

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
March 24, 2020

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, March 24, 2020 at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER REGULAR MEETING

Mayor Gary Caldwell called the meeting to order at 6:30 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tem Julia Freeman
Alderman Jon Feichter
Alderman Chuck Dickson
Alderman Anthony Sutton – attended remotely via Skype

The following staff members were present:

Rob Hites, Town Manager
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Bill Cannon, Town Attorney
Ben Turnmire, Finance Director
Jeff Stines, Interim Public Services Director

The following media representatives were present:

Becky Johnson, The Mountaineer
Cory Valliancort, Smoky Mountain News

1. Welcome/Calendar/Announcements

Mayor Caldwell welcomed everyone and reminded them of the following Calendar events that have been canceled:

April 4th - Gateway to the Smokies Half Marathon – moved to October 25th
May 3rd - Drug Epidemic Walk – moved to August 23rd
May 9th – Whole Bloomin’ Thing – canceled for 2020

2. Adoption of Minutes

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to approve the minutes of the March 10, 2020 regular meeting as presented. The motion carried unanimously.

B. PUBLIC COMMENT

Pastor Mark Golden quoted scripture and prayed for the Town Board and the citizens during this time of uncertainty.

C. NEW BUSINESS

3. Alliance Auto Gas Agreement

- Interim Public Services Director, Jeff Stines

Jeff Stines, Interim Public Services Director, stated that in 2014 the Town of Waynesville moved forward with an alternative fuel option for various fleet vehicles. This included the purchase of several new vehicles for various departments as well as propane conversion kits for these vehicles. He said this allows these vehicles to run on both gasoline as well as propane. The program allows the Town of Waynesville to purchase propane at a much lower rate than gasoline. Mr. Stines referred the Board to the comparison sheets in their agenda packets from Fiscal Year 2019 as well as the inventory of fleet related to propane from the beginning of the program until now.

Town Attorney Bill Cannon said there needed to be a legal entity in the contract and asked who the legal entity of the contract was, Alliance Auto Gas or Blossman Gas. Mr. Stines explained that the contract would be with Alliance Auto Gas, and Blossman Gas is the supplier.

Mayor Caldwell asked Mr. Stines to research the cost of gasoline versus propane. Mr. Stines said he will get those numbers to the Board.

Alderman Jon Feichter said that the environmental aspect of using propane is the attraction, even if they are the same in cost.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to move forward with Fuel Supply Agreement (5 years) with Alliance Auto Gas to purchase propane for equipped vehicles, after the Town Attorney has determined the legal entity in the contract. The motion carried unanimously.

D. COMMUNICATION FROM STAFF

4. Town Attorney Report

- Attorney, Bill Cannon

Attorney Cannon told the Board that the last advertisement on the Hazel Street property will be in the Mountaineer on April 1st and should mean this process will be coming to an end.

5. Manager's Report

- Town Manager, Rob Hites

a. Approval of Design Build Bid with Bolton Construction

Manager Hites stated that the Board chose Bolton Construction and their HVAC engineer to carry out a Design-Build project for replacement of the dehumidification system in the pool area of the recreation center. Bolton's concept is to replace the existing unit located in the second floor of the center with two (2) forty-ton outdoor units. Using two units will permit one unit to partially dehumidify the air while the companion unit is being repaired, if necessary. The units will be venting through two windows in the rear of the pool area. They will be connected to the exiting duct work. Manager Hites told the Board that the building code requires that the old unit be flushed of freon and removed. Two new sections of ductwork will be added to the current duct system to make it more efficient. The five existing floor level exhaust fans will be tested for efficiency and repaired if necessary. When operating properly the fans will help eliminate the chlorine fumes generated at the pool level. He said that if the Board wishes to paint the duct work in the pool, Bolton has added an \$18,178.00 option. The new ductwork is unpainted. They also quoted a \$4,860.00 addition to replace the existing duct hangers if necessary. The base bid to remove the old unit and install two new units is \$732,926.00.

Mr. Mark Bolton of Bolton Construction, explained to the Board that because of the location of the current equipment, his company would cut the equipment into sections and remove it from the building to free up the space. He said the perimeter ductwork that is still in place could be used. He said there would be two new units installed outside the building and take two windows out in order to bring the new ductwork in for fresh air, and tie into the existing duct system. Mr. Bolton explained to the Board that they would be inspecting the existing duct hangers and clips for corrosion, and if needed, they would be replaced.

Alderman Dickson asked what the advantage of painting the new ductwork would be. Mr. Bolton said the only reason for painting it would be cosmetic, and it was not a necessity. The consensus of the Board was to leave the ductwork unpainted with the option to paint later, and to replace the straps because it is a safety issue.

Mr. Bolton stated that the work could begin immediately since the Recreation Center is closed at this time.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve the quote from Bolton for the base bid and replacement of the hangers and authorize the staff to prepare and execute a contract. The motion carried unanimously.

b. Request for an extension of SOC Contract- McGill Engineering

Manager Hites told the Board that the Town is having a difficult time negotiating a Special Order of Consent (SOC) for the Wastewater Treatment Plant. The Town sent the Department of Environmental Quality (NC DEQ) an in-depth SOC application in August and they responded with a paragraph of comments three months later. The issue we are having is that our local office is requesting limits on Total Suspended Solids, and Fecal Coliform and additional flow that the plant cannot meet while it is under construction. If we violate those limits, we will be fined \$1,000 per day. The Town extended Forrest Westall's contract several months ago under the belief that we could wrap this up after discussing our predicament with the staff in Raleigh. While we have made some progress, the Regional office continues to insist on conditions that we know we cannot meet. If we accept the flows they are requesting, we will run out of approved flows within a year and must request additional flow for every hookup. This includes Clyde, Lake Junaluska and Junaluska Sanitary District. Mr. Westall is requesting a second contract amendment of \$5,000 to permit him to continue our negotiation. Without a Special Order of Consent in place we will have to undertake our project under our current chemical limits and flows, and DEQ will have to approve every hookup without additional flows being permitted.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to negotiate the Special Order of Consent in the amount of \$5,000.00. The motion passed unanimously.

c. Request of Matt Haynes of Giles Chemical to construct a device to warn and slow drivers approaching a pedestrian crosswalk on Commerce Street

Mr. Matt Haynes, Director of Operations for Giles Chemical, explained to the Board that employees of Giles must make regular trips to the loading and dumpster area across Commerce Street from their plant. Giles operates a three-shift operation and they have encountered incidents where their employees have nearly been hit by vehicles traveling along Commerce Street. He is requesting that the Town join with them in installing devices that would alert motorists to the presence of pedestrians. This would include a raised and marked section of pavement for the safety of their employees. This crosswalk will serve as a physical and visual deterrent for motorists that are traveling the Commerce Street area. Mr. Haynes explained to the Board that Giles will partner in the cost of the project up to \$7,500.00.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to approve the crosswalk and partner with Giles, in an amount not to exceed \$15,000.00, for the project. The motion carried unanimously.

E. COMMUNICATIONS FROM THE MAYOR AND BOARD

6. Water Disconnection During the COVID-19 Outbreak
 - Alderman Jon Feichter

Alderman Jon Feichter stated that one of the things that certain companies such as Duke Energy and PSNC Gas Company are doing during the Coronavirus Pandemic is eliminating disconnection for non-payment. After discussing the possibility of this being done for the Town with Manager Hites and Finance Director Ben Turnmire, Alderman Feichter said he would like to do this for the citizens of Waynesville. He said he fully realized the financial implications this would cause for the Town, but he was very concerned for the citizens and how this would affect their pocketbooks. He said he was open for suggestions about how long the period would be for waiving disconnections.

Finance Director Turnmire explained to the Board that if the disconnections were waived, it would affect the Water Fund about 3 – 5% each month. He said this would be mainly for residential accounts, and there will be loss of revenue from commercial accounts because restaurants are not operating at this time and are just paying the base rate each month.

Alderman Feichter said he felt there would be citizens who are not working now that will not be able to pay their bill, but he did not feel that suspending disconnection would not cause a flood of non-payments. While this crisis is going on, Alderman Feichter stated that fees cannot be waived.

Alderman Anthony Sutton, who attended the meeting remotely, agreed that the Town should offer some relief for individuals; however, over the next three months there is a potential for a \$275,000.00 loss. In offering no disconnections, the citizens will need to understand that late fees and penalty fees will not be waived, and it will have to be paid eventually, possibly through a payment plan.

Finance Director Turnmire reminded the Board that during this Pandemic the Town will be impacted through a loss of revenue, and we need to think about expenses as well. He said that internally the Town was doing everything to minimize expenses, but we do have obligations that will have to be met. Another point to consider is that since people are having to stay home, they are using more power and water for longer periods of time, so their bills will increase. The longer the Town allows disconnections, the harder it will be for customers to catch up on their bills. He said that payment plans are on a case by case basis. Mr. Turnmire added that anything that is done with disconnections will be impact this fiscal year, and the Town needs to operate as a business and follow our budget.

Alderman Feichter suggested that the Town cease disconnections as of the date the Town declared the State of Emergency. Disconnections that were scheduled prior to that date will be determined for each individual case.

Assistant Manager Amie Owens suggested that in sixty days we would know more about the financial impact from the pandemic and use that number as a starting place for the disconnections. She said that if the Board decided to follow through with the suspension of disconnections, the Ordinance would need to be updated to reflect the utilities disconnect section. She added that if all members of the Board agree to stop disconnections, it could go into effect immediately.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter to adopt the updated Ordinance as written, except for waiver of fees, to reflect that during a State of adopting measures to suspend disconnections in the form of a Resolution. The motion passed unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter to suspend disconnection of newly delinquent utilities pertaining to the Declaration of the State of Emergency enacted on March 15, 2020 for a period of sixty (60) days, at which time Manager Hites or Finance Director Turnmire will report back to the Board. The motion passed unanimously.

7. Homelessness Task Force
 - Alderman Jon Feichter

Alderman Dickson said that he thought the Homelessness Task Force was fine with the number of people on the Task Force the way it is. He said he did not feel there is a need for more people.

Alderman Julia Freeman agreed with Alderman Dickson. She is happy with the way it is composed now and does not feel that there is a need for more people on the Task Force.

Alderman Anthony Sutton said he did not feel that anyone needed to be added, and it is adequate as it is.

Alderman Feichter said his interests was not in a specific locale, but that there is a significant point of view that is missing in the Task Force. He said there are people who live next door to Pathways and their views are not being represented. In order to craft a solution that is accepted by everybody, then all points of view need to be included. He said there is nothing to lose by including two additional members with that perspective.

Alderman Jon Feichter made a motion that the Board appoint two new members to the Homelessness Task Force. There was no second to the motion – motion failed.

Alderman Dickson told the Board that he had spoken with Mr. Bill Guy from the Open Door. Mr. Guy said that they were giving food to the homeless that are using their services, and this was giving the Open Door an estimate of the number of homeless in the areas. The concern that Mr. Guy has is that the homeless have nowhere to use the restroom because all bathrooms have

been closed. Alderman Dickson said this is a need that needs to be addressed and asked if anyone had a solution.

Alderman Feichter addressed the Resolution that had been adopted by Buncombe County in reference to limiting the number of people in an assembly to 50 because of the Corona Virus. He feels that the County should adopt this policy as well as the Town. The concern is trying to flatten the curve by limiting assemblies of more than ten people. He urged the Mayor and Board to issue a stay-at-home policy for the Town.

Manager Hites explained that at this time the County and Town would be satisfied with the Governor's regulations. The Mayor has the right to declare other rights for the Town.

Alderman Dickson said he agreed that we need to be conscious of the danger of the virus, but he believed that we need to go with what the Governor has put in place as to the amount of people allowed in an assembly.

Alderman Anthony Sutton said that since there were no confirmed cases in Haywood County he felt that we need to follow the orders in place by the Governor.

Alderman Julia Freeman stated that she felt we need to follow the Governor's instructions.

Alderman Anthony Sutton was in agreement that we need to follow the Governor's instructions and they may change at any minute.

F. CLOSED SESSION

8. Enter closed session to discuss potential acquisition of property under NC General Statute §143-318.11(a)(5)

Alderman Chuck Dickson made a motion, seconded by Alderman Julia Freeman to enter into closed session under NC General Statute § 143.318.11(a)(5)(i) to consider the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease and NC General Statute § 143.318.11(a)(3) Attorney/Client Privilege. The motion carried unanimously.

Due to concerns related to social distancing, audience members were asked to leave the Board Room rather than the Board convening to the smaller conference room. During the clearing of the room Becky Johnson, reporter from the Mountaineer, questioned information that would be discussed in closed session and challenged that a part of the discussion related to an environmental report should be conducted in open session.

Alderman Julia Freeman made a motion, seconded by Alderman Chuck Dickson to return to open session at 8:23 p.m. The motion carried unanimously.

Manager Hites explained that the environmental study that was conducted as part of the due diligence for the property that the Town was considering purchasing. There were two specific concerns that were addressed – the compaction study to determine if the subsoil could withstand the weight of the building, parking and traffic on the site and an environmental level 1 study to assess if there were any contaminants or pollutants. He noted that for the compaction study, seven (7) test pits were dug to nine (9) feet deep. It was discovered that the soil was not compactible to five feet; meaning that five feet of soil would have to be removed and replaced in order to have a buildable site. This would be approximately 51,000 square feet of soil removal. The environmental level 1 study did not indicate any contaminants in the upper layers of soil; however, since the entire surrounding properties were superfund sites, the engineer recommended a level 2 study which would allow for analysis of any additional chemicals or pollutants.

Alderman Anthony Sutton asked if this soil removal would be for the entire site. Manager Hites responded that this was only for approximately 1.5 acres where a 15,000 sq. ft one story building, parking and drive ups would be.

Alderman Chuck Dickson made a motion, seconded by Alderman Julia Freeman to return to closed session at 8:26 p.m., as previously noted under NC General Statute § 143.318.11(a)(5)(i) and NC General Statute § 143.318.11(a)(3). The motion carried unanimously.

Alderman Chuck Dickson made a motion, seconded by Alderman Julia Freeman to return to open session at 8:41 p.m. The motion carried unanimously.

Alderman Jon Feichter noted that many organizations were allowing work from home and were conducting meetings via conference calls and or videoconferencing. He explained that he had recommended a service called Zoom as a method to conduct meetings remotely and to continue to observe social distancing per the CDC recommendations. Alderman Feichter noted that Manager Hites had explained that while it is possible to do so, there had to be a way for citizens to hear the proceedings. With this product there was a way for citizens to join a conference call and Manager Hites added that staff would most likely be on site in the board room in case there were individuals who wished to listen there.

Alderman Jon Feichter made a motion, seconded by Alderman Anthony Sutton to hold the next two regularly scheduled Board of Aldermen meetings via electronic means. The motion carried unanimously.

There was discussion related to how citizens could comment at these electronic meetings. Assistant Manager Owens explained that there was a way for participants to indicate that they wished to speak, but if there was a large number of participants, it may be difficult to identify everyone. Alderman Chuck Dickson noted that public comment is not required at all meetings, only at least one if multiple meetings are held in a month. He suggested the possibility of allowing

the comments at the second meeting to give time for staff to become familiar with the electronic meeting format.

Alderman Chuck Dickson made a motion, seconded by Alderman Julia Freeman to exclude public comment from the first electronic meeting, but have it as part of the second meeting. The motion carried unanimously.

Alderman Chuck Dickson made a motion, seconded by Alderman Jon Feichter to exercise the termination clause in the property purchase agreement for the Toler property. The motion carried unanimously.

G. ADJOURN

With no further business, Alderman Anthony Sutton made a motion, seconded by Alderman Julia Freeman to adjourn the meeting at 8:54 p.m. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk