

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
December 10, 2024

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, December 10, 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 6:01 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
Jesse Fowler, Assistant Town Manager
Candace Poolton, Town Clerk
Elizabeth Teague, Director of Development
Olga Grooman, Assistant Director of Development
Page McCurry, Director of Human Resources
Ian Barrett, Finance Director
Darrell Calhoun, Fire Marshal
David Kelley, Chief Building Inspector

Members of the Media:

Paul Nielson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone that town offices are closed on December 24th, 25th, and 26th for Christmas, and the Smoky Mountain Christmas will be Saturday, December 14th 6pm-9pm.

B. PUBLIC COMMENT

There was no public comment.

C. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, 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 November 26, 2024 Regular Scheduled Meeting Minutes
 - b. Motion to approve the Proposed 2025 Town Council Meeting Schedule
 - c. Motion to appoint Dan Schultz to the Waynesville Recreation Advisory Commission
 - d. Motion to appoint Kipp Sutton to the Environmental Sustainability Board
 - e. Motion to approve the revision of the Town of Waynesville Personnel Policy to comply with the required usage policy as outline by G.S. 143-805(c) no later than January 1, 2025.
 - f. Motion to approve the Development Services Memorandum for the Appeals of the Decision or Determination of the Code Enforcement Official Pertaining to the Code or Any State Building Law, per 2018 NC Administrative Code (Section 203.2- Appeals)
 - g. Motion to approve the Development Services Memorandum formalizing the process for delivery of permits in accordance with the NC General Statute 160A-499.6, added by 2024 N.C. Sess. Laws 45,s. 22.1-c, eff. 6/28/2024 (Senate Bill 607, Session Law 2024-2025).
 - h. Motion to approve the Ice Fest Special Event Permit

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

E. PUBLIC HEARINGS

3. Public Hearing to consider map amendment (rezoning) for the property at 28 Addie Lane in Waynesville, NC (PIN 8615-42-0757).
 - Assistant Director of Development Services, Olga Grooman

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to open the public hearing at 6:03pm. The motion passed unanimously.

Assistant Director of Development Services Olga Grooman reported that on November 18, 2024, the Planning Board held a public hearing on the proposed map amendment regarding 28 Addie Lane and is recommending the text amendment to Council. She said there is an abandoned manufactured home on the .61 acre property

and the lot is surrounded by manufactured homes on three sides. Ms. Grooman stated that the subject property is currently located within Pigeon Street Neighborhood Residential District (PS-NR), where manufacturing housing is not allowed. She said the applicant is seeking to rezone the property to the adjacent Ninevah Neighborhood Residential District (N-NR), where manufacturing housing is allowed. Ms. Grooman mentioned that the existing single-wide on the property represents a pre-existing non-conformity and rezoning would potentially allow for improvement of the property and placing different or additional manufactured housing on it.

Councilmember Sutton pointed out that the adjacent parcel has a mobile home on the property.

Ms. Grooman proceeded to read the descriptions as presented in the Land Development Standards of the Pigeon Street Neighborhood Residential District (PS-NR) and the Ninevah Neighborhood Residential District (N-NR), which she said are similar. She said there is no difference between the two districts in dimensional standards, such as density, minimum lot size, required pervious surface (green area of the site), lot width, building setbacks, building height, and accessory structure standards (height, setbacks).

Chief Building Inspector David Kelley said manufactured homes must be built on a solid foundation and cannot have a flat roof.

Ms. Grooman stated that the Planning Board attorney said this is a contiguous rezoning and not a case of spot re-zoning. Ms. Grooman stated that the goal of the applicant is to preserve the ability to replace and expand upon the pre-existing non-conforming use of manufactured housing. She said the redevelopment of the lot with one to two manufactured homes are a more affordable option than stick-built or modular homes and the rezoning would bring the property into greater conformance and promote the development of a safer neighborhood, improved housing options, and aesthetically pleasing residential area.

Councilmember Sutton asked why the two Planning Board members did not vote in favor of the rezoning. Ms. Grooman said there was concern that they could put more houses, but said the density is the same. Councilmember Sutton said 8615-43-3000 has three structures and it's .74 acres. Ms. Grooman said that technically, following density guidelines, six structures could go on the property, but because of setback and impervious surface standards, it most likely couldn't fit 6 houses.

John Mason (Applicant)- Dr. Mason said that he and his wife live in town. He said like most cities, affordable housing is an issue here in Waynesville. He said the abandoned home at 28 Addie Lane is an eyesore. He said they would like to remove the trailer, do some landscaping, and put three affordable manufactured homes on the property, to be sold, not rented.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to close the public hearing at 6:27pm. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to find the rezoning request as being consistent with the 2035 Land Use Plan and 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 that it creates a range of housing opportunities and choices by

encouraging new housing within Waynesville's city limits and Extraterritorial Jurisdiction (ETJ) and promotes a diverse housing stock including market rate, workforce housing, and affordable options that appeal to a variety of households. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to adopt the Ordinance as presented in that the rezoning of the property will remain consistent with the purposes of the proposed zoning district, Ninevah Neighborhood Residential (N-NR), as described in Section 2.3.3.D of the Land Development Standards (LDS) in that it creates well-established residential community containing a mix of housing types and it is proposed to develop more densely, but still at a small residential scale. The motion passed unanimously.

4. A Public Hearing to consider text amendments related to addressing on ground signs.
- Assistant Director of Development Services, Olga Grooman

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to open the public hearing at 6:29pm. The motion passed unanimously.

Assistant Director of Development Services Olga Grooman reported that the proposed text amendment is requested by the Town Fire Marshall Darrell Calhoun and Chief Building Inspector David Kelley to require street addressing as part of ground signs. She said the amendment would require businesses with ground signs to display their street address number prominently on the sign. She said the amendment clarifies that the street address number will not be counted towards the calculation of the sign face area and it also cross-references Fire Code standards for premises identification, such as requirements for size, stroke, and visibility for address numbers, as specified in the Town of Waynesville Fire Prevention and Protection Ordinance. Ms. Grooman said the purpose of the proposed text amendments would help new emergency personal locate businesses and help improve public safety. She said this would apply to any new signs and the numbers could be attached to the sign. Town Attorney Martha Bradley cautioned that making businesses add their addresses to pre-existing signs would be a challenge and is not recommended.

There was no public comment.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to close the public hearing at 6:46pm. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to find the ordinance is consistent with the 2035 Land Use Plan and 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. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to adopt the Ordinance as presented and that the proposal is reasonable and in the public interest in that it promotes smart growth principles in land use planning and zoning and encourages infill, mixed-use and context-sensitive development. The motion passed unanimously.

5. Public Hearing to consider text amendments related to premises identification for commercial buildings, Chapter 30- Fire Prevention and Protection of the Waynesville Code of Ordinances.
 - Assistant Director of Development Services, Olga Grooman

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to open the public hearing at 6:48pm. The motion passed unanimously.

Assistant Director of Development Services Olga Grooman reported the proposed text amendment is requested by the Town Fire Marshall Darrell Calhoun. She said this would amend Chapter 30- Fire Prevention and Protection of the Waynesville Code of Ordinances and requires that commercial buildings provide an approved address identification. Ms. Grooman said the amendment references specific standards for addresses on commercial buildings and promotes the efficiency of emergency operations as well as public safety.

There was no public comment.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to close the public hearing at 6:52pm. 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. Public Hearing to consider text amendments related to floodplain regulations.
 - Assistant Director of Development Services, Olga Grooman

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to open the public hearing at 6:53pm. The motion passed unanimously.

Assistant Director of Development Services Olga Grooman reviewed the 100 year and 500 year floodplain areas in Waynesville. She said that the proposed text amendments intend to strengthen the Town of Waynesville's floodplain protection requirements, aligning them more closely with the recommendations of the North Carolina Department of Emergency Management. Ms. Grooman said that strengthening local floodplain ordinances could help reduce future risks to life and property, while promoting public safety and community resilience. She said that staff proposes an amendment to the ordinance to increase the required elevation from 1 ft to 2 ft above the base flood elevation (BFE) for all new construction and substantial repairs within the regulatory floodplain. Additionally, she said that the United States Department of Housing and Urban Development (HUD) has adopted a new rule that requires new construction (building permit applications submitted on or after January 1, 2025) within the regulatory floodplain to be elevated at least 2-feet above the base flood elevation (BFE) to qualify for Federal Housing Administration (FHA) insured mortgages.

Ms. Grooman said that staff also proposes to expand flood protection requirements that are currently applicable for a 100-year floodplain into a 500-year flood zone, including but not limited to elevation, floodproofing, flood vents, and requiring a floodplain permit for all development within the 500-year

floodplain. She said that while most of the storm damage occurred within a 100-year floodplain in Waynesville, significant damage also occurred along the fringe of the zone, bordering the 500-Year Floodplain. Ms. Grooman added that the amendment was recommended unanimously by the Planning Board.

Ms. Grooman said the amendment may impact property owners financially, but in the long run, elevated structures should receive less damage from flooding, which would save money in the long run. She clarified that if Council adopted the ordinance tonight, the ordinance would apply to new construction. She said any permit applications up to this point would have a permit choice within 180 days, to go by the new requirement, or the old. Ms. Bradley said that impact of increasing the minimum freeboard elevation would decrease the risk of flooding and could decrease flood insurance rates for property owners. Mayor Caldwell suggested the proposed new requirement may improve the resale value of homes if the property owner chose to sell in the future.

Councilmember Dickson asked if other communities are currently adopting the 2 foot above BFE and Ms. Grooman said staff have not seen it. Councilmember Freeman asked if the new regulation is put into place, and homeowners cannot afford to pay for the construction, that if that would force them to sell to FEMA. Ms. Bradley said that could be a consequence. Town Manager Hites said adding an additional foot to the foundation would roughly cost \$800 for a 16'x30' house. Councilmember Sutton said homeowners would save at least that on flood insurance. Development Services Director Elizabeth Teague offered for staff to come back after analyzing more data and suggested separating the 100 to 500 year floodplain part of the ordinance from the BFE +2 feet increase part of the ordinance. Councilmember Dickson asked if Development Services would tell anyone applying for building permits that staff are advising BFE plus two feet even though it's not a requirement yet. Mr. Kelley said they have been letting permit applicants know. Councilmember Dickson said he is okay with moving forward on the BFE plus two feet but needs more information regarding the 500 year floodplain.

A motion was made by Councilmember Dickson, seconded by Councilmember Feichter, to continue the public hearing to the regular scheduled meeting on January 14th at 6pm in the Council Chambers located at 9 South Main Street, Waynesville. The motion passed unanimously.

7. Public Hearing to consider text amendments related to temporary, emergency housing.
 - Director of Development Services, Elizabeth Teague

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to open the public hearing at 7:41pm. The motion passed unanimously.

Director of Development Services Elizabeth Teague reported that staff requested Town Council feedback at the October 8, 2024 meeting and was directed to develop a policy to allow temporary, emergency housing. Ms. Teague said that guidance from the School of Government indicates that emergency housing should be covered within municipal zoning as a land use in order to be clearly permitted. Ms. Teague said for the purpose of Hurricane Helene recovery, and future events in which a residential dwelling is severely damaged by a natural disaster or fire, this text amendment would allow temporary housing and on-site storage while homes are being repaired or replaced. She defined temporary housing as a "FEMA trailer" issued by FEMA or other agency after an emergency (which could be of modular, manufactured, or RV design), or a camper, travel

trailer, or recreational vehicle owned by the resident. She added that an accessory to emergency housing, a storage trailer or container, such as a “Pod,” would also be allowed in certain cases.

Ms. Teague said the permitting would be a land use permit for temporary housing, similar to food trucks and construction trailers. She said that the permit would be valid for 180 days, but can be extended while there is an active building permit. She said the temporary emergency housing must be located on the private property of the person whose residence has been damaged, or in a town designated emergency area established for housing. Ms. Teague said the emergency housing must be removed within 30 days after the certificate of occupancy has been received. She said the Temporary housing units must comply with the following:

- a. Must be placed within the property boundary of the house that is being repaired and with the permission of the owner. Alternative locations or placement of units in a designated area is subject to approval by the Administrator.
- b. Placement on the site and location of temporary housing unit is subject to approval of the administrator and is not subject to district setback requirements.
- c. Have an approved point of electrical connection.
- d. Must be connected to the town’s sewer, or have bathroom facilities available.
- e. The temporary unit must comply with LDS Section 12.3 Flood Damage Prevention Ordinance (it can be easily moved or is elevated).

Town Manager Rob Hites asked what happens after the six months are over. Ms. Teague said ideally they have a building permit and a plan for renovation or restoration, but if not, they need to move. Ms. Teague said Council can always ask for a variance if something comes up. Ms. Teague said building permits are good up to a year, as long as work has started, and an inspection has been requested within a year.

There was no public comment.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to close the public hearing at 7:52pm. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to find that proposed ordinance consistent with the 2035 Plan in that it creates a range of housing opportunities and choices. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to adopt the text amendment as presented and that it creates a range of housing opportunities and choices. The motion passed unanimously.

F. COMMUNICATION FROM STAFF

8. Manager’s Report

- Town Manager, Rob Hites

Town Manager Rob Hites reported that Depot Bridge repair has been designed and will go out to bid next week. He said he will bring the bids back as early as the January 14th meeting. Mr. Hites said the renovations for the Finance building is out to bid and he will bring those bids before Council on January 14th. Mr. Hites said the dog park and softball field designs are very cumbersome, but he will bring recommendations of an architect or engineer to the January 14th meeting. If the town gets responses, they could start construction by spring at the earliest. Mr. Hites reported that the bridge going to the sewer treatment plant has been weakened by the flood, and it would cost one to two million dollars to fix, unless FEMA agrees to reimburse the town.

9. Town attorney

- Martha Bradley, Town Attorney

Nothing to report.

G. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Nothing to report.

H. ADJOURN

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to adjourn at 8:01pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk