

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

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, November 9, 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 October 26, 2010

Alderman Caldwell moved, seconded by Alderman Roberson to approve the minutes of the October 26, 2010 meeting as presented. The motion carried unanimously.

Public Hearing Request of Ingles Markets Amendment to Sections 154.100, 154.101 and 154.095 to Establish Conditional Zoning

At the Planning Board meeting of October 18, Ingles Markets requested the addition of Conditional Zoning to the Town's Land Development Standards. The firm would like to have the Conditional Zoning permitted now so that they can begin the process of renovating their grocery store on Barber Boulevard rather than wait several months until the Land Development Standards are approved by the Town Board.

The Planning Board unanimously recommended approval of the request as reflected in their minutes of October 18. Attorney Michael Eagan made a presentation at the Planning Board meeting on behalf of Ingles and in support of Conditional Zoning.

Mayor Brown said he met with representatives of Ingles, along with Public Works Director Fred Baker and Paul Benson earlier in the afternoon. Mayor Brown added that Mr. Baker and Mr. Benson represented the Town very well.

Attorney Michael Eagan, Land Use Lawyer, practicing in Hendersonville, said Ingles contacted him because there were development issues that kept them from developing their site. Mr. Eagan said he spoke at the last Planning Board meeting, explaining that Conditional Zoning Districts are one of the best tools local governments have. By coupling a site specific plan with a rezoning request it gives the town some control with the proposed development. He explained that Conditional Zoning Districts is a legislative decision, but you do not have the quasi judicial procedure to use and he highly recommends this procedure. Mr. Eagan said conditional zoning districts are particularly beneficial when you have properties that have been developed under a

different standard. It is easier to develop a site that is vacant. It is important for Ingles to get started as soon as they can and they have a limited amount of money to put into new projects. It is hoped that this issue will be back to the Board of Aldermen at their meeting in December. Ingles wanted this project for Waynesville and feel that this will be a good thing for the town.

Attorney Griffin opened the public hearing. The following persons spoke:

Philan Medford said one thing she hopes will happen at the Ingles site is that the proposed site plan and drawings come in and exceed the 2003 Land Development Standards, providing some real pluses in the new draft, to make them better.

Mayor Brown said after meeting with the Ingles representatives, he felt that this will be an interesting process for the Planning Staff, Town Board and Planning Board to go through. If the Town does not feel that they like what is presented, they do not have to go through with it. There is a political process to go through, but he felt that it is a responsible process, especially in the development process. In some cases conditions will be needed.

Alderman Feichter said when the Board first started talking about land development standards, they knew that sometimes it is very difficult when infilling and redeveloping existing sites and there are some of these sites around.

Mr. Eagan said 50 to 60 jobs will be created with this development. Mayor Brown said this is nice to hear during these economic times.

Mr. Eagan said more communities are using this process which was enacted by the North Carolina General Assembly in 2005. The process began in Charlotte and Brevard uses this process. He is currently working with Blowing Rock and they plan to incorporate the process. The process is voluntary. Typically developers want to know the answer before they begin. This process gives the Board the chance to look at what is being proposed and can negotiate with the developer.

Alderman Greeley asked when the negotiation process begins. Mr. Eagan said it began today and he hopes to have Ingles' application submitted to Planning Staff in the near future and hopes that town staff is comfortable with the plan submitted.

Manager Galloway asked if the board can add other items after review by town staff. Mr. Eagan said other items could be added.

Mr. Eagan said on page 1, line 5 the ordinance should read "standards" and on page 10, line 4, if the project is not complete the wording should say "or" rather than "and"; in section 6, the penalty code is the wrong reference, it should be 154.632. Section 154.095 should be 154.096.

Attorney Griffin closed the public hearing.

Alderman Caldwell moved, seconded by Alderman Feichter to approve amending Sections 154.100, 154.101 and adding Section 154.096. The motion carried unanimously. (Ord. No. 15-10)

Amendment to Budget Ordinance

With the addition of Conditional Zoning Districts a fee schedule is needed. Planning Director Paul Benson recommended the following:

Conditional District Rezoning Application

1 lot < 1 acre	\$ 400
2-4 lots or 1-3 acres	\$ 600
4-9 acres	\$ 800
10+ acres	\$1,000

Alderman Greeley moved, seconded by Alderman Roberson, to amend the Budget Ordinance as recommended to include a fee schedule for conditional district rezoning applications. The motion carried unanimously. (Ord. No. 16-10)

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. Information has been posted on the Town's web site and an article was included in the quarterly newsletter and in the local newspaper encouraging the public to review the proposal on line or at the Municipal Building and to submit comments after review of the plan.

At the meeting on September 14, it was suggested that each agenda through November 9, 2010, include a specific section for public comment upon the Proposal. Rob Lamb from Western Carolina and Forest Stewards attended the meeting to help answer any questions that might arise or to address any issues which come up.

The Town Attorney, Assistant Town Manager and Town Manager have been reviewing the proposed contract with Forest Stewards to handle the white pine harvest on behalf of the Town of Waynesville. They are also in review of the potential bid document which Forest Stewards plans to use in soliciting firms interested in conducting this work.

On behalf of the Watershed Advisory Committee, Manager Galloway requested that the Board consider approval of the Harvest Plan and direct town staff to negotiate the contract with Forest Stewards for oversight of this project.

No comments were received at the Board meeting. However, a letter was written and submitted to the local newspaper, The Mountaineer. Mayor Brown expressed appreciation for Mr. Miller's comments and requested that the comments be included in the records. Mr. Miller's comments were as follows:

Watershed needs protection from logging

To the editor:

In the early 20th century, the Waynesville town board purchased the Allens Creek watershed, to assure that the town would have a high quality drinking water supply for future growth and development. Unfortunately, the people considered the board "A bunch of spend thrifts" and fired them all at the next election.

During the remaining years, various boards allowed logging in the watershed, often with disastrous environmental results. Near the close of the Century, the public did not support any kind of logging. Soon the watershed began a remarkable natural recovery from the past logging scars.

By the 1980s, the citizens of North Carolina, and their state government, were becoming alarmed at the loss of quality drinking water supplies throughout the State.

Waynesville's Allens Creek watershed was given the State's highest quality drinking water classification – a WS-1, because of its own outstanding natural recovery and removal of man-made forestry impacts. The original "spend thrift" board members are now considered historic heroes.

Much to the surprise of many citizens, the 2004 board announced that it favored limited logging in the watershed. A large number of citizens did not agree, and presented to the board a 600-signature petition, protesting any type of tree removal from the area.

Regardless of the public's feelings, the board moved forward, with taxpayers' money, funding a Western North Carolina University flawed "Healthy Forest Study Plan," to selectively log the area.

In a political move, most of the 2004 board members ran for the 2008 Board, apparently among other goals pursuing the "WCU Healthy Forest Plan" agenda.

Concerned about the future potential danger to the Watershed's water quality, I ran as a 2008 board member. Although I garnered over 800 votes, I could not overcome board coalition to obtain a seat. This failure has only encouraged me to fight harder to protect our pure drinking water for future generations.

In the Town of Waynesville's Vol. 7 No. 4 October 2010 Report, as I explained and predicted above, the mayor is now requesting public support for the board's "Healthy Forest Watershed Management Plan." Public comment will be accepted through Nov. 12, 2010.

In the past six years, I have talked with some of the most highly educated and experienced watershed environmental scientists about the Waynesville Watershed Management Plan. All have emphasized protecting its boundary and leaving the area's natural ecosystem processes to produce and maintain a continual pristine water supply – as it has for thousands of years before man began to tear at its fabric.

Even a professor at the NC State School of Forestry wrote in *The Mountaineer* that the Allens Creek Watershed should not be logged, because of its steep slopes. He was correct. Remember the numerous landslides and debris flows that developed on historic logged sites after visits of tropical storms Frances and Ivan?

Watershed ecologists, whom I have talked with, consider the term "healthy forest" a nonscientific term. It is often used by some agencies and woodlot managers to justify tampering with a natural forest ecosystem for commercial purposes. A healthy forest is one that survives under its own natural processes without the help of man.

The board's present justification to log the decadent, old white pine plantation makes no sense nor has scientific validity. This stand of trees is now being naturally and ecologically replaced by the native hardwoods and their large host of other plants and animals forming a unified natural web of life fabric, which in turn will make the native forest and soils more stable and produce more pure water.

Tearing at this healing web has the potential of endangering future purification of the drinking water supply. Every citizen, scientist, school child and informed environmentalist should be speaking out against the proposed plan.

Tell the board to abolish their "Healthy Forest Management Plan," and leave the watershed to its own ecology.

If however, they follow through with their present stubbornly, greedy plan, then follow the money trail. The Allens Creek watershed is not a "cash cow."

Charles Miller
Waynesville

Alderman Roberson moved, seconded by Alderman Feichter, to approve the Watershed White Pine Harvest Plan as presented. The motion carried unanimously.

Mr. Lamb said the work will begin as soon as possible. The Board thanked Mr. Lamb for all the work he has done on this project.

Code of Ethics

The North Carolina General Assembly in 2009 mandated that all elected officials at the local and county levels attend ethics training, and all five of the Town Board members have done so. In addition, the General Assembly required that each local government adopt a "Code of Ethics" under which it will operate.

The School of Government at the University of North Carolina developed a model code of ethics which local governments could use to create one for their own entity. Assistant Town Manager Alison Melnikova and Town Manager Lee Galloway developed one for Waynesville and provided a copy for the board to review a few months ago. The policy is required to be adopted by December 31, 2010.

One of the options which may be included in the Code of Ethics is a procedure in which the Town Board may censure one of its members. There is no requirement that this be included but was offered as an option for the Board to consider. The Code of Ethics may be adopted with or without the procedure for censure. Manager Galloway said while he could not possibly envision the use of that process with the current Town Board members, future elected officials might find such a procedure helpful should they be dealing with the conduct of future Board members.

Alderman Feichter moved, seconded by Alderman Caldwell, to adopt the Code of Ethics Policy as presented, with the elimination of the censure section. The motion carried unanimously.

Community Food Drive Update

Manager Galloway reported that a portion of the Community Food Drive has been completed. Five truck loads of food have been delivered to Haywood Christian Ministry. Students at Junaluska Elementary collected two truck loads and Haywood Christian Ministry staff was very happy to receive the food. Students at Hazelwood Elementary School are also participating and the children are enthusiastic about helping other people. Waynesville is very proud of all these students for their work in the food drive collection.

Audit Report

Manager Galloway reported that the audit report will be presented to the Board of Aldermen at their meeting on December 14. He added that this was a good audit and the town did okay despite the difficult economics. The Enterprise Funds all made money last year.

Employee Appreciation Luncheon

Manager Galloway said the Employee Appreciation Luncheon is scheduled for Friday, December 3, 2010.

Skateboard Park Update

Alderman Caldwell said he and Parks and Recreation Director Rhett Langston met with a representative of Southern Concrete to get cost estimates for concrete at the skateboard park and to get ideas about the park. Fundraising should begin soon.

Haywood County Chamber of Commerce Fire and Ice

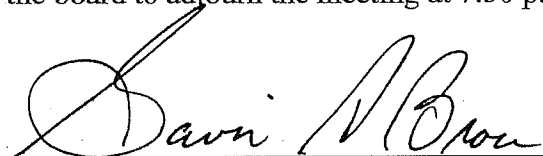
Ron Reid announced that the Haywood County Chamber of Commerce has scheduled an event in January called "Fire and Ice". Several activities are planned during this event, including an ice carving competition and iron chef food competition. Mr. Reid said judges are needed for these competitions and he asked the board to consider serving as judges. No action was needed.

Adjournment

With no further business, it was the consensus of the board to adjourn the meeting at 7:50 p.m.



Phyllis R. McClure
Town Clerk



Gavin A. Brown
Mayor