an outstanding officer nominated by his peers. In 2007 the FOP wanted to start a program to award an outstanding officer that is nominated solely by his peers. The FOP wanted this award to be named after an officer that exemplified what law enforcement in Haywood County and its municipalities means and could not think of anyone more deserving of this honor than deceased Waynesville Police Officer Jerry L. Smith. He recognized Karon Smith, widow of Police Officer Jerry Smith, in attendance at the meeting.

Sergeant Shell said the decision for this award was easy. There were seven nominations made and all seven were for the same officer. Nominations for the Jerry L. Smith award included any officer employed by Haywood County, Waynesville, Canton, Clyde, Maggie Valley, Highway Patrol and SBI. This particular officer always exemplifies dedication to the job and loyalty to his

department and the citizens of Haywood County. Waynesville Master Officer Scott Muse was recognized as the recipient of the Jerry L. Smith Award.

Officer Scott Muse, his wife and their three children attended the meeting.

Julia Freeman, REACH Director, said she had the pleasure of meeting Scott Muse in 1997 when the Domestic Violence Task Force was formed and she knew when the applicants were being interviewed that he was the man for the job. Officer Muse was lent to the Haywood County Sheriff's Department for two years to serve in this position. After that two-year period, Waynesville offered him his job back. In 1998, Scott was appointed to the REACH Board of Directors. In 2000 and 2001 he served as the REACH Vice President. In 2002-2003 he served as its president. In 2004 until present he has served as treasurer.

Ms. Freeman said Scott Muse has been a blessing in serving in these positions. With his stature and his size they knew he would take care of the perpetrators and he is extremely compassionate with the people that he serves but is also stern with the perpetrators. He has trained hundreds and maybe thousands of officers throughout the southern counties in the district and is viewed over the State of North Carolina as someone who knows what is going on with victims and domestic violence issues. Officer Muse is respected by his fellow officers. She added that Scott is involved in the Elder Abuse Project and has volunteered 5,000 hours with Reach after hours on his own time. He is a true champion for everyone and should be applauded for his efforts.

Mayor Brown said this is a true example of "Progress With Vision." He expressed appreciation to Scott Muse, adding that he has put his whole heart into helping victims.

Scott Muse thanked the Board for allowing him to work with these programs. He has put his heart into domestic violence and elder abuse and in helping victims. He said that he plans to continue his work with REACH and domestic violence issues.

Public Hearing - Amendment to Section 154.131(B)(8)(d)1 - Walnut Street Neighborhood District (WS-ND)

A request was received for an amendment to the Walnut Street Neighborhood District which would allow the use of drive up windows for certain commercial uses. In the first review of this request, the Planning Department was opposed to the request, as it could have permitted a variety of uses including financial institutions, dry cleaners and photo processing businesses, just to name a few of the potential businesses that might benefit from this amendment.

In discussing this request, the Planning Board learned that the request was being made so that Champion Credit Union could add a drive up window for banking services at the building formerly occupied by Verizon in the Walnut Street Shopping Center. But if there were a change to the Walnut Street Neighborhood District, it could apply throughout the district, and not simply for one particular lot within the district.

The Planning Board discussed the request and expressed concern about the possibility of adding a number of drive-in window businesses in that district. In the end, the Board suggested that the drive-in window use be limited only to financial institutions and not to any other type of

business. The applicant was content with this proposed change, and the Planning Board voted to recommend the revised amendment to the Town Board for its approval.

Manager Galloway said when the Land Development Standards were being discussed, the core of this area was residential and the commercial area was limited along the street. When the Planning Board reviewed the amendment, they did not recommend it because of concerns with uses and increased traffic flow. The Planning Board's recommendation was to allow drive-thru facilities for financial institutions only. The Board felt that this may have been an accommodation that should have been made earlier.

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

Mayor Brown said this may be an accommodation that should have been made two or three years ago. Alderman Roberson said this amendment should be considered strictly for financial institutions. Alderman Caldwell said when Verizon was at this location it generated a high traffic volume. However, he did not feel that a financial institution would create such a high traffic volume. Alderman Feichter felt that this is a reasonable accommodation request and agrees wholeheartedly with the Planning Board's recommendation. Alderman Feichter said her son and his family live in this area and she did not feel that the amendment would hamper this nice family neighborhood.

Paul Benson said he felt that an amendment for the entire area would open the door too wide for this district. However, the amendment would be recommended if it were only for the type of use that normally has drive thru windows.

Alderman Caldwell moved, seconded by Alderman Greeley to amend Section 154.131(B)(8)(d)1 to allow drive-thru windows for financial institutions only as recommended by the Planning Board. The motion carried unanimously. (Ord. No. 10-09)

Peter Bates - Update on Watershed Stewardship Plan

In 2005, the Town Board approved two different conservation easements on two separate sections of the Allens Creek Watershed. One was a "forever wild" easement on 690 acres secured between 1997 and 2004. The other easement was on a 7,340 acre tract which the Town secured almost 100 years ago, and it was referred to as a "working forest" easement.

As a part of the "working forest" conservation easement, the Town was required to develop a watershed management plan on how to properly manage the property. The Town entered a contract with Western Carolina University to partner on the development of this plan which was dubbed the Watershed Stewardship Plan. This Plan was presented to the Town Board in the spring of 2008 and, after some public forums during the summer, it was approved by the Town Board in the fall.

Beginning July 1, 2008, the Town entered a contract with Forest Stewards to implement the recommendations of the Plan. Forest Stewards is a non-profit, Associated Entity of Western Carolina University that was created solely to support the mission of the University. On July 1,

2009, the Town entered a contract with Forest Stewards for a second year of implementing the Forestry Stewardship Plan.

Previously, the Town Board created a Watershed Advisory Committee to work with Dr. Bates and Rob Lamb of Forestry Stewards in the development and the implementation of the Plan. The Committee met in late June and received a report on what had been accomplished in the 2008-2009 fiscal year. In addition, Dr. Bates and Mr. Lamb reported on what they had proposed to the Town for the work in the 2009-2010 fiscal year.

Dr. Peter Bates, Rob Lamb and John Schaeffer with the Americorp Program attended the meeting to present a report, detailing the work of the past year and what they hope to accomplish in 2009-2010 and answering questions of the Board.

Several activities in the Waynesville Watershed during 2008 and 2009 included:

- Complete initial draft of Forest Stewardship plan.
- Continue stewardship activities as outlined in the plan and approved by the Watershed Advisory Committee.
- Maintain and monitor water quality monitoring stations.
- Install a continuous forest inventory (CFI) system for the watershed.
- Begin assessment of road/stream intersections.
- Develop functional indicators that can be used to track whether stewardship objectives are being met.
- Develop recommendations for treating planted white pine in the Allens Creek management compartment.
- Meet with Town Board and/or WAC.
- Participate in public forums and workshops as needed.
- Lead hikes and other activities during watershed days.

The Board thanked Dr. Bates, Rob Lamb and John Schaeffer for attending the meeting and expressed appreciation for all their work in the Watershed.

Ms. Sandra McIntosh - Haywood Community Connections

Ms. Sandra McIntosh has been involved in the Haywood Community Connections and attended the meeting, to discuss the program and relay some new information and introduce some of Waynesville's team members, Bud Dirscherl, Hazel Kolsrud and Evelyn Cooper. Ms. McIntosh distributed packages of information to the board members about the program.

Ms. McIntosh said on October 7 a Senior Safety Day will be held at the Waynesville Fire Department. On this day seniors will receive a free lunch, there will be drawings for prizes and tables will be set up with information for seniors on how to live safely.

Alderman Feichter said we are very fortunate to live in a community that has so many support groups. The artwork displayed in the sidewalk outside the Town Hall/Police Department Building describes Waynesville. The artwork is designed in a pattern that shows the community coming together.

Mayor Brown said all these things go into what your community is. He is always amazed at what people are willing to do. Mayor Brown thanked the group for coming to the Board and for sharing this information.

Appointment of Recreation and Parks Advisory Commission Members

The terms of Don Frady, Rhonda Schandavel and Sarah Massie on the Recreation and Parks Advisory Committee will be expiring on September 30, 2009. These individuals have been good and faithful members on the Committee and have indicated an interest in continuing to serve if the Town Board sees fit to reappoint them to the Commission. The terms for the three individuals under consideration would be for a three-year period, meaning they will expire on September 30, 2012.

Alderman Roberson moved, seconded by Alderman Feichter, to reappoint Don Frady, Rhonda Schandavel and Sarah Massie to each serve another three-year term on the Recreation and Parks Advisory Commission. These terms will expire on September 30, 2012. The motion carried unanimously.

Discussion of the Sign Ordinance

Earlier this summer, a business owner appeared before the Town Board to speak on the Town's sign ordinance and the manner in which the ordinance was being enforced. Following that meeting, Manager Galloway spoke with Planning Director Paul Benson about the enforcement of the ordinance. They discussed the need to collect all signs which were found to be in violation of the ordinance. In addition to Manager Galloway's discussion with Mr. Benson, Public Works Director Fred Baker spoke with members of the Sanitation Department, seeking their assistance in collecting signs found to be in violation of the ordinance.

At the first meeting in August, Alderman Greeley asked that the matter of the sign ordinance pertaining to these temporary signs be brought back to the Board's agenda for additional discussion. Manager Galloway invited Land Use Manager Byron Hickox to attend the meeting to discuss his work on enforcement of the ordinance and for the Board to hear his suggestions on addressing the problem.

Byron Hickox said there has been discussion between himself, Paul Benson, Alison Melnikova and Lee Galloway regarding a system to allow business owners to purchase temporary sign permits. This would be a very complicated and intensive program since there are several hundred businesses in town. A roster would have to be maintained, containing information on when the permit would begin and when it would end.

Mr. Hickox said when he began working for Waynesville he removed many signs that were not in compliance. After that, removal of signs became complaint driven. He began making "sign sweeps" approximately every two weeks. Signs were being removed only on major thoroughfares. In light of some recent criticism he is now making the "sign sweeps" once per week and occasionally he drops what he is doing and does a sign sweep on some of the less traveled roads. Mr. Hickox said there will never be a day when every temporary sign will be picked up. As an example, he began by picking up about four signs on Russ Avenue, then

traveling along the Bypass to Wal Mart. In less than one hour another sign was placed beside where one was removed just minutes earlier on Russ Avenue. Mr. Hickox said 75% of these illegal signs are repeat offenders and there are no fines for those who violate the sign ordinance. This is not fair to the people who follow the rules voluntarily. If the legal framework can be established to manage this, articles can appear in the newspapers, town newsletter, web site, etc., to inform people. A warning could be issued first and a system of increasing fine amounts for other violations. Mr. Hickox said there are a lot of people that violate the sign ordinance that do not know an ordinance exists.

Alderman Caldwell said there are small businesses that just want to put out signs advertising things such as “soup of the day” or something to draw people into their business. He would love to see something that would help the small businesses. Byron Hickox suggested that business owners come up with some creative amendment to the current sign ordinance.

Alderman Greeley said the main thing he is hearing is that consistency is needed or that we are making an effort to be consistent. He is opposed to the temporary signs that corporate folks are putting up such as several signs on the property of businesses advertising things such as a new food item. Alderman Greeley added that he feels the effort is being made to be consistent and fair and agrees with the process as long as this is being done.

Paul Benson said Waynesville is a little more restrictive than most communities. Waynesville does not allow signs within the right-of-way and on utility poles. The sandwich board signs could be relaxed somewhat for restaurant or retail use, but allowed only on premise with a requirement that they be attractively designed. Signs tend to be an issue in communities. This is one of the issues that will be brought up to the consultant that is currently reviewing Waynesville’s Land Development Standards. Manager Galloway said Waynesville currently has 29 zoning districts and the consultant has recommended that this number be reduced. Paul Benson said grandfathered signs are another issue.

Alderman Roberson said consistency is important in dealing with signs. If the issue of signs of opened up just a little bit, it will become like a weed and difficult to control.

Charles Rathbone, owner of Sign World, said it was a privilege to speak to the board. Mr. Rathbone said the complaints he hears are from habitual offenders. He gets a lot of requests from people inside the corporate limits. He asks them if they have checked with Waynesville regarding the sign ordinance and the majority have not. They want him to make their signs and install them on weekends, asking for forgiveness later. However, he will not do this and does not work on weekends. One problem he feels is that there are too many districts in Waynesville. Mr. Rathbone presented several sign examples and offered his assistance to the board regarding signs.

Eddie Wall, Beau Monde Hair, asked about the sign at the Waynesville Country Club. Mayor Brown said this is one of the signs that has been “grandfathered.” If those signs are taken down and vacant for more than sixty days, the sign is not allowed to be put back. Any new sign must be in compliance with the current sign ordinance.

Sharon Wall, Beau Monde Hair, said she is one of the habitual offenders. She added that a sign does make a difference in her business. When her husband went out and a lot of the other signs were taken down, she took her sign down. Ms. Wall felt that Waynesville should be more “business friendly” regarding signs. She felt that businesses will start being more innovative in ways to attract customers to their businesses.

Alderman Greeley said as the Land Development Standards are being reviewed, the sign ordinance is part of this and will be reviewed. Byron Hickox pointed out that parking and vehicular use restrictions have been the most talked about and contentious part of the ordinance.

Board members thanked everyone that attended the meeting and took part in the discussion regarding the sign ordinance. No action was taken.

Manager Galloway - Discussion Regarding Dectron Unit at Recreation Department

Manager Galloway said several years ago when the YMCA operated in Canton, the Chlorine from the indoor swimming pool weakened the building’s structure. Chlorine has now eaten away at the copper tubing in the Dectron unit at Waynesville’s Recreation Center. Former Director Mike Smith proposed installing a UV unit in the water park at a cost of approximately \$30,000. This was also put in the new pool area. Malcolm Beasley feels that more of the damage was done during the first four years. Now that the UV units are in place the Dectron Unit can be replaced. The cost to replace both units is \$26,000. Manager Galloway said the Recreation Department was very careful with their expenses during the last fiscal year and returned about \$90,000. It was the consensus of the Board to authorize the expenditure of \$26,000 to replace both Dectron units.

Appointment to Land Development Standards Review Committee

Mayor Brown said Alderman Greeley was appointed to the Board after appointments were made to the Land Development Standards Review Committee. Each board member recommended an individual to serve on this committee and Alderman Greeley should be allowed an opportunity to recommend an appointment to this committee. Alderman Greeley said Ron Leatherwood has volunteered to serve on this committee and he recommended that he be appointed to serve in this capacity. Town Clerk McClure will notify Mr. Leatherwood of his appointment.

Adjournment

With no further business, it was the consensus of the Board to adjourn the meeting at 9:20 p.m.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor