

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**Regular Meeting**  
**January 24, 2023**

**THE WAYNESVILLE BOARD OF ALDERMEN** held a regular meeting on Tuesday, January 24, 2023 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 6:06 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  
Elizabeth Teague, Planning Director  
Luke Kinsland, Recreation Director  
Fire Chief Joey Webb  
Assistant Fire Chief Chris Mehaffey  
Beth Gilmore, Director of Downtown Waynesville Commission  
Police Chief, David Adams  
Brandon Gilmore, Assistant Police Chief  
Misty Hagood, Finance Director  
Ricky Foster, Assistant Director of Public Services  
Byron Hickox, Land Use Administrator  
Elizabeth Teague, Planning Director  
Candace Poolton, Town Clerk

Members of the media:

Becky Johnson, The Mountaineer

Others present:

Alex McKay, Downtown Waynesville Association  
Adeline Wolfe, Mountain Housing Authority

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed and reminded everyone that the next Board of Aldermen meeting is February 14<sup>th</sup>.

## **B. PUBLIC COMMENT**

**Debbie Fleckenstein-177 Staymon Road, Waynesville:** Mrs. Fleckenstein said that the Town of Waynesville used to be dog friendly, but it is no longer dog friendly because of the condition of the Waynesville dog park. She asked the Board of Aldermen if they understood the value of a dog park in this community. Because there's no dog park here in Waynesville, Mrs. Fleckenstein said tourists are taking their business to surrounding communities that have dog parks, such as Asheville or Canton. She also stated that regular maintenance and upgrades have never been done.

**Lynn Gregory-206 Meadow Street, Waynesville:** Ms. Gregory said they have lost access to the dog park due to lack of maintenance and shortsighted repairs. She added that the amount of mulch the Town plans to add to the dog park is too much and would make it difficult for seniors and people with disabilities to walk in the park. Ms. Gregory asked why flooding at the Canton dog park is not an issue, but it is for the Town of Waynesville. She said she is willing to help raise funds to support the dog park.

**Tom Fleckenstein-177 Staymon Road, Waynesville:** Mr. Fleckenstein said that not having a dog park in town is contributing to a loss of revenue from tourism.

**Eva Hansen-21 Jenny Rae Lane, Waynesville:** Ms. Hansen introduced herself as the Chair of the Parks and Recreation Advisory Commission. She congratulated Luke Kinsland on becoming Recreation Director and said he's been doing a great job. Ms. Hansen reported that at the last Commission meeting, dog park patrons attended. She said that she appreciated that they offered to help with the dog park project. Ms. Hansen would like to see an improved Master Plan as well as a Fund Development plan for Parks and Recreation.

**Laurie Gower-774 Mulberry Street, Clyde:** Ms. Gower said they just recently moved to the area, and part of what attracted them here was the Waynesville dog park. She asked if the Town could open the dog park and just rope off the part of the dog park where a French drain could be installed.

**Sharon Taylor-197 Melinda Drive, Waynesville:** Ms. Taylor said that the closure of the dog park has diminished her quality of life as well as others. She offered to help write grants to fund the dog park.

**Virginia Wall-289 Chestnut Park Drive, Waynesville:** Ms. Wall said that she's met many people from out of town at the dog park. She said she was very upset that round up was sprayed this summer on the perimeter of the dog park. She said now the Town manually pulls the weeds since she said something.

Town Manager Rob Hites said that he and Recreation Director Luke Kinsland went to the Canton dog park to see how they engineered their dog park and discovered that they do not have drainage issues because they don't follow the water into their storm sewer. He added that there is no storm sewer by the Waynesville dog park, but even if there was, doing the same thing that the Canton Park does would violate the Town of Waynesville storm sewer regulations. Mr. Hites further explained that the Public Works staff had been instructed to create elevation of the park to help create drainage that the park has never had before. Town Manager Hites said that they have been working with an engineer on how to create proper drainage of the

park. He added that they've checked with a local construction company to see if there's equipment that the Town could borrow to do some work on the park.

### 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. a. Adoption of minutes of the January 10th, 2023 Regular meeting
- b. Sarge's Dog Walk Special Event Permit

***A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to amend the January 10<sup>th</sup>, 2023 Board of Aldermen Regular Meeting Minutes to reflect 7:35pm entering the open session. The motion passed unanimously.***

***A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the Consent Agenda as amended. The motion passed unanimously.***

### E. PRESENTATION

3. Fire Department 2022 Annual Report
  - Chris Mehaffey, Assistant Fire Chief

Assistant Fire Chief Chris Mehaffey reported on 2022 highlights for the Waynesville Fire Department:

- Call volume increased to well over 3,100 calls for service, which is a new record.
- The Fire Department acquired two new Shift Captains, promoted several part-time staff members, and added volunteer (paid-on-call) members to the part-time roster.
- The Fire Department lowered their insurance rating to a Class 4 district-wide which saved homeowners outside city limits money on their homeowners insurance.
- A new tanker truck was ordered to replace the 1993 tanker that's still in service.
- Obtained a FEMA grant for \$108,000 for structural and wildland protective gear.
- Added a battery operated "Jaws of Life" tool to their arsenal.
- Ordered a rescue boat to enhance water rescue capability.
- Recorded eight cardiac arrest saves.
- Added a Fire Marshall to the staff roster (Darrell Calhoun). Mr. Calhoun has done an immense amount of public education and outreach.

- Fundraised \$1200 to help provide a Christmas to two families.

Mayor Gary Caldwell asked if the Rescue Squad has helped EMS. Assistant Fire Chief Mehaffey said they have not seen their capabilities yet because as of now they can only operate outside of the county or bring patients from outside the county into Haywood County.

Town Manager Rob Hites asked Mr. Mehaffey if structure fires have been on the rise. Mr. Mehaffey replied no.

Alderman Jon Feichter and Alderman Anthony Sutton thanked Fire Department for going above and beyond and doing such a wonderful job.

## F. CALL FOR PUBLIC HEARING

### 4. Call for a Public Hearing to Consider a Request for Annexation

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that the Town of Waynesville received an application requesting the annexation of a property located at 271 Howell Mill Road. The applicant, Mountain Housing Opportunities, Inc. (MHO), came to the Town in 2021 to request infrastructure incentives for a future affordable housing development to be located on this lot. The Board of Aldermen awarded MHO these incentives in the amount of \$277,154, and now they have secured the funding to begin developing this piece of property. Mr. Fowler said that 271 Howell Mill Road lies within the Town of Waynesville's Extraterritorial Jurisdiction and exists without sewer infrastructure. To obtain sewer infrastructure, Mr. Fowler said the Town's ordinance requires that MHO apply for annexation. The current zoning of 271 Howell Mill Road is Howell Mill Urban Residential, and this zoning designation will remain unchanged.

Alderman Anthony Sutton asked if MHO already had allocation for water and sewer at the location. Mr. Fowler said no because two years ago the Town awarded MHO infrastructure incentives, and now that they have secured financing to start the project, pricing for building materials has increased.

***A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter, to hold a public hearing at the February 14<sup>th</sup> meeting of the Board of Aldermen in order to consider the annexation of a property identified as Parcel Pin#8616-42-5402. The motion passed unanimously.***

### 5. Call for a Public Hearing to be held on January 24, 2023, to consider a Map Amendment for the property located at 465 Boyd Avenue (PIN 8605-96-8882).

- Byron Hickox, Land Use Administrator

Land Use Administrator Byron Hickox reported that the building on the property located at 465 Boyd Avenue was constructed in 1973 and has been used since as a Residential Care Facility. He said the property is located within the Hazelwood Urban Residential District, in which Residential Care Facilities are only permitted with a Special Use Permit. Mr. Hickox stated that there is a potential buyer who wants to use the

facility as an office space, which the current zoning does not allow. Mr. Hickox said that at its meeting on January 9, 2023, the Planning Board voted unanimously to recommend to The Board of Aldermen the creation of Hazelwood Urban Residential Mixed-Use Overlay 3 for this property.

***A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to call for a Public Hearing to be held on February 14<sup>th</sup>, 2023, to consider a Map Amendment for the property located at 465 Boyd Avenue. The motion passed unanimously.***

After the motion was made, Alderman Chuck Dickson asked if the Town has procured an easement for the greenway across that property yet. Planning Director Elizabeth Teague replied, no. Alderman Dickson’s suggestion was to get the easement while they are re-zoning the property. Ms. Teague said that is not legal to do a *quid pro quo*. Ms. Teague added that the applicant is aware of the Town’s plans with the greenway, and they are hoping to work together. Alderman Dickson asked Town Attorney, Martha Bradley, why we couldn’t make the approval of re-zoning the property conditional on the applicant allowing an easement for the greenway. Ms. Bradley said there is no ordinance allowing conditional approval for re-zoning. Alderman Dickson said that he meant that we should just have a conversation with the applicant. Ms. Bradley said that it’s possible to communicate with the applicant what the Town’s needs are for the greenway and work with them.

6. Call for a Public Hearing to be held on February 14, 2023, to consider an Application for Text Amendment to Land Development Standards Section 17.3, Use Type Definitions, Personal Services.
  - Byron Hickox, Land Use Administrator

Land Use Administrator Byron Hickox said that The Land Development Standards Section 17.3 defines Personal Services as follows:

“Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers and non-permanent makeup services (excluding Tattoo Parlors).”

Mr. Hickox reported that the applicant proposed a text amendment that would remove the exclusion of tattoo parlors from the Personal Services definition. At its meeting on January 9, 2023, the Planning Board agreed to hold a special called meeting on January 30<sup>th</sup>, 2023, to consider this Application for Text Amendment. Mr. Hickox said if a recommendation is made by the Planning Board at this meeting, the matter could be heard by The Board of Aldermen at its February 14<sup>th</sup>, 2023 meeting.

***A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to call for a Public Hearing to be held on February 14, 2023, to consider a Text Amendment to Land Development Standards Section 17.3, Use Type Definitions. The motion passed unanimously.***

## **G. NEW BUSINESS**

7. Request for Encroachment from DOT to install Downtown Entrance Sign.
  - Alderman Jon Feichter

Alderman Jon Feichter started by thanking the Downtown Waynesville Association for their work on this project. Alderman Feichter said they wanted to use the \$75,000 they had in the bank toward an entrance sign that would span across Main Street. This sign would be similar to the sign that crossed Main Street until 1972. Joyce Massey facilitated securing a meeting with the DOT to discuss the placement of the arch.

Alex McKay, a member of the Downtown Waynesville Association, went into detail about the history of the arch that once crossed Main Street. The first mention of the arch was 1933. The arch was taken down in 1972 due to disrepair.

Alderman Jon Feichter, in conjunction with the Downtown Waynesville Association, presented the new proposed design for the arch. He said the proposed area to place the arch would be near the Watami parking lot and the church across the street. Alderman Feichter said in the original design for the sign stated the sign could be made with aluminum, but after meeting with the DOT, they said the height of the sign needed to be raised. This meant the sign needed to be made of steel so it could withstand 110mph winds. The change in material increased the cost of the sign from \$65,000 to \$167,000. Alderman Feichter said the DWA has about 40% of the funds, then they will apply for a grant through the TDA in addition to private fundraising.

Alderman Feichter said the next step is to take these plans to the DOT and ask them to provide an encroachment that will allow the DWA to construct the archway across the Main Street.

Town Manager Rob Hites said the design plan was done by an engineer so when the DWA goes to the DOT, they have everything they need to submit the encroachment. Mr. Hites added that this was done so that if the Board approved the motion, going to the DOT would be the final step.

Alderman Chuck Dickson asked if the Downtown Waynesville Commission had seen the presentation. Alderman Feichter replied that they had not because the DWA originally wanted to make sure they had the NCDOT authorization before presenting to the Board, because there may be a chance they could say no. Mr. Hites told Alderman Feichter that the Board had to request the encroachment agreement from the NCDOT first, hence the arch presentation to the Board.

Mayor Gary Caldwell commended the DWA for their work on the arch.

Alderman Anthony Sutton asked if we grant the encroachment to DOT, does that mean DOT would have use of the sign? Mr. Hites said the DOT would not move any further on the sign without an encroachment request on the table. Mr. Hites said that his thought in approving the encroachment, the DOT would also make a comment on the message on the sign, but not the artwork on the sign. Alderman Sutton stated his concern is the DWA going to the DOT to ask for placement, but they hadn't gone to the Downtown Waynesville Commission first. Alderman Dickson asked if the DWC did not approve of the arch, would the project not move forward? Mr. Hites replied that the Board has the final say, not the DWC.

***A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman, to authorize the Town to apply for an encroachment agreement with NCDOT in order to erect the Gateway to the Great Smoky Mountains archway sign at the location shown on the attached map. Prior to a vote on this motion, the Board discussed ownership of the sign and the possibility of seeking approval from the Town's Downtown Waynesville Commission. Following this conversation, Alderman Dickson, seconded by Alderman Sutton, made a motion to authorize the Town to apply for an encroachment agreement with NCDOT in order to erect the Gateway to the Great Smoky Mountains archway sign at the location shown on the attached map contingent upon approval of the Downtown Waynesville Commission. The motion passed unanimously.***

8. Breezemont Drive/Brad Street Traffic Calming
- Ricky Foster, Assistant Director of Public Services

Assistant Director of Public Services, Ricky Foster, presented a second look at a proposal for Country Club Drive, Breezemont Drive and the Brad Street intersection. After consideration from the Traffic Calming Committee, the first recommendation for traffic calming devices for this area was unsatisfactory because the speed humps slowed EMS vehicles. Public Services had J.M. Teague revisit the request and they presented rumble strips as the best measure to slow traffic but not emergency vehicles. Mr. Foster reported that there will be adequate signage advising drivers of the rumble strips. He also said that after trimming of vegetation and installation of mirrors, sight distance will be improved.

Alderman Jon Feichter asked for an update on some other traffic calming projects, including Boundary St. and Brown Ave. Mr. Foster said that requests are first come, first serve, and that it's difficult to complete projects with a limited budget. Alderman Feichter requested that Public Services present a list of projects and their status at a future meeting.

***A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to approve the revised traffic calming measures for Breezemont Drive/Brad Street. The motion passed unanimously.***

9. Stewart Engineering Proposal for Planning and Consulting Services
- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler said the Board of Aldermen previously moved to hold a joint meeting with members of the Town of Waynesville Planning Board to discuss how the Town's Zoning Ordinance and Comprehensive Land Use Plan relate to one another. During the meeting, any changes to the current zoning map that the Board would like to see would be discussed.

Mr. Fowler reported that Town staff contacted Stewart Engineering and requested that their firm facilitate this meeting with Jake Petrosky. Stewart Engineering is the firm that the Town of Waynesville Hired in 2018 to assist the Town in updating our Comprehensive Land Use Plan and Jake Petrosky was Stewart Engineering's project lead for this project for approximately 2 years, which makes them an excellent fit to facilitate. Mr. Fowler requested the Board's approval of this contract, which would cost \$8,825. Mr. Fowler recommended that a couple of Board of Aldermen members and Planning Board members create an agenda

and narrow down some specific questions prior to the facilitated meeting. Mr. Fowler asked the Board to set a date for the facilitated meeting, keeping in mind that the Board Retreat is February 24<sup>th</sup>.

Alderman Chuck Dickson asked what happens after the facilitated meeting. Mr. Fowler said the purpose of this meeting is to address density, a discussion about a town-wide call for downsizing and what that means, what's allowed, and what that would look like in the future, and how in the Comprehensive Land Use Plan, there is a lot of discussion on how the Zoning map currently doesn't necessarily reflect the Future Land Uses for what the town should be. The Planning Board requested guidance from the Board of Aldermen because they get a lot calls for density changes.

Alderman Jon Feichter said the meeting is reasonable and agreed with Mr. Fowler that using the same facilitator that assisted with re-vamping the Land Use plan the first time seems like a no-brainer. He also agreed that a facilitator would be essential to accomplishing things when there are so many people involved at the meeting.

After deliberation, the Board agreed to hold the facilitated meeting with Stewart Engineering on March 24<sup>th</sup>.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to approve Stewart Engineering's proposal for Planning Consultant Services in the amount of \$8,825. The motion passed unanimously.***

10. Charging Credit and Debit Card Fees

- Misty Hagood, Finance Director

Finance Director Misty Hagood reported that the Town of Waynesville has offered the option to pay utilities and taxes online with a credit or debit card. The agreement was originally signed with Official Payments, the online payment platform, in 2008 and ACI Worldwide acquired Official Payments in 2013. The current agreement allows the online processor to charge our customers paying a utility bill a flat fee with a \$300 payment cap and a tax payment has a fee, but no cap. Ms. Hagood said the Finance Department has had many customers complain of the cap on utility payments. Ms. Hagood explained that if a customer has a high bill, or they are an industrial user, they will have to make several transactions, which means they would have to pay several transaction fees. Ms. Hagood said after she reached out to ACI Worldwide to inquire about fees, they recommended that we sign a new agreement with them with the following fee structure for utility and tax online payments: Credit Cards would be 2.95% with \$1.00 minimum and Debit Cards would be 1.95% with \$1.00 minimum. Ms. Hagood explained that this fee structure will be simpler and allow utility payments online with a credit or debit card without a cap.

Alderman Jon Feichter asked Ms. Hagood if she shopped around to get a lower percentage rate for the credit/debit fees. Ms. Hagood said no, but this payment system interfaces with the current software used for online billing. The software allows customers to see their billing online, pay online, and then the payment immediately posts to Munis. She added that Munis is about to go through a huge update, so she would prefer to hold off on making any big changes at this point in time.



***A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve the Resolution to Approve Charging Utility and Tax Customers a Fee for Processing Credit/Debit Card Payments. The motion passed unanimously.***

11. Request approval to expand the Waynesville Police Department's traffic enforcement program by developing a motorcycle program.

- Chief David Adams and Assistant Police Chief Brandon Gilmore

Chief David Adams reported that the Police Department has been looking to develop a motorcycle unit for a while, which is why they would like to purchase two Harley Davidson police motorcycles from Hendersonville for \$2,000 each. Before moving forward with putting the officers on the motorcycles, Chief Adams said motorcycle officers will complete a 60 hour training course. Chief Adams said that having a motorcycle unit would be good PR, provide educational opportunities, and could be used in parades and funerals.

Assistant Police Chief Brandon Gilmore reported that the 2012-2013 fully equipped motorcycles have around 13,000 miles each. Usually, they cost \$22,000 to the public. He said that they get a lot of requests to help with traffic and events in which they could now participate. Assistant Chief Gilmore said that having a motorcycle unit also provides an opportunity to attract new officers and allows officers within the Town move around within the organization and not get "stagnant" in their careers. He added that the NC Bike Safety program they would be involved with provided grant funding to help with bike maintenance, replace the motorcycles if they break, and provide funding to teach motorcycle classes to the public.

***A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to approve the Waynesville Police Department to continue the development of a motorcycle team. The motion passed unanimously.***

***A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to approve the purchase of two motorcycles from the Hendersonville Police Department at a total cost of \$4,000.00 or \$2,000.00 apiece from line item 10-4310-532920. The motion passed unanimously.***

12. Town of Waynesville Recreation Donation for Fitness Equipment

- Luke Kinsland, Recreation Director

Recreation Director Luke Kinsland reported that the Town of Waynesville Recreation Department had received a donation in the amount of \$10,000 with the intent of updating fitness equipment. Mr. Kinsland stated that the original amount of this donation was \$100,000 left to the recreation center by Mr. David M. Feldman upon his death. He was an avid user of the facility and loved to exercise. Mr. Kinsland said that he learned through the estate that Mr. Feldman changed his beneficiary to his friend. Mr. Kinsland reported that the friend has now donated \$10,000 to the recreation department to be used toward updating fitness equipment. The Recreation Center's greatest need of updates is spin bikes so he would like to use these funds toward the purchase of new spin bikes.

***A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve the donation amount \$10,000 to pay toward 7 new spin bikes at the recreation center. The motion passed unanimously.***

## H. COMMUNICATION FROM STAFF

### 13. Manager's Report

- Town Manager, Rob Hites

Town Manager Rob Hites announced that Alderman Anthony Sutton had been elected chair of the French Broad River Metropolitan Planning Organization. Alderman Sutton will hold that position for two years. The MPO represents Buncombe, Haywood, Madison, and Henderson Counties. Mr. Hites said with Planning Director Elizabeth Teague sitting on the Technical Advisory Committee and Alderman Sutton as the chair of the MPO, Waynesville is well represented.

Mr. Hites asked the Board to start thinking about what they would like to put on the Agenda for the upcoming Board Retreat. He said the budget for next year is going to be tight, so think about where we can hone down.

### 14. Town Attorney Report

- Town Attorney, Martha Bradley

Town Attorney Martha Bradley had nothing to report.

## I. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Anthony Sutton said the Land of Sky Regional Council is working with the MPO Board and they would like to apply for funding to have a safety officer in the MPO region (Haywood, Buncombe, Henderson, Madison Counties). There is nothing needed from municipalities, but Land of Sky Regional Council would like a letter of support, which is one requirement of the grant. The Safety Officer would work with schools and students to provide education and encouragement activities while also coordinating with community partners and NCDOT to help improve roadway engineering and traffic enforcement in needed areas.

***A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve sending a letter of support. The motion passed unanimously.***

## J. ADJOURN

***A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adjourn at 8:15pm. The motion passed unanimously.***

ATTEST:

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Gary Caldwell, Mayor

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Robert W. Hites, Jr. Town Manager

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Candace Poolton, Town Clerk