

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
January 9, 2024

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, January 9, 2024, 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 6:00 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tempore Chuck Dickson
Councilmember Julia Freeman
Councilmember Jon Feichter
Councilmember Anthony Sutton

The following staff members were present:

Rob Hites, Town Manager
Candace Poolton, Town Clerk
Elizabeth Teague, Director of Development
Misty Hagood, Finance Director
Jeff Stines, Public Services Director
Ricky Foster, Assistant Public Services Director
Police Chief David Adams
Assistant Police Chief Brandon Gilmore

Members of the Media:

Becky Johnson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that Town Offices will be closed for Dr. Martin Luther King Jr. Day and the next Town Council meeting will be held on January 23rd. He added that there will be an MLK March at the courthouse on Saturday.

B. PUBLIC COMMENT

Debi Hall: Owner of Farm to Cake at Hazelwood. Ms. Hall said she is concerned about Hazelwood Boosters and the effect of certain events in Hazelwood. She said that when events happen in Hazelwood, business owners are not made aware and have no input. She said during Hazelween her business was blocked off and prevented customers from accessing her bakery. She requested more transparency regarding Hazelwood events. She added that the "Cruise-In" events that are held in Hazelwood are disruptive and should be

decreased. She suggested forming a Hazelwood business owner group, decreasing the number of events each year, or moving the events to another area of Hazelwood.

William Terry Kelley-480 Auburn Road, Waynesville: Mr. Kelley said that there have been leaves piled up on Auburn Road for two months. He said when it rained today, the leaves clogged the drains. Mr. Kelley said he cannot get a hold of anyone to pick up the leaves.

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. Approve the December 12th, 2023 Regular Scheduled Meeting Minutes
 - b. Approve budget amendment for Governors Highway Safety Grant reimbursement for overtime worked specific to traffic enforcement.
 - c. Approve budget amendment to use Restricted SWAT Account funds for the purchase of SRT ballistic vest.
 - d. Approve purchase of red dot rifle sights for our Patrol Officers.
 - e. To adopt the Resolution to allow Haywood Waterways Association the use of Town's property (PIN 8616-72-3598) for their STRAP grant application and work.
 - f. Special Event permit for Martin Luther King Walk
 - g. Approve the purchase of self-contained breathing apparatus (SCBA) equipment for the Waynesville Fire Department.

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

E. PRESENTATIONS

3. Recognition of Jim and Mary Fords's 13 years of dedicated service to our Civilian Police Academy
 - Police Chief David Adams

Police Chief David Adams presented Jim and Mary Ford with a plaque dedicating their 13 years of service to the Town. Chief Adams said that they volunteered many hours helping with special events. He said they helped organize the Civilian Police program, got funding for uniforms, and helped the SRT Swat team each year. Chief Adams also recognized Jim and Mary for their military service.

Mary Ford said she had goals she wanted to complete before retiring, and she successfully completed her goals. She thanked the Police Department for their support and thanked the group of Civilian Police Volunteers sincerely for their professionalism and said the Town is a better place because of them. She also thanked the Mayor and Town Council for their support and for recognizing that they were an asset to the Town. She proceeded to award the Councilmembers with Challenge Coins.

4. Retirement for K-9 Luke

- Assistant Police Chief Brandon Gilmore

Assistant Police Chief Brandon Gilmore presented K-9 Luke and Officer Pressley with a plaque commemorating K-9 Luke's 10 years of service with the Town. AC Gilmore said that Luke was born in Poland in 2014. He was trained in explosive detection, apprehension, and tracking. He added that having a K-9 Luke has been a tremendous asset, but it's time for him to retire and enjoy the rest of his life with Officer Pressley.

F. PUBLIC HEARINGS

5. Public Hearing to consider a request for Annexation for one (1) parcel off Hillside Terrace Drive in Waynesville, PIN 8626-01-2244 (2.62 acres).

- Elizabeth Teague, Development Services Director

A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to open the public hearing at 6:23pm. The motion passed unanimously.

Development Services Director Elizabeth Teague reported that on November 10, 2023, the Town received an attached "Petition for Annexation for a Non-Contiguous 'Satellite' Area" from Ronald Leatherwood and Lawrence Leatherwood, the owners of the property. She said the annexation request is for one (1) parcel off Hillside Terrace Drive in Waynesville, PIN 8626-01-2244 (2.62 acres), 42 Hillside Terrace. Ms. Teague said the property currently does not have any structures on it, and it is within the Town's extra-territorial jurisdiction and that the parcel is zoned Raccoon Creek Neighborhood Residential (RC-NR). She said that annexing the property would allow it to connect to Town's sewer through a tap and the closest sewer line is the 8-inch line located between Asheville Rd and Hillside Terrace Dr.

Ms. Teague reported that the staff submits that this proposed non-contiguous annexation meets the statutory standards of the NCGS, Chapter 160A, Article 4A, Part 4, Annexation of Noncontiguous Areas.

Public Comment:

Buddy Yates-68 Hillside Terrace: He said he is in favor of the annexation.

Beth Parks: She said she lives in the neighborhood and wants to know what the property will be used for. Town Attorney Martha Bradley said that the property owners legally don't have to answer that.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to close the public hearing at 6:28 pm. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to approve the attached ordinance to approve the annexation of described property, PIN 8626-01-2244. The motion passed unanimously.

6. Public Hearing to consider a request for Annexation for one (1) parcel at 68 Hillside Terrace Drive in Waynesville, PIN 8626-01-1444 (1.11 acres). Rob Hites, Town Manager
 - Elizabeth Teague, Development Services Director

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to open the public hearing at 6:30pm. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to adopt the evidence submitted by staff from the previous hearing into this public hearing. The motion passed unanimously.

There was no public comment.

Councilmember Dickson asked Ms. Teague if the Town is required to run water and sewer to the property. Ms. Teague said no, but the property owners are already going through the process of applying for water and sewer to the property.

Public Comment:

Mr. Ronnie Leatherwood, one of the property owners, said the location of the septic fields on the properties is preventing him from building his home. He said by running sewer, he can get rid of the septic tanks and leech fields.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to close the public hearing at 6:35pm. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to approve the attached ordinance to approve the annexation of described property 8616-91-9354. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to amend the previous motion to read "PIN 8626-01-1444" instead of "PIN 8618-91-9354". The motion passed unanimously.

A motion was made by Councilmember Freeman, seconded by Councilmember Feichter, to adopt the amended motion. The motion passed unanimously.

7. Public Hearing to consider a request for Annexation for one (1) parcel at 76 Hillside Terrace Drive in Waynesville, PIN 8616-91-9354 (0.81 acre).
 - Elizabeth Teague, Development Services Director

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to open the public hearing at 6:37pm. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to adopt the evidence submitted by staff from previous hearings into this public hearing. The motion passed unanimously.

There was no public comment.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to close the public hearing at 6:38pm. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve the attached ordinance to approve the annexation of described property, PIN 8616-91-9354. The motion passed unanimously.

8. 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).
 - Elizabeth Teague, Development Services Director

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to open the public hearing at 6:38pm. The motion passed unanimously.

Development Services Director Elizabeth Teague reported that the property owners of 1460 Russ Avenue approached Development Services requesting a re-zoning of about 2 acres of the 6 acre parcel. The change they requested would continue the Russ Avenue Regional Center zoning northward 336 feet along the frontage of Russ Avenue. She said the re-zoning Overlay allows personal and professional offices, government buildings, and banks. She said these uses already exist in this area. At their November 20, 2023 the Planning Board voted 6 to 1 in support of the application in consideration of the property's frontage along Russ Avenue, its location near the Great Smoky Mountain Expressway, and that the extension of the RA-RC district in this area creates an opportunity for commercial growth.

Ms. Teague said making a change to extend the zoning would amend the Future Land Use Plan. She said that the Planning Board's discussion was focused on just this property because the other property owners were not represented- essentially, they didn't want to encumber this application with the discussion of extending the re-zoning of all of Russ Ave.

Councilmember Feichter asked for elaboration on commercial growth. Ms. Teague said in the last few years, a dentistry, Shining Rock academy, Maple Tree Vet, and the Credit Union (which is looking at expanding) has

been built in the area. She said this overlay has already allowed these types of developments in this corridor. Ms. Teague said the area is developing in a way that is compatible to adjacent properties. She added that this re-zoning makes sense because it's adjacent to and abutting to the applicants desired re-zoning and is close to the interchange.

Councilmember Feichter recalled that when he sat on the Planning Board years ago, the owners of the same property applied for re-zoning, and they denied it. He asked that if Council elects to re-zone this property, how can they say no to the next property owner who wants to re-zone up Russ Ave? Brian Noland, representing the applicants, said there may be two or three with homes in that area that would be affected by the re-zoning. He said that this is the only area left for growth on Russ Avenue or downtown. Councilmember Freeman added that the corridor is happening, and that "saving" this one property will not make a difference.

Councilmember Dickson said there probably will be additional requests to re-zone. He said the property across the street is probably looking to re-zone because they have not been able to sell the house with the current zoning standards.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to close the public hearing at 7:04pm. The motion passed unanimously.

Mayor Caldwell said that the property was posted, the public hearing was advertised, and none of the property owners have showed up to the public hearing.

Councilmember Dickson said he would like to follow the recommendation of the Planning Board.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to find that the request is reasonable and in the public interest to amend the 2035 Comprehensive Plan's Future Land Use Map to extend the Regional Center Zoning designation along the road frontage of Russ Avenue 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 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 Councilmember Sutton, seconded by Councilmember Freeman, to adopt the zoning map amendment ordinance as presented to redesignate 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) 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.

Councilmember Dickson asked Ms. Teague about a joint meeting with the Planning Board. She said that Jake Petrosky discussed scheduling another meeting in February. Councilmember Dickson mentioned that light pollution is something they may want to address in the Russ Avenue corridor.

G. NEW BUSINESS

9. Reclassify one Senior Customer Service position to Payroll Specialist and change it from Grade 55 to Grade 61
- Misty Hagood, Finance Director

Finance Director Misty Hagood reported that she has been working on reorganizing the Finance Department and updating the job descriptions. She said with the Assistant Director retiring and the new position Council approved, she would like to make one of the two Senior Customer Service positions focus on payroll as their main duty, and move the position from a Grade 55 to a Grade 61 based on the updated job description. She said she worked with Human Resources, and they looked at the salary in other municipalities our size and it would fall into Grade 61 in our Pay and Classification Table.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to approve the reclassification of one Senior Customer Service position to a Payroll Specialist and move it from Grade 55 to Grade 61. The motion passed unanimously.

10. The Eagles Nest Booster Station re-build project
- Assistant Public Services Director Ricky Foster

Assistant Public Services Director Ricky Foster reported that the Eagles Nest Booster Station re-build was originally budgeted \$200,000.00 in this FY24 capital improvements. He said this project includes a new SCADA System which tracks levels of the reservoir, two pumps and frequency drives. He said they had two bids, and the one that came to their budget was for \$224,990. He added that they need to approve the increase to continue with the project.

A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to award the Eagles Nest Booster Station upgrade to T.P. Howard in the amount of \$224,990.00. The motion passed unanimously.

11. Interview logistics for Planning Board Applicant
- Town Manager Rob Hites

Town Manager Hites reported that the Town of Waynesville's Planning Board has one vacancy. The vacancy has been posted on the Town website for the past month and in the newspaper. He said Travis Collins has been the only applicant. Mr. Hites requested that Council decides who will be interviewing Mr. Collins, and when. Councilmembers Dickson and Sutton volunteered to interview Mr. Collins.

12. Select a "Contract administrator" to aid the staff in administering the CDBG-I Infrastructure grant
- Rob Hites, Town Manager

Town Manager Rob Hites said that following the NC General Statutes for selecting architectural and engineering services, the Town issued an RFQ to provide project administration services that involve

considerable Federal reporting requirements. He said the grant allocates a certain amount of money to fund contract administration and two firms responded to the RFQ. Mr. Hites stated that the staff committee reviewed the written responses and scored them according to a scoring sheet provided by DEQ. After considering the written proposals, Mr. Hites said the staff recommends that the Council award the contract to McGill and Associates.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve McGill and Associates as the “Grant Administrator to carry out the CDBG-I program’s Federal program requirements and authorize the staff to negotiate a contract for the service. The motion passed unanimously.

13. Select an engineering firm to provide design, bid, construction observation and reporting for the Town’s CDBG Infrastructure grant.

- Rob Hites, Town Manager

Town Manager Rob Hites reported that following the NC General Statutes for selecting architectural and engineering services, the Town issued an RFQ to provide design, bidding and construction administration services. He said three firms responded to the RFQ. He said that a staff committee reviewed the written responses and scored them according to a scoring sheet provided by DEQ. Two firms were invited for personal interviews. After considering the written proposals and personal interviews, Mr. Hites reported that staff recommends that the Council award the contract to McGill and Associates. He said he will submit the contract to Council at the next meeting. Should the staff and engineer NOT be able to successfully negotiate a contract, Mr. Hites said staff will report to the Council that they were unable to successfully negotiate a contract. Mr. Hites said that Council will then authorize the staff to negotiate with the second highest rated engineering firm.

A motion was made by Councilmember Feichter, seconded by Councilmember Sutton, to approve McGill Associates as the engineering firm to carry out design, bidding, construction administration and engineering reporting for the CDBG-I grant and authorize the staff to negotiate a contract for the service. The motion passed unanimously.

H. OLD BUSINESS

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to appoint Rob Hites as the Town Manager. The motion passed unanimously.

14. Appoint a member of the Council to the TDA Board

- Rob Hites, Town Manager

Town Manager Rob Hites said the Haywood County TDA Director Corrina Ruffieux requests that the Council approve a representative for their Board. Councilmember Feichter volunteered to serve on the TDA Board

A motion was made by Councilmember Freeman, seconded by Councilmember Sutton, to nominate Councilmember Feichter to continue service on the TDA Board. The motion passed unanimously.

15. Comprehensive Transportation Study for the Entirety of East Street

- Rob Hites, Town Manager

Town Manager Rob Hites reported that during its October Council meeting, Councilmember Feichter requested that the Town conduct a thorough study of East Street from its beginning point on South Main to its terminus on North Main. Due to the meandering nature of the 1.32-mile street, Mr. Hites said that JM Teague drafted a proposal in four distinct sections. He said the Town Council may choose to study all sections at a cost of \$16,200 or selected sections at a fee of \$4,500 per section. Mr. Hites said that in their discussions on the study, JM Teague said that WNC Paving did not install the speed cushions correctly.

Councilmember Sutton suggested waiting to do a speed study until after WNC Paving corrects the speed tables.

Councilmember Feichter said there are specific areas of East Street that are an issue and he would like to move forward with the studies. Town Manager Hites suggested using one of the Town's traffic computers to collect data on East Street.

Councilmember Freeman asked how much money has already been spent on the previous five speed studies and what the difference is between this study and the last five that had been done on East Street? Mr. Hites said with East Street being an emergency route, speed tables and speed bumps must be limited. He said they may suggest narrowing the road (road diet), but he's not a fan of that option. Mr. Hites said the last study done showed that traffic is low on East Street and the speed limit needs to be increased to 35mph. Mr. Hites said that he would get back to Councilmember Freeman regarding cost. Councilmember Feichter said the difference is this study would encompass the entirety of the street, not just one section. Councilmember Sutton said he believes the last study was accurate, but the speed tables need to be installed correctly.

Councilmember Dickson asked if there have been any accidents or fatalities on East Street. Mr. Hites said that only three or four minor accidents have occurred in the last few years. Councilmember Dickson said they have a traffic calming policy that is citizen driven and works. Mr. Hites said there was a citizen request and successful petition for an area of East Street. Councilmember Dickson said they modified and lessened their standards for that petition which they didn't have to do. He reminded the Council that the last five speed studies actually showed that the speed limit needs to go up to 35mph. Mr. Hites said that there only 750 cars that travel East Street a day, which is a very small amount.

Council agreed to wait to decide on the speed study until after the speed tables are properly installed.

I. COMMUNICATION FROM STAFF

16. Manager's Report

- Town Manager, Rob Hites

Town Manager Rob Hites reported that there is an unfunded mandate that's soon to be enacted. He said the EPA is about to put out a new regulation that all community water systems need to develop an inventory of

all service lines connections both owned and rented to determine the presence of lead. He said that means they would have to expose 18 inches of the service meter to the house, which would involve going on to peoples' properties. Mr. Hites said if a line needs replacing, the Town must fund that replacement and they have 10 years to complete the inventory.

Councilmember Sutton requested that staff put a public information notice in the next bill.

Mr. Hites suggested holding the Council Retreat on February 23rd, 8:30pm-4pm. He requested that Council submits their retreat suggestions into staff.

- 17. Town Attorney Report
 - Town Attorney, Martha Bradley

Town Attorney Martha Bradley reported that she will be in court next week for the Autobell case.

J. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Councilmember Dickson reported that the Environmental Sustainability Board is currently meeting twice a month and is about to have a retreat. He said that they submitted the DOE grant.

Mayor Caldwell said he received an email from David Kelley and Ms. Teague stating that the Sutton property is still not getting cleaned up.

Councilmember Freeman reported that she received a phishing email and advised Council to be on alert.

K. ADJOURN

A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to adjourn at 7:51pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk