

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
May 28, 2024

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, May 28, 2024, 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 6:02 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
Jesse Fowler, Assistant Town Manager
Candace Poolton, Town Clerk
Town Attorney Martha Bradley
Elizabeth Teague, Director of Development
Taylor Garland, Assistant Finance Director
Page McCurry, H.R. Director
Police Chief David Adams
Assistant Chief of Police, Brandon Gilmore
DWC Director, Beth Gilmore

Members of the Media:

Becky Johnson and Paul Nielson, The Mountaineer
Corey Vaillancourt, Smoky Mountain News

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that the next Town Council meeting will be held on June 11th. He reminded everyone that Friday June 7th is Art After Dark. Councilmember Feichter announced that this Saturday will be the Gateway to the Smokies arch unveiling.

B. PUBLIC COMMENT

Tera McIntosh- Dr. McIntosh thanked Council for adding a Pride on Main to the Consent Agenda. She said they all have a due diligence to act in a way that is supportive to the minority population. She said that being inclusive is good for the economy.

Sam Kearny- Ms. Kearny said that she loves Waynesville and owns a mocktail bar in Frog Level. She said that she supports the Pride on Main event because events are good for business.

Sara Lavery- Ms. Lavery thanked the veterans in the room. She said that celebrating others shows our strength.

Grey Raines- Mr. Raines said that he is a managing partner of Raines Company, and they are working on the Longview project. He said three years ago, they made a commitment to Waynesville and they have delivered. He said since the start of this project, their track record has been called into question, but their commitment has not waived. He said they are excited about the Longview project as well as projects in the future.

Patrick Bradshaw- Mr. Bradshaw said he works for Civil Design Concepts and is representing the Waynesville Inn and Golf Club. He said the initial submittal of the proposed project began in February and since then they've had two Planning Board meetings, two neighborhood meetings, multiple public hearings, and a meeting with the town attorney and councilmembers. He said what began as a request for nine items has been whittled down to three- lot size at 0.33 acres, setbacks at 20 feet between homes, and driveway separation. He said that Council approved the Greenview development that had more requests. He said they made concessions regarding sidewalk easements and height of the homes.

Clint Cogburn- Mr. Cogburn said he is a Land Use Attorney representing some property owners across from Longview Drive. He said the proposed changes are insufficient, too general, and too speculative. He said that lot size is still an issue. He added that he reached out to the applicant much earlier in the process to discuss conditions, but they chose not to engage until the "final hour". Mr. Cogburn said his clients are still open to finding a solution, but they ask that Council deny the application.

Harry McCracken- Mr. McCracken said he emailed Council photos of what a 35 foot tall house would look like in front of his property using a 35 foot tall pole. He said the homes would block the existing homeowners views and would change the character of the neighborhood. He asked Council to deny the application.

Gerry Gilbert- Mr. Gilbert said he owns a property on Longview and he does not support the new houses. He said the view is beautiful now, and he is opposed to putting 12 lots in that small area. He said it doesn't keep up with the Land Use Plan and he requested that they decline the project.

Matt Haynes- Mr. Haynes said he is the VP of Operations for Premier Magnesia, and they've recently moved their corporate office to Waynesville. He said they utilize Waynesville Inn and Golf Club for their business partners to stay when they're in town. He said the proposed Longview development can lead to further development and tourism in the area and aid the longer-term stability of the golf club.

Patrick McDowell- Mr. McDowell said he served on the Planning Board for many years. He emphasized that this is about what's allowed in the area, and he believes the Longview development is the best option available. He said the additional options that could be presented would need to be approved because they meet zoning regulations. He said Raines Company restored the Inn when it could've been turned into housing. He said the residents' view will be protected by the elevation change. Mr. McDowell said when those living

on Longview built their homes, the people behind them may have felt the same way-that their view was affected. He said if the application is denied, the applicant could bring before Council something else that residents wouldn't like as much, and it would have to be approved because it meets zoning regulations.

Linnea McAden- Ms. McAden said she lives on Longview Drive and thanked Council for the thought and hard work put into this project. She said she has three concerns after the negotiations; She said .33 acre would not be sufficient, the width of the lots is not sufficient, and the density of the housing is too much. She requested that if the project is approved, that Council considers that instead of allowing canopy trees in the landscaping, to consider understory trees to maintain the view. She added that sidewalks are very important to the community.

Annette Bran- Ms. Bran said she lives adjacent to Longview Drive. She said she supports the Pride on Main event. She said she shares concerns with her neighbors about the housing density of 12 lots. She said she hears valid comments on both sides but feels there is room for a compromise. Ms. Bran said they should reduce the number of lots and the lot width is not wide enough.

C. ADDITIONS OR DELETIONS TO THE AGENDA

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to add an item to the agenda under New Business after item 7, to appoint a member to fill a vacancy on the Waynesville Housing Authority. 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 May 14, 2024 Regular Scheduled Meeting Minutes
 - b. Approve the May 14, 2024 Special Meeting Minutes-Budget Workshop #4
 - c. Call for a public hearing for June 25, 2024 to consider the Railroad Overlay Map Amendment (RR-O), per section 15.14 of the Land Development Standards (LDS).
 - d. Request NC DOT to close US 276 from Tuesday May 28th- Thursday May 30th.
 - e. To approve the dissolution of the trust(s) and authorize the Mayor to execute the attached "Receipt, Release, Refunding & Indemnification Agreement" and "Consent and Joinder."
 - f. Reschedule the Public Hearing for Revisions to Charter & Code of Ordinances to reflect change in governing body's name to June 11th, 2024.
 - g. Apple Harvest Festival Special Event Permit
 - h. Farm Fresh 5K Special Event Permit
 - i. Folkmoot Festival Special Event Permit
 - j. HayCo Pride Special Event Permit
 - k. Pride on Main Special Event Permit

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

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to move item 4. Longview Conditional District Map Amendment before the Budget Presentation. The motion passed unanimously.

3. Longview Conditional District Map Amendment (Rezoning)
 - Town Attorney, Martha Bradley

Town Attorney Martha Bradley reminded Council that at a public hearing at the May 14, 2024 meeting, the Council voted to close the public hearing and hold a vote on the application at its May 28, 2024 to allow time for Town staff to meet with the developer to negotiate mutually agreeable conditions for the rezoning which addressed concerns raised by the Council and members of the public during the public hearing. She said that Waynesville Inn & Golf Club applied for a conditional district rezoning for approximately 3.5 acres off Longview Drive which would be subdivided into 12 lots for the construction of single-family residences. The application sought lenience for lot size, lot width, pedestrian facilities, civic space, landscape plan, and driveway requirements.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to find the Conditional District Map Amendment as proposed by the applicant, inconsistent with the 2035 Land Use Plan and not reasonable and not in the public interest in that it does not create a range of housing opportunities and choices or promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households, it does not protect and enhance Waynesville’s natural resources by encouraging park and greenway development to protect watersheds and improve access to open space, or by protecting rural lands, iconic views and mountain vistas, and it does not protect and promote Waynesville’s cultural resources or invest in preservation, restoration and promotion of Waynesville’s history. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Feichter, to deny the Conditional District Map Amendment as proposed by the applicant. The motion passed unanimously.

E. PRESENTATION

4. Receive Manager’s proposed 2024-25 operating and capital budget
 - Rob Hites, Town Manager

Town Manager Rob Hites read the budget message verbatim.

Councilmember Sutton directed staff to present an alternate budget that shows the police starting rate increasing to \$48,000 at the June 11th budget hearing. Councilmember Feichter agreed with Councilmember Sutton, and that as a town, they’ve worked hard to retain officers and want to continue to do so.

Councilmember Freeman said with the increasing the tax rate and raising salaries, they are just compensating for a loss, so she will not be supporting this budget.

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to receive the 2024-25 Manager's Proposed Capital and Operating Budget. The motion passed unanimously.

F. OLD BUSINESS

5. Request for changes to Hazelwood Commercial Area Parking

- Rob Hites, Town Manager

Town Manager Rob Hites reported that Councilmember Sutton requested that the staff study several parking related issues mentioned in a memorandum from a merchant in Hazelwood. He said that she requested that staff fix the standing water issue between the end of the sidewalk and rail right of way, which has been completed. Mr. Hites said that she also asked staff to install a 15-minute Loading Zone sign outside Ms. Hall's Bakery, which can be placed at Council's request. He said that she requested they relocate the Handicapped Space outside of her bakery. He said they would have to check with the ADA about moving the space and if we're required to keep a handicapped space on the street. He added that there are many handicapped spaces in the parking lot across the street.

Mr. Hites reported that staff has received a number of complaints regarding employees of the businesses taking up spaces near Hazelwood Street and parking all day. He said he sent individual letters to each business owner last year and spoke with the property owners regarding this issue. He said Council can easily establish limited parking in the Hazelwood Lot, but enforcing the ordinance with small dollar civil citations is expensive to administer and difficult to enforce. He also said that Council can establish 2-hour parking in the spaces nearest Hazelwood Avenue and seek voluntary compliance but establishing a civilian/police parking enforcement program will most likely prove frustrating.

Chad Brown, owner of Hazelwood Gun & Tactical said there are things in Ms. Hall's letter that are not true. He said he's never received a letter or any communication from the town. Mr. Brown said the ADA spot is for multiple businesses' customers to use. He added that Ms. Hall rents the building, and when he spoke to the owner of the building, the owners of Beach Mountain, and John Burgin, they are against timed parking. Mr. Brown said that timed loading and parking would hinder business. He said the spaces are for the public, not Farm to Cake Bakery.

Councilmember Sutton thanked staff for the gravel they put into the flooded area, but after the rain from the weekend, they need to re-visit the area. Councilmember Sutton said he would still like to move the ADA spot to make parking available for more people. He said the spot is ADA, but there's no clear space for someone to get out onto the sidewalk. He agreed that timed parking is not a good idea, but he would like to relocate the ADA space. Mr. Hites said he will talk to an engineer to make sure proper guidelines are followed.

G. NEW BUSINESS

6. Audit of Pole Attachments

- Rob Hites, Town Manager

Town Manager Rob Hites reported that the Town charges vendors that attach to its power poles an annual fee (per pole) for each attachment at \$25 per pole. He said the Town has hundreds of poles with multiple attachments, AT&T, Spectrum Cable, and Private security companies. Last year, Mr. Hites said that Spectrum objected to paying its fee because the Town had not conducted a pole attachment survey for several years. He said an electrical engineering company has presented a proposal of \$54,900 to perform the survey and the Town has funds in the electric budget to carry out the project in the current fiscal year.

Councilmember Sutton asked if the fees will it generate enough revenue to cover the audit. Mr. Hites said that it won't in the first year, but it will in the next five to six years. Councilmember Dickson requested an inventory of street lights as well what kind of bulbs they have. Mr. Hites said it's a great idea and staff will ask UTEK to include that in the survey.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to approve the contract with UTEK to conduct a pole attachment survey as well as streetlight inventory in the amount up to \$60,000. The motion passed unanimously.

7. Interview Logistics for Planning Board Applicants

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that the Waynesville Planning Board has one vacancy and two applicants. He said that according to the Boards and Commissions Manual, Council must interview the applicants before appointing a new member. Councilmembers Dickson and Freeman agreed to interview the applicants.

8. Appoint a member to the Waynesville Housing Authority

- Councilmember Dickson

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to appoint Amanda Singletary to the Waynesville Housing Authority.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to appoint CK Davis to the Waynesville Housing Authority on July 1st, 2024. The motion passed unanimously.

Councilmember Dickson asked Council to think of any potential WHA applicants that have financial experience.

I. **COMMUNICATION FROM STAFF**

9. Manager's Report

- Town Manager, Rob Hites

Nothing to report.

10. Town Attorney Report
- Town Attorney, Martha Bradley

Nothing to report.

J. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Mayor Caldwell asked Mr. Hites to work on the hillside of the Obama-King park. Mr. Hites said staff will work with a landscaping company to complete the project. Mayor Caldwell said he would like to see a ribbon cutting once it's done. Mr. Hites suggested that Council should invite Senator Corbin down for the opening of the Fire Department/Finance improvements to thank him.

Mayor Caldwell said he said he got a call from Lake Silvers from Congressman Edward's office that he may be able to get the Town \$2.9 million for the new Fire Department. He added that local legislature did nothing for getting money for the fire department.

He said he is looking forward to the unveiling of the arch on Saturday and congratulated everyone for their work on making that project happen.

Councilmember Freeman said that Jack Swanger, previous ABC Chair of many years, passed away Friday afternoon and to please keep his family in their prayers.

Councilmember Sutton reported that the NC Transportation Summit was fruitful. He also thanked Congressman Edwards for his contribution to Waynesville.

DWC Beth Gilmore requested that Council RSVP to the Community Forum held on Main Street. Ms. Bradley, Councilmember Feichter, and Councilmember Dickson said they will attend.

Mayor Caldwell said that during his weekend at Lake Chatuge, a child lost her life, soon to be Tuscola graduate, Kara Bryson. He requested that everyone keeps her family in their prayers.

K. ADJOURN

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to adjourn at 7:28pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk