

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
November 12, 2024

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, November 12, 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
Page McCurry, Director of Human Resources
Brittany Angel, Human Resources Coordinator
Jeff Stines, Public Services Director
Ricky Foster, Assistant Public Services Director
David Adams, Police Chief
Ian Barrett, Finance Director
Luke Kinsland, Recreation Director
Members of the Public Services Team, Police Department, and Development Services

Members of the Media:

Paul Nielson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that the next Town Council meeting will be held on November 26th.

B. PUBLIC COMMENT

There was no public comment.

C. ADDITIONS OR DELETIONS TO THE AGENDA

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to add "Request of Town Council approval of grant application to the NC Great Trails State Program Grant to extend the Richland Creek Greenway from Hickory Hollow Apartments to Boyd Avenue" to the agenda. 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 October 22, 2024 Regular Scheduled Meeting Minutes
- b. Motion to approve the Mistletoe Market Special Event Permit
- c. Motion to approve the Hazelwood Christmas Parade Special Event Permit

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

E. PRESENTATIONS

3. Employee Appreciation

- Mayor Gary Caldwell
- Chief David Adams
- Public Services Director Jeff Stines
- Director of Development Services Director Elizabeth Teague

Mayor Gary Caldwell and Councilmembers presented Wastewater Treatment Plant staff, Police Department Staff, and Development Services staff with personalized certificates of appreciation for their efforts during the recovery efforts of Hurricane Helene.

4. Storm Recovery Report

- Town Manager Rob Hites and FEMA Representative

Town Manager Rob Hites reported that staff have been meeting to discuss project priorities and urgent needs vs. non-urgent needs. He said that tomorrow, FEMA will be here for a site visit and will be helping to identify needs. He said that in the coming months, FEMA will be cutting a check for urgent needs- the 24 inch sewer pipe, the Depot bridge, and debris removal.

Mr. Hites reported that Southern Debris Recovery (SDR) are making their way through the Town picking up waste from the storm and that they've collected 3,068 cubic yards of debris so far. Mr. Hites said next week,

staff will be sending out RFPs for design of the dog park and writing specifications for replacement of the fencing in the parks, reconstruction of park restrooms/scorers' box, Armory, and Finance/Fire Departments. He said that damages to Town property totals over \$2 million.

5. Parks & Recreation damage assessment and future park plans due to Helene

- Luke Kinsland, Recreation Director

Mr. Kinsland reported that staff are currently assessing cost and putting out bids for fencing and electrical and assessing what can be repaired versus what must be replaced.

Mr. Kinsland said that that the Dutch Fisher field was hit the hardest of the facilities. He said that the dugouts, fencing, press box, and restrooms sustained heavy damage. He recommended rebuilding the facilities and upgrading them. He said he is hoping to have the field ready by spring of 2025.

Mr. Kinsland reported that the Vance Street softball field and restroom sustained heavy damage and undercutting. He proposed that they rebuild the fencing, press box, dugouts, and bleachers. He said the restrooms did flood, but the foundation is fine, so they will just have to make repairs. Mr. Kinsland said he referred to Matthew McKay Construction Company to look at potential flood mitigation for the field. He said that Mr. McKay suggested building a two foot wall to help divert water away from the field in the event of another flood. He said that fencing will most likely cost \$70,000.

Mr. Kinsland stated that the greenway has many areas that have been damaged, but most of it can be repaired in house. He said that the newer area of the greenway is severely damaged.

Mr. Kinsland said the Bi-Lo park was also heavily hit and that the playground and restrooms are destroyed. He recommended not rebuilding the playground or restrooms because of the risk of flooding in that area. He spoke with FEMA and he said his understanding is that funds that would be used for that project can be transferred to another project. He also recommended that the volleyball courts be moved to this area because it is easy and inexpensive to fix in the event of another flood.

Mr. Kinsland recommended relocating the dog park to where the volleyball courts are currently because there is good lighting, utilities already established, the area is maintenance friendly, and the park could be much larger-roughly an acre. Councilmember Sutton said that the park must have shade. Mr. Kinsland said they will have input from the advisory commission and the community before rebuilding.

Councilmember Dickson said that the Environmental Sustainability Board is hoping to meet with the Recreation Advisory Commission to discuss greenway reconstruction and installing solar arrays.

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to consent to rebuilding park facilities as presented. The motion passed unanimously.

6. Final update on damage assessments following hurricane Helene

- Elizabeth Teague, Development Services Director
- Olga Grooman, Assistant Development Services Director

- Alex Mumby, Land Use Administrator

Development Services Director Elizabeth Teague reported that David Kelley, Esther Coulter, and Olga Grooman have organized damage assessments and have been sharing them with the appropriate resources. She then shared several community resources including local agencies and non-profits. Ms. Teague explained the purpose of damage assessments.

Assistant Development Services Director Olga Grooman reported that 342 structures, both residential and commercial, had at least some damage, and that 22 of those were substantially damaged. Ms. Grooman said that the most affected areas included Depot, Commerce, Harris, Killian, and Smathers Street. She said that Camp Branch Road was also affected but was not in the flood plain. She said that out of the 342 damaged structures, ninety-five percent were at least partially in the regulatory 100-year floodplain, and five percent were outside of that area.

Land Use Administrator Alex Mumby reported that he and Building Inspector Tom Macguire visited the commercial areas of Waynesville after the flood to assess damage. He said that Frog Level was hit the hardest by the storm and the highest water mark in a building was 4 feet. He said that Panacea and Frog Level brewing took on minimal damage because they were built on a slab-on-grade foundation. Mr. Mumby reported that Waynesville Plaza was flooded, with the highest water mark being two feet. He said that the Bi-Lo apartments did not appear to cause additional flooding to the Waynesville Plaza area.

Ms. Teague outlined the next steps following Helene:

- Work with property owners of substantially damaged structures to comply with regulations. This means properties will have to be replaced and elevated to regulatory levels. Staff would like to connect property owners to resources whenever possible.
- Process repair permits quickly and at no charge for the repair of storm damage per Council's direction.
- Update the floodplain regulations to increase the freeboard from 1 ft above the base flood elevation to 2 ft.
 - Freeboard means the building height added to the Base Flood Elevation (BFE) from the ground which could be obtained by an elevated slab, crawlspace, or garage on the first level.
 - Recommended minimum in State Model Ordinance.
- Expand floodplain elevations into the 500-yr areas of the floodplain.
- Adopt ordinance to allow people with damaged homes to temporarily use FEMA trailers, campers, travel trailers or RVs, while their homes are being repaired.
- Pursue opportunities to improve historic buildings as part of repair if available.

Mayor Caldwell asked about the damaged commercial areas and what would happen if the value of the damages are more than 50% of their market value (substantially damaged). Ms. Teague said that no matter what, the building will have to come into full compliance. Councilmember Feichter asked what would happen to the building if the owner chose not to repair the structure and if it would be torn down. Ms. Teague said that Town has not condemned any property yet. She said that if the owners decide not to repair unsafe structures, then the town would have to "demo by neglect", and that is the town's absolute last resort. Ms. Grooman added that the town is a "Participating Community" in the minimum floodplain requirements, which allows residents to be eligible for federally administered flood insurance.

7. Public Presentation on the Town of Waynesville’s Stormwater Program: Thermal Stress and Household Runoff, as required by the NPDES Permit.
 - Olga Grooman, Assistant Development Services Director
 - Mackenzie Tenan, Project Manager, Haywood Waterways

Assistant Development Services Director Olga Grooman introduced Tyler Anderson, the new Stormwater Management Coordinator.

Ms. Grooman reported that the Town of Waynesville holds a National Pollutant Discharge Elimination System Permit (NPDES) issued by the NC Department of Environmental Quality (NC DEQ) on August 19, 2021. She said the permit is valid for five 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 outlined the NPDES permit requirements as follows: Public Education and Outreach, Public Participation and Involvement, Illicit Discharge Detection and Elimination, Construction Site Runoff Controls, Post-Construction Runoff Control Program, and Pollution Prevention/Good Housekeeping which includes Program Administration. Ms. Grooman said this year’s designated topic is “thermal stress and household runoff.”

Mackenzie Tenan, Project Manager with Haywood Waterways, reported that thermal stress/pollution is considered a pollutant that causes significant and sudden temperature changes in nearby waterways, which affects water quality. She said that runoff originating from impervious surfaces such as parking lots, roadways, rooftops and driveways (household runoff) is what leads to increased temperatures in local waterways. Ms. Tenan said that temperature has been cited as one of the EPA’s “Pollutants of Concern” and it “plays a fundamental role in shaping the structure and function of aquatic systems”. She said that thermal stress is detrimental to fish and other aquatic organisms, and can lead to disease, reduced reproductive success, migrating pattern disruption, and death of aquatic organisms. She said this can lead to the impact of an entire ecosystem, including the trout population. Ms. Tenan added that thermal stress can also affect the chemical properties of a stream including higher conductivity values, decreasing the amount of dissolved oxygen, and the increase in algae blooms. She said that bio-retention and bio-swales, rain barrels and rain gardens, and the planting of trees and riparian buffers near impervious surfaces help reduce thermal stress and household runoff.

F. PUBLIC HEARING

9. Public Hearing to consider text amendments related to accessory structures and manufactured housing.
 - Olga Grooman, Assistant Development Services Director

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to open the public hearing at 7:47pm. The motion passed unanimously.

Assistant Development Services Director Olga Grooman reported that the proposed text amendments introduce more flexibility in number, type, and placement of accessory dwelling units on single-family lots. She said that the Development Services Department has encountered situations where zoning regulations prevented families from accommodating relatives in accessory dwellings, even though such units did not

increase density, violate setbacks, or change permitted housing types for the district. She said the proposed amendments seek to remove such barriers and promote affordable, smaller housing options, and promotes flexibility in the number and placement of accessory dwellings on a single lot, without compromising the district's density, setbacks, minimum pervious surface, or other LDS requirements. Ms. Grooman pointed out that that currently, the definition considers two or more homes on a single parcel as a park, but instances have occurred where homes on separate lots were deeded as a park. She said this discrepancy has led to confusion in applying the LDS standards related to manufactured housing design guidelines, which differ between manufacturing home parks and standalone homes. Ms. Grooman said that manufactured homes are already allowed in eight districts out of the 30 established districts. She said the suggested amendment will

- Allow manufactured housing to be used as accessory dwelling units (ADUs) in the zoning districts where manufacturing housing on individual lots is already allowed. She added that manufactured housing will be allowed as an ADU in the Railroad Overlay District, and west of Russ Avenue in the Dellwood Medium Density District.
- Amend the definition of a manufactured home park from two (2) or more homes on a single parcel, to four (4) or more homes on a single parcel; and to clarify that manufactured home parks that are deeded and subdivided into individual lots, still fall within the definition and regulations that apply to a manufactured home park on a single parcel. She said this amendment will be helpful to a number of property owners who own manufactured housing on pre-existing, non-conforming lots in several districts.
- Increase the number of Accessory Dwelling Units (ADU) allowed from 1 per parcel regardless of lot size, to 1 ADU up to 1 acre, 2 ADUS for lots of 1-5 acres, and 3 ADUS for lots over 5 acres or commercial lots. This would apply to all 29 districts which allow residential uses and areas within the railroad overlay, and would allow more than one ADU on lots greater than 1 acre.
- Clarify that ADUs can only be located on lots with an existing single-family dwelling. This maintains the current prohibition for a multi-family development, townhome, duplex, tri-plex, or a commercial building, from adding a stand-alone ADU onto their lot.
- Propose that ADUs are included in the maximum number of accessory structures (sheds, carports, etc.) allowed on a lot as shown on Accessory Uses and Structures Chart LDS 4.5.2. She that this would have the effect of keeping the number of accessory structures currently permitted, but combine ADUs into the chart of allowable accessory structures. She said the chart applies to all 30 districts in how accessory structures are allowed.
- Propose a more restrictive square footage limit for ADUs on smaller lots (less than 1 acre), where the footprint for accessory structures, including ADUs, must be less than 10% of the lot size, with a maximum aggregate footprint, whichever is less. She said that currently, in lots under .5 acres, the ordinance allows 1,000 sf for accessory structures and does not regulate the footprint of accessory dwellings. She said the proposed ordinance would cap all accessory structures at 10% or 1500 sf whichever is less.
- For lots greater than 1 acre, the size of ADUs will be determined by the site's dimensional standards and other applicable requirements, and will not be included in the total square footage for other accessory structures.
- Clarify that ADUs shall be clearly subordinate in size, footprint, height, and design elements to the main structure.

- Broaden the definition of prohibited ADUs. She said that in addition to campers and recreational vehicles, it now also excludes park models and tiny homes on wheels, unless they are granted under a temporary housing permit for emergencies.

Councilmember Sutton asked if tiny homes were to have their wheels removed, would they then be in compliance. Ms. Teague said they would be treated the same as on frame modulars and they would have to be put on a permanent foundation.

Judy Gentry- Ms. Gentry said he resides in the Dellwood area. She said she is in favor of the text amendment because she wants to help support her son who is in dire need of affordable housing so he can raise his family.

Shawn Porter-Mr. Porter said he lives in the Allens Creek community. He said he wants to have affordable housing located on their property for his family to reside.

A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to close the public hearing at 8:02pm. 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 reasonable and in the public interest in that it continues to promote smart growth principles in land use planning and zoning by encouraging 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 in that it creates a range of housing opportunities and choices by encouraging new housing inside Waynesville's city limits and Extraterritorial Jurisdiction (ETJ) and promoting a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households. The motion passed unanimously.

9. Request of Town Council approval of grant application to the NC Great Trails State Program Grant to extend the Richland Creek Greenway from Hickory Hollow Apartments to Boyd Avenue.
 - Elizabeth Teague, Development Services Director

Development Services Director Elizabeth Teague reported that the Great Trails State Program grant is due tonight and recommended that the grant money go towards the proposed greenway segment from Hickory Hollow apartments to Boyd Avenue. She said the minimum grant application for a paved trail is \$300,000, which is what they want to apply for. She said the grant requires that the town raise \$150,000 to match the requested \$300,000. Ms. Teague said the town has already received \$50,000 from the TDA, \$34,000 carried over from last fiscal year that was allocated for engineering and design, and \$20,000 in land and easement acquisition. She said they still need \$46,000 over the next three fiscal years for in-kind activities that would count towards the match. Ms. Teague said the town can do in house things such as removing a 7,000 square foot span of bamboo and building a crosswalk at the front of Hickory Hallow Apartments.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman to confirm approval to apply to the Great Trails State Grant Program. The motion passed unanimously.

G. COMMUNICATION FROM STAFF

10. Manager's Report

- Town Manager, Rob Hites

Nothing to report.

11. Town attorney

- Martha Bradley, Town Attorney

Nothing to report.

H. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Mayor Caldwell reported that he and Mr. Hites attended a NCLM special meeting on November 8th to discuss the community needs following Helene.

Councilmember Sutton thanked Rep. Mark Pless for meeting with him and the Israel consulate on October 29th. He said they delivered heaters and supplies. Councilmember Sutton reported that the NCDOT estimated roughly \$5 billion in damage to state roads and 1,426 total incidents of NC road closures resulting in 1331 closed facilities. He said that significant portions of the Blue Ridge Parkway are now re-opened and I-26 to Tennessee is open with one lane going each direction. He said they are hoping to have I-40 open by New Years Day with one lane going each direction. He added that five state parks have re-opened as well.

Mr. Hites said that it would take three to four months to fix the Depot bridge.

I. ADJOURN

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to adjourn at 8:20pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk