

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
October 10, 2023

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, October 10, 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 6:07 pm with the following members present:

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

The following staff members were present:

- Jesse Fowler, Assistant Town Manager
- Martha Bradley, Town Attorney
- Candace Poolton, Town Clerk
- Jeff Stines, Public Services Director
- Elizabeth Teague, Development Services Director
- Olga Grooman, Land Use Administrator
- Patrick Bradshaw, Civil Design Concepts
- Christine O'Brien, Haywood Waterways Association
- Police Chief David Adams
- Assistant Police Chief Brandon Gilmore
- Previous Mayor-Gavin Brown

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that Saturday, October 14th is the Church Street Art and Craft show, Saturday, October 21st is the Apple Harvest Festival, and the next Town Council meeting is October 24th.

B. PUBLIC COMMENT

No one signed up for 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. September 26th, 2023 Regular Scheduled Meeting Minutes
 - b. Call for a Public Hearing for November 14, 2023 to consider a request for Annexation for one (1) unaddressed parcel off Russ Avenue, PIN 8616-37-5048 (0.81 acre).
 - c. Axe and Awl “Awl Hallows Eve” Special Event Permit
 - d. Appointment of Beth Elsey to the Cemetery Committee.
 - e. Appointment of Grace Mason to the Downtown Waynesville Commission
 - f. Reallocation of ARP Funding for WTP
 - g. Approval of the contract with WithersRavenel engineering firm for Comprehensive Stormwater Master Plan and grant administration services.

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

E. PROCLAMATION

3. Captain Fred Hall Week
 - Mayor Gary Caldwell

Mayor Gary Caldwell read the proclamation stating the week of October 8th-14th “Captain Fred Hall Week”. He said that Captain Fred Hall was laid to rest today, October 10th, 2023. The Town Council made this proclamation to honor his service to our country and to acknowledge the sacrifices he made.

Gavin Brown thanked everyone who helped to coordinate Captain Hall’s service today. He thanked Town staff, Councilmembers, and the police. He said that his brother was a good friend of Fred Hall and was also killed in action in Vietnam.

F. PRESENTATION

4. Public Presentation on the Town of Waynesville’s Stormwater Program, General Stormwater Issues, and Erosion and Sedimentation, as required by the NPDES Permit.

- Olga Grooman, Land Use Administrator and Christine O'Brien, Haywood Waterways

Land Use Administrator Olga Grooman reported that the Town of Waynesville holds a National Pollutant Discharge Elimination System Permit (NPDES) issued by the NC Department of the Environmental Quality (NC DEQ) on August 19, 2021. The permit is valid for five (5) years and the purpose of the permit is to manage stormwater runoff, reduce the discharge of pollutants, and protect water quality within the Town's jurisdiction. She introduced Christine O'Brien with Haywood Waterways to present the topics of Erosion and sedimentation and hot spot monitoring.

Christine O'Brien reported that sediment is the #1 pollutant in Haywood County. She said it originates from construction site runoff, streambank erosion because of lack of vegetation, building on steep terrain, and unpaved roads. She encouraged the public to care because sediment that settles on the bottom of the streams and can suffocate wildlife and disrupt the food chain and polluted rivers affect tourism. She offered three solutions: Reduce building on steep slopes, direct water off unpaved roads into vegetated areas, and avoid mowing within 10-25 feet of a waterway. She also gave a fecal monitoring update. Christine identified several areas with potential sewer and water line issues and praised the work of Wayne Bolin's team on the Town's Water Department in locating and fixing major sewer line breakages.

G. PUBLIC HEARINGS

5. A Public Hearing to consider the text amendments to clarify the Zoning Board of Adjustment and quasi-judicial procedures in the Land Development Standards (LDS), in compliance with the G.S. 160D.
 - Olga Grooman, Land Use Administrator

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to open the public hearing at 6:32pm. The motion passed unanimously.

Land Use Administrator Olga Grooman that the proposed text amendment will clarify the quorum and voting requirements for different types of quasi-judicial procedures as specified in the Chapter 160D-406(i)- *Quasi-Judicial Procedure* and variance criteria per 160D-705(d) *Quasi-Judicial Zoning Decisions*. She said that in applying these changes, the staff consulted the Planning Board counsel Ron Sneed. On September 18, 2023, the Planning Board recommended this text amendment to the Town Council.

The variance criteria were updated per Chapter 160D as follows:

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.
5. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

Olga Grooman also added that the requirement to demonstrate that “the variance is the minimum necessary to afford relief” is not applicable anymore, per 160D.

There was no public comment.

A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to close the public hearing at 6:36pm. The motion passed unanimously.

A motion was made by Councilmember Sutton, 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 and encourages in-fill, mixed use, and context-sensitive development. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to adopt the Ordinance as presented. The motion passed unanimously.

6. A Public Hearing to consider the text amendment to define and prohibit cryptocurrency mining / data centers as a land use in the Land Development Standards (LDS).
 - Olga Grooman, Land Use Administrator

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to open the public hearing at 6:38pm. The motion passed unanimously.

Land Use Administrator Olga Grooman reported that the purpose of the proposed amendment is to mitigate the negative effects of cryptocurrency mining operations by defining and prohibiting this use in all districts. She explained that crypto farms are usually in large warehouses, don't create jobs, and make loud humming sounds. The Planning Board discussed concerns with crypto-mining and data centers at their July meeting and directed staff to draft a definition and ordinance based on their discussion. She said the staff presented the text amendment to the Planning Board on September 18, 2023. The board revised the proposed definition to expand on the data center types and recommended the text amendment for the Council's consideration.

There was much discussion on the differences between data centers and cryptocurrency mining facilities. Councilmembers Sutton and Dickson expressed concern that lumping the “data center” definition with “cryptocurrency mining facility” definition would prohibit facilities such as Drake software and the NC Judicial data center. Council asked staff to clarify the definitions of “data center” and “cryptocurrency mining facility”.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to continue the public hearing to the next regular scheduled meeting for the purpose of allowing staff to clarify definitions. The motion passed unanimously.

H. NEW BUSINESS

7. Chelsea Road Street Realignment
 - Patrick Bradshaw, Civil Design Concepts

Mr. Bradshaw said he is presenting on behalf of Waynesville Country Club regarding a potential relocation of Chelsea Road. He said that Chelsea Road and Ninevah Road intersect at an extreme angle adjacent to Waynesville Country Club. He said that the intersection does cause difficulties for transition onto Ninevah Road from Chelsea Road, and is dangerous to motorists and pedestrians. He added that if the Council approves the realignment of Chelsea Road to Ninevah Road, the ingress/egress would be a much safer one for traffic with a more open sight triangle. Mr. Bradshaw said that Waynesville Country Club will grant easements for all existing utilities and just asks that the triangle portion that is left is used for parking for the Club.

Councilmember Sutton recommended a community meeting to present the idea to the people that this road change would affect to get their opinions.

Councilmembers Sutton and Dickson agreed that intersection is difficult and the road relocation would be safer for pedestrians and motorists.

Councilmember Feichter asked Mr. Bradshaw who would pay for the road relocation. Mr. Bradshaw responded that the developer would pay for it and that the DOT may have money for traffic safety improvements that the Town could use. He clarified that the ask is not for cost participation. Councilmember Feichter also requested that the tree in the “triangle” be left in place.

Planning Director Elizabeth Teague said the Planning Department would need to review the design and sidewalk connection.

I. COMMUNICATION FROM STAFF

8. Manager’s Report
 - Assistant Town Manager, Jesse Fowler

Assistant Town Manager Jesse Fowler said he met with the Cemetery Committee and they requested that the Greenhill Cemetery parking gets blocked off during the Halloween events so people don’t tear up the grass. He also thanked Jeff’s team, the Public Services department, and the police and fire department for their excellent job putting together the operations for Captain Fred Hall’s service. Mr. Fowler said that there was a new sanitation route that ran today and it went very smoothly.

9. Town Attorney Report
- Town Attorney, Martha Bradley

Nothing to report.

J. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Councilmember Feichter announced that Jeff's team is digging holes for the arch next week, and the poles will be installed. He said all the money has been raised, about \$170,000.

Councilmember Sutton thanked the volunteer police.

Councilmember Freeman thanked Jesse and everyone for their work today.

Councilmember Dickson thanked the Police Department for how well they handled the Prevost Street incident- with de-escalation tactics, and no loss of life.

K. ADJOURN

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

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk