

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REGULAR MEETING**  
**March 13, 2018**

---

**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting on Tuesday, March 13, 2018, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

Mayor Gavin Brown called the meeting to order at 6:30 p.m. with the following members present:

Mayor Gavin Brown  
Mayor Pro Tem Gary Caldwell  
Alderman Julia Freeman  
Alderman Jon Feichter  
Alderman LeRoy Roberson

The following staff members were present:

Rob Hites, Town Manager  
Bill Cannon, Town Attorney  
Amie Owens, Assistant Town Manager  
Elizabeth Teague, Development Services Director

The following media representatives were present:

There were no media representatives present

Mayor Gavin Brown welcomed everyone and wished Alderman Freeman Happy Birthday.

1. Calendar/Announcements

Mayor Brown reminded the Board of the following events on the calendar:

- Retirement Receptions of Town Employees:
  - Sgt. Keith Moore – Thurs. March 15 at 5:00 p.m. at Town Hall
  - Edwin Fish, Garage Manager – Fri. March 16 at 2:00 p.m. at the Public Services Building
- Art After Dark Smoky Style – Saturday March 17 - downtown
- Casino Night sponsored by the Haywood Healthcare Foundation – Saturday March 24 - proceeds benefit the “Base Camp on the Go” program
- Retirement reception for Canton Police Chief Bryan Whitner – Wednesday April 4 at 5:00 p.m. Canton Armory

2. Adoption of Minutes

***Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman to approve the minutes of the February 13, 2018 regular meeting and the minutes of the February 23, 2018 special called meeting (Board Retreat) as presented. The motion carried unanimously.***

Mayor Brown reminded the Board prior to the public hearings that the Town needed to name two individuals to the 1% Zip Code Subcommittee for 28785/28786. These individuals would need to be confirmed by the Board of County Commissioners. This request was brought up at the Board Retreat on February 23, 2018.

Mayor Brown explained that he had discussions with both Ms. Owens and Lynn Collins from the Haywood County TDA regarding potential Waynesville appointees to the 1% Zip Code Subcommittee. Carolyn Brunk, Owner/operator of the Oak Park Inn (accommodations) and Jose Gonzalez, Owner/operator of Main Street Mercantile (tourism related) and Ms. Owens as the municipal representative are recommended as the potential candidates for the subcommittee.

***Alderman Julia Freeman made a motion, seconded by Alderman Jon Feichter to approve the nomination of Carolyn Brunk, Jose Gonzalez and Amie Owens as the Town's representatives to the TDA 1% zip code subcommittee. The motion carried unanimously.***

## **B. PUBLIC HEARINGS**

### **3. Public Hearing to close an unused right of way off of Bridges Street – 847 North Main Street (No PIN)**

Development Services Director Elizabeth Teague noted that the Town had received a petition from adjacent property owners, the Oates and the Fishbacks, to close an un-named and un-opened right of way off of Bridges Street. Pursuant to State Statutes, the Board adopted a Resolution of Intent to Close the Right of Way on February 13, 2018 and has provided the requisite public notice. This area appears to be a street fragment from a platted subdivision that was never named or used. The Town does not have an interest in the right of way for public access, but will retain the necessary utility easement for the electric light located at the end of the right of way.

Ms. Teague and staff recommend the closure in order to allow for conveyance to adjacent property owners. She added that this particular right of way does not serve a public purpose and the Town has not been maintaining it.

Town Attorney Bill Cannon explained that if anyone wished to speak on this issue that they should raise their hand, be recognized and approach the podium. Speakers should give their name and address for the record and limit comments to three minutes.

***Town Attorney Cannon opened the public hearing at: 6:35 p.m.***

No one addressed the Board

***Town Attorney Cannon closed the public hearing at: 6:36 p.m.***

Mayor Brown explained that the ownership of the right of way would go to both owners equally and that the Town would only reserve the utility right of way. Any discussion related to the conveyance of the right of way becomes a matter between the adjacent property owners.

***Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman to approve the Resolution to Permanently Close an Unused Portion of Right of Way located off Bridges Street at 847 North Main Street, Waynesville, (NO PIN), as presented. The motion carried unanimously.***

4. Public Hearing and Consideration of a Text Amendment Request to amend the Land Development Standards (LDS) Section 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental Standards related to Monopole Towers

#### Section 2.4.2

Ms. Teague explained that the Town had received two text amendment requests from Mr. James Sorrells, owner of a lot in the Waynesville Industrial Park, known as 208 and 204 Industrial Park Drive, within the Commercial Industrial (CI) district and Mr. Eric Bean, who is working with Mr. Sorrells to develop a new parcel for industrial and manufacturing uses. The request is to reduce the dimensional setback requirement within the CI from 15' front and side yard to 10' or less. Ms. Teague noted that following discussion by the Planning Board that the recommended setback was reduced to 5'.

An additional request relates to the requirement that monopole towers be on lots of one acre or more. They are asking that this requirement be eliminated for towers in the CI district. The Planning Board approved this request unanimously.

Ms. Teague provided additional background about the first request noting from the staff report that in the Table of Dimensional Standards, the CI District Principle Setback is 15' in the front and side yard, and 10' at the rear. Accessory Structure setback is 5'. In other Districts, the setback is 0 to 10 feet and 5' for accessory structures. Setbacks internal to the CI District are therefore more restrictive than in other Commercial Districts. Unlike other commercial districts however, there is not an aesthetic or public interaction reason for these setbacks. These areas are specifically designed to be flexible and provide for driveways and traffic flow.

She added that from a Building Code standpoint, distances between buildings must comply with State building and fire safety codes which are based on the type of construction and the use of the building. A 5' side yard setback would provide at least a 10' separation between any new construction and would be built to the specifications of the code as necessary for the use. For example: fire separation walls, sprinkler systems, or construction materials. Therefore, there is not a building or public safety reason for this setback.

Ms. Teague reminded members that the Town has limited industrial space: the Industrial Park off of Asheville Highway, the Giles property in Frog Level, and two industrial areas in Hazelwood, abutting the railroad track. Industrial development usually involves a mix of office, warehouse, manufacturing and outdoor storage activities, combined with truck traffic and employee parking needs as noted previously which requires flexibility and maximum use of the limited space available.

Where a CI property abuts a property in a different zoning district, there are additional buffer requirements that require setbacks of 25 to 40 feet with plantings exceeding the current 15' setbacks. This buffer requirement would apply to the perimeter of all CI Districts.

Ms. Teague mentioned that the Planning Board had questioned why the setbacks had not been adjusted in the previous update to the LDS and it was thought to be an oversight and at their meeting in February, staff and the Planning Board supported a reduction in the setbacks and suggest that even a minimum of 5' would be sufficient and would be consistent with the setbacks of accessory structures as permitted now. A recommendation to change the setback minimums internal to the CI District would not change the buffer requirements and would make the setbacks more consistent with other districts; this would be a positive for future development in the CI district.

#### Section 3.10.4 (B) 2

Ms. Teague moved to the next amendment related to monopoles within the CI District. She highlighted that the current standard reads - *"Monopole wireless communication towers may only be located on a lot of (1) acre in size."* The applicants request that "the current lot size requirement be reduced in the CI zoning districts to the typical 100' x 100' land lease size. This would free up the adjacent property to be subdivided thus allowing for more building options in the remaining industrial park space."

Ms. Teague explained that while it would make sense to have a large lot requirement for monopoles in some other districts, staff feels that monopole facilities should be integrated seamlessly into CI with minimal restrictions. An acre is a large area to take up within an industrial district. Other existing towers are on smaller lots (Mosaic Place is 0.5 Acres owned by the Town), or are incorporated into other development (EMS Building with tower is 3.92 acres). Staff would support a reduction in this provision for the CI, to allow for maximum use of acreage within CI Districts, as with the setback requirements.

There has been much recent discussion of the importance of broadband and Wi-Fi service in Haywood County. The Town is participating in a regional study through the Land-of-Sky Regional Council to look at improving communications systems in WNC. Staff feels that land use regulations should accommodate communications facilities within its commercial districts for their economic impacts. Additionally, there are other regulations provided in 3.10 that restrict cell towers and their location and design in other ways. In fact, there are multiple pages of cell tower requirements relating to design, collocation and discontinuance. This text amendment request would be a minor change to the overall supplemental standards for Monopole Cell Towers and would only apply to the CI district.

Ms. Teague provided the following language for consideration - *"Monopole wireless communication towers may only be located on a lot of (1) acre in size, except within the CI district."*

Mayor Brown clarified that those existing monopoles would be grandfathered in. Ms. Teague confirmed. She noted that the developers did not want to change anything else, just have the opportunity to subdivide the property and allow for flexibility on the property.

Alderman Feichter questioned the previous rationale that resulted in a regulation that stated these towers can only be located on one acre lot. He indicated he was hesitant to throw out precedent. Why the one acre minimum? Ms. Teague replied that the one acre was most likely to have protective space possibly in mixed use areas. She noted that one of the concerns now is how to subdivide the land for maximum use. The developers cannot add to something considered a non-conformity. That one acre rule prevents them from developing the remainder of the site. In the CI district, the goal is to be able to use the land to the greatest extent possible.

Alderman Feichter explained that his concern had to do with scope creep and worried if the two other areas in Hazelwood and Frog Level would be susceptible to additional towers. Ms. Teague noted that a special use permit is required for monopole towers and since the majority of the CI areas are single owner properties, should not be a problem.

Mayor Brown added that the reasoning behind the one acre requirement was a fear that towers were going to crop up everywhere. This did not happen and now there are other ways to handle these towers. He noted that the FCC can preempt what we do zoning-wise and that this has not been an issue.

Ms. Teague reminded the board that they could accept or amend the Planning Board's recommendations. Alderman Feichter acknowledged he saw the logic, but had concerns if someone else were to come and ask for a smaller lot requirement in another district.

**Town Attorney Cannon opened the public hearing at 7:03 p.m.**

No one addressed the board

**Town Attorney Cannon closed the public hearing at 7:04 p.m.**

Mayor Brown reminded the Board that there were two motions required for these amendments.

***Alderman Julia Freeman made a motion, seconded by Alderman Gary Caldwell to find that the text amendments were consistent with the 2020 Land Development Standards. The motion carried unanimously.***

***Alderman Jon Feichter made a motion, seconded by Alderman Julia Freeman to approve the presented text amendments to Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental Standards related to Monopole Towers for the Commercial Industrial (CI) district. The motion carried unanimously.***

**C. NEW BUSINESS**

**5. Consideration and Guidance for Medford Grant Application**

Ms. Teague explained that the Fund for Haywood County, managed by the WNC Community Foundation, will award up to \$14,150 in grants from the Mib and Phil Medford Endowment Fund. The Medford Fund grants are *“for beautification, streetscape improvements and other public amenities within the city limits of the Town of Waynesville, North Carolina or its defined extra-territorial jurisdictions for the purpose of enhancing economic prosperity, a healthy community and the arts for public enjoyment. Grants should support specific projects, initiatives or efforts rather than provide general operating support.”* The Town has two very good projects that staff is interested in pursuing for funding: a playground installation in Chestnut Park; and Phase II of the Arboretum initiative.

Ms. Teague noted that only one project could be submitted at this time. Staff would like Board guidance as to which one to pursue this year as both involve the same Town staff and would be matched by Town General Funds. The grant is due on March 14, 2018.

Ms. Teague provided the following summaries of the projects for Board consideration:

**The purchase of playground equipment for Chestnut Park** continues incremental Park improvements based on neighborhood requests identified in a 2016 community meeting to turn the park into a neighborhood resource and destination, and pursuant to the 2017 Parks and Recreation Master Plan to improve Neighborhood Parks. The Town utilized \$11,840 of Medford Grant funds in 2016-17 to demolish an older picnic shelter, refurbish an existing one, install a pollinator garden and park sign, and to purchase park furnishings including picnic tables, grills, and benches. The Town is working with Haywood Waterways to complete a stream bank restoration project on the park property, including design and permitting and construction will begin this spring. The playground equipment would be purchased with grant funds and be installed with in-kind services from the Town near the picnic furnishings to provide children a place to play and further enhance the park.

**The Town Arboretum Project** is a public-private initiative which was approved by the Board of Aldermen in May, 2016 and was developed in collaboration with members of Mountain View Garden Club, a local non-profit, and the Town of Waynesville. The club provided seed money which the Town matched with in-kind labor, materials, and equipment. The initial activity, "Phase One," created the Serenity Garden which was completed in the spring of 2017. The grant will provide funding for Phase Two which will accomplish further landscape work and initiate educational and public relations outreach, including: completion of the 43 acre tree inventory within Vance Street and Recreation Parks, installation of species signage, production of print material about the garden system, a kiosk display, media articles and a marketing presentation for the public. Previous hands-on work will continue by enhancing and maintaining the quality of the existing garden and adding a form of bird attraction. By undertaking this developmental approach it is believed that the Town of Waynesville Arboretum will systematically evolve into a significant asset within the community.

Discussion was held related to the projects.

Alderman Feichter inquired how the playground fit into the ultimate vision of the Recreation Master Plan for Chestnut Park. Ms. Teague noted that there was no definitive plan for what to do in Chestnut Park, but that there were several activities such as stream restoration, butterfly and bee gardens that were ongoing. Alderman Feichter also commented about the arboretum project, stating that he walked around the rec center frequently and the work that has been done is wonderful. He added that he was equally happy with both projects but if adding the playground in Chestnut Park now gets us closer to completion, then he would vote to move forward there.

Alderman Roberson asked about the potential utilization of the Chestnut Park playground and if there was adequate parking available. Ms. Teague explained that from a survey completed, there were youth in the area who would use the park and there is a parking area available.

Alderman Caldwell commented that he felt the Chestnut Park improvements needed to continue to prevent the park from returning to its previous look and provide new and safe places for children to play.

Alderman Freeman added that at this time, the Chestnut Park project is behind where the arboretum is from a project timeline. She noted that the Mayor had worked diligently to get Chestnut Park back in

the Town's inventory and commitments had been made to those citizens. Alderman Freeman concluded by stating that the arboretum project would not be forgotten or left out. The priority should be to move the Chestnut Park project forward at this time.

***The Board agreed by consensus that the staff should submit the Chestnut Park project for this year's Medford Grant Application. No formal motion was completed.***

**D. CONTINUED BUSINESS**

6. Personnel Policy Revision – Hiring of Family Members (Nepotism)

Amie Owens, Assistant Town Manager, presented revisions to the Nepotism policy at the Board Retreat. At that meeting, Town Attorney Cannon had proposed some grammatical changes and clarifications at that time. Since then, proposed changes were submitted. Ms. Owens explained that the term family member was changed for uniformity rather than using the term "relative" as it was not defined anywhere in the policy. There was clarification language added for the responsibilities of the Town Manager when a family member is being considered for employment and if an existing employee or employees find themselves in violation of the policy.

***Alderman Julia Freeman made a motion, seconded by Alderman LeRoy Roberson to approve the revisions to personnel policy Section 4 Employment of Family Members (Nepotism) to be effective March 13, 2018, as presented. The motion carried unanimously.***

**E. COMMUNICATIONS FROM STAFF**

7. Manager's Report

Customer Service Policy

Manager Hites provided the Board with copies of the proposed Customer Service Policy. He explained that due to the size of the policy, he wanted the Board to have it well in advance for review and voting at the March 27, 2018 regular meeting. Manager Hites indicated that the layout of the policy is such that when a citizen looks at it, they can see how it is cross referenced with state and federal regulations other best practices in the customer service. Manager Hites thanked staff for their input and added that this policy blends water, sewer and electric policy into one. Manager Hites encouraged the Board members to contact him with any questions.

Economic Incentives – Call for Public Hearing

Manager Hites explained that at the Fall 2017 retreat he talked about increased interest from developers and put forth a proposed incentives policy. He received a request on March 8, for incentives for a to-be-named project. Part of the requirement under North Carolina General Statute 158.7 is to hold a public hearing to set incentives that could be provided.

***Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter to call for a public hearing to be held on Tuesday, March 27, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street to consider economic development incentives for a to-be-named project. The motion carried unanimously.***

8. Attorney's Report

Town Attorney Bill Cannon noted that he had been contacted by the Mountaineer regarding the class action lawsuit that others have been participating in versus the drug manufacturers. He asked to Board their preference as to whether he should be reviewing and prepared to discuss at the next meeting.

Mayor Brown added that it is before the County at this time and his preference would be to wait and if the County moved forward, he may then lend his expertise but Waynesville would not take any lead on this.

**F. COMMUNICATIONS FROM THE MAYOR AND BOARD**

Animals at Festivals

Mayor Brown reminded the Board that they did not vote on this issue at the retreat. He asked members to be prepared to discuss at the next regular meeting on March 27. This needs to be addressed prior to the festival season.

Foreclosure/Town Options

Alderman Caldwell mentioned that there was a home in town that was dilapidated and he asked about options for the property. Manager Hites will look at the liens and back taxes owed on the property and determine if any action could be taken regarding foreclosure.

**G. CALL ON THE AUDIENCE**

**H. ADJOURN**

***With no further business, Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman, to adjourn the meeting at 7:46 pm. The motion passed unanimously.***

ATTEST

---

Gavin Brown, Mayor

---

Amanda W. Owens, Acting Town Clerk

---

Robert W. Hites, Jr., Town Manager