

**MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL**  
**Regular Meeting**  
**March 12, 2024**

**THE WAYNESVILLE TOWN COUNCIL** held a regular meeting on Tuesday, March 12, 2024, at 6:00 pm in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

**A. CALL TO ORDER**

Mayor Gary Caldwell called the meeting to order at 6:03 pm with the following members present:

Mayor Gary Caldwell  
Councilmember Jon Feichter  
Councilmember Anthony Sutton  
Councilmember Julia Freeman

The following staff members were present:

Rob Hites, Town Manager  
Town Attorney Martha Bradley  
Elizabeth Teague, Director of Development  
Olga Grooman, Land Use Administrator  
Jeff Stines, Public Services Director  
Misty Hagood, Finance Director  
Police Chief David Adams  
Assistant Police Chief Brandon Gilmore

Members of the Media:

Paul Nielson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that the next Town Council meeting will be held on March 26<sup>th</sup>. Mayor Caldwell said that Bob Herrmann passed away. He served on the Zoning Board and Civilian Police.

**B. PUBLIC COMMENT**

There was no public comment.

**C. ADDITIONS OR DELETIONS TO THE AGENDA**

***Councilmember Sutton made a motion, seconded by Councilmember Feichter, to amend item e. on the consent agenda: "Mountain Heritage Market Special Event Permit" with an updated application that shows***

***the expected number of attendees to be “between 3-5,000 attendees” instead of “less than 1,000,000”. The motion passed unanimously.***

#### **D. CONSENT AGENDA**

*All items below are routine by the Town Council and will be enacted by one motion. There will be no separate discussion on these items unless a Councilmember so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.*

2.
  - a. Approve the February 27, 2024 Regular Scheduled Meeting Minutes
  - b. Approve the March 1, 2024 Special Meeting Minutes-Council Retreat
  - c. Approve the Christmas Parade Special Event Permit
  - d. Approve the Church Street Arts and Crafts Show Special Event Permit
  - e. Approve the Mountain Heritage Market Special Event Permit
  - f. Approve the Mountain Street Dances Special Event Permit
  - g. Approve the Smoky Mountain Christmas Special Event Permit
  - h. Approve the Stars and Stripes Special Event Permit
  - i. Approve the Treats on the Street Halloween Special Event Permit
  - j. Approve the Tree Lighting Special Event Permit
  - k. Adopt the Resolution Authorizing Rob Hites and Charam Miller as signatories for CDBG-I grants
  - l. Amend the Fee Schedule of the 2023-24 budget to include a \$6 non-member drop-in childcare fee.
  - m. Approve Labella Engineering to revise the current PCS reflecting the paving projects completed since 2020 in the amount of \$19,500.00.

Councilmember Feichter asked to amend the March 1,2024 minutes to read "Councilmember Feichter expressed ***an interest*** about exempting lower income people in smaller homes" instead of ***concern***.

***A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to approve the consent agenda as amended. The motion passed unanimously.***

#### **E. PROCLAMATION**

3. Bobby McKay Day
  - Mayor Gary Caldwell

Mayor Caldwell read the proclamation honoring Bobby McKay and proclaiming March 12<sup>th</sup>, 2024, Bobby McKay Day.

#### **F. PUBLIC HEARINGS**

4. A Public Hearing to consider Biltmore Baptist Church Conditional District Map Amendment (Rezoning) Application, sections 2.7 and 15.15 of the Land Development Standards (LDS).
  - Olga Grooman, Land Use Administrator

***A motion was made by Councilmember Freeman, seconded by Councilmember Feichter, to open the public hearing at 6:10pm. The motion passed unanimously.***

Land Use Administrator Olga Grooman reported that the 7.9-acre parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383) is the proposed location for Biltmore Baptist Church campus. She said the applicant is requesting a Conditional District Rezoning and is seeking flexibility in building size, exterior design guidelines, parking lot location, and sidewalk requirements. If approved, she said their request would amend the zoning map and create a Raccoon Creek Neighborhood Center Conditional District (RC-NC-CD). She added that it would relax the LDS requirements specifically for that property and as shown on the proposed master plan.

Ms. Grooman said the Planning Board held a public hearing on this Conditional District application on February 26, 2024 and recommended the map amendment to the Town Council with the following conditions:

1. Comply with the façade standards and include architectural elements on the north and south side building elevations in accordance with Land Development Standards (LDS) section 5.10.
2. Conduct Transportation Impact Analysis study (LDS 6.10).
3. Preserve existing street trees along Asheville Rd (LDS 8.4.1).
4. Require 5-ft sidewalks along Asheville Rd and Ratcliff Cove Rd (LDS 6.6.2 B, D).
5. Allow parking at the principal frontage, as proposed on the Master Plan (LDS 9.3).

Ms. Grooman said that the total project area is 7.38 acres with a 25,000-sf building that will consist of a lobby, 416-seat worship center, stage, grade school worship room, pre-school worship room, multiple classrooms, student areas, storage rooms, nursing mothers room, restrooms, lockers, offices, coffee, and flex rooms. She proceeded to read through the staff report. Ms. Grooman said that staff believes the project is reasonable and in the public interest as it creates a diverse mix of community facilities along Asheville Road and that the proposed church integrates both long-term zoning vision for the area and community benefits for the residents. She said it also reduces impervious surface within the 100-year floodplain and increases the stream buffer along Raccoon Creek because the project stays outside of these areas.

Councilmember Feichter asked for clarification on the connection to the sanitary sewer via an individual tap, the SOC allocations will not be affected. Jeff Stines, Public Services Director, said that it's a sewer tap and not a sewer extension because it's not a permittable extension; SOC allow taps, but not extensions.

Councilmember Feichter agreed with Councilmember Sutton that preserving the existing trees was important. He added that if any trees must be moved and new ones planted in their place, that should be a last resort and that preserving existing trees is a priority.

Neil White, the administrative pastor at Biltmore Church said that during covid, they saw a lot of people attending virtually that were from Haywood County, so they saw a need to have a church in the area. He said the new church will have many flex spaces including a "first responders meeting space". Mr. White said they will have police directing traffic when they have services.

Councilmember Sutton asked Mr. White why they didn't want to put sidewalks in at first. Mr. White said it wasn't so much that they didn't want to, but it was more of a cost saving measure. Councilmember Sutton said many community members walk, so sidewalks are important. He added that he is concerned about the sidewalks only being 5 feet, which are not as safe as 8 feet, but understood it was to allow enough room for trees and lights.

Councilmember Sutton said the church is at the entrance of Waynesville, and that the façade of the church is concerning. Sutton recommended adding fake windows on the façade so the building looks less like a warehouse. Mr. White said they are open to anything but noted that the building will be surrounded by trees. Councilmember Feichter expressed concern about traffic in that area and he is interested in how long it will take to empty the parking lot after services. Mr. White said at their Arden campus, which is much larger, police officers' direct traffic and the lot is emptied quickly. Councilmember Feichter asked who would be directing traffic for this church-Waynesville Police Department or Haywood County Sheriff? Mr. White said he didn't know but they do compensate the police for directing traffic.

Jenny Price of Waynesville, NC said that she is in favor of the church being built.

***A motion was made by Councilmember Feichter, seconded by Councilmember Freeman, to close the public hearing at 6:45pm. The motion passed unanimously.***

Councilmember Sutton said that he still has reservations on the south side façade and he would like to see an updated plan. He emphasized the importance of preserving the trees and that there is a sidewalk.

***A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to re-open public comment at 6:50pm. The motion passed unanimously.***

Roger Wright, the contractor for the project, said the south façade will have two package units that will require outside ductwork to run up to the third span of the gable. He said the ductwork will help break up that façade. Councilmember Sutton said he feels more comfortable moving forward with the additional changes.

