

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
August 26, 2025

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, August 26, 2025, at 6:00pm 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 6:01 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tem Chuck Dickson
Councilmember Jon Feichter
Councilmember Anthony Sutton
Councilmember Julia Freeman

The following staff members were present:

Rob Hites, Town Manager
Candace Poolton, Town Clerk
Martha Bradley, Town Attorney
Elizabeth Teague, Development Services Director
Olga Grooman, Assistant Development Services Director
Development Services Staff
Ian Barrett, Finance Director
Luke Kinsland, Recreation Director
Beth Gilmore, DWC Director
Page McCurry, Human Resources Director
Fire Chief Chris Mehaffey
Assistant Fire Chief Cody Parton

The following members of the media were present:

Paul Nielsen, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that the next Council meeting is September 9th and Town Offices are closed September 1st for Labor Day.

B. PUBLIC COMMENT

There was no public comment.

C. ADDITIONS OR DELETIONS TO THE AGENDA

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to approve the agenda as presented. 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. Motion to approve the August 12, 2025 Regular Meeting Minutes
 - b. Motion to call for a Public Hearing for September 23, 2025, to consider text amendments related to signage (LDS Chapters 4, 11, 17).
 - c. Motion to Approve Audit contract for Fiscal Year 2025 with Martin Starnes
 - d. Motion to approve the ReclJam Special Event Permit

Councilmember Feichter asked if staff could consider a local audit firm next time. Councilmember Sutton said he preferred an outside auditor because there are most likely less conflicts. Finance Director Ian Barrett commented that it's difficult to find in auditor but they will be switching auditors next year.

A motion was made by Councilmember Feichter, seconded by Councilmember Dickson, to approve the consent agenda as presented. The motion passed unanimously.

E. PRESENTATIONS

3. Updates from the Development Services Department
 - Elizabeth Teague, Development Services Director

Development Services Director Elizabeth Teague introduced the Development Services Department staff and their roles, recognized individual members for their achievements, and updated Council on key work areas such as flood recovery and code enforcement. She emphasized the staff's timely and thorough work during Helene, their work on floodplain and stormwater management, and how Development Services is vital to adding valuation to the town.

4. Quarterly & Annual Highlights Presentation
 - Luke Kinsland, Recreation Director

Recreation Director Luke Kinsland presented Council with an overview of the department's accomplishments, highlights, and challenges of the Waynesville Parks & Recreation Department over the past year. Key areas covered included:

- Department recovery and growth since COVID-19, including increased revenues and participation

- Program highlights such as summer camps, afterschool care, youth athletics, aquatics, and fitness memberships
- Staff successes and recognition across childcare, programs, fitness, aquatics, and maintenance divisions
- Financial review of department revenues, expenditures, and General Fund contributions
- He said that current challenges include hiring part-time lifeguards, facility upkeep, vandalism, aging equipment, and rising construction costs

F. PUBLIC HEARINGS

5. Public Hearing to consider text amendments related to compliance requirements in the landscaping ordinance, Land Development Standards (LDS) Section 8.2.5.
 - Olga Grooman, Assistant Director of Development Services

A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to open the public hearing at 7:02pm. The motion passed unanimously.

Assistant Development Services Director Olga Grooman reminded Council that they voted to implement a temporary policy in May, allowing developments impacted by NCDOT roadway projects to provide a fee-in-lieu of the required street tree plantings and directed staff to develop a text amendment to the Land Development Standards to address this issue. She stated that this proposed text amendment aims to ensure compliance with the road frontage landscaping requirements and addresses unnecessary delays for the projects nearing completion that cannot plant required street trees due to ongoing road construction, especially along NCDOT-maintained roads like Russ Avenue. She said the current landscape ordinance only allows a temporary Certificate of Occupancy (CO) with a bond or letter of credit, until landscaping is complete. However, Ms. Grooman said the temporary CO expires after 180 days, leaving building permits for otherwise completed project open. Road construction timelines, especially for major NCDOT projects, often exceed 180 days. Ms. Grooman said that on June 16, 2025, the Planning Board recommended expanding the text amendment to allow a fee-in-lieu of landscaping option for all projects impacted by all road work, not just those affected by NCDOT work. She explained that implementing this proposed change allows a payment-in-lieu option to cover all costs associated with the installation and materials of the required landscaping for developments affected by road construction, including NCDOT projects and the funds will be held in a Town-designated account, which has been created in coordination with the Finance Department. Ms. Grooman the Town will use these funds to plant the required road frontage landscaping in the original project location once the road construction, repairs, or improvements are complete.

There was no public comment.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to close the public hearing at 7:08pm. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest in that it continues to promote smart growth principles in land use planning and zoning by encouraging infill, mixed-use and context-sensitive development and creates walkable and attractive neighborhoods and

commercial centers and that it also protects and enhances Waynesville's natural resources by protecting and enhancing water quality and forests and protects rural lands, iconic views and mountain vistas, and that the proposal is reasonable and in the public interest, as it allows the Town to ensure compliance with its landscaping ordinance, while enabling affected projects to proceed without delay and obtain a final Certificate of Occupancy. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to adopt the Ordinance as presented in that it is reasonable and in the public interest, as it allows the Town to ensure compliance with its landscaping ordinance, while enabling affected projects to proceed without delay and obtain a final Certificate of Occupancy. The motion passed unanimously.

6. Public Hearing to consider text amendments to Stormwater Ordinance, Land Development Standards (LDS) section 12.5.

- Olga Grooman, Assistant Director of Development Services

A motion was made by Councilmember Freeman, seconded by Councilmember Sutton, to open the public hearing at 7:10pm. The motion passed unanimously.

Assistant Development Services Director Olga Grooman reported the Town of Waynesville holds a National Pollutant Discharge Elimination System (NPDES) permit, issued by NC DEQ on August 19, 2021, and is valid for five years. She explained that this permit requires the Town to maintain legal authority through ordinance (Permit Ref. 3.6.2) to manage stormwater and protect water quality and the Town achieves these goals through its Stormwater Ordinance and comprehensive Stormwater Management Plan. She said that projects that disturb one acre or more or create 24,000 square feet of impervious surface fall under the requirements of the Waynesville Stormwater Ordinance, regardless of the number of units or lots created, unless the development is exempt. She further explained that exempt projects are single-family and two-family developments on individual lots, all development in the Central Business District, redevelopment that results in no net increase in built-upon area and/or provides equal or greater stormwater control, development and redevelopment that cumulatively disturbs less than one acre and is not part of a larger common plan, and certain farming and forestry activities as specified in the Code of Federal Regulations.

During review of a minor site plan involving three pre-platted lots, Ms. Grooman stated the question arose whether the current exemption for single-family and two-family development applied to the project. Per suggestion of the Planning Board's attorney Ron Sneed, staff is bringing forward this text amendment to clarify the scope of the single-family and two-family exemption. She added that the proposed amendments highlight stormwater permitting requirements in the ordinance's applicability section and refer to the relevant LDS sections for more detail and removes a redundant sentence to improve clarity.

Ms. Grooman read the current exemption: "Single-family and two-family developments on individual lots," which could be interpreted as to be applicable to larger subdivisions consisting of multiple individual lots, rather than applying solely to standalone development on a single lot. She presented three proposed changes to the ordinance:

- A single-family dwelling on an individual lot or a two-family dwelling on an individual lot that is not a part of a larger site plan or subdivision is exempt from the requirements of the Stormwater Ordinance.

- Highlight permitting requirements in the applicability section of the ordinance. This revision emphasizes that all developments and redevelopments must obtain a stormwater permit, unless they are specifically exempted by the ordinance. The permit includes the design and construction of stormwater management practices, review by the Town-contracted engineer, approval, and inspection.
- Remove a redundant part of the sentence that unnecessarily repeats the same information.

There was no public comment.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to close the public hearing at 7:15pm. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest in that it continues to promote smart growth principles in land use planning and zoning and encourages infill, mixed-use and context-sensitive development and promotes conservation design to preserve important natural resources and that it protects and enhances Waynesville's natural resources and enhances water quality and forests, and the proposal is reasonable and in the public interest because it clarifies the applicability and exemptions of the stormwater ordinance, thereby strengthening the Town's legal authority through clear ordinance. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to adopt the Ordinance as presented because of the findings and reasons stated in the previous motion. The motion passed unanimously.

7. Public Hearing to consider text amendments related to wireless communication facilities, Land Development Standards (LDS) section 3.10.

- Olga Grooman, Assistant Director of Development Services

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to open the public hearing at 7:17pm. The motion passed unanimously

Assistant Development Services Director Olga Grooman explained that wireless communication facilities are infrastructure used to transmit and receive signals for wireless communications, such as cellular service, internet, TV and radio broadcasting, emergency services, utilities, etc and include antennas, cables, structures like towers, equipment cabinets, etc. She said they generally considered an essential infrastructure under federal law and that the Communications Act of 1996 preempts state and local regulations, including local authority to prohibit wireless service facilities, discriminate between providers of wireless service, or regulate proposed wireless communications facilities based on the potential health/environmental effects of radio frequency emissions. Ms. Grooman added that wireless communication facilities comply with the Federal Communications Commission's (FCC) regulations related to radio frequency exposure limits, equipment authorization, construction of facilities, and mandatory collocation requirements. She presented the proposed changes to the LDS as follows:

1. Wireless communication facilities:

Amend the supplemental standards to permit the installation of wireless communication facilities on new buildings, in addition to their placement on existing buildings or poles. All other standards- including but not limited to height and placement limitations, collocation, and design restrictions- will remain unchanged.

2. Monopole wireless communications tower:

- Allow new towers without requiring a variance from the Zoning Board of Adjustment. The current provision implies a “use variance,” and use variances are not allowed under North Carolina state law. Additionally, FCC mandates the collocation requirements, and any new tower must be designed to accommodate multiple providers.
- Remove the Zoning Board of Adjustment’s responsibility to review lighting. Monopole towers are allowed via a Special Use Permit (SUP) in 29 out of 30 Waynesville’s zoning districts. During a quasi-judicial SUP hearing, the Planning Board reviews the tower’s compliance with placement, design, height, setbacks, and buffering requirements, as well as its compatibility with the character of the neighborhood “to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety and welfare” (LDS 3.1.3).
- Require proof of regulatory compliance: written statements from the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) showing that the proposed tower complies with all permit regulations administered by that agency.
- Clarify that one monopole tower is allowed per full acre of a lot (for example, a 2-ac lot can have 2 towers, and 1.5-ac lot can only have 1 tower).

Councilmember Freeman asked if cell towers still have to be on Town property. Ms. Grooman clarified that cell towers can be on any property above 3500 feet in elevation, or it must be on County or Town property if below that.

There was no public comment.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to close the public hearing at 7:23pm. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Feichter, to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest in that it continues to promote smart growth principles in land use planning and zoning, encourages infill, mixed-use and context-sensitive development, creates opportunities for a sustainable economy, and supports 21st century technology and infrastructure by broadening the availability of high-speed internet, modernizing wireless communication facilities, and promoting green building and the use of solar and wind technologies and that the proposal is reasonable and in the public interest because it will better align the Town’s ordinances with the Federal Communications Act of 1996 and applicable Federal Communication Commission’s (FCC) regulations. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to adopt the Ordinance as presented based on the facts and findings in the previous motion. The motion passed unanimously.

G. OLD BUSINESS

8. Approval of Phase III cashflow loan application.
- Rob Hites, Town Manager

Town Manager Rob Hites reported that the State Treasurer has offered the Town a “Phase III Cash Flow Loan” of \$298,671.71 and that the loan offered is a “0%” percent loan for five years. Mr. Hites said the Town has received loan proceeds for Phase 1 and 2 Loans totaling \$803,482.76, which brings the total to \$1,105,154.47. He added that the Town is eligible for \$2,657,300, our total estimated Helene related costs and the loan repayment is as follows:

\$1	1 st anniversary of loan approval
10%	of loan by 6/30/2027
20%	of loan by 6/30/2028
30%	of loan by 6/30/2029
40%	less \$1 at earliest of 5 th anniversary or 6/30/3030

Mr. Hites stated that the cost of the two ball fields and dog park will be the most expensive and as time goes on, costs will continue to increase.

Councilmember Feichter reminded Council that they’ve received \$1 million in loans, and they have about \$5 million in repairs.

Councilmember Sutton said he will be travelling to D.C. to advocate for more funds to help pay for Helene damages and to speak on the Disaster Assistance Simplification Act.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to approve the offer of \$298,671.71 for a Phase II Cashflow Loan. The motion passed unanimously.

H. NEW BUSINESS

9. Revised Special Order by Consent
- Rob Hites, Town Manager

Town Manager Rob Hites reported that on December 31, 2020, the Town and Department of Environmental Quality (DEQ) executed an agreement outlining the process for regulating the Town’s wastewater treatment system while it reconstructed its 6 million gallon per day waste treatment plant. He said the agreement stipulated abatement of fines, lowered treatment limits, areas of the plant being reconstructed, the amount of waste permitted to be accepted and the termination date of the SOC, July 1, 2024. Mr. Hites said since its termination, a strict reading of the original SOC would place the Town in violation of several elements of the

agreement including payment of considerable fines. He reported that staff of the Western Division of DEQ have been working with the Town to renegotiate the SOC considering delays while the plant was redesigned to reduce the bid price and repairs of Helene storm damage. He commended the Western staff for recognizing the impact of the storm and the need to free the Town to accommodate future growth.

Mr. Hites pointed out the differences of the new Special Order of Consent (SOC):

- Waives all fines and fees that were outlying in the original SOC.
- Granted an additional 56,000 gallons per day of flow during the final 3-6 months of the SOC
- Section 9 has been redrafted to terminate the SOC upon completion of the plant. The plant must meet the limits set forth in its NPDES permit within 90 days of notice.

Mr. Hites commended staff for their work on fixing inflow and infiltration and that the plant is processing 1-1.5 million gallons less a day than before staff's efforts.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve the revised Special Order by Consent (SOC). The motion passed unanimously.

I. COMMUNICATION FROM STAFF

10. Manager's Report

- Town Manager, Rob Hites

Nothing to report.

11. Town Attorney's Report

- Town Attorney, Martha Bradley

Nothing to report.

J. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Councilmember Sutton reported that the TIP was approved by DOT for South Main Street project (2035), and DOT is also working on many bridge projects around NC.

Councilmember Dickson said Federal Tax Credits for used electric vehicles and plug-in hybrids are ending September 30th.

Mayor Caldwell asked Ms. Teague for an update on the damaged buildings in Frog Level. She said there are two that are being repaired, but they haven't heard from other property owners on whether they will be repairing. She is hoping the facades will at least be saved, but the structures may be "demolition by neglect" cases. She emphasized that staff are doing everything they can to connect property owners with resources to assist with reconstruction.

K. ADJOURN

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to adjourn at 7:55pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk