

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
January 28, 2020

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, January 28, 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 Anthony Sutton
Alderman Chuck Dickson

The following staff members were present:

Rob Hites, Town Manager
Eddie Ward, Town Clerk
Bill Cannon, Town Attorney
Ben Turnmire, Finance Director
Julie Grasty, Asset Services Manager
Jonathan Yates, Outside Services
James Robertson, Tax Collector

The following media representatives were present:

Becky Johnson, The Mountaineer

Mayor Gary Caldwell asked Town Manager Rob Hites to introduce Chief David P. Adams as the new Police Chief for the Town of Waynesville. Manager Hites told the Board that Chief Adams is a veteran officer with twenty years of experience in law enforcement. He has served as Chief of Franklin's Police Department for the past eight years. He has served as Patrol Officer, Detective, Lieutenant, and Captain of Investigations for the City of Hendersonville. He holds a BS degree in Criminal Justice from Shaw University, Asheville Campus and a Master of Science in Management and Leadership from Montreat College.

In addition to his formal education Chief Adams has graduated from the:

- FBI Leadership Training and Command College
- Public Executive Leadership Academy (PELA), School of Government, Chapel Hill
- Management Development Program, NC Justice Academy
- New Police Chief Executive Development Course, NC Justice Academy
- NC Criminal Investigation Certificate, NC Justice Academy

Chief Adams is a former squad leader/paratrooper, US Army 82nd Airborne Division.

Manager Hites said that the Town had received 32 applications for the position and placed seven through an assessment center made up of police executives and town managers. In addition to the assessment

center Town staff individually interviewed each finalist. Chief Adams has the education and experience in Western North Carolina to permit him to acclimate himself to Waynesville. His background in leadership development will ensure that the department will continue to excel.

Chief Adams thanked the Board and citizens for the opportunity and privilege to serve as the Chief of Police for the Town of Waynesville. He told everyone that he would always have an open door and be available to everyone.

Manager Hites told the Board that Chief Adams' starting date would be February 27, 2020

1. Welcome/Calendar/Announcements

Mayor Caldwell reminded the Board of the following calendar events:

Thursday January 30 – 5:00 – 7:30 PM – Elected Officials Reception – Wells Event Center

Monday February 3 – 3:00 – 5:00 PM – Mercy Urgent Care Ribbon Cutting – 124 Frazier Street

Tuesday February 4 – 5:30 PM – Special Board Meeting – Homelessness Task Force Discussion

2. Adoption of Minutes

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve the minutes of the January 14, 2020 and regular meeting as presented. The motion carried unanimously.

B. **PUBLIC HEARING**

Discussion of Cemetery Ordinance

- Asset Services Manager, Julie Grasty

Julie Grasty, Asset Services Manager, explained to the Board that in late 2018, there was concern related to the Greenhill Cemetery and the clean-up that occurred. Ms. Grasty said that as a result, the Board of Aldermen named an adhoc committee to review the various aspects of the Greenhill Cemetery, Dix Hill Cemetery, the town's cemetery ordinance and other potential policy issues related to maintenance of the cemetery.

One of the recommendations from the Cemetery Committee was approval of the revised cemetery ordinance. This is the first of two public hearings on the cemetery ordinance proposed changes. There are multiple changes in the ordinance and a tracked copy was included in the board agenda packet.

Some of the changes include but are not limited to:

- Clarification of terms and definitions used in the ordinance
- Elimination of commercial tours in the cemetery
- Addition of graphic representations to assist in understanding of burial site layout
- Allowance of solar lights – one per burial site
- Allowance of items that can be permanently affixed to headstones and the addition of memorial boxes for those items that are not permanently affixed
- Addition of new section related to group tours and the manner for approval

The notice of public hearing was advertised in the Mountaineer on January 18/19 and January 25/26 and will be re-advertised on February 1/2 and February 8/9 for the second Public Hearing which will be held on February 11, 2020.

Town Attorney Bill Cannon opened the Public Hearing at 6:38 and after explaining the rules for making comments, he asked if anyone in the audience wished to speak.

Sharon Franks read the following statement:

As I stood here on December 13, 2018 and spoke about my feelings for what had transpired at Greenhill Cemetery, I felt old wounds had been opened up and I was angry and frustrated as to what had happened, and the way it had been mishandled. I want to first say thank you to the appointed Greenhill Cemetery committee for their hard work, dedication and commitment to try and resolve the way everything was handle. I commend Randy Mathis for his tireless research into not only the Town of Waynesville ordinances, but statewide as well, and his dedication to all of us who were deeply affected, as was he, by what happened. I believe with the proposed recommendations, a sense of peace will benefit us, but we must not let our guard down. I am upset though by the lack of sympathy from some on that committee who do not understand why we were upset and choose to still lean toward leaving things the way they are. This ground still belongs to deeded owners and no one is any more important than another. All there were fathers, mothers, brothers, sisters, children, all loved by someone. To think there are some more honored than other shows disrespect.

First, the proposed ordinance, as stated in the Mountaineer, is not an effort to "rein in free for all adornments". Those were sentimental mementos placed by loved ones in remembrance and memory, and by creating a memory box, it enables us to keep sacred those mementoes from being destroyed or removed by someone other than a family member, as well as ensuring the safety of maintenance crews.

As far as the tours, I'm totally against them as I see them for monetary gain either to the Historical Society or whomever. I do not think they were handled in a way respectful of either the loved ones buried there, or family members coming by to have solitude at their gravesites. The tour that was held in October was supposed to have been one where no one could walk on the graves, and they were all over the place. Several who drove into that cemetery that day had no idea there was a tour being held. One man was a Marine veteran and was angered to know that a tour was being held around his Commander's gravesite, as tears streamed down his face. We purchased those graves for our loved one, not to become a tourist attraction. As I stated in 2018, there is history in all cemeteries, but just because it is labeled historical, it should not be given the open-door policy to tourism. If a poll was taken regarding the fact that it made the National Register, honestly, I don't think people really care because that's not the purpose of our cemetery.

I am against the proposal of a public sign stating Greenhill Cemetery as it takes away from the natural beauty that cemetery has. Anyone who has lived here any amount of time, or has family buried there, knows where it is, and it doesn't need a big concrete sign on display.

Because of the events of 2018, I have noticed there are still tombstones which are undecorated because families are still afraid to put anything there in fear of having it removed. That makes me sad because that's the last place we laid our loved one down, and to be afraid to go back to visit, pray, sit, cry, whatever, that should not be the case. I ask this mayor and board to approve the proposed ordinance as well as the recommendations that they continue to serve the families of Greenhill & Dix Hill Cemeteries.

Ms. Franks thanked the Board for the opportunity to speak.

Attorney Bill Cannon closed the Public Hearing at 6:43 p.m.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to continue the public hearing to February 11, 2020 at 6:30 pm or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville for additional public input. The motion passed unanimously.

Mayor Caldwell thanked the Cemetery Committee and staff for their hard work through this process. He said there had been a lot of time invested in preparing the revised Ordinance.

C. NEW BUSINESS

4. Yearly Tax Advertisement in local newspaper
- Tax Collector, James Robertson

James Robertson, Tax Collector stated that he had set a tentative date for the yearly advertisements of delinquent taxes in the local newspaper. He said this is usually done in The Mountaineer and is in accordance with N.C.G.S. 105-369. He hopes to have the delinquents published in the paper dated March 7/8, 2020.

Mr. Robertson referred to the delinquent tax print outs in the Board packets and said he will be sending out delinquent notices at the first of February. He explained to the Board that these totals will change by the time they are printed in the paper. He also went over a comparison chart of delinquent taxes for the last three years.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to approve the yearly tax advertisements in The Mountaineer in accordance with N. C. G. S.105-369. The motion passed unanimously.

5. Requesting Board approval to donate \$500 to Haywood Waterways 8th Annual Plunge Benefitting Kids in the Creek
- Planner Jesse Fowler

Jesse Fowler, Planner, explained to the Board that staff is requesting a donation of \$500 dollars to Haywood Waterways' 8th Annual Plunge which will benefit the Kids in the Creek program. Kids in the Creek is an educational program which teaches kids about the importance of water quality in Haywood County and our responsibility as a "headwaters" county to protect our watersheds. This program also assists the Town in fulfilling our phase two stormwater public education requirements. Approximately 575 students participated in Kids in the Creek in 2019, and this donation by the Board would go directly to helping fund this program.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to approve a donation of \$500 in support of Haywood Waterways' 8th Annual Plunge Benefitting Kids in the Creek. The motion was approved unanimously.

6. Authorization to proceed with grant applications
- Development Services Director, Elizabeth Teague

Proposed Greenway Bridge over Richland Creek

Development Services Director Elizabeth Teague told the Board that the Town had unsuccessfully applied for funding through the Haywood Healthcare Foundation for assistance with the installation of the proposed greenway bridge over Richland Creek between Recreation Park and the town's new property. She said there are two additional grant opportunities for the bridge project coming up this spring and staff would like the Board's permission to pursue. First, there is the Pigeon River Fund that could provide a \$25,000 grant to assist the Town with permitting and planning costs associated with the bridge placement. Second, the NC Recreational Trails Program Grant could provide up to \$100,000 to assist with actual construction and placement of the bridge. The preparation of these grant applications will require some additional drawing and design from Belle Engineering under our Fee for Services Contract. If grants are approved, local match of approximately \$105,000 will be budgeted in the next fiscal year 20/21. Ms. Teague said the Town is in receipt of donations over \$100,000 in support of this project.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to direct staff to proceed with grant applications in support of the greenway bridge construction project. The motion carried unanimously.

Requesting Board authorization to proceed with application to the Medford Grant

- Development Services Director, Elizabeth Teague

Ms. Teague explained to the Board that in June of 2019 the Town allocated \$60,000 to be used for improvements to Calvary/Craven Park. Following this allocation, the Town unsuccessfully applied for funding through the Haywood Healthcare Foundation for assistance with this project. In order to continue with this project, Town staff is seeking Board permission to pursue the Medford Grant for approximately \$14,090. This money would be used with the \$60,000 allocated by the Town, and an additional \$2,650 raised by the Pigeon Community in a golf tournament to begin construction of a covered pavilion, purchase and installation of park amenities, purchase of playground equipment, and the addition of off-street parking.

A motion was made by Alderman Julia Freeman, seconded by Alderman Chuck Dickson, to proceed with application to the Medford Grant in support of improvements to Calvary/Craven Park. The motion passed unanimously.

7. Appointments for Boards and Commissions
- Mayor Gary Caldwell

The Board cast ballots for vacancies in the Planning Board, Waynesville Housing Authority and Zoning Board of Adjustment as follows:

Planning Board: (1) Vacancy – Term ending June 30, 2022

5 Applicants: John V. Baus, Jr.
Robert "Michael" Blackburn
Travis Collins
Richard W. Dickinson
Ron D. Reid

Waynesville Housing Authority: (1) Vacancy – Term ending June 30, 2023
5-year term

3 Applicants: Kathy Barnette
Georgette Morand
Rob Roland

Zoning Board of Adjustment: (3) Vacancies – Term ending June 30, 2022

1 Applicant: John V. Baus, Jr.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to appoint the following people to the various Boards and Commissions for terms as indicated:

Planning Board: Robert Michael Blackburn Term ending 06/30/22 with (5) votes

Waynesville Housing Authority: Rob Roland Term ending 06/30/23 with (5) votes

Zoning Board of Adjustment: John V. Baus, Jr. Term ending 06/30/22 with (5) votes

The motion carried unanimously.

Alderman Dickson stated that there were very good applicants for these positions.

Mayor Caldwell asked that the Town Clerk contact some of the remaining applicants to see if they would like to fill a vacancy on another Board.

8. Appointment of Alderman Anthony Sutton to the Land of Sky MPO

- Mayor Gary Caldwell

Mayor Caldwell explained that former Alderman LeRoy Roberson held this position for many years and was the last delegate to the MPO. Alderman Anthony Sutton has agreed to be the Board's representative.

A motion was made by Alderman Jon Feichter, to appoint Alderman Anthony Sutton to the Land of Sky MPO. The motion passed unanimously.

Alderman Sutton thanked the Board and said he would do his best for the Town and MPO.

9. Permitting, Bidding, Contract Administration and Closeout for Wastewater Treatment Plant

- Town Manager Rob Hites

Manager Hites told the Board that the Town Staff and team from McGill Engineers met last week for a working session on the many facets of the rehabilitation of the Waste Treatment Plant. The following is a synopsis of the discussion:

1. The Regional office of DENR stated that they would be complete with a draft response to the Town's application for a "Special Order of Consent (SOC) that we submitted in August. They stated that DENR would have the response to the Town in two weeks (next week).

2. DENR in Raleigh stated that they would be reviewing the final revisions to the Preliminary Engineering Report (now known as the "Engineering Report (ER)". We submitted the ER several months ago.

3. DENR in Raleigh wants the Town to demonstrate it is committed to elimination of inflow/infiltration in our system. As you know we have completed smoke testing of the Country Club Road and Hazelwood Drive areas and are in the process of running the camera through the lines to determine the exact nature of the line failure. Once we have the videos, we will determine the complexity and cost of fixing the leaks. We will have one or more projects in our upcoming budget. We are going to smoke test the lake shores of Lake Junaluska while the Lake has been partially drained to assist them in locating areas of inflow/infiltration. (Lake Junaluska's outfalls are located several yards from the normal water level in the lake).

4. During our discussions with the Raleigh DENR staff they indicated that the original PER made a good case for a longer loan term than the 20 years we were granted originally. They gave us some advice on how to word the final ER to make a solid case for a 30-year amortization schedule at "0%" interest rate and a \$500,000 loan forgiveness grant.

When DENR Raleigh approves the ER, they will draft a letter to the staff of the Local Government Commission recommending 30 years. We will take the letter and meet with the Local Government Commission staff to press for the extended amortization schedule. If we gain concurrence it will be placed on the Local Government Commission agenda. We hope to get 30 years but may get between 25 and 29 years.

5. The contractor will begin removing the lid from the anaerobic digester. When we convert the digester to an aerobic process, we may not be able to take grease trap residue as we have in the past. We can take septic tank waste but not grease.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to approve the contract from McGill and Associates for the permitting, bidding, contract administration and closeout for the Wastewater Treatment Plant. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve the project Ordinance 0-1-20 for the Wastewater Treatment Plant Improvements. The motion carried unanimously.

Mr. Keith Webb of McGill and Associates told the Board that they continue to have operational issues with the plant, and they are looking at a chemical to make the reduction of ammonia in the plant. They will keep working with the plant operators to keep the plant up and running until such times as the major improvements are made.

D. COMMUNICATIONS FROM STAFF

10. Manager's Report
- Town Manager Rob Hites

Board consideration and direction as to the date of the retreat and any specific topics

Manager Hites asked the Board their thoughts on having Board Retreat on February 21, 2020 from 8:30 am – 3:30 PM. All members agreed on the date and time. Manager Hites said he wanted to hear from the new Board as to what their priorities are. He asked them to let him know within the next two weeks of any items they would like to discuss at this retreat.

11. Attorney's Report

- Town Attorney Bill Cannon

Attorney Cannon gave an update on the Hazel Street code enforcement issue. He said he is still trying to get in contact with all persons involved, and the issue should be almost in final stages of closure. Mayor Caldwell said the citizens living around the property are very concerned, and asked Attorney Cannon to keep the Board informed.

E. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Anthony Sutton asked that the item concerning the Chestnut Walk Water Tank that was tabled at the last meeting be un-tabled for discussion.

Alderman Chuck Dickson stated that he had been doing research on the project and he stated that he could not find in the minutes where the Town accepted the property where the tank is located or agreed to do anything with the property or tank. He said there appears to be no Board action on this item. Alderman Dickson stated he would need more clarification on what has happened with the property and the tank. He explained that he could see where the money for the tank had been budgeted, and he sees where the Town Attorney has made recommendations, but he cannot find where the Board has approved anything for the tank or property. The commitment with this amount of money, he feels that there should be some sort of report to the Board. He stated he could not vote on this as it is now, and he suggested going into closed session to discuss how to proceed.

Alderman Jon Feichter stated he had been contacted by an individual who lives in the Breezemont Drive area about intermittent power outages at her home. He stated she is not with the Town power but with Duke Energy and says that she and her neighbors have been without power for up to 9 hours at different times. Alderman Feichter said that the citizens in that area were very frustrated and feel that Duke's lack of tree trimming is most of the problem. He asked if the Town could contact Duke and see what their response to the Breezemont area outages is.

Manager Hites said that the Electric Superintendent Willie Smith came to the Town from Duke Energy, and he might give some insight as to how to resolve the problem. Manager Hites said he would contact Mr. Smith.

12. Special Called Meeting – Homelessness Task Force

- Mayor Gary Caldwell

Mayor Caldwell reminded the Board of the Special Called Meeting to be held on Tuesday February 4, 2020 at the Public Services Training Room located at 129 Legion Drive to discuss appointments to the Homelessness Task Force.

F. CALL ON THE AUDIENCE

**Greg Claycamp
109 Connelly Street
Waynesville, NC**

Mr. Claycamp asked the Board about paving Pigeon Street. Manager Hites gave a brief description of the steps involved with the paving of Pigeon Street and explained that both Pigeon Street and Main Street are state highways. Alderman Sutton stated he had spoken with NCDOT officials and said they were willing to come and have a meeting with so he would like to have a meeting with Mayor Caldwell and himself and Manager Hites concerning Pigeon Street.

G. CLOSED SESSION

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to go into closed session at 7:37 pm for Attorney/Client privilege. The motion carried unanimously.

The Board ended its Closed Session at 8:20 pm and returned to Public Session. Mayor Caldwell asked for a vote permitting the Town Manager to negotiate an offer on a parcel for purchase.

A motion was made by Alderman Jon Feichter and seconded by Alderman Anthony Sutton to allow the Town Manager to negotiate an offer on a parcel for purchase. The motion passed unanimously.

H. ADJOURN

With no further business, a motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter, to continue the meeting until the February 4th meeting to continue discussion of the Chestnut Walk Water Tank. The motion carried unanimously.

The meeting was adjourned for the night at 8:30 pm and will reconvene on February 4th at 5:30 p.m.

A. CALL TO ORDER

Mayor Caldwell reconvened the meeting February 4, 2020 at 5:30 p.m.

B. CLOSED SESSION

1. Enter into closed session under NC General Statute § 143-318.11(a)(3) – Attorney Client Privilege and NC General Statute § 143-318.11(a)(5)(i) - the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease

Motion: A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter, to enter into closed session under NC General Statute § 143-318.11(a)(3) – Attorney Client Privilege and NC General Statute § 143-318.11(a)(5)(i) - the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. The motion carried unanimously.

The Board returned from closed session at 5:51 p.m.

Mayor Caldwell asked if there was any further discussion from the January 28, 2020 meeting. There were no comments.

Alderman Anthony Sutton made a motion, seconded by Alderman Jon Feichter to approve the award of contract to ACMI in the amount of \$320,952.00 for the replacement of the Chestnut Walk Water Tank. The motion carried unanimously.

ADJOURN

With no further business, a motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman to adjourn the continued meeting from January 28, 2020 at 5:52 p.m. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk