

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

Regular Meeting

February 14, 2023

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, February 14, 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 Chuck Dickson
Alderman Anthony Sutton

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Martha Bradley, Town Attorney
Luke Kinsland, Recreation Director
Police Chief, David Adams
Brandon Gilmore, Assistant Police Chief
Misty Hagood, Finance Director
Jeff Stines, Director of Public Services
Byron Hickox, Land Use Administrator
Elizabeth Teague, Planning Director
Lisa Burnett, Purchasing Supervisor

Members of the media:

Becky Johnson, The Mountaineer
Cory Vaillancourt, The Smoky Mountain News

Others present:

Adeline Wolfe, Mountain Housing Opportunities

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and had no announcements.

B. PUBLIC COMMENT

No public comment.

C. ADDITIONS OR DELETIONS TO THE AGENDA

Town Manager Rob Hites reported that there were only two items to put on the next meeting agenda, involving purchasing a \$10,000 compressor and a switch needed for the IT system. Manager Hites suggested to put these items on the Board Retreat Agenda. With those two items being added to the Retreat Agenda, there will be no items for the February 28th Board of Aldermen meeting. In addition, there will only be three Aldermen present for the February 28th meeting, so Manager Hites suggested to the Board to cancel the February 28th meeting.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to cancel the February 28th Regular Scheduled Board of Aldermen meeting. The motion passed unanimously.

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 20th, 2023 Regular meeting
b. HCM Community 5K and Block Party Special Event Permit

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

E. PROCLAMATION

3. National Developmental Disability Awareness Month
 - Mayor Gary Caldwell

Mayor Gary Caldwell read the Proclamation of Developmental Disability Awareness Month-March 2023.

A motion was made by Alderman Anthony Sutton seconded by Alderwoman Julia Freeman, to proclaim March 2023 National Developmental Disability Awareness Month. The motion passed unanimously.

Alderman Chuck Dickson added that he is currently working with Chief Adams and Manager Hites on talking to the Autism Society to see if they could offer trainings to the Police Department.

F. PRESENTATION

4. The USPCA Excellence Award for Officer Cameron Gasperson and K-9 Bruer
 - Assistant Police Chief Brandon Gilmore

Assistant Police Chief Brandon Gilmore recounted the incident that occurred on December 5th, 2022, when the Waynesville Police Department was alerted to a stolen vehicle traveling through town. Eventually, the stolen vehicle was tracked down and the suspect fled on foot. Assistant Police Chief Gilmore reported that Officer Gasperson felt it was necessary to deploy K-9 Bruer to track the fleeing suspect. Due to the efforts of Officer Gasperson and K-9 Bruer, the suspect was located and taken into custody without further incident. In recognition of their work, Assistant Police Chief Gilmore presented the USPCA Excellence Award to Officer Gasperson and K-9 Bruer.

G. CALL FOR PUBLIC HEARING

5. Call for Public Hearing: Mountain Housing Opportunities Affordable Housing Incentive Adjustment
 - Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that in 2021, the Board of Aldermen approved Affordable Housing Policy incentives in the amount of \$167,154 for Mountain Housing Opportunity's (MHO) affordable housing development that will be located on Howell Mill Road. Mr. Fowler added that MHO's development project relied on other outside funding sources such as Low-Income Housing Tax Credits to be successful, and they were unable to secure that funding until recently which postponed the development. Since the Board's original incentive approval, construction costs have increased, and so MHO is requesting an amendment to the original incentive. Pricing has increased significantly since the original project estimations, to the amount of \$468,125.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to call for a public hearing on March 28, 2023, for the purpose of considering an amendment to the Affordable Housing Policy Incentives granted to Mountain Housing Opportunities. The motion passed unanimously.

H. PUBLIC HEARING

6. Public Hearing to consider a request for Annexation for property known as the Balsam Edge Development of Mountain Housing Opportunities, an unaddressed lot on Howell Mill Road, PIN 8618-42-5414.
 - Elizabeth Teague, Development Services Director

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to open the Public Hearing at 6:22 pm. The motion passed unanimously.

Development Services Director, Elizabeth Teague, stated that the purpose of this public hearing is to consider a request for annexation for a property known as Balsam Edge Development. The applicant is Mountain Housing Opportunities, and the lot is an unaddressed lot located on Howell Mill Road, PIN 8618-42-5414. Ms.

Teague reported that the Town received the attached Petition for Annexation of Contiguous Area. This property is the future site of a proposed apartment complex which received approval by the Planning Board for a major site plan by Order dated April 7, 2021. The property is within the Town’s extra-territorial jurisdiction and urban services boundary and is contiguous to the Town. The property is zoned Howell Mill Urban Residential (HM-UR).

Adeline Wolfe, Mountain Housing Opportunities-64 Clingman Avenue, Asheville: Ms. Wolfe thanked the Board for their consideration and expressed gratitude in having the opportunity to serve the Waynesville community. Mayor Caldwell thanked Ms. Wolfe for helping to bring affordable housing to Waynesville.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to close the Public Hearing at 6:26 pm. The motion passed unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve ordinance O-06-23, the annexation of the unaddressed lot on Howell Mill Road, PIN 8616-42-5414. The motion passed unanimously.

7. Consider a Map Amendment for the property located at 465 Boyd Avenue (PIN 8605-96-8882).
 - Byron Hickox, Land Use Administrator

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to open the Public Hearing at 6:27 pm. The motion passed unanimously.

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. The property is located within the Hazelwood Urban Residential District (H-UR), in which Residential Care Facilities are only permitted with a Special Use Permit. Mr. Hickox explained that this facility was operating long before such a thing existed, so the property was grandfathered in-it operated as a legal non-conforming use but ceased operations in November 2021. The property owner has been approached by a potential buyer interested in using the existing building for a use not permitted within the H-UR district. Mr. Hickox stated that the owner submitted a formal application for a map amendment to rezone the subject property to Hazelwood Urban Residential Mixed-Use Overlay (H-UR MXO). Mr. Hickox proceeded to read verbatim the description of the Hazelwood Urban Residential District from the Land Development Standards.

Mr. Hickox reported that the requested amendment was heard by the Planning Board on January 9th, 2023. The Planning Board unanimously agreed that professional services would be appropriate at this located and could promote the re-use of an existing building and meet the goals of the Comprehensive Plan. The Planning Board recommended to the Board of Aldermen that the property described as 465 Boyd Avenue be changed from Hazelwood Urban Residential to Hazelwood Urban Residential Mixed-Use Overlay 3, a mixed-use overlay that permits Professional Services as a use.

Mr. Hickox reported that the Planning Board also found the proposed map amendment is consistent with the 2035 Comprehensive Plan Goals 1 and 5, “continue to promote smart growth principles in land use planning and zoning”, and “create opportunities for a sustainable economy”, respectively. He added that the Future Land Use Map indicates that the property should be considered for a map amendment as part of the Medium

to High Density Residential areas for the purposes of future land use planning and falls within a potential mixed-use overlay recommended in the plan. The Potential Railroad Overlay Map indicated that this property should be considered for inclusion in a future railroad corridor study area for an “overlay district or policy for track-adjacent or greenway-adjacent development to allow more housing and mixed uses”. Mr. Hickox said that this statement indicates a clear directive to encourage mixed-use development along the railroad corridor.

No public comment.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to close the Public Hearing at 6:37 pm. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to find the map amendment is consistent with the 2035 Land Use Plan and it is reasonable and in the public interest in that it continues to promote smart growth principles in land use planning and zoning, encourages infill, mixed-use, and context-sensitive development, and creates opportunities for a sustainable economy and encourages creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the proposed map amendment in that it creates opportunities for a sustainable economy and continues to promote smart growth. The motion passed unanimously.

8. Consider an Application for Text Amendment to Land Development Standards Section 17.3, Use Type Definitions, Personal Services.
- Byron Hickox, Land Use Administrator

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:39 pm. The motion passed unanimously.

Land Use Administrator, Byron Hickox, reported that the applicant hopes to open a tattoo business within the Central Business District. Personal services are allowed in this district, but tattoo businesses are currently not listed under that definition in the Land Development Standards (LDS). Mr. Hickox said that the applicant has proposed a text amendment that would remove the exclusion of tattoo parlors from the Personal Services definition. Mr. Hickox noted that there are already tattoo parlors operating in Town limits because they were established prior to the adoption of the current LDS and therefore legal non-conforming use, or were permitted as a result of staff oversight and are operating as zoning violations even though they may be permitted by the Health Department. The proposed text amendment would bring current tattoo businesses into compliance within the LDS and would permit this use within Mixed-Use Overlays within the following districts:

- | | |
|-----------------------------------|---|
| -Country Club Low Density | -Ninevah Neighborhood Residential |
| -Francis Cove Low Density | -Raccoon Creek Neighborhood Residential |
| -Dellwood Medium Density | -Walnut Street Neighborhood Residential |
| -South Waynesville Medium Density | -Hazelwood Urban Residential |

- Love Lane Neighborhood Residential
- Main Street Neighborhood Residential

- East Waynesville Urban Residential
- Howell Mill Urban Residential

The proposed text amendment would permit tattoo parlors on corner lots within Allens Creek Neighborhood Residential district.

The proposed text amendment would permit tattoo parlors as a use-by-right within the following districts:

- North Main Street Neighborhood Center
- Pigeon Street Neighborhood Center
- Hazelwood Business District
- South Main Street Business District
- Dellwood/Junaluska Regional Center
- Central Business District
- Raccoon Creek Neighborhood Center
- Hyatt Creek Regional Center
- Russ Avenue Regional Center

Mr. Hickox stated that at the January 30th meeting, some Planning Board members argued that tattoo parlors are different from other uses within the Personal Services definition, and therefore proposed an alternative to the requested amendment. The proposed alternative would strike the reference to tattoo parlors from the Personal Services definition altogether and create tattoo parlors as a stand-alone use permitted only within Neighborhood Center, Business, and Regional Center Districts. Mr. Hickox said that other Planning Board members felt that tattoo parlors are no more impactful or disruptive to surrounding properties than any other uses within the Personal Services definition. Therefore, they should be permitted wherever Personal Services are currently permitted. Mr. Hickox reported that the Planning Board voted 4 to 3 to recommend to the Board of Aldermen the approval of the text amendment as submitted by the applicant, which would strike the reference to and exclusion of tattoo parlors from the definition of Personal Services. Staff would support the text amendment request.

Alderman Anthony Sutton asked if there was any history as to why tattoo parlors were thrown out of the LDS. Mr. Hickox replied that after thorough research, he could not find any specific reason or discussion involving the removal of tattoo parlors from the LDS.

Greg Au-59 Tabby Lane, Maggie Valley: Mr. Au spoke in favor of the text amendment, and said he has been a part of the community for a long time. His new studio is a personal studio and by appointment only.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to close the Public Hearing at 6:52 pm. The motion passed unanimously.

Alderman Chuck Dickson said that he asked Police Chief Adams to pull police reports involving existing tattoo parlors and he said that tattoo parlors do not cause any problems for the Town. He also said that 50% of people under the age of 40 have tattoos and the previous notion that tattoos are associated with deviancy is no longer the case. Alderman Dickson said he is in favor of the text amendment.

Alderman Anthony Sutton said that the general perception of tattoos has changed, and he is also in favor of the text amendment.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to find the text amendment is consistent with the 2035 Land Use Plan in that it continues to promote smart growth principles in land use planning and zoning, and creates opportunities for a sustainable economy and promotes the growth of existing local businesses in Waynesville’s “maker economy”. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the proposed text amendment as prescribed in that it continues to encourage smart growth and promotes the growth of existing local businesses. The motion passed unanimously.

I. NEW BUSINESS

9. Vacancies for Recreation Advisory Commission

- Luke Kinsland, Recreation Director

Recreation Director Luke Kinsland reported that the recreation advisory commission passed a motion during last month’s meeting to remove two members. The commission requests to remove Regina Zachary for repeated absences and Wallace Messer for health reasons per the Boards & Commissions manual citing consecutive absences.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to approve the opening of two vacancies for the Recreation Advisory Commission. The motion passed unanimously

10. Dog Park Quote

- Luke Kinsland, Recreation Director

Recreation Director, Luke Kinsland, reported that drainage has been a recurring issue in the dog park. After working with Public Works to improve drainage, Mr. Kinsland said that there have been many challenges out of their control, such as weather. Mr. Kinsland said to do things the correct way, they would like to work with WNC Paving because they are better equipped than the Town to meet the needs of the dog park construction. The work that needs to be done includes grading the park so it drains into a new detention basin, under the trail and into a dispersion channel that leads to Richland Creek. The park itself will be filled with dirt and compacted, a layer of landscape fabric will be applied, and small stone will be added creating a drainage area. A second layer of fabric will be applied, and four inches of mulch purchased from a private company will be added. Due to the condition of the benches, Mr. Kinsland recommended that the Town purchase and install metal benches similar to those that are being installed in the greenway adjacent to the Bi-Lo Apartments. The total estimate for the park is \$68,000. Mr. Kinsland stated that much of the cost is tied up in rock, landscape fabric, mulch, benches, and WNC’s labor. Since they are in their least busy time of year, they are ready to construct the park.

Mr. Kinsland added that he applied for a \$7500 grant to be used for the dog park and set up Friends of the Dog Park so that people can donate.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson to approve a contract with WNC Paving to construct the Dog Park. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the budget amendment of \$68,800 for the dog park improvements.

11. Budget Amendment to increase appropriations within the Electric Fund to include \$90,000 received as a grant to replace the fast charger downtown and our match of \$28,992.
 - Rob Hites, Town Manager

Town Manager Rob Hites reported that the Town of Waynesville was awarded another grant from the Volkswagen settlement of \$90,000 to replace the EV fast charger downtown. Our match is \$28,992 and it will be budgeted from the Electric Fund Balance. Manager Hites added that the Town has applied for another grant to hopefully add another charger to the Montgomery Street parking lot.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve the budget amendment of \$118,992 for the EV fast charging station. The motion passed unanimously.

12. Budget Amendment to increase appropriations within the Development Services Department budget to include \$10,000 received as a Historic Preservation Fund Grant.
 - Byron Hickox, Land Use Administrator

Land Use Administrator Byron Hickox reported that, at the request of the Historic Preservation Commission (HPC), Development Services staff prepared and applied for a grant from the Historic Preservation Fund. As a Certified Local Government, the Town of Waynesville is eligible to apply for an HPF Grant, which is administered by the North Carolina State Historic Preservation Office (SHPO). The grant application requested \$10,000 to assist in funding the preparation of a Preservation Plan for the Town of Waynesville's Historic Commercial Districts (Main Street, Frog Level, and Hazelwood). Mr. Hickox added that it is the long-term goal of the HPC is to make those areas Local Historic Districts as well. The application was successful and all work on the project will be completed by October 2023.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the budget amendment to include \$10,000 received as a Historic Preservation Fund Grant. The motion passed unanimously.

13. ARP funding for Dispatch Center upgrade
 - Lisa Burnett, Purchasing Supervisor

Purchasing Supervisor, Lisa Burnett, reported that included in the fiscal year 2023 budget are monies to upgrade the Police Communication Center using Federal American Rescue Plan funding that was received in the amount of \$124,070. Ms. Burnett said she worked with Lt. Chandler to develop specifications for what the Police Department needed. Ms. Burnett said only one bid was initially submitted, and that bid was from Western Carolina Communications Systems Inc., so a second bid advertisement was done. When there were no other bids placed after the second advertisement, Ms. Burnett moved forward with looking at Western Carolina Communications Systems' bid. She added that the Town has a long-standing and positive relationship

with Western Carolina Communications Systems already, so she felt confident that they will provide good service.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to award the purchase and installation contract of the new Dispatch Console System to Western Carolina Communication Systems for \$120,042.17. The motion passed unanimously.

14. Approval of Audit Contract
- Misty Hagood, Finance Director

Finance Director Misty Hagood said that Martin Starnes and Associates was approved last fiscal year for a three year audit period with the Town. This is the second year of the three year agreement. Ms. Hagood asked the Board to approve the contract for this year's audit. She said that the regular audit and writing of the financial statements will be \$42,000 and there will be an additional fee of \$3,500 if a single audit is required.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to approve the audit contract and authorize the mayor to sign the Contract to Audit Accounts. The motion passed unanimously.

15. Field Training Officer Compensation
- Jesse Fowler, Assistant Town Manager

Assistant Town Manager, Jesse Fowler, reported that the Town of Waynesville Police Department has a Field Training Officer program (FTO). Mr. Fowler said that when Assistant Police Chief Gilmore and Chief Adams discussed the FTO program with him, he realized just how intensive the training is. FTO's ride along and follow new cadets for many months. After each shift, the FTO sits down with the cadet and goes through the record of what happened on that shift. Mr. Fowler stated that Field Training Officers are required to perform extra duties during the onboarding and training of new Police Recruits and must work extra hours to record recruit activities, experiences, and evaluate the new recruits in order to determine their fitness for duty. In other municipalities, FTO's are often offered additional compensation, where the Town does not currently. Mr. Fowler would like the Board to allow FTOs to be compensated for the time spent on the extra duties required while performing in the role of FTO, an FTO assigned a new incoming officer will record one (1) hour of Compensatory Time for each 12-hour shift worked in the capacity of FTO. Compensatory Time under the FTO program will be recorded in the appropriate OT/ Compensatory Time column on the FTO's timecard each work period.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the above language as an amendment to the Town of Waynesville Personnel Policy. The motion passed unanimously.

16. NCDOT URA RUSS AVENUE (Historic District)
- Jeff Stines, Director of Public Services

Director of Public Services, Jeff Stines, reported that in 2020 the original Utility Relocation Agreement (URA) was agreed upon between the Town of Waynesville and NCDOT for the Russ Avenue Project. Mr. Stines said

that this is a cost estimate of what the underground utilities will be (electric). He added that this is 100% reimbursable, except for decorative lighting. With the project slated to start in May of 2023, the updated URA pricing needed to be agreed upon by the Town of Waynesville and NCDOT. The new agreement is to ensure NCDOT will fully reimburse the Town of Waynesville in the amount of \$1,297,890.20 (less the cost of decorative lighting) for the costs of the Electric Utility work completed by our contractor in the Historic District of the Russ Avenue Project.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman to accept the URA for Russ Avenue (Historic District) as signed by Rob Hites, Town Manager. The motion passed unanimously.

Mayor Gary Caldwell asked if Public Services could clean up the sidewalks of Main Street. Mr. Stines said they do it when they can, but they can dedicate a staff member to do that. Alderman Dickson asked if the Downtown Waynesville Commission could look into assisting. Town Manager Hites said that in every other city he has worked for, it was the responsibility of the shop owner to clean in front of their store.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to ask the Downtown Waynesville Commission to consider asking shop owners on Main Street to help keep the sidewalks clean. The motion passed unanimously.

Mayor Gary Caldwell asked Mr. Stines if Virginia Avenue will be paved soon. Mr. Stines said it would be after July, after the budget is approved. Mr. Hites said the Board could use General Fund money if they don't want to wait. Mr. Stines offered to get an estimate from WNC Paving and will provide that to the Board at the retreat on February 24th.

J. COMMUNICATION FROM STAFF

17. Manager's Report
- Town Manager, Rob Hites

Nothing to report.

18. Town Attorney Report
- Town Attorney, Martha Bradley

Nothing to report.

K. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderwoman Julia Freeman said she will be unable to attend League of Municipalities dinner in Raleigh with Alderman Sutton.

Alderman Anthony Sutton reported that he will be meeting with Congressman Edwards on Thursday to talk about transportation in the area. He said he will also be speaking to the General Assembly in Raleigh about a project relating to getting other modes of transportation to Waynesville.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to enter into closed session at 7:46pm to discuss personnel matters as permitted under NCGS § 143.318.11 (a)(6). The motion passed unanimously.

A motion was made by Alderman Sutton, seconded by Alderman Dickson to enter into open session at 8:22 pm. The motion carried unanimously.

The Board of Aldermen discussed the Town’s current personnel policy and its failure to address felony convictions and charges of driving while intoxicated or impaired. The Board concluded that it would be in the best interest of the Town to adopt a policy that address these gaps within the personnel policy in order to uphold the ethical standards associated with employment with the Town of Waynesville.

A motion was made by Alderman Sutton, seconded by Alderman Dickson to amend the Town of Waynesville Personnel Policy with the following language: “Any person found guilty of driving while intoxicated/impaired, or any other felony within (3) years of their application for employment with the Town of Waynesville, or during their employment with the Town of Waynesville, shall be disqualified from employment with the Town of Waynesville.” The motion carried unanimously.

L. ADJOURN

A motion was made by Alderman Sutton, seconded by Alderwoman Freeman, to adjourn at 8:36 pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk