

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
November 28, 2023

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, November 28, 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 6:02 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:

- Rob Hites, Town Manager
- Jesse Fowler, Assistant Town Manager
- Candace Poolton, Town Clerk
- Elizabeth Teague, Director of Development
- David Kelley, Senior Code Enforcement Official
- Misty Hagood, Finance Director
- Olga Grooman, Land Use Administrator
- Beth Gilmore, DWC Executive Director
- Police Chief David Adams
- Assistant Police Chief Brandon Gilmore
- Charam Miller, Grants Administrator

Members of the Media:

- Becky Johnson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that the last Art After Dark gallery stroll will be this Friday, as well as the Christmas Tree Lighting. He added that the Hazlewood Christmas parade is Sunday, December 3rd, Monday December 4th is the Waynesville Christmas Parade, Saturday, December 9th is Smoky Mountain Christmas on Main Street 6-9pm, and the next Town Council meeting is Tuesday, December 12th at 6pm. Councilmember Dickson mentioned that Canton invited Town Council to their swearing in ceremony at 7:30pm. Town Manager Hites said Canton also invited Council to their Christmas parade.

B. PUBLIC COMMENT

No one signed up for public comment.

C. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

A motion was made by Councilmember Freeman, 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. November 14th, 2023 Regular Scheduled Meeting Minutes
 - b. Proposed 2024 Town Council Meeting Schedule
 - c. Call for a Public Hearing for January 9, 2024 to consider a request for Annexation for one (1) parcel off 42 Hillside Terrace Drive in Waynesville, PIN 8626-01-2244 (2.62 acres).
 - d. Call for a Public Hearing for January 9, 2024 to consider a request for Annexation for one (1) parcel at 68 Hillside Terrace Drive in Waynesville, PIN 8626-01-1444 (1.11 acres).
 - e. Call for a Public Hearing for January 9, 2024 to consider a request for Annexation for one (1) parcel at 76 Hillside Terrace Drive in Waynesville, PIN 8616-91-9354 (0.81 acre).
 - f. Call for a Public Hearing to consider a zoning map amendment request for a portion of the property at 1460 Russ Avenue, PIN 8616-24-8812, from the Dellwood Residential Medium Density District Mixed-Use Overlay (D-RM MXO) to the Russ Avenue Regional Center District (RA-RC).
 - g. Renewal of Forest Steward's Contract to manage Watershed.

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

E. NEW BUSINESS

3. Purchase of five Patrol Dodge Chargers.
 - Police Chief David Adams

Police Chief David Adams reported that the Waynesville Police Department has reached a critical point regarding many of the vehicles that are being depended upon for daily operation and patrol purposes. Currently, he said they are operating six (6) 2014 Dodge Charger patrol vehicles with mileage ranging from

103,000 to 147,351 miles. He said that many of these vehicles have had a variety of issues with motor mounts, struts, rotors, brakes, rebuilt engines, and other mechanical issues resulting in a total of \$78,816.28 in expenses for repair and maintenance. He added that one of the vehicles in question has had \$24,798.12 in repair and maintenance expenses alone. He said that having unreliable vehicles poses a safety hazard to officers and could prevent them from responding to calls in a timely manner. Chief Adams said the vehicles they hope to purchase are almost patrol ready and it's the last year they are making them. After that, they will all be SUVs. Councilmember Freeman asked if they run on propane. Chief Adams said they did away with propane run vehicles because propane is just as expensive as gas and the propane run vehicles are very expensive to maintain.

Councilmember Sutton asked Ms. Hagood how the Town would pay for the patrol cars. She recommended using the Fund Balance and buying them outright. She looked into loans, and right now they are at 5.5% interest.

Councilmember Dickson asked what the return was on the Town's investments are currently. Ms. Hagood said about 5%.

A motion was made by Councilmember Feichter, seconded by Freeman, to approve the purchase of 5 Dodge Charger patrol vehicles and adopt the budget amendment appropriating \$248,500 from the General Fund Balance. The motion passed unanimously.

4. Council approval of condemnation of the structures located at the below address and approval of associated demolition costs.
 - David Kelley, Senior Code Enforcement Official

Senior Code Enforcement Official David Kelley reported that Code Enforcement staff seeks Council's approval for the condemnation of the main building and the island canopy located at 1737 S Main Street, and permission to proceed with demolition of the structures at a cost of \$28,500.

He reported that the Town received a complaint on August 18, 2023, regarding the condition of this property. After an initial site inspection, Mr. Kelley said he contacted Ron Sneed for legal counsel and to conduct a title search to notify all parties of the deteriorated condition and public safety concerns. He said a more thorough inspection was completed September 25, 2023, and he found multiple building and fire code violations, and evidence that the building was open to vagrancy. He sent out Notices to Correct were sent out on September 27, 2023, to all parties noted on the title search and posted on the property per Section 10-157 of the Waynesville Code of Ordinances. At the end of the deadline to correct, Mr. Kelley said he reinspected the property on October 31, 2023, and no corrective action had been taken, nor had any party of interest contacted our office during the timeframe to correct.

Mr. Kelley said that on October 31, 2023, a Notice of Hearing was sent to all parties listed on the title search and the property was posted per Section 10-158(a) of the Waynesville Code of Ordinances. He said a hearing was held on November 16, 2023, at 9:00am at Waynesville Town Hall, 9 S Main Street and no party of interest or designated representative attended the hearing or contacted the office to present any arguments, evidence, or information pertaining to the matter.

Mr. Kelley stated that on November 20, 2023, the Finding of Fact and Order was sent out to all parties of interest listed on the title search and was posted on the property per Sec 10-158(c) of the Waynesville Code of Ordinances. He said he also mailed the Findings of Fact and Order to the owner of record by FedEx per Ron Sneed.

He said that on November 27th, Michael Kirkpatrick (brother of owner) came to the office to discuss purchasing the property and cleaning up the site, Mr. Kelley also said that Mr. Kirkpatrick requested an extension of the 60 days given on the Findings of Fact and Order. In turn, staff requested that Mr. Kirkpatrick get a notarized statement from his brother saying that he can act on his behalf, as well as a plan of action for clean up of the property. Mr. Kelley said that if Mr. Kirkpatrick can provide the documents and secure the building from vagrancy, and begins clean up of the property, staff will work with him on extending the 60 days.

Staff requests Council's permission to proceed with scheduling demolition and to continue our efforts to contact property owners to find a resolution for addressing the condition of the property. Councilmember Sutton asked if Mr. Kirkpatrick (who was in the audience) provided the notarized statement. He said no.

Mr. Kelley said that if no work has started by January 22nd, they would move forward with demolition of the property.

Attorney Bradley said passing the presented resolution starts the clock, and Council can always choose to give more time to the property owner.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve the attached Resolution Authorizing Demolition of the main building and island canopy located at 1737 S Main Street, Waynesville, NC 28786. The motion passed unanimously.

5. Ice Stroll

- Beth Gilmore, Executive Director of DWC

Downtown Waynesville Commission Executive Director Beth Gilmore reported that last year, the Town of Maggie Valley launched the inaugural Ice Festival as a winter-themed event that would draw tourists during the Winter season and in its first year, the event far surpassed promoters' expectations and drew 10,000 people to the Maggie Valley Festival Grounds. She said the TDA hopes to capitalize on Ice Fest this year and is extending an offer to surrounding towns and industry partners to join forces to expand the weekend into a full schedule of winter-themed activities throughout the county.

Ms. Gilmore said she is working with Haywood County Chamber Director, Cece Hipps, to coordinate a winter/ice themed restaurant promotion during the week of January 22-26 (leading up to Ice Festival weekend) and a Downtown Waynesville Ice Sculpture Trail on the evening of January 26.

She said that Ice Mills in Asheville has agreed to carve single-block sculptures for a reduced rate of \$350 per sculpture (3.5 feet tall) and \$700 for double-block sculptures. She added that the sculptures will be lit.

Ms. Gilmore requested that the Town participate in the Waynesville Ice Sculpture Trail by purchasing a custom sculpture to display on Main Street in front of Town Hall. She asked that the sculpture be something artistic instead of just a logo.

Councilmember Freeman said it's going to be a huge event and the Town should be a part of it and engage local businesses. Mayor Caldwell suggested using the Town Clerk's dog, Marty, as a model for the ice sculpture.

A motion was made by Councilmember Freeman, seconded by Councilmember Sutton, to purchase a double block sculpture for \$700. The motion passed unanimously.

A motion was made by Councilmember Feichter, seconded by Councilmember Freeman, to make the ice sculpture a Plott hound. The motion passed unanimously.

6. Dogwood Foundation Grant for Downtown improvements

- Rob Hites, Town Manager

Town Manager Rob Hites reported that staff received notice that the Dogwood Health Foundation is advertising for \$10,000 grants to improve Downtowns. He said the grants are targeted "to fund projects in downtowns or commercial corridors that enhance appearance, infrastructure or the pedestrian experience". He added that the grant is targeted to enhance projects that will not exceed a total cost of \$50,000. Mr. Hites reviewed the conceptual designs outlined in Thomas Woltz's firm's study relating to the renovation of the Depot Street niche park. The Downtown Waynesville Commission also discussed the design and installation of "sail shades" to protect musicians that are performing at the Miller Street niche park. He said that Thomas Woltz stated that considerable design will be necessary to develop a workable plan for Depot Street. DWC agreed that renovating the park would enhance the pedestrian experience at that end of the Downtown and steer visitors closer to the parking garage. Mr. Hites said they endorsed the idea of applying for the \$10,000 grant to perform a feasibility study to determine the best use for the Depot Street lot. If the Dogwood Foundation will only accept grants for "shovel ready" projects, the DWC requested that the Town Council fund the feasibility study and the grant be used for construction of the Park and they would look to the TDA, and the Medford Fund to help fund the remainder of the construction of the Depot Street niche park. Use \$10K for design. And then that will fund up to a \$50K project.

Councilmember Feichter asked if the Town can use funds for the feasibility study. Ms. Miller said it can only be used on tangible items such as a mural, tables, shade structures, and landscaping.

Councilmember Feichter said based on Mr. Woltz's professional opinion, he feels strongly that a feasibility study is necessary. Ms. Miller said they will only a project budget and it's not an open application process. She said the grant application is due Jan 8th and they will release funds in February or March.

Mr. Hites mentioned the mural that DWC is working on. He suggested that the grant could help pay for the mural.

A motion was made by Councilmember Feichter, seconded by Councilmember Freeman, to endorse the Town applying for a Dogwood Foundation Grant. The motion passed unanimously.

Councilmember Dickson said he would like the DWC to continue with the niche park efforts.

F. COMMUNICATION FROM STAFF

7. Manager's Report

- Town Manager, Rob Hites

Town Manager Rob Hites reported that the contractor is putting in the final phase of the wayfinding signs in Waynesville. He said Hazelwood residents are already calling and complimenting the new signs.

8. Town Attorney Report

- Town Attorney, Martha Bradley

Nothing to report.

G. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Councilmember Dickson asked if Town staff could gather together Development Services to do clean up of junked vehicles on S. Main Street and possibly present options on dealing with things like that.

Councilmember Sutton said there are two items of outstanding business, the closure of DOT road near Ingles and the one in front of the country club. He requested that staff put those items on the January agenda.

Mayor Gary Caldwell requested that the bump out on Depot Street be removed because it disrupts traffic coming up to the light.

H. CLOSED SESSION

9. To enter into closed session under NC General Statute § 143.318.11(a)(3) to discuss to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, the matter of Autobell Car Wash, LLC and Autobell-Arrowhead, Inc. v. Town of Waynesville and to enter into closed session under NC General Statute § 143.318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

- Town Attorney, Martha Bradley

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to enter into closed sessions under NC General Statute § 143.318.11(a)(3) to discuss to consult with an attorney employed or

retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, the matter of Autobell Car Wash, LLC and Autobell-Arrowhead, Inc. v. Town of Waynesville and under NC General Statute § 143.318.11(a)(6) and to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee at 6:45pm. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to go back into open session at 7:25pm. The motion passed unanimously.

I. ADJOURN

A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to adjourn at 7:25pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk