

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

**Regular Meeting
December 13, 2022**

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, December 13, 2022 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 6:05 pm with the following members present:

Mayor Gary Caldwell
Alderwoman Julia Freeman
Alderman Jon Feichter
Alderman Chuck Dickson
Alderman Anthony Sutton

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Martha Bradley, Town Attorney
Byron Hickox, Land Use Administrator
Olga Grooman, Planner
Ricky Foster, Assistant Public Works Director
Brandon Gilmore, Assistant Police Chief
Senior Lieutenant Chris Chandler
Chief David Adams
Candace Poolton, Town Clerk

Members of the media:

Becky Johnson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone of the event The Night before Christmas on Main Street on Saturday, December 17th, 6-9pm and that the Town Offices will be closed on Friday, December 23rd, Monday, December 26th, and Tuesday, December 27th.

Mayor Gary Caldwell presented the Pigeon River Award that the Town of Waynesville was awarded at Haywood Waterway's Annual Membership Dinner.

Mayor Gary Caldwell announced that the Town has a new Town Clerk, Ms. Candace Poolton.

B. PUBLIC COMMENT

Peggy Hannah, Hazelwood Area:

Ms. Hannah commented that Walmart management is using too much of the Waynesville Police Department's resources to respond to theft.

C. ADDITIONS OR DELETIONS TO THE AGENDA

Mayor Caldwell stated with no additions or deletions to the agenda, he asked for a motion to approve the consent agenda.

D. CONSENT AGENDA

All items below are routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion on these items unless a Board member 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. Adoption of minutes of the November 22nd, 2022 Regular meeting

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the consent agenda as presented. The motion passed unanimously.

E. PRESENTATION

3. Presentation of Proclamation recognizing the service of Eddie Ward.
 - Mayor Gary Caldwell

Mayor Gary Caldwell presented the Proclamation recognizing the service of Eddie Ward, which included Ms. Ward earning the prestigious Master Municipal Clerk certification and her volunteer work with the Civilian Police. Mayor Gary Caldwell thanked Ms. Ward for her years of service and acknowledged her accomplishments on behalf of the Board of Alderman and the Town of Waynesville.

A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman, to approve the attached Proclamation recognizing the service of Town Clerk, Eddie Ward. The motion passed unanimously.

4. Request approval of an additional SRO position and budget amendment for the recently relocated Haywood Central High School, which is now located at 62 Joy Lane, Waynesville, NC.
 - Senior Lieutenant Chris Chandler

Senior Lieutenant Chris Chandler reported that The Waynesville Police Department currently provides a specialized School Resource Officer (SRO) at the Waynesville Middle School by contract with the Haywood County School System and Shining Rock Classical Academy by private contract. This school year, Haywood

Central High School moved inside the Town of Waynesville's jurisdiction. The responsibility to provide an SRO shifts from the Haywood County Sheriff's Office to the Waynesville Police Department.

Sr. Lt. Chandler asked the Board to approve the Waynesville Police Department to fill the SRO position for Haywood Central High School located at 62 Joy Lane. He added that this will allow Waynesville Emergency Services to respond to emergencies at Haywood Central High. Sr. Lt. Chandler asked for a budget amendment of \$35,000 to cover the cost of the SRO position for the remainder of the fiscal year and the Town will be reimbursed for the position by the Haywood County School System.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the Waynesville Police Department to enter into a contract with the Haywood County School system to provide an SRO for Haywood Central High School located at 62 Joy Lane, Waynesville, NC. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to approve the budget amendment, Ordinance O-36-22, for the SRO position and reimbursement by the Haywood County School System. The motion passed unanimously.

F. PUBLIC HEARING

5. Map Amendment (Rezoning) Request from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District for Five (5) Properties off South Main Street:

1. .38-acre property at 1434 S. Main St. (PIN 8605-91-5018),
2. .28-acre property at 1458 S. Main St. (PIN 8605-90-3984),
3. .23-acre property at 1484 S. Main St. (PIN 8605-90-3920),
4. .14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),
5. .24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).

- Olga Grooman, Planner

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:20 pm. The motion passed unanimously.

Planner Olga Grooman explained that the owners of the aforementioned properties are hoping to have their properties re-zoned to mixed-use overlay for many reasons. Recently, the DOT told property owners that they would be widening the road and taking up to 20 roadside feet of the properties. Planner Grooman reported that a traffic study revealed that traffic going past these properties is more than three times heavier than other nearby areas, so road noise is significant. Planner Grooman reported that the owners have had difficulty selling their properties because they are zoned as residential. The property owners felt it is reasonable to expand the uses of their properties to locate professional and personal services and limited retail or restaurant uses that would benefit from a close road frontage and could be appealing for businesses. Planner Grooman stated that the property owners want to protect the character of the neighborhood without compromising their own property values. There are already business districts and a country club mixed-use overlay all around the properties, so it would make sense to transition the properties to a mixed-use overlay.

All residential and other uses currently allowed in their district will remain the same if the Board moves to rezone these properties.

Planner Grooman said that the uses that are currently permitted outright in H-UR include:

- single and two-family dwellings
- townhomes
- multi-family
- home occupations
- child/adult daycare homes
- cultural and community facilities
- religious institutions
- nurseries

The uses allowed with the special use permit include:

- residential care
- facilities for more than 6 people
- inns (up to 20/30 rooms)
- elementary and secondary schools

If the properties are rezoned in H-UR-MX-O-2, additional uses allowed would be:

- government services
- personal services (barber shops, hair salons, etc.)
- professional services (legal, accounting, engineering services)
- studios (arts, dance)
- neighborhood commercial (3,000 sq ft or less)
- neighborhood restaurants (limited to 3,000 sq ft)

The staff submits that these uses are like existing businesses across the street and nearby, including: a law office, antiques store, consignment store, salon, bookstore, chimney cleaning service, financial advising, and a few others. Planner Grooman said it is important to note that there already exists a H-UR-MX-O zoning district which allows general commercial businesses less than 100,000 square feet. This proposal is to create a new H-UR overlay district #2 which does not include such large-scale commercial development that could compromise the character of the neighborhood. The newly created overlay district #2 would exclude this broad commercial use.

Alderman Jon Feichter asked what would happen if in the future adjacent property owners were interested in becoming mixed use overlay. Planner Grooman said that they would have to file a separate application and apply. Alderman Feichter then asked what the final vote was at the Planning Board meeting to recommend the rezoning. Planner Grooman responded that the vote was five to three in favor and the vote to recommend the rezoning to the Board of Aldermen was unanimous. Alderman Feichter expressed concern that the precedence we are setting because if the Town tells these property owners “yes”, it may be more difficult to tell adjacent property owners “no” in the future. He added that he appreciated that the applicants wanted to preserve the Town’s character. Mayor Gary Caldwell added that the concern of the property owners is reasonable, especially with the DOT encroaching on their properties in the future.

Planner Grooman summarized that as a staff, they ask if the zoning is appropriate for this area, and as a staff, they strongly say yes. Alderwoman Julia Freeman agreed with Planner Grooman’s statement.

Alderman Chuck Dickson asked if the other surrounding residential property owners may be interested in rezoning. Planner Grooman said with the public hearing notices being posted and letters being sent out, she's not heard from any other property owners.

Dustin Smith, 85 Mississippi Avenue:

Mr. Smith said that he owns 34 Belle Meade Drive and owns Triangle Automotive. He stated that he petitioned to the Town six months ago to rezone 34 Belle Meade to commercial use and was denied. Mr. Smith said he did not see the difference between his request for commercial rezoning and the applicants' request.

Planner Grooman clarified that this is not a commercial rezoning as Mr. Smith mentioned, but a rezoning to create a transitional area. She said that Mr. Smith is welcome to apply for a mixed-use overlay-2 rezoning and they would put the application through the same process.

Attorney Martha Bradley said she pulled the agenda packet from Mr. Smith's hearing and his request was different from what these property owners are requesting.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to close the Public Hearing at 6:41 pm. The motion passed unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to find that the map amendment, Ordinance O-40-22 is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest in that the properties are designated as Mixed-Use Community and Residential High to Medium Density on the Future Land Use Map. The proposed additional uses are consistent with this designation and the rezoning of these properties will remain consistent with the purposes of the main underlying zoning district- Hazelwood Urban-Residential (H-UR) which is to encourage infill development and the rehabilitation of existing structures, keeping with the residential scale and character of the existing neighborhood, and limited non-residential uses supporting the community are permitted if contributing in scale, design, and use to the area, as described in Section 2.3.4.B of the Land Development Standards (LDS). The motion passed unanimously. Alderman Anthony Sutton recused himself from the vote.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to adopt the map amendment, Ordinance O-40-22 (Rezoning) request from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District for Five (5) Properties off South Main Street:

- 1. .38-acre property at 1434 S. Main St. (PIN 8605-91-5018),***
- 2. .28-acre property at 1458 S. Main St. (PIN 8605-90-3984),***
- 3. .23-acre property at 1484 S. Main St. (PIN 8605-90-3920),***
- 4. .14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),***
- 5. .24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).***

The motion passed unanimously. Alderman Anthony Sutton recused himself from the vote.

6. Text amendment related to Section 8.4 Buffer Yards of the Land Development Standards (LDS)
 - Olga Grooman, Planner

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:44 pm. The motion passed unanimously.

Planner Olga Grooman reported that this text amendment was developed by the Adhoc Subdivision Subcommittee of the Planning Board related to subdivision development regulations. The amendment was developed because in the discussions of Land Development Standards related to larger scale subdivisions, there was concern expressed by the Planning Board subcommittee for large scale development or development uses that require Special Use Permits being placed within a zoning district. The Town's Buffer Yard requirements (LDS Section 8.4) requires buffer yards whenever a new development is adjacent to an adjacent zoning district, but does not have any requirements for when a new development is within a single zoning district. Planner Grooman said this text amendment enhances subdivision regulations to require a Type B Buffer for large developments. A Type B Buffer Yard is 10-20 feet in width and consists of a mix of evergreen trees and understory trees and shrubs to make a semi opaque vegetative screening. Planner Grooman said the purpose of this text amendment is to protect surrounding areas and to protect views.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to close the Public Hearing at 6:48 pm. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to find that the Ordinance O-37-22 is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest because it creates walkable and attractive neighborhoods, encourages in-fill, mixed use, and context-sensitive development, promotes conservation design to preserve important natural resources, reinforces the unique character in Waynesville, and protects rural lands, iconic views, and mountain vistas. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to adopt Ordinance O-37-22, the text amendment related to Section 8.4 Buffer Yards of the Land Development Standards (LDS), (or as amended). The motion passed unanimously.

7. A Public Hearing to consider a Text Amendment to Land Development Standards Section 12.3, the Flood Damage Prevention Ordinance
- Byron Hickox, Land Use Administrator

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:50 pm. The motion passed unanimously.

Land Use Administrator Byron Hickox reported that this is an update of the Town's Flood Damage Prevention Ordinance which is part of our Land Development Standards. Mr. Hickox added that a lot of these changes are just basic housekeeping changes. The most basic changes are:

1. References to 160D.
2. Additions to the definitions section.
3. Additional standards for building permits for existing structures.
4. Standards for cumulative flood damage to structures.
5. Standards for storage tanks, fences, retaining walls, and other non-habitable structures.
6. The incorporation of a new flood map designation, the AH Zone.

Mr. Hickox reported that at its meeting on November 7, 2022, the Planning Board unanimously found that the proposed ordinance amendment is consistent with the 2035 Comprehensive Plan and voted unanimously to recommend its adoption to the Board of Aldermen.

Alderman Jon Feichter recalled that a few years ago, the Town had discussed the possibility of asking FEMA to re-evaluate the floodplain area, specifically in Hazelwood. He added that homes sitting in the floodplain are dramatically affected by high insurance rates. Alderman Feichter is wondering if we could push FEMA to come out and revisit the floodplain boundaries. Mr. Hickox said that they have pushed for a re-evaluation by FEMA, and they replied that it would be a while before they could get to the Town. Mr. Hickox suggested that individual property owners request a Letter of Map Amendment or a Letter of Map Revision. He mentioned that a surveyor he works closely with, Marty Owens, has commented that a lot of things in Hazelwood stands out as needing additional floodplain revision.

Town Manager Rob Hites asked if there was a way for the Board to hire an engineering firm with a surveying component, have them conduct a survey of the Hazelwood area, and submit that report to the state. Mr. Hickox replied that it is a costly process and requires a lot of man hours.

Alderman Anthony Sutton voiced concern about the difficulty of Hazelwood homeowners getting insurance and the building homes.

Mr. Hickox offered to meet with several surveyors to get an idea of how much it would cost to look at a part of Hazelwood to be presented at the Board retreat. The Board agreed that's a great first step.

Shereen Malek PO Box 1164:

Ms. Malek said she owns a property in Hazelwood. They had an accessory dwelling they were hoping to turn into an affordable rental. She said they paid to have a flood certificate and found that they had to raise the structure three feet which made them stop renovating the structure.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to close the Public Hearing at 7:16 pm. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to find that the proposed Ordinance O-38-22 is consistent with the 2035 Comprehensive Plan in that it protects and enhances Waynesville's natural resources, protects, and enhances water quality and forests, and protects rural lands, iconic views, and mountain vistas. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter to adopt the amended Flood Damage Prevention Ordinance O-38-22 (LDS Section 12.3). The motion passed unanimously.

8. Text amendments related to Chapter 160D general additions and revisions to multiple sections of Land Development Standards (LDS).
 - Olga Grooman, Planner

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to open the Public Hearing at 7:18 pm. The motion passed unanimously.

Planner Olga Grooman summarized the text amendments into three main parts:

1. The Public Services Director has the authority to decide whether to enforce driveway connection standards on private roads within the Town or ETJ on a case-by-case basis.
2. The stormwater ordinance now has hydroplaning protections in place for large subdivisions.
3. Any substantial changes will be handled as a new process.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to close the Public Hearing at 7:23 pm. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to find that the map amendment, Ordinance O-39-22 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, Encourage in-fill, mixed use, and context-sensitive development, protects and enhances Waynesville's natural resources, protects and enhances water quality and forests, creates an attractive, safe and multi-modal transportation system, provides an interconnected transportation network of roadways, greenways, freight mobility, bicycle routes and sidewalks that improves safety and strategic access for all users. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to adopt the Ordinance O-39-22, the text amendments related to Chapter 160D general additions and revisions to multiple sections of Land Development Standards (LDS), (or as amended). The motion passed unanimously.

G. NEW BUSINESS

9. Proposed Regular Meeting Schedule
 - Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler presented the 2023 Proposed Regular Meeting Schedule for the Board of Aldermen meetings as they have been the past year; the second and fourth Tuesday of every month at 6pm to be located in the Board Room at 9 South Main Street unless otherwise noted. The proposed schedule showed only one meeting in December, Tuesday the 12th. Alderwoman Julia Freeman and Alderman Anthony Sutton commented that they would both be out of town during the March 14th meeting.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to approve the Board of Aldermen meeting schedule for the year 2023. Motion passed unanimously.

10. Feasibility, conceptual design, and cost estimate for the sidewalks along four (4) properties off Belleview Road:
 1. 298 East Street, PIN 8615-46-7624
 2. 30 Belleview Road, PIN 8615-46-7438
 3. Unaddressed parcel, PIN 8615-46-7307
 4. Unaddressed parcel, PIN 8615-46-8300
 - Olga Grooman, Planner

Planner Olga Grooman began the presentation by describing the potential location for the sidewalks. She said that residents have expressed concern about the dangers of walking on Belleview Road and said they would feel safer if they had a sidewalk to walk on. Planner Grooman mentioned that all four property owners on Belleview Road are interested in having a sidewalk, one property owner already gave the Town a ten foot easement for a sidewalk on Bellview, and the other property owners would like to see the conceptual design before committing. The Public Services Department recommended a cost estimate for the sidewalk so they will know how to adjust their budget for the following year. Public Services Director Jeff Stines chose McGill and Associates to do the conceptual design of the sidewalk due to their qualifications, availability, pricing, and prior experience of working together.

Town Manager Rob Hites expressed concerns about drivers speeding down Belleview because of the steep slope to which Ricky Foster, Assistant Public Works Director, replied that the Town should do some traffic calming for a crosswalk that would connect to the existing sidewalk off East Street, if the Town moves forward with completing a sidewalk. Manager Hites added that it may cost \$50,000 to \$60,000 for that stretch of sidewalk because of the changing the topography in that area. He mentioned that getting a sidewalk grant to help pay for this project could be possible.

There was continued discussion among the Board of Aldermen and the Town Manager about how this sidewalk would impact the Preservation Way development, since the sidewalk, if constructed, could potentially connect to Preservation Way.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to approve the study for potential sidewalks off Belleview Road and proceed with McGill and Associates as specified in the "Scope of Services Contract." The motion passed unanimously.

H. COMMUNICATION FROM STAFF

11. Manager's Report

- Town Manager, Rob Hites
- Assistant Town Manager, Jesse Fowler

Rob Hites, Town Manager, had nothing to report. Jesse Fowler, Assistant Town Manager, discussed the interview with candidate Judi Donovan for the Zoning Board of Adjustment. Mr. Fowler said that Ms. Donovan was interested in participating on both the Zoning Board of Adjustment and the Historic Preservation Commission. Alderman Anthony Sutton and Alderman Jon Feichter were also present for that interview. Both Aldermen commented on Ms. Donovan's incredible potential. Alderman Sutton said she would do well on the Planning Board, but recommended she should start on the Historic Preservation Commission first.

A motion was made by Alderman Jon Feichter and seconded by Alderman Anthony Sutton to appoint Judi Donovan to the Historic Preservation Commission for a term that will end June 30, 2025. Mayor Gary Caldwell, Alderwoman Julia Freeman, Alderman Jon Feichter, Alderman Chuck Dickson, and Alderman Anthony Sutton voted in favor. The motion passed unanimously.

A motion was made by Alderman Jon Feichter and seconded by Alderman Anthony Sutton to appoint Judi Donovan to the Zoning Board of Adjustment at the position of alternate. Mayor Gary Caldwell, Alderwoman Julia Freeman , Alderman Jon Feichter, Alderman Chuck Dickson, and Alderman Anthony Sutton voted in favor. The motion passed unanimously.

12. Town Attorney Report

- Town Attorney, Martha Bradley

Nothing to report.

I. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderwoman Julia Freeman commended the Downtown Waynesville Commission on their incredible work on the Christmas Parade and the Night Before Christmas event.

A motion was made by Alderman Anthony Sutton, Seconded by Alderman Chuck Dickson, to cancel the December 27th Board of Aldermen Regular Meeting. The motion passed unanimously.

J. ADJOURN

A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman to adjourn the meeting at 7:49pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk