

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REGULAR MEETING**  
**January 22, 2019**

**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting on Tuesday, January 22, 2019 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  
Alderman Jon Feichter  
Alderman LeRoy Roberson  
Alderman Julia Freeman

Mayor Pro Tem Gary Caldwell was absent

The following staff members were present:

Rob Hites, Town Manager  
Amie Owens, Assistant Town Manager  
Eddie Ward, Town Clerk  
Bill Cannon, Town Attorney  
Jesse Fowler, Planner  
Elizabeth Teague, Development Services Director

The following media representatives were present:

Becky Johnson, the Mountaineer

1. Welcome /Calendar/Announcements

Mayor Brown reminded the Board of the following calendar events:

- Commission for a Clean County 2018 Community Pride Award – Wed. Feb. 27 – Waynesville Inn- 12:00
- Board Retreat – Friday March 1 – Public Services Training Room – 8:30 am

Mayor Brown asked Development Services Director, Elizabeth Teague, to make an announcement concerning a contribution received from the Community Foundation of Western North Carolina. Ms. Teague said this contribution was for the acquisition and installation of a multi-use bridge at the Waynesville Recreation Park and the land purchased by the Town (known as the Schulhofer property), in accordance the Town of Waynesville's Greenway Feasibility Study 2017, and related planning. The gift of \$102,269.20 was made possible by the generosity of Ms. Philan Medford. Ms. Teague asked Ms. Medford to come forward and speak.

Ms. Medford gave a brief history of how the greenway came to be, starting in 1997. The Board purchased the Schulhofer property in 2017. From there Ms. Medford sent a picture of a steel bridge located at Lake Logan to Ms. Teague, and she contacted experts to evaluate the area, and give ideas on

how to make the bridge happen. Ms. Medford asked the Board to post on the Town's website how to donate monies for projects at the Recreation Center.

Everyone thanked Ms. Medford for her generosity to the Town.

2. Adoption of Minutes

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to approve the minutes of the January 8, 2019 regular meeting as presented. The motion passed unanimously.***

**B. PRESENTATION**

a. Tuscola High School Air Force Junior ROTC

- Cadet Presentation

The Tuscola High School Air Force Junior ROTC cadets gave a presentation about the activities they have been participating in the last year. Cadet Lt. Col Jack Leslie told the Board that this Tuscola Unit was the 75<sup>th</sup> unit to be established in North Carolina, and was started in 1972. Their goal is to build better citizens for tomorrow. He explained that every three years they have a North Carolina inspection and this year the unit was going for the Distinguished Unit Award, and described their opportunities for this award during the year.

Cadet Captain Clay Payne explained the goals of the 2018-2019 year. They included raising \$5,000.00 in profit through fundraisers by April 1<sup>st</sup> 2019. They want to recruit 50 new cadets, and conduct 35 school service events. For their community impact, the goal of the unit is to assist 10 local charitable organizations in the community, and have an average of 12 community service hours completed by April.

The Cadets went on to explain the accomplishments in the PT performance area and community service projects of the program. This unit has participated in the Town of Waynesville's Apple Festival, Salvation Army bell ringing, Wreaths across America and organized Hurricane Florence care packages.

Mayor Brown explained his experience with the ROTC program and asked Cadet Payne about Space Camp. He thanked the unit for their presentation, and recognized Major David Clontz and SMSgt Steve Robertson for their leadership of this unit.

b. Forest Stewards

- Peter Bates, Professor, Geosciences and Natural Resources
- Craig Breedlove, Stewardship Coordinator

Dr. Peter Bates provided an overview of work performed by Forest Stewards during the past several years and continuing into the 2018-2019 fiscal year. Dr. Bates said that working in collaboration with the WCU professor Jerry Miller, they had maintained and operated a network of stream water quality monitoring stations within the Waynesville Watershed since 2007. The primary objectives were:

1. Document water quality conditions within the watershed (particularly during floods)
2. Gain an understanding of the factors that control selected water quality (particularly turbidity and total suspended solids)
3. Identify the predominant sources of sediment and suspended material within the watershed.

Dr. Bates explained to the Board that the data collected between 2007 and 2014 has been summarized in a professional paper, and demonstrate that water quality within the watershed is excellent. In 2016, the monitoring program was modified to collect base line data that would more effectively identify changes in water quality that may occur in response to localized timber harvests within the Watershed. Specifically, monitoring sites located near the reservoir on Old Bald Creek (#2 & #3) were moved upstream. Currently there are four active monitoring sites within the basin. The sites located along old Ball Creek are intended to collect base line water quality data for streams that drain areas where trees may be harvested in the near future.

Dr. Bates said the data collected since 2014 has not been rigorously manipulated and interpreted. He expects this will occur in the spring of 2019. It is important to note that there has been no evidence of water quality changes at any of the sites since 2007.

Each year Forest Stewards conduct NNIS surveys, apply control treatments, and asses the effectiveness of pest control measures. In addition to chemical control, a group of WCU students studied the effectiveness of the manual removal of Japanese honeysuckle from an area that was heavily infested. Initial results suggest that the manual removal was very effective for this species.

Dr. Bates gave a summary which indicated that NNIS will continue to be a threat to native forests in the watershed – and this is a threat throughout the southern Appalachians – and their control will likely require an ongoing effort.

Data that was collected to develop the 2008 Watershed management plan showed that the forests in the Watershed were generally healthy but less diverse than they were historically. The loss in diversity was attributed to the exploitive logging practices in the 1800's – mid 1900's, the introduction of non-native insects and diseases, and a reduction in the frequency of fire on dry sites due to widespread ire suppression efforts.

Dr. Bates stated that the basic forest stewardship goal for the property is to increase forest diversity by increasing the number of naturally occurring forest types that better mimic historical conditions. To achieve these goals, Forest Stewards recommend implementing silvicultural treatments that create gaps and otherwise mirror natural disturbance patterns. Mr. Bates also recommend using prescribed burning to restore fire adapted communities. He proposes implementing these treatments in the Old Bald Management unit, an area of about 800 acres, and incorporating the help of the Natural Resources students, and the NC Forest Service. This burn would be very controlled, and would require ideal weather conditions, and fire lines surrounding the area.

A proposed initial survey for flowering and large surviving chestnuts in the Watershed is to identify areas with potentially reproductive chestnuts and large surviving trees, and to characterize the habitat in which they occur. The presence of such trees would enhance the Watershed as a site for chestnut restoration should the Town approve.

Dr. Bates explained the use of wildlife cameras to assess wildlife is to estimate distribution and density of mammals across the property and estimate the total number of bobcats in the area, and assess the feasibility of performing a multi-year bob cat monitoring project to explore relationships between wildlife populations and forest conditions in the Southern Appalachians. This project is being completed by undergraduate student researchers from WCU and is being done via camera trapping. Some of the mammals identified at the Watershed include 3 unique bobcats, 1 red fox, American black bear, and coyotes. Notable captures included the first documented nine-banded armadillo, and spotted skunk.

Manager Hites reminded the Board that Dr. Bates was the Forest Manager for the Watershed and they are contracted annually. He said there is \$42000.00 in the budget for their contract. He said he would bring the contract before the Board at the next meeting.

### **C. CALL FOR PUBLIC HEARINGS**

#### **3. Call for Public Hearing for Voluntary Annexation**

- Assistant Town Manager Amie Owens

Ms. Owens explained that this petition is being requested by Haywood Christian Academy for the purpose of annexing to receive additional town services in accordance with Town Policy. This property is non-contiguous to the Town's current limits. Water and sewer service is already provided to this property utilizing outside rates. An annexation would allow for garbage collection and police and fire protection under the Town of Waynesville.

Clerk's Certification:

Ms. Owens stated that the property is closer than 3 miles to the Waynesville Town limit; the property is not closer to another municipality's primary corporate limits than to Waynesville; the property is not part of any subdivision and Town services are already available in the area. The petition meets the requirements of the general statutes NCGS §160A-58.1 annexation of non-contiguous area and a public hearing is required prior to the Board voting on such annexation. The fee of \$200.00 for such petition was collected on January 7, 2019.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to call for public hearing on Tuesday, February 12, at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room, 9 South Main Street, Waynesville, to consider a voluntary annexation into the Town of Waynesville for property located at 77 Sutton Loop (PIN 8616-29-7639) to receive town services. The motion carried unanimously.***

#### **4. Call for Public Hearing to consider modification of the Town of Waynesville Code of Ordinances section 6.6 Animals at street fairs, festivals or parades.**

- Assistant Town Manager Amie Owens

Ms. Owens gave a brief summary of the events to consider modification of the Code of Ordinances section 6.6 Animals at street fairs, festivals and parades as follows:

In October 2017, a moratorium was passed to suspend enforcement of the ordinance prohibiting animals at street fairs, festivals or parades. At that time, it was determined that in order to properly consider this issue, data was required related to the number of animals at the three largest festivals, the number of issues encountered and the number of attendees. The Waynesville Civilian Police Volunteers used a stickering system to more adequately count the number of animals at the festivals in July and October.

Folkmoot International Day: Ms. Owens stated that there were 117 animals either on leashes, carried by owners or in carriers. She said that was about a 60:1 human to animal ratio. There was one reported growling and snarling incident between animals – but no biting or scratching of dogs or humans. We had one irresponsible owner who allowed a dog to defecate in the mini park at Depot and N. Main. There were two reports of dog owners who were looking at the vendors wares and the dogs were behind them on a full 6’ leash and the leashes could have tripped others. (approx. 7000 attendees)

Church Street Fair: At this Street Fair there were 141 dogs that were counted/stickered with about an 80:1 human to dog ratio. One case of a “dog fight” (growling and barking – no biting) that scared a young child. (approx. 11,000 attendees)

Apple Harvest Festival: Ms. Owens said that this festival had the most animals with a total of 252 animals stickered. That was a ratio of 80:1 human/animal. No incidents (bites, trips, etc.) were reported with no poo on the sidewalks noted. (approx. 20,000 attendees)

***A motion was made by Alderman Jon Feichter, seconded by Alderman LeRoy Roberson to call for a public hearing on Tuesday, February 12, 2019 at 6:30 p.m., or as closely thereafter as possible, in the Town Hall Board Room, 9 South Main Street, Waynesville, to consider the modification to the Town of Waynesville Code of Ordinances section 6.6 Animals at street fairs, festivals or parades. The motion carried unanimously.***

#### **D. PUBLIC HEARINGS**

5. Public Hearing on a Text Amendment to the Land Development Standards, Section 4.4. Measurement of building height.
  - Elizabeth Teague, Development Services Director

Ms. Teague explained to the Board that at the Planning Board’s direction, staff is bringing forward recommendations for a text amendment to clarify the Town measures building height. The staff has identified and discussed issues related to interpreting the ordinance over three Planning Board meetings, and has made several recommendations to change the ordinance. Ms. Teague said staff has consulted with architect Odell Thompson concerning current Land Development Standards and building codes, and the “as-built” precedent around Town.

In addition to eliminating confusion for how the ordinance is interpreted, the goals of this text amendment are to:

- 1) Maintain a certain scale within zoning districts, not changing the table of dimensional standards by district (Table 2.4) which already limits building height by story, but by also limiting the overall building height within all residential districts where there is often pitched-roof design;
- 2) Work with the Town's topography to measure from the highest adjacent grade and be consistent with what is currently built around Town;
- 3) Accommodate both commercial and residential styles of structures, clarifying interpretation on pitched versus flat-roofed structures and making an allowance for the need to elevate buildings within floodplains;
- 4) Give architects and designers leeway in designing to the guidelines and the context without being too proscriptive so that the Town encourages good design.

### Consistency with the 2020 Comprehensive Land Development Plan

Ms. Teague said that In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, one of the stated actions is to "Revise the Zoning Ordinance, other development ordinances and the zoning map to reflect the Land Use Map and concepts contained in the plan." (4-2). Additionally there is an objective to "Work to preserve the important character and scale of each unique area within the larger Waynesville community by building on those elements identified as important to defining each area." (4-5).

Clarifying the way in which the Town measures building height will re-inforce the goal of keeping new construction within the scale and dimensional requirements of the designated zoning districts. Additionally, the Planning Board intentionally framed the proposed ordinance so that a maximum scale of height was imposed on residential districts as a design guideline to "control development in appropriate areas and incorporate design criteria into the Town's development ordinances," (4-6).

### Recommended Text Amendment

The Planning Board reviewed and revised the attached text to replace LDS Section 4.4, to add a footnote to Section 2.4.1., the dimensional standards table for residential districts to place an overall cap on height, and to update the definition of "Basement" in Section 17.4. The current version is also attached for reference along with the Consistency Statement adopted by the Planning Board.

Ms. Teague reiterated to the Board that above all Building Codes will still be followed.

Mayor Brown asked Ms. Teague to go over the revised Ordinance O-03-19 as follows:

### **Part I: Replacement of Section 4.4 of the Land Development Standards, with the following text and illustrations:**

#### **1.4 - Measurement of Building Height.**

##### **4.4.1 Applicability**

Building heights shall be specified in Section 2.4, Dimensional Standards by District and use "stories" as the standard unless otherwise regulated in Chapter 5 Building and Development Design. Where a specific dimension is used in the calculation of maximum height for certain types of buildings in Chapter 5, the height shall be measured from the highest adjacent grade to the highest point of the structure or at the structure's "primary façade." Wherever one Section of

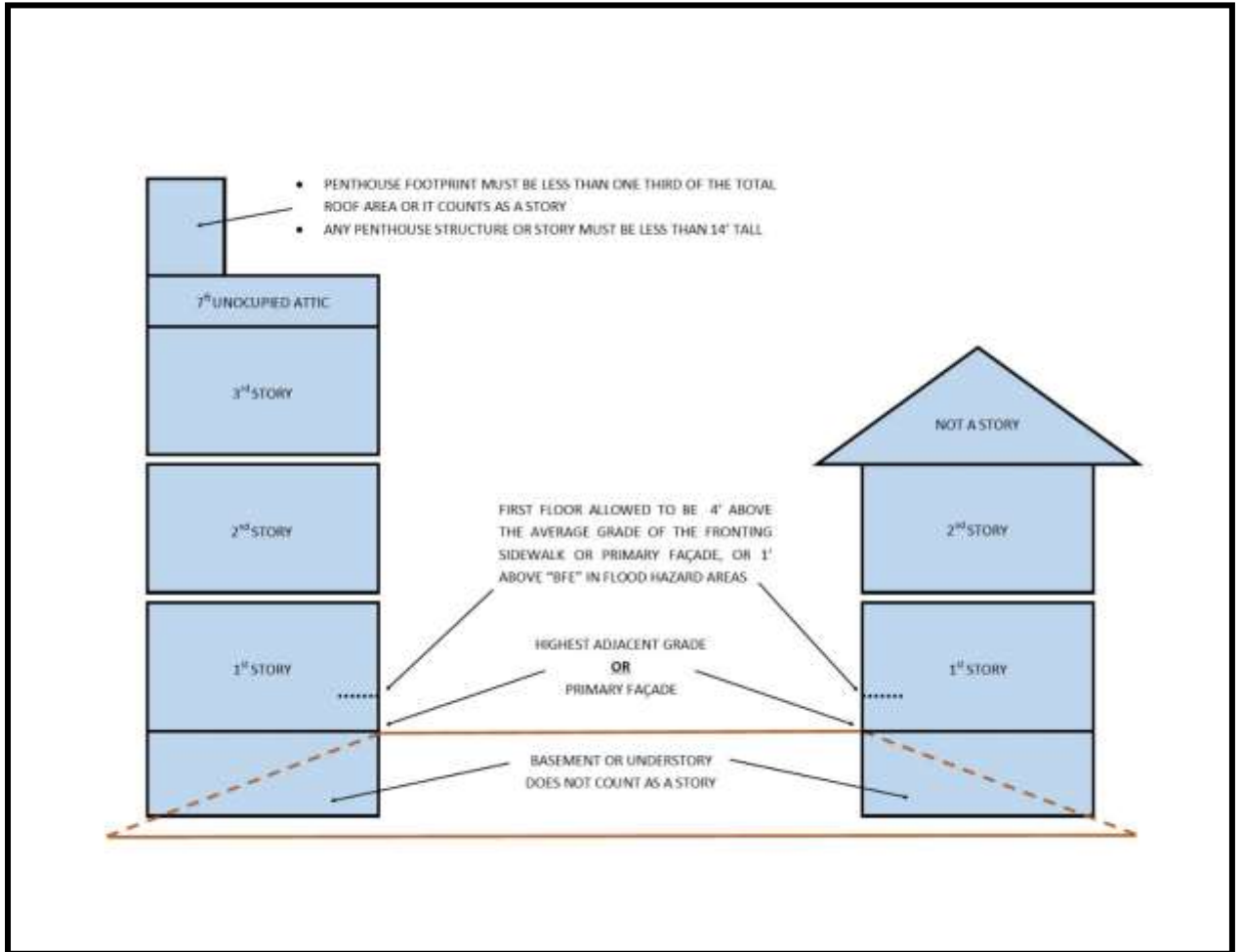
the Town's Land Development Standards may differ from another, the more restrictive ordinance shall apply. All structures are subject to regulations under the North Carolina State Building Codes in addition to this Section.

#### **4.4.2 Measurement of Building Height**

The Town regulates building height by limiting the number of allowable stories within zoning district types in accordance with Section 2.4 of the Land Development Standards. In addition, the following regulations apply:

- A. Maximum within residential districts: All structures within residential districts (RL, RM, NR, and UR), including mixed-use overlays, are limited to a maximum height of 60' as measured from the highest adjacent grade to the top of a flat roof or the peak of a sloped roof. The 60' maximum is inclusive of floodplain elevations and the number of stories allowed in Section 2.4.1 Table of Dimensional Standards by Residential District.
  
- B. Maximum height and measurement of a story: A story is a habitable level within a building of no more than 14 feet in height from finished floor to finished floor, not including space above the eaves and within the slope structure of a pitched roof. The number of stories is measured from the highest adjacent grade or at the structure's "primary façade." The primary façade is that side of the building that is considered the front of the structure architecturally, and that contains the primary entrance or front door.
  
- C. Flat-roof or parapet design: For buildings with flat roofs, unoccupied attics or building caps less than 7 feet in height are not considered stories for the purposes of determining building height. A penthouse on top of a flat roof shall be considered as a story only if it equals or exceeds one-third of the total roof area. A penthouse structure that is less than one-third of the total roof area will not count toward the number of stories of the building but must also be less than 14' in height.
  
- D. Pitched roof design: For buildings with pitched roofs, lofts, attic space or cathedral ceilings within the slope of the roof structure, with or without dormers or vents, are not considered stories.
  
- E. Allowance for foundations, basements and floodplain ordinance compliance: For either pitched or flat roofed structures, the first floor may be up to 4' above the average grade of the fronting sidewalk or primary facade, or be one foot (1') above base flood elevation for the lot if within a special flood hazard area. Basements or under-stories below the highest adjacent grade and facing away from the structure's primary façade, do not count as stories for the measurement of building height.

F. Illustration:



4.4.3 Items Not Included in Height Calculations.

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). See Chapter 3 Supplemental Standards related to communication towers and wireless communication facilities.

**Part 2: Amend footnotes to cross –reference with Table 2.4.1 of Dimensional Standards by Residential District.**

- A. Eliminate “4 & 5” marking that does not refer to a footnote.
- B. Add footnote to Table 2.4.1: “3. A maximum of 60’ in Building Height from highest adjacent grade to highest point on a roof.”



**Part 3: Amend Chapter 17.4 Definitions to cross-reference change in Section 4.4 to read:**

Basement: The lowest level or story of a building which has its floor below the grade of the fronting window.

Town Attorney Bill Cannon opened the Public Hearing at 7:50 pm and asked if anyone wished to speak.

No one spoke.

Attorney Cannon closed the Hearing at 7:51 pm.

***A motion was made by Mayor Gavin Brown, seconded by Alderman LeRoy Roberson that the text amendment to LDS Section 4.4 Building Height is approved and is consistent with the Town's comprehensive land use plan because it clarifies the way the town measures building height and will re-enforce the goal of keeping new construction within scale and dimensional requirements of the designated zoning districts. The motion passed unanimously.***

***A motion was made by Mayor Gavin Brown, seconded by Alderman Jon Feichter, that the text amendment to LDS Section 4.4 Building Height is reasonable and in the public interest because it works with the town's topography to measure from the highest adjacent grade; accommodates both commercial and residential styles of structures; and clarifies application to both flat and pitched roof structures; and gives some flexibility to design professionals without being too proscriptive. The motion passed unanimously.***

***A motion was made by Mayor Gavin Brown, Alderman LeRoy Roberson, to adopt the text amendment to the Land Development standards as provided (or as amended) in Ordinance No. O-03-19. The motion carried unanimously.***

6. Affordable Housing Policy

- Town Manager Rob Hites

Manager Hites indicated that staff has held numerous calls and visits from organizations that wish to construct affordable rental and for sale housing in Waynesville. One of the most frequent questions is whether the Town has a program to help reduce the cost of the development through grants or incentives. The General Statutes give a town the ability to provide grants to affordable housing developments so long as the developer is willing to stipulate through contract that they will rent or sell their product too low to moderate income clients. He said that given the interest that the Town is receiving in this area, he recommends that a policy establishing the process the Town would use to consider requests for incentive grants to promote affordable housing be adopted.

Manager Hites reviewed who is eligible to apply for Affordable Housing Grant, and what the process is for obtaining the grant, including the target market and target income. Organizations must have a positive track record in development and construction of affordable housing. Some of the ways the Town will

evaluate the request is by studying the Site Plan and building design to determine efficiency of the project. Also the Town will determine the "Gap" in affordability between cost and sale/rent price.

Attorney Bill Cannon opened the Public Hearing at 8:12 pm and asked if anyone wished to speak.

**Brian Cagle**

Mr. Cagle stated he is thrilled the Town is taking these steps for affordable housing, because this is a big issue for our community. Mr. Cagle stated that if organizations would come together we could continue to provide a great place for all income levels.

**Jed Tate**

Mr. Tate stated that he is in favor of the Affordable Housing Policy. He asked how affordable is defined. Manager Hites stated that the policy will follow the guidelines of the Department of Housing and Urban Development, State of North Carolina, Department of Agriculture, and even the guidelines of Habitat for Humanity, and follow the 80% rule for a family of four in Haywood County which is about \$38,000.00, and the rent numbers will be about \$550.00 - \$600.00 per month. For single parent families the guidelines will be a little less because of being a single parent home. Mr. Tate asked if there would be lower rent for lower salaries, which would be economical diversity. Mayor Brown said that would be allowed. He asked if in the future would there be a policy that would require all residential development to have a percentage of affordable housing. Mayor Brown said the Town has not taken that step yet. This policy does not go that far.

**Anna Rogers**

Ms. Rogers stated she is the housing recruiter for Mountain Projects. She thanked the Board for their support, and in 19 years Mountain Projects have built 51 workforce housing homes that are approved and funded by USDA. She said this is a very successful program with only one foreclosure. Mountain Projects have recently started considering land within the Town of Waynesville, and by implementing this new policy, this will allow them to move forward for local working residents.

**Philan Medford**

Ms. Medford asked the question if this would be considered mixed use. Manager Hites there was no problem with that.

Town Attorney Cannon closed the Public Hearing at 8:22 pm.

***A motion was made by Alderman Jon Feichter, seconded by Alderman LeRoy Roberson, to approve the adoption of an Affordable Housing Policy for the Town of Waynesville. The motion carried unanimously.***

**E. NEW BUSINESS**

7. Board consideration to permit application for the 2019 Medford Grant

- Jesse Fowler, Planner

Mr. Fowler explained that the Medford Grant is a grant offered through the Mib and Phil Medford Endowment fund for the purposes of beautification in Waynesville. In the spring of 2019, The Medford Endowment Fund will award \$14,280. Town staff would like to ask the Board of Aldermen to permit the Development Services department to apply for the spring 2019 Medford Grant for the purpose of assisting in the funding of the Main Street beautification project which is being conducted by Nelson, Byrd, and Woltz Landscape Architects. Mr. Fowler said Development Services would be meeting with the Architects on January 29, 2019 concerning the Downtown Beautification Project. This grant, if received, would help pay for this project. This would include updates to planters, installation of additional bulb-outs, a redesign for the Miller Street Park, and a redesign for the pocket park across from the Historic Courthouse.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter to approve application for the 2019 Medford Grant for the purpose of funding the Main Street beautification project. The motion passed unanimously.***

8. Ray, Bumgarner, Kingshill, and Associates – 3 year contract

- Assistant Town Manager, Amie Owens

Ms. Owens explained to the Board that the proposed audit fee for each year would be \$27,500 plus any out of pocket costs. The fee for the preparation of the financial statements and preparation of the data input sheet to the LGC will be based on the actual time spent at the firm's standard hourly rate of \$95.00 per hour. The fee is based on the anticipated cooperation from Town's personnel and the assumption that unexpected circumstances will not be encountered during the audit.

The previous contract was for one year; however, with the retirement of Finance Director Eddie Caldwell, there has not been adequate time to develop any RFQ for audit services prior to this presentation as was planned. It is the hope of management that prior to the next renewal, an RFQ for services will be developed and sent out.

This would be to audit Fiscal Year 2018/2019; Fiscal Year 2019/2020 and Fiscal Year 2020/2021

Ms. Owens noted that the fees are the same as those paid over the past seven years; there has been no increase in this proposed contract cost.

***A motion was made by Alderman Julia Freeman, seconded by Alderman Jon Feichter to approve the audit proposal and authorize the Mayor to sign the Contract to Audit Accounts. The motion carried unanimously.***

9. Application for appointment of Leigh M. Forrester to the Public Art Commission

- Assistant Town Manager Amie Owens

Ms. Owens stated the Town had received an application for a vacancy on the Public Art Commission from Ms. Leigh M. Forrester. Ms. Forrester is the Director of the Haywood County Arts Council and has attended several meetings. If approved, Ms. Forrester will serve a term ending in June 2021.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve the application of Leigh M. Forrester for appointment to the Public Art Commission for a term to expire on June 30, 2021. The motion passed unanimously.***

10. Manager's Report

a. Purchase of Ensley Property abutting Plott Heights Road off of Pigeon Street

- Town Manager Rob Hites

The landslide that damaged Plott Heights Road will require most of the Ensley property to re-establish the bank. After speaking with the owners, Manager Hites said they would consider selling the property at the appraised value. The Mayor contacted Spencer Appraisal Service and obtained an appraisal with a \$44,000 value for the 1.32 acre parcel.

The staff has engaged a geotechnical engineer to advise them on the proper method of stabilizing the bank. They have carried out some remediation on the property with fill and rock in anticipation of a permanent fix. David Foster has suggested that the Town use the property to stabilize the bank and then create a green space for the community when the project is completed and the area is reseeded.

Manager Hites recommended to the Board to adopt Amendment # 9 to the Fiscal year 2018-2019 Budget Ordinance for the purpose of transferring \$46,000.00 from the General Fund Balance to purchase the property. Two thousand of the transfer would be used to pay closing costs and attorney fees.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve the purchase of the tract of land for the appraised value plus administrative costs. The motion passed unanimously.***

***A motion was made by Alderman Julia Freeman, seconded by Alderman Jon Feichter, to approve Amendment #9 to the Fiscal year 2018-2019 Budget Ordinance for the purpose of transferring \$46,000 from the General Fund Balance to purchase the property and pay the closing cost. The motion passed unanimously.***

b. Select Engineering Firm to conduct a "Preliminary Engineering Report" for Waste Water Treatment Plant

Manager Hites stated that during a meeting with the staff of the Asheville Office of NC Department of Environmental Quality (DEQ) they stated that the Preliminary Engineering Report (PER) would be their factual basis for negotiating the SOC. We sent out a request for proposals (RFP) and received five responses.

Manager Hites said that he, Larry Pressley, David Foster, and Preston Gregg studied them and asked

three firms to meet with us for a personal interview. We met with them on Thursday the 10th. Following the interview we unanimously chose McGill & Associates to recommend to the Board. The group asked them to provide us with a quotation for the PER in accordance with the procedure outlined in GS 143-64.31. McGill and Associates will perform the PER for a lump sum fee of \$ 55,000. The contract stipulates that it be complete in sixty days in accordance with DEQ's proposed time table. McGill offers a \$6,500 service to obtain funding for the project. Manager Hites told the Board that he recommends that the Town engage Dennie Martin of Withers & Ravenel to provide this service.

Town Attorney Bill Cannon stated that after reviewing the contract for the Preliminary Engineering Report from McGill and Associates, he recommends that in section 7.2.1 – Ownership of Documents – that the sentence “The owner shall be provided a set of reproducible record prints of drawings, and copies of other documents, in consideration of which the owner will use them solely in connection with the project, and not for the purpose of making subsequent extensions or enlargements hereto and not for resale” be eliminated from the contract.

Attorney Cannon also recommended that the section 7.3 Arbitration be removed entirely.

***A motion was made by Alderman Jon Feichter, seconded by Alderman, to approve the proposed contract as corrected with McGill and Associates for the lump sum of \$61,500. The motion carried unanimously.***

c. Manager Hites told the Board that the bar screen at the Wastewater Treatment Plant has had some failures causing solids to get into the clarifiers and digesters. This is an emergency repair and will cost about \$40,000.00. Manager Hites said he had conferred with the engineers to make sure that this particular bar screen could be repaired and used again, and put in use when the new Wastewater Treatment plant is in place.

## 11. Attorney's Report

- Town Attorney Bill Cannon

Town Attorney Cannon said he had been asked to look at a way of approaching the situation occurring at a residence concerning a homeless camp. He said this is a national problem, and the Federal Government does not seem interested in addressing it. Because of this it is up to Local Government to address it and they have the least resources. Cities that have criminalized the conduct has not worked well, because courts are reluctant to rule on vagrancy laws. Attorney Cannon told the Board that there have been serious situations brought to their attention by citizens and the Police Department. Most legal approaches to these issues are cooperative with the property owner. With the Muse issue, health, sanitation, and crime issues are missing with the homeless located on the Muse property.

Attorney Cannon has been looking at statutes from a nuisance and zoning standpoint to try to find some way to prohibit structures not used under the housing code. He explained that nuisance ordinances are the broadest use of police powers. He feels that the best way to do this is to tweak the nuisance ordinance to address what is causing the issue, and seek civil remedy. Attorney Cannon does not want to send the signal that they do not care and property owners may be sympathetic to that plight. One alternative to the problem is that the property owner who are supportive could build affordable homes, etc... This approach would have a quasi-judicial hearing by the Planning Department and injunction by the Superior Court Judge.

Mayor Brown said any changes to the nuisance ordinance will require a Public Hearing. And the proposed changes would allow the Town to address the problem of the homeless camp on the Muse property.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to call for public hearing on Tuesday, February 12, at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room, 9 South Main Street, Waynesville, to consider to consider modification of Sections 26-31, 26-32 and 26-35 of the Town of Waynesville Code of Ordinances Article II – Nuisances. The motion passed unanimously***

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

There was no additional communication from the Board.

**G. CALL ON THE AUDIENCE**

**J. ADJOURN**

***There being no further business to discuss, Alderman LeRoy Roberson made a motion, seconded by Alderman Jon Feichter to adjourn the meeting at 8:52 p.m. The motion carried unanimously.***

**ATTEST:**

\_\_\_\_\_  
Gavin A. Brown, Mayor

\_\_\_\_\_  
Robert W. Hites, Jr., Town Manager

\_\_\_\_\_  
Eddie Ward, Town Clerk