

REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
TOWN HALL - 9 SOUTH MAIN STREET  
OCTOBER 26, 2010  
TUESDAY - 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, October 26, 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 and Planning Director Paul Benson. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of October 12, 2010

Alderman Caldwell moved, seconded by Alderman Feichter to approve the minutes of the October 12, 2010 meeting as presented. The motion carried unanimously.

Public Comment - Watershed White Pine Harvest Plan

As discussed at the meeting of September 14, the Watershed White Pine Harvest Plan is now up for public review and comment. The information has been posted on the Town's web site, included in an article in the quarterly newsletter and sent out as a news release encouraging the public to review the proposal on line or at the Municipal Building. Public comment after review of the plan has been encouraged.

At the meeting on September 14, it was suggested that each agenda through November 9, 2010 include a time for public comment on the Proposal. No one spoke at the meeting on October 12.

Mayor Brown asked if any of the board members have had conversations with citizens regarding the watershed. Board members said there has been some discussion, usually when they have brought the subject up. Board members agreed that the proposal was handled in an open manner with the information provided in various ways making it easily accessible for the public to review. No one attended to make comments. This item will be placed on the November 9, 2010 agenda.

Planning Director Paul Benson - Conditional Zoning District

Planning Director Paul Benson attended the meeting to discuss the process of Conditional Zoning Districts. At the meeting of November 9, a public hearing is scheduled to consider a request by Ingles Markets to amend the Land Development Standards by adding a new development process known as "Conditional Zoning Districts". Mr. Benson explained what conditions might be set and how this tool might benefit the Town and developers.

Mr. Benson said Ingles Markets wishes to redevelop their property on Barber Boulevard, located

off Russ Avenue. In consultation with them it appears that a conditional zoning district might allow them to redevelop their property as they would like. Since the new Land Development Standards have not yet been adopted, and Ingles Markets would like to proceed with their redevelopment as soon as possible, they have requested an amendment to allow conditional zoning districts.

Mr. Benson said for a long time, the State of North Carolina has used a special use permit process, but this was a very cumbersome process. The larger cities developed a conditional use process and in 2005 the North Carolina General Statutes were amended to allow the conditional zoning district process. This process will allow more of a negotiated process, which can be an advantage, but can also be confusing. The process permits very specific development restrictions, limiting the range of uses, and imposing additional controls. The property owner is required to reveal the planned use for their property. This allows flexibility, permits growth and development. It is possible that development standards can be relaxed.

An application must be submitted by the property owner, along with a “Master Plan” with conditions specified. Town staff reviews the plans and makes their recommendation to the Planning Board. The plans are then reviewed by the Planning Board and their recommendations are presented to the Board of Aldermen for consideration during a scheduled public hearing. Minor changes to the “Master Plan” can be reviewed by the Planning Board. Substantial changes must go to both the Planning Board and Board of Aldermen. Construction permits must be obtained within two years or the Board of Aldermen can rescind the district.

This process does have limitations. The district must mirror the existing district and may not contain uses that are not permitted in the base district. Rezoning of the property must conform to the goals and objectives of the 2020 Land Development Plan and the standards must be acceptable to the applicant.

Mr. Benson explained illegal spot zoning, which is arbitrary and relieves one property of restrictions within a district that the other properties must comply with.

Mr. Benson said this process makes the Board of Aldermen more involved with development issues. He does not see this as something that will be used a lot, because it is a complicated process. It is recommended that higher fees be charged because more staff time is involved. This process is favored in other communities where it is used because it gives additional information about the development that would not be required with a traditional rezoning. Citizens can also be involved in the process.

There was further discussion with some questions regarding the process and how it works. Mayor Brown thanked Mr. Benson for his presentation and asked board members to contact Paul if they had further questions. The public hearing on the request by Ingles Markets for an amendment to the Land Development Standards is scheduled November 9 at 7:00 p.m.

#### Appointments Public Art Commission

Two members of the Public Art Commission have submitted their resignations. On November 19, 2010, the fourth piece of public art will be installed at the mini-park at the corner of North Main and

Depot Streets. The Public Art Commission has accomplished a lot since their beginning and Waynesville is grateful for the tremendous amount of time they have dedicated to the placement of public art.

These vacancies were advertised and four applications have been received for the Board of Aldermen to consider for the two vacant positions.

Alderman Greeley moved, seconded by Alderman Feichter, to appoint Sylvia Everett and Ann Melton to fill the unexpired terms of Marilyn Sullivan and Chris Sylvester. These terms expire May 31, 2012. At that time Ms. Everett and Ms. Melton will be eligible for reappointment to full four year terms. The motion carried unanimously.

#### NCLM Conference in Winston-Salem

Manager Galloway said he, along with Alderman Libba Feichter, Alderman Wells Greeley and Assistant Town Manager Alison Melnikova attended the North Carolina League of Municipalities Conference in Winston-Salem October 24 - 26. North Carolina Beverly Perdue discussed the need for everyone to work together to get through the next year, adding that the State is dealing with a 3.6 billion dollar shortfall. Manager Galloway said municipal revenues have been protected so far, but no one knows what may happen between now and the Spring of 2011. Alderman Feichter said it was interesting to hear the economist that spoke to the group. Mayor Brown said the Town of Waynesville is going to weather any crisis that may arise. He expressed confidence in the more than 40 years of experience shared by the board members and the good management that the Town of Waynesville currently has.

#### Adjournment

With no further business, Alderman Roberson moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:10 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Gavin A. Brown  
Mayor