***A motion was made by Councilmember Feichter, seconded by Councilmember Freeman, to close the public hearing at 6:52pm. The motion passed unanimously.***

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to find the Conditional District Map Amendment as proposed as being consistent with the 2035 Land Use Plan and reasonable and in the public interest in that it continues to promote smart growth principles in land use planning and zoning, encourages in-fill, mixed use, and context-sensitive development, and reinforces the unique character of Waynesville. The motion passed unanimously.***

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to approve with conditions the Conditional District Map Amendment in that applicant continues to comply with façade standards and include architectural elements on the north and south side and continue to work with the Planning Board, and that they preserve the existing trees along Asheville Road, and if there's any need to make modifications they must come before the Board for approval, and that they are required to put a five***

***foot sidewalk along Asheville Road and Ratcliff Road, and they are allowed to put parking as a principle frontage as proposed in their master plan. The motion passed unanimously.***

5. Public Hearing to consider a request for a contiguous annexation for one (1) 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383).
  - Olga Grooman, Land Use Administrator

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to open the public hearing at 7:00pm. The motion passed unanimously.***

***A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to accept all of the evidence as presented in the previous hearing to this hearing. The motion passed unanimously.***

Ms. Grooman reported that the Town received the attached “Petition for Annexation” for a contiguous area from Neil White, Administrative Pastor of Biltmore Church. She said the petition is for one 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383) and the property is the future site of a proposed Biltmore Baptist Church campus. Ms. Grooman said the property is within the Town’s extra-territorial jurisdiction and is zoned Raccoon Creek Neighborhood Center (RC-NC). She said that annexing the property would allow it to connect to municipal sewer through a tap and the closest sewer line is the 8-inch line located along the creek on the eastern portion adjacent to the property.

***A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to close the public hearing at 7:02pm. The motion passed unanimously.***

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman to approve the contiguous annexation for one (1) 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383). The motion passed unanimously.***

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman to adopt the attached Ordinance to approve the annexation of the described property. The motion passed unanimously.***

## **G. NEW BUSINESS**

6. Cemetery Master Plan
  - Julie Grasty, Asset Services Manager

Julie Grasty reported that in the 2023-2024 budget, funding for a Cemetery Master Plan was included. She said an RFQ was sent out in November to seven firms, and two proposals were received. Ms. Grasty said that at the January 25<sup>th</sup> meeting of the Cemetery Committee the firm WC FRY DESGIN was selected to perform the Master Plan. She said WNC Fry is partnering with three additional firms to perform the Master Plan-LF Sloane, Richard Grubb, and WithersRavenel. Ms. Grasty said LF Sloane will analyze undeveloped land to determine its best use in the short and long term, based on burial needs, trends and projections that they develop which

will begin with a basic capacity study and then an analysis of demographics and cemetery trends to understand the community's future needs. She added that recent national trends show that people are leaning more toward cremations due to rising funeral costs. Ms. Grasty said that Richard Grubb will focus on the historical areas of the cemetery and WithersRavenel will provide civil engineering stormwater consulting and survey. Ms. Grasty said the work will be done in five different phases that include virtual meetings and in-person meetings where they will meet with town staff and the Cemetery Committee. She said it will take 5 months to complete this plan, in which then she will come back to Council to report.

Councilmember Feichter asked how much a public workshop would cost. Ms. Grasty said \$4,900. Councilmember Feichter requested that staff add the public workshop so the public can weigh in on the plan. He said he appreciated the Green Hill Cemetery inventory, and he would like to find funding for that. Ms. Grasty said the inventory would be for the older parts of the cemetery that have not yet been mapped. Edwin Fish, Chair of the Cemetery Committee, said that he liked the Master Plan.

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman to approve to award the development of Green Hill Cemetery Master Plan in the amount of \$ 43,400. The motion passed unanimously.***

Mayor Caldwell expressed concern that grave diggers moved and put back monuments without letting the family know. He said it happened to a family member and the monument was put back crooked, but has since been corrected. Ms. Grasty said when graves are dug, they are dug during evenings when staff is not on site. She said they encourage families to let staff know anytime that happens, but it is the responsibility of the funeral home. Mayor Caldwell asked Ms. Grasty to look into what they can do to prevent it from happening in the future.

7. Approval of required CDBG regulatory compliance documents for the South Waynesville Water and Sewer Improvements and Extension projects.
  - Rob Hites, Town Manager

Town Manager Rob Hites said that the CDGB program was set up to be a housing and community rehabilitation program. Because of this, he said they have developed an entire group of resolutions and policies that are related to housing. He said the Town has been awarded three CDBG-I grants totaling over \$3 million dollars, this includes the Phase 1 and Phase 2 sewer projects and the waterline replacement and extension proposals, however, because it's a federal program, the Town must adopt all of the policies and procedures that they require, even if they're directed at housing rehabilitation. Mr. Hites proceeded to read the CDBG Compliance documents.

Councilmember Feichter asked when the project starts. Mr. Hites said the engineer is in the design process for Phase I and then the digging will take place for probably 2-3 weeks.

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman to authorize the Mayor to execute required compliance documents for the South Waynesville Sewer Improvements and Extension Projects. The motion passed unanimously.***

8. Amend Fee schedule of budget ordinance to include a \$25 pole attachment rate.
  - Rob Hites, Town Manager

Town Manager Rob Hites reported that he has been working with a company to negotiate a pole attachment agreement to put in a micro-transmission system that's solely owned by that company. He said they will rent out their space to groups like Verizon and T-Mobile which will help people get better cell service. He said the Town has not conducted a pole inventory nor changed its \$8 per pole rate in several years. He added that in 2016, UTEK Engineers recommended a sliding scale of pole attachments, however, the pole attachment fee was not brought to the Council. Staff recommended that Council adopt a \$25 per pole fee for the remainder of the fiscal year and review the market rates during the budget.

***A motion was made by Councilmember Freeman, seconded by Councilmember Feichter to amend the Fee Schedule of the 2023-24 budget to include a \$25 pole attachment fee. The motion passed unanimously.***

9. Report on settlement with Autobell-Arrowhead, Inc. and Autobell Car Wash, LLC and budget amendment
  - Martha Bradley, Town Attorney

Town Attorney Martha Bradley reported that through its counsel, Autobell-Arrowhead, Inc. and Autobell Car Wash, LLC have agreed to settle in exchange for \$60,000.00 and the Town's agreement not to file an appeal.

Councilmember Feichter entered into record the following statement:

"Some in this community will see this and think the Town did something wrong, when in reality we did everything right.

\* Our ordinances were right.

\* The application of those ordinances by Development Services was right.

\* The actions taken by the Town Attorney on behalf of the Town were right.=

We did everything right, yet we find ourselves on the losing side of what is—in my admittedly non-legally trained mind—a completely misguided judgement. To add insult to injury, the citizens of Waynesville must pay \$60,000, which is almost 4/10 of a cent on the tax rate. I'll vote for this, but not because it is in any way right, but because I don't see as we have a choice."

***A motion was made by Councilmember Sutton, seconded by Councilmember Feichter to approve the settlement with Autobell-Arrowhead, Inc. and Autobell Car Wash, LLC and to authorize the Mayor to sign the Release and Settlement Agreement. The motion passed unanimously.***

***A motion was made by Councilmember Sutton, seconded by Councilmember Freeman to approve the budget amendment as presented. The motion passed unanimously.***

Councilmember Sutton said that Town Attorney Bradley did an excellent job on this case. Ms. Bradley said that Ms. Teague's department also did an excellent job.

## **H. COMMUNICATION FROM STAFF**

10. Manager's Report
- Town Manager, Rob Hites

Nothing to report.

11. Town Attorney Report
- Town Attorney, Martha Bradley

Nothing to report.

**I. COMMUNICATIONS FROM THE MAYOR AND COUNCIL**

Mayor Caldwell asked about an update on employee surveys. Mr. Hites said the UNC School of Government charges \$10,000 to conduct that survey.

Mayor Caldwell asked about the update on the grant for cardio equipment for rec center. Recreation Director Luke Kinsland said they are asking for \$20,000, which will cover two high quality and versatile pieces of equipment.

**J. ADJOURN**

***A motion was made by Councilmember Feichter, seconded by Councilmember Sutton, to adjourn at 7:56pm. The motion passed unanimously.***

ATTEST:

\_\_\_\_\_  
Gary Caldwell, Mayor

\_\_\_\_\_  
Robert W. Hites, Jr. Town Manager

\_\_\_\_\_  
Candace Poolton, Town Clerk