

AGENDA
REGULAR MEETING
TOWN OF WAYNESVILLE
TOWN HALL – 9 SOUTH MAIN STREET
SEPTEMBER 14, 2010
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, September 14, 2010. 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, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure, Planning Director Paul Benson and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of August 24, 2010

Alderman Caldwell moved, seconded by Alderman Roberson to approve the minutes of the August 24, 2010 meeting as presented. The motion carried unanimously.

Public Hearing Amendment to Section 154.129(C)(9) to Permit Microbreweries in the North Main Street Boulevard District

The Town received an application from Mr. Jon Bowman for an amendment to the Land Development Standards which would allow the production of micro-brew beer. There is an interest in opening two microbrewery establishments in the downtown area of Waynesville and one of these businesses wishes to develop a location for the manufacturing of the micro-brew beer in a building which is in the North Main Street Boulevard District.

At the present time, the Town does not define or specifically permit microbreweries in any district; however, the category of Manufacturing, Mining and Industrial Uses does specify the use of Beverage and Tobacco in various districts, and the Town Staff would interpret that to allow microbreweries. Those districts include Central Business, Dellwood-Junaluska Area Center, Hazelwood Town Center, High Tech District, Hyatt Creek Area and Russ Avenue Town Center; however, the North Main Street Boulevard District is excluded. This amendment would change that and allow Beverage and Tobacco in the North Main Street District. The Planning Board, at their meeting on August 16, voted unanimously to recommend the text amendment to the Town Board.

Planning Director Paul Benson said this amendment would allow for existing uses in the N. Main Street Boulevard District to include the manufacturing of beverage and tobacco. In checking with WNC Air Quality, they reported that microbreweries do not create any unusual air or other pollutants. Alderman Feichter asked if the capacity is adequate for water and sewer and Mr. Benson said it would be.

Attorney Griffin opened the public hearing. Jon Bowman said he has looked at a couple of buildings in the North Main Street Boulevard District, with a close proximity to downtown. He

said this business would create three jobs in the beginning and hopefully seven to 8 jobs in the future. Mayor Brown asked how much traffic the business would generate. Mr. Bowman said traffic would be light with employees and occasionally delivery trucks. Mr. Bowman said there would be a tasting room which would be open from 3:00 p.m. until 7:00 p.m., but the business would not be a bar.

Attorney Griffin closed the public hearing.

Alderman Greeley moved, seconded by Alderman Feichter, to amend Section 154.129(C)(9) to allow tobacco and beverage manufacturing in the North Main Street Boulevard District. The motion carried unanimously. (Ord. No. 13-10)

Recommendation for Forestry Management Plan

Peter Bates and Rob Lamb of Forest Stewards, Inc.

The Town Board adopted two Conservation Easements on the Waynesville Watershed in 2005, one on 691 acres which was a “Forever Wild” easement and the other on 7,340 acres which was a “Working Forest” easement. One of the requirements of the Working Forest Easement was that the Town would develop a Forestry Management Plan for the 7,340 acres, and that the Plan would be approved by the Town Board as well as the Conservation Trust of North Carolina and the Southern Appalachian Highlands Conservancy.

The Town contracted with Forest Stewards under the direction of Peter Bates and Rob Lamb, for the development of this Plan. The Board also appointed a Watershed Advisory Committee to work with Mr. Bates and Mr. Lamb. The Plan was developed and approved by the Town Board in 2008.

When it was presented, the Plan recommended two specific treatments in the watershed. The first action was to be on the white pine plantation which encircles the majority of the 50 acre reservoir, and the second action was a timber harvest in the Rocky Branch Drainage Basin which is not even a part of the watershed since the flow from Rocky Branch does not enter the reservoir.

In November, 2009, Mr. Bates and Mr. Lamb submitted a proposal to the Watershed Advisory Committee for addressing approximately 50 acres of the white pine plantations. In the case of 40 acres, they recommended a thinning, removing the less healthy trees so that the healthier trees might continue to grow without competition from the weaker trees. In the case of 10 acres, they found that some hardwood trees were already beginning to grow under the white pines, and to encourage the hardwoods, giving them more daylight and less competition, they recommended a heavier harvest of the white pines. Over the past several months, the Watershed Advisory Committee has continued to work with Mr. Bates and Mr. Lamb in reviewing the proposal as more work was done to study stream crossings and the protection of the water quality where streams must be crossed by trucks and equipment involved in the process.

The Watershed Advisory Committee has reviewed the proposal which has been developed by Mr. Bates and Mr. Lamb and would recommend that the Town Board proceed with the work. The Committee included the following individuals:

Bill Skelton, Haywood Extension Service
Bill Yarborough, Soil and Water Conservation
Dave Dudek, Retired Biology Professor
Gordon Small, Retired Forester
Pat Maier, retiree and interested citizen
Karen Kaufman, businesswoman and interested citizen
Jack Swanner, Retired Forester
Mark Pruitt, Soil Erosion Supervisor, Haywood County

Of these members, the first six have been very active, as was Mr. Swanner before relocating to the Triangle area of North Carolina for new employment opportunities. Mr. Pruitt has not been active in the committee. Manager Lee Galloway and Assistant Manager Alison Melnikova attended each one of the meetings of this committee from the onset.

The Conservation Easement also requires that the Conservation Trust of North Carolina and the Southern Appalachian Highlands Conservancy review any proposal for activity in the watershed. Both agencies reviewed the proposal developed by Mr. Bates and Mr. Lamb and have indicated that what is being recommended is in compliance with the terms of the conservation easement.

A power-point presentation on the watershed and the proposal for treatment was given by Mr. Bates and Mr. Lamb. The proposal will be placed in a format that may be accessed by the public through the Town's web page, and the Board may wish to give the citizens that opportunity and a chance to comment to the Board before a decision on proceeding is made. Mr. Bates and Mr. Lamb indicated that they will work with the Board in assuring a public process on the proposal.

Mr. Bates gave a brief review of the watershed history, summary of current conditions and rationale for proposed treatments. The Waynesville Watershed has been subjected to some extensive timber mining in the early 1900's, using clear cutting and floating logs down the creek. Another major timber mining came in the 1950s and then again in the 1980s. In 2005 the Board was active in putting the Watershed property in a conservation easement and began thinking about how to steward the property. A number of people began looking at the watershed, public meetings were held and workshops were facilitated in an attempt to develop a strategy. Mr. Bates said the water in the watershed is excellent, the aquatic systems are healthy and the forest is generally healthy, containing less overall diversity than was historically present. There has been widespread clear cutting during the past century and an introduction of non-native pests, resulting in the loss of a lot of hard wood mast, including the American Chestnut. There may now be some danger to the Oaks and Hickories. The current threat of note is Hemlock Woolly Adelgid. There are other insect and disease issues, air pollution and climate change.

The forest stewardship goal is to maintain a healthy forest because this is the best known cover for water sources. The key to forest health is to increase the natural forest diversity by introducing treatments that mimic natural disturbances and allow for natural patterns of stand development. The first proposed treatment area is the Eastern White Pine Stands. These plantations were established in the early 1980's and there is very minimal soil erosion. The White Pines were planted very close together with too many per acre, thus creating stress and creating a potential for disease. More sunlight is needed to encourage the natural hardwood regeneration and leave the remaining White Pines more vigorous. If nothing is done, most of the White Pines will die within the next few years and when these tall trees come down, they create

a hazard. The two proposed treatments to achieve these objectives include thinning and hardwood regeneration.

The implementation of treatments includes 42 acres of White Pine thinning areas. This was specifically the area that was planted to control soil erosion. This plan is to thin the trees to increase the vigor of the residual trees and allow more sunlight to reach the forest floor, and decrease their susceptibility to pine beetle attack and other stresses. It will also accelerate the reestablishment of hardwood growth.

Hardwood regeneration areas include 9 acres. There are five stream crossings and three ephemeral stream crossings. Most of the area is flat with existing trails. Two areas were proposed for landing areas for storage of timber to be removed. Mr. Bates said one of the main issues is to make sure that everything being done is in compliance with the Conservation Easement. In terms of buffers, it is strongly recommended that there be 50 foot no equipment stream buffers on either side of the edge stream. There is a 25 foot buffer along all the streams where no harvesting is recommended at all. The draft plan has been approved by CTNC and SAHC as compliant with the Conservation Easement. Utilized existing logging trails will be used. Equipment will be restricted from operating on slopes greater than 30%. Stream buffers and streamside Management Zones include one hundred foot streamside management zones to be established around all perennial and intermittent streams. Harvesting and equipment operability will be greatly restricted in these areas. No equipment will be permitted to operate within 50 feet. Bridge mats may be used in some places where small streams exist.

Mayor Brown asked how long this process would take. Mr. Lamb said it would take approximately two years, but this time could be decreased. The bid process usually takes two to three months. Alderman Feichter asked who would supervise the timbering. Mr. Lamb said usually a forester, but they would be out there while this is being done. If at any time, the process is not being done in accordance with the conservation easement, the timbering would be stopped.

Mayor Brown said when the Forestry Management Plan was adopted in 2008, it outlined the forest management contract, time frame, clean up, erosion control and all those considerations have to be included in this plan. This is what the Board adopted to ensure that whatever is being done is within the framework. It is important that the public has access to this proposal and that it be made available on the web site.

Manager Galloway said at one of the Watershed Advisory Committee meetings, Bill Yarborough explained how the white pines began at the watershed. Mr. Yarborough said after the dam and reservoir were built in the late 1970s and early 1980s, the only trees they could get to grow there were the white pines. It is possible that if the beetle infestation hits the white pines, they could die and cause erosion problems. Or the pines, being the same size, could die around the same time. If this happened, it would be good to have other trees that have begun to grow.

No action was necessary. Public comments are encouraged and will be accepted through November 9, 2010. The information will be available for the public to review on the Town's web site and in the Municipal Building.

Signs in South Main Street Business District - Jody Bender and Lynn Hughes

Ms. Jody Bender and Ms. Lynn Hughes requested time on the Town Board's agenda to speak about signage in the downtown area. Ms. Hughes attended the meeting to speak to the Board.

Manager Galloway said Ms. Buffy Messer, Executive Director of the Downtown Waynesville Association, was able to secure grant funds to improve signage in the downtown area. She has worked up some samples of signs to be placed along Main Street to help identify various shops and restaurants located along the edges of the core downtown area. Ms. Messer met with Fred Baker this week to discuss the specific location and to identify other signs that might be removed when the new signs are erected. Manager Galloway said DWA and the Town both want to end up with better signage for residents and businesses at the conclusion of this project, not more sign pollution.

Ms. Hughes said she has a small business on South Main Street. After trying to go through DWA with no success, she was urged by a city employee to request help from the Board to get additional signs on South Main Street. Ms. Hughes said in the spring of 2009 she was told that DWA Director Buffy Messer was working on the project. In the fall of 2009, Ms. Messer contacted her and said the money had been funded. When spring 2010 arrived and there was still no sign installed, she contacted Joey Setzer, with Division 14 of the NC Department of Transportation and he indicated that he was not aware of a request for such a sign. She was referred to Mike Buchanan and was told that any tourism sign would have to go through him and he had never spoken to anyone about these signs and does not remember speaking with anyone from the DWA. Ms. Hughes expressed frustration because of the length of time it is taking to get these signs, and wanted to know what happened to the funding.

Mayor Brown said DWA is an independent, nonprofit organization. The Town of Waynesville contracts with DWA, and has done so since the 1980s. The organization consists of property owners, including DWA President Teresa Pennington, to get private businesses involved for downtown development. Mayor Brown said the Town of Waynesville has no control over DWA other than collecting property taxes. However, Waynesville works closely with DWA, the Haywood County Chamber of Commerce and others. It was noted that Ms. Hughes does not attend the DWA meetings, and Mayor Brown encouraged her to do so. Mayor Brown suggested that Ms. Hughes speak with DWA President Teresa Pennington.

Alderman Feichter said she hopes everything works out to everyone's satisfaction. No action was necessary.

Hyatt Street and Tarheel Drive Consideration to Prohibit Truck Traffic

Some residents of Hyatt Street and Tarheel Drive have approached Alderman Gary Caldwell about a number of large trucks which have ended up on their streets. The residents do not know if the trucks are attempting to reach the Waynesville Crossings Shopping Center or the former site of Lea Industries, but the large tractor trailers end up hung up on these narrow residential streets and have considerable difficulty getting out.

Alderman Caldwell, after reviewing the situation, asked if the Town might prohibit truck traffic on this street as has been done on other streets such as Boundary Street and Hendrix Street.

Other suggestions included installation of a “No Outlet” or “No Truck Outlet” sign since Hyatt Street is a dead end. It was the consensus of the Board that Manager Galloway and Public Works Director Fred Baker work on a solution for this area.

Appointments/Reappointments Parks and Recreation Advisory Commission

There are three terms on the Parks and Recreation Advisory Commission which will expire on September 30, 2010. Those individuals include Kenneth Mull, Scotty Schulhofer and Michelle Claytor. All three of these have been faithful in their attendance, contributed to the meetings and activities of this Commission and expressed a desire to be reappointed.

Recreation Director Rhett Langston indicates that another member of the Commission is no longer attending the monthly meetings, and he would ask that Trina Sandridge be replaced. The term for Ms. Sandridge was to expire on September 30, 2011. Ms. Ginny Boyer has expressed an interest in serving on the Parks and Recreation Advisory Commission. Mr. Langston recommended that Ms. Boyer be appointed to the Commission for the balance of the term of Ms. Sandridge.

Alderman Roberson moved, seconded by Alderman Caldwell, to reappoint Kenneth Mull, Scotty Schulhofer and Michelle Claytor to serve additional three year terms to expire September 30, 2013 and to appoint Ginny Boyer to serve the unexpired term of Trina Sandridge which will expire September 30, 2011. The motion carried unanimously.

Waynesville Housing Authority Reappointment

The term of Mr. James R. Edwards of 73 Graham Street on the Waynesville Housing Authority will expire on September 30, 2010. Mr. Jerry Cutshaw, Executive Director of the Housing Authority, contacted Mr. Edwards, who expressed an interest and desire to be reappointed. The terms on the Housing Authority are for five years.

Under federal regulations, appointments to the Housing Authority are the prerogative of the Mayor of the community; however, Waynesville Mayors have a tradition of asking Town Board members to endorse any appointments to the Housing Authority. Based upon that tradition, Mayor Brown presented Mr. James R. Edwards for consideration of reappointment to the Waynesville Housing Authority Commission for a five year term extending until September 30, 2015. It was the consensus of the Board that James R. Edwards be reappointed by Mayor Brown.

Community Food Drive – 2010

Manager Galloway said Town of Waynesville employees are coordinating the third Community Food Drive, providing several opportunities for the public to participate. On each Friday in October, food donations can be dropped off at the Municipal Building and the Hazelwood Office. On November 5, citizens can leave their food donations at the curbside and town employees will drive through the neighborhoods to pick up the food donations. On Friday, December 3 food will be collected at the Annual Employee Appreciation Luncheon. Assistant Finance Director Dean Trader is approaching Hazelwood, Junaluska and Central Elementary

Schools to see if they are interested in participating. Last year 13 truckloads of food were collected. This year the goal is to collect at least 20 truckloads of food.

Jerry Biller – Concerns Regarding Police Department Issue

Jerry Biller, said for the past twenty years he has lived in the Little Mountain area and owns Biller Automotive, Incorporated. Mr. Biller said for the past thirty years his family has owned and operated the 24 Hour Laundromat in the Walnut Street Plaza. He said the last ten years have been a nightmare and during this time three changers have been lost. Most recently when one was lost, a video tape reveals the people who took the changer, taking time to do their laundry and recharge their batteries. He said this business can't survive with these types of losses with street people coming into the building quite often and business owners and other people in the area scared. Mr. Biller expressed frustration because the people in the video had not been identified during the three weeks since the incident occurred and he felt that there was not enough police presence at night. Mayor Brown asked Mr. Biller if he has expressed these concerns with the property owner, Mr. Norris. Mr. Biller said he has, but he does not know what to do either. Mr. Biller said he was not going to allow the street people and thieves to run him out of business. He felt that someone should find a place for the street people to go.

Mayor Brown said the Board appreciates the problem and will gather additional information about the incident. Mayor Brown will call Mr. Biller later in the week.

Code Enforcement Issues

Alderman Caldwell expressed concern that some of the same code enforcement issues appear each month on the monthly report and he asked if everything possible is being done to bring these situations into compliance. Attorney Griffin said some of the code enforcement issues are in the court system. Another has a court order signed by the Judge and is now a matter of the owner cleaning the property up as ordered. Some others have seen some progress. Attorney Griffin said some issues will continue to be problems, but he has been impressed with the perseverance of Mr. Warren Putnam in dealing with these issues. Manager Galloway added that once the issue is in the Court System it is out of the Town's hands. No action was necessary.

Adjournment

With no further business, it was the consensus of the Board to adjourn the meeting at 8:58 p.m.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor