

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
Sept 22, 2020

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, September 22nd, 2020 at 6:30 p.m. 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 6:30 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tem Julia Freeman
Alderman Anthony Sutton
Alderman Jon Feichter
Alderman Chuck Dickson

The following staff members were present:

Rob Hites, Town Manager
Eddie Ward, Town Clerk
Town Attorney William E Cannon, Jr.
Dean Trader, Interim Finance Director
Autumn Lyvers, Finance Director
Police Chief David Adams
Jeff Stines, Public Works Director
Byron Hickox, Land Use Administrator
Chris Mehaffey, Assistant Fire Chief
Public Service Employees

The following media representatives were present:

Becky Johnson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone about the DWA Annual Board Meeting that will be held on Tuesday September 29th 5:30, and the Fall for Waynesville Day sponsored by the Downtown Waynesville Association on Saturday October 10, 2020.

2. Adoption of Minutes

The minutes of the September 8th, 2020 regular meeting along with the minutes of the September 22, regular meeting will be approved at the October 13, 2020 meeting.

B. PRESENTATION

3. Big Brothers Big Sisters of Haywood County “Bowling for Kids Sake”
 - Dave Gildersleeve

Mr. Dave Gildersleeve stated that this is the third year in a row that he has presented the Town with the Bowling for Kids Sake award. He said that Big Brothers, Big Sisters of Haywood County only had one fundraiser each year, and the Town always was represented by a winning team. He thanked the Board and representatives of the team for their participation.

4. NC 811 Safe Digging Partner Award
 - Jeff Stines, Public Services Director

Jeff Stines, Public Services Director explained to the Board that the Town of Waynesville has been recognized by NC 811 for the Safe Digging Partners Award. This prestigious award has only been presented a small number of times since the introduction of NC 811 in 1978. This exemplifies the amazing work done by our staff at Public Services in accordance with NC 811 regulations and guidelines.

Mr. Stines introduced Mr. Brian Moorehouse, Western Region Education Liaison for NC811, and asked him to present the award. Mr. Moorehouse said this was a great award to receive, and this was only the 22nd award that has been given in Western North Carolina since May 2015. The award takes in consideration corporations and facility owners to encourage them to call before you dig. Mr. Moorehouse thanked Mr. Stines, and all the employees of Public Services for their continuing efforts to remain safe.

Mayor Caldwell inquired about the stickers that can be placed on vehicles for NC811. Mr. Moorehouse encouraged the Town to purchase the stickers.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to accept the NC811 Safe Digging Partner Award. The motion carried unanimously.

C. PROCLAMATION

5. National Fallen Firefighter Day of Remembrance – First Sunday in October
 - Chris Mehaffey, Assistant Fire Chief

Assistant Fire Chief Chris Mehaffey gave a brief history of the National Fallen Firefighter Day of Remembrance, and how the Waynesville Fire Department supports this Day of Remembrance. He said that in prior years the Proclamation had a specific date assigned to it. He asked the Board to designate the first Sunday in October each year as a day of remembrance of fallen firefighters, rather than coming back every year and asking for the specific date. This is generally the day the National Fallen Firefighter Foundation has their proclamation. It also serves as the kick-off of fire prevention month.

D. PUBLIC COMMENT

Town Attorney William E. Cannon, Jr. opened the Public Comment period.

Diana Gordon
No address given

Ms. Gordon read a statement she had prepared concerning her complaints to the Police Department.

Bo Prevost
28 Lodge Lane
Waynesville, NC 28786

Ms. Prevost thanked the Board for their efforts to slow speeding across the Town. She gave examples of measures that had been taken in Asheville to slow speeders on their streets. Ms. Prevost had a question concerning the 70 percent of property owner's signatures for the devices to be in place. She asked if a signature from a Board member of a Homeowners Association suffice or would each property owner need to sign. She also asked if any other Towns had been consulted concerning their policies and suggested that Boone North Carolina serve as a reference.

William Everett
718 Brown Avenue
Waynesville, NC 28786

Mr. Everett said he wanted to address the issue of traffic noise as well as the traffic calming devices. He said that the noise from the speeding vehicles affects everyone's health, as well as hampering the enjoyment of resident's outdoor spaces. Not only do vehicles make loud noises when speeding, but vehicles that cruise the area with woofer speakers interrupt everyday activities. He said that this noise violates the regulations that have been set forth in the Code of Ordinances and asked that noise also be considered in the Traffic Calming Policy.

Wes Taylor
1287 Brown Avenue
Waynesville, NC 28786

Mr. Taylor thanked the Board for acknowledging the issues that are faced in the Town. He expressed his concerns about commercial traffic on Brown Avenue related to Giles and Southern Concrete. He said their trucks are much larger than what the road can handle, and they are traveling all hours of the day and night. They are a threat to foot traffic and pedestrians in a residential area. He addressed the noise pollution that accompanies these trucks. He said this might be the most direct route for these trucks, but it is not the most appropriate route for them.

Mr. Taylor stated another problem on Brown Avenue is the vehicles that cruise the area several times a day. He expressed concerns about the intentions of these cruisers and why they make so many trips by his house in a day. He said all residents should feel safe in their neighborhoods.

E. CALL FOR PUBLIC HEARING

6. Call for a Public Hearing to consider a request for Annexation for property known as 67 Rolling Green Drive, PIN 8616-46-4669.
 - Byron Hickox, Land Use Administrator

Byron Hickox, Land Use Administrator explained to the Board that the Town had received a “Petition for Annexation of Non-Contiguous ‘Satellite’ Areas,” from property owner Mathew Blackburn. He is requesting this annexation because of a failed septic tank, and he would like to connect to the Town’s septic system This property is within the Town’s Extraterritorial Jurisdiction and lies within the Dellwood-Medium Density Residential District. It is listed as 67 Rolling Green Drive, Waynesville, NC. PIN 8616-46-4669.

A motion was made by Alderman Jon Feichter, seconded by Anthony Sutton, to call for a public hearing on Tuesday, October 13, 2020 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the meeting is to consider a request for Annexation for property known as 67 Rolling Green Drive, PIN 8616-46-4669

F. PUBLIC HEARING

7. Public Hearing for Traffic Calming Policy
 - Rob Hites, Town Manager

Manager Hites said he had reviewed the policies of Monroe, Matthews, Asheville, High Point, and Chapel Hill North Carolina to use as guides, and he used the Chapel Hill policy because he felt it is the most streamlined policy. The policy says that any person or group can approach the Town and request a study of a particular street for any number of traffic problems, not just speeding.

He said the procedure would involve a request signed by property owners, and then studied by the Town Engineer to determine if any side street depend on that street as a collector street. At that point, staff will determine who the property owners are, and petition the owners of the properties to see how many want the traffic calming device. Seventy percent of the property owners along that street is required. A study will be conducted for speed, and if 85 percentile is six miles above the speed limit, then it will be determined what traffic calming devices might work best. He said they would look for the device that caused the least amount of disruption, to gain the most amount of compliance.

Manager Hites said that once devices are approved, they would be installed the next time the streets are paved because the Town does not have the equipment to install them inhouse. The estimated cost

of the devices range from \$22,000.00 - \$23,000.00 a pair. Removal of the traffic calming devices require 70 percent of the property owners' signature.

Attorney William Cannon opened the Public Hearing at 7:03 pm. and asked if anyone wished to speak.

**Carol Brennon
285 Assembly Street
Waynesville, NC 28786**

Ms. Brennon asked how to get a petition request for the Traffic Calming devices, and if all the property owners need to sign the request.

Manager Hites stated she would be able to obtain a request in Development Services, Public Services, Police Department and in the Municipal Building. He added that 70 percent of the property owners must sign the petition.

**William Everett
718 Brown Avenue
Waynesville, NC 28786**

Mr. Everett asked if various ways to announce speed would be placed on the streets where the calming devices are located.

Manager Hites stated that there could be different ways to inform drivers of the devices including a solar flashing sign that would state what the vehicles speed is.

**Bo Prevost
28 Lodge Lane
Waynesville, NC 28786**

Ms. Prevost asked the difference between speed humps and speed bumps, and the cross walk on Wall Street.

Manager Hites described the dimensions of the traffic calming devices, and how each one would affect vehicles.

Attorney Cannon closed the Public Hearing at 7:22 pm.

Alderman Anthony Sutton said that he thought the policy was a good thing and thought the Board should proceed with the implementation.

Alderman Julie Freeman asked if there could be any variation in the 70 % requirement of property owners signature on the request form.

Alderman Chuck Dickson stated that he was in favor of the policy and addressed the question from Ms. Prevost concerning Homeowners Association Board members being able to sign for the group. He said he felt the only way was to require all property owners to sign, not just the Homeowners Association representative.

Alderman Feichter expressed that he would like to see the narrower streets be given extra consideration.

He said he liked that fact that there is a great deal of citizen input on this policy, and there is a monitoring built in to access the effectiveness of the solution. He added that it should be adopted with the requirement that the homeowners and renters sign the petition. Alderman Jon Feichter said he felt that renters should be included in the request process, because they deal with the negative impacts of the speeding and traffic as well as the homeowners.

Attorney Cannon reminded the Board that if renters are included, that would increase the number of people who would have to approve the policy in order to reach the percentage required for approval.

Alderman Chuck Dickson made a motion, seconded by Alderman Anthony Sutton to adopt the Traffic Calming Policy as presented except for the requirement of 70% homeowner signatures be lowered to 65%. The motion carried unanimously.

8. Public Hearing to consider a request for Annexation for property known as 289 Maple Grove Church Road, PIN 8616-48-1684
 - Byron Hickox, Land Use Administrator

Mr. Hickox told the Board that the Town received the attached “Petition for Annexation of Non-Contiguous ‘Satellite’ Areas,” executed by the GRHH Performance Waynesville LLC, and Performance Charter School Waynesville LLC tenants in common who are the current owners. This property is the future site of Shining Rock Academy which received a Special Use Permit from the Planning Board on June 29, 2020, and only that portion of the property as described in the attached metes and bounds and recorded plat are to be annexed. It is within the Town’s Extraterritorial Jurisdiction and lies within the Dellwood-Medium Density Residential District and the Dellwood Medium Density Mixed-Use Overlay. This property is contiguous on two sides to two other properties which are also satellite annexation areas (across Jules Nolan Drive and across Russ Avenue). Town Development Services Staff and the Town clerk have verified that the property meets the standards for annexation. The purpose of the annexation is to receive Town services.

Attorney Cannon opened the Public Hearing at 7:29 pm. And asked if anyone wished to speak.

**Joshua Morgan
1023 Dellwood Road
Waynesville, NC 28786**

Mr. Morgan stated that he is the head of the Shining Rock Academy. He said this is an opportunity to continue to serve students of Haywood County and it is a great privilege to be another part of the Town

of Waynesville. He thanked the Board for the excellent relationship between the school and the Town, and for approving this annexation.

Attorney closed the Public Hearing at 7:35 pm.

Alderman Chuck Dickson asked for clarification on what services would be offered to Shining Rock. Mr. Hickox said that it would be water and sewer.

A motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton, to approve the adoption of Ordinance No. O-16-20 to approve the annexation of property located at 289 Maple Grove Church Road, PIN 8616-48-1684. The motion carried unanimously.

9. Public Hearing to consider a Community Development Block Grant (CDBG) application for utility infrastructure improvements in Hazelwood

Development Service Director asked that this item be tabled until the October 13, 2020 meeting due to the delay of proper notifications from Karen Kiehna at McGill Associates.

F. NEW BUSINESS

10. Board consideration of Declaration of Covenants, Conditions, and Restrictions for the Clean Water Management Trust Fund stream restoration project in Chestnut Park
- Byron Hickox, Land Use Administrator

Mr. Hickox said that in 2016-2018, the Town worked cooperatively with Haywood Waterways Association to design and implement stream restoration along an 1800 linear foot reach of Shingle Cove Branch, a tributary of Richland Creek within the Town property of Chestnut Park. Haywood Waterways utilized funding from the Clean Water Management Trust Fund and the Pigeon River Fund to engineer in-stream structures and stream bank improvements in order to mitigate erosion and create a healthier stream. He explained to the Board that the Declaration of Covenants will restrict future use of the stream restoration area to only those activities that support the conservation of the stream, specifically passive recreational uses, educational uses and restoration activities.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve Declaration of Covenants, Conditions, and Restrictions for the Clean Water Management Trust Fund stream restoration project in Chestnut Park. The motion carried unanimously.

11. Amendment to 2020-2021 Budget for the approval of a new truck purchase for the Water Treatment Plant to replace truck damaged by tree fall
- Dean Trader, Assistant Finance Director

Mr. Dean Trader, Assistant Finance Director explained to the Board that this amendment is for the approval of a new truck purchase for the Water Treatment Plant. This will replace a truck damaged by a tree fall, and to approve the additional funds required to replace Water Treatment vehicle #102, a 2014 Ford F-150 4X4, last 5 vin# 10978. The total loss vehicle (ACV) is \$18,300 less deductible of \$500.00. Mr. Trader said there is a Payment to be made of \$17,800.00 from insurance proceeds. This vehicle replacement will require additional funds to be appropriated for the current FY 2020-2021 budget.

Because this is a vehicle that will be used in the Waynesville Watershed, there are accessories that are needed for the truck such as a brush guard, toolbox winch, and radios.

We are asking you to consider the following option for vehicle replacement:

2020 Ford F-150 4X4	\$33,316.20 - \$17,800.00(ACV)	\$15,516.20
Accessories for truck - Brush Guard, Toolbox, Winch etc.		\$ 3,683.80
Fund Balance Appropriated	Total =	\$19,200.00

Manager Hites stated that after looking at the old truck, it has been discovered that the frame of the vehicle has not been bent. He said that the bed can be removed and replaced with a new one, along with the equipment for approximately \$10,000.00. This vehicle then can be used by Public Services Director Jeff Stines instead of the Volt he is currently using.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to approve Budget Ordinance No. O-17-20, Amendment #5 to the 2020-2021 Budget Ordinance in the amount of \$19,200.00 for the purchase of a new truck. The motion carried unanimously

12. Sales Tax Revenue

- Dean Trader, Interim Finance Director

Mr. Dean Trader gave a detailed report of the Sales Tax Revenue Comparison for May and June 4th Quarter Totals, and Annual Sales Tax Totals for 2020. He said that for May the sales tax revenue was 3.5973% above budget. Comparing May 2020 to the prior May, there was a 1.1691% increase. There was a significant increase in June Sales Tax Revenue for a total of 10.4996% increase in actual compared to budget. Current June totals showed a 12.6242% increase over last year.

For the quarter, Mr. Trader said that we were up 2 % over budget and compared to last year we were up 4.4365% over last year. He said that compared to the entire state the Town is doing better than the state as a whole.

Mr. Trader reminded the Board that Sales Tax Revenue continues to be an area of concern for the 2020-2021 current year.

Alderman Chuck Dickson asked Mr. Trader to prepare a report of utility collections and present it at the October 13th Board meeting.

G. COMMUNICATIONS FROM STAFF

7. Manager's Report

Manager Hites explained to the Board that Buffy Phillips, Downtown Waynesville Association Director, is asking to amend the Special Events Permit that had previously been approved for the Church Street Festival.

Ms. Phillips said that because of COVID, the Church Street Festival was cancelled. The Fall for Waynesville is similar, and the street will be closed from red light to red light on Main Street. She explained that it is an open-street concept. The restaurants can come out into parking spaces, and merchants will be able to display items from their stores if they wish. Ms. Phillips told the Board that there would not be a stage for musicians, but there will be designated areas of the street for them. Masks and hand sanitizers will be available, and social distancing will be encouraged.

A motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton, to amend the original Special Event Application for the Church Street Festival, and allow the Fall for Waynesville event on October 10, 2020. The motion carried unanimously.

Ms. Phillips asked the Board for their thoughts on the upcoming events pertaining to Treats on the Street for Halloween in October, and events in December including the Waynesville Christmas Parade. There was much discussion concerning the crowds for each event, and if there were other things that could be substituted and still be safe for everyone. The consensus of the Board was to not have the events.

8. Town Attorney Report

Town Attorney William E Cannon, Jr.

Attorney William Cannon had nothing to report.

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Chuck Dickson asked that the Town Attorney to draw up a draft Ordinance requiring face masks in the Town of Waynesville and present it at the October 13 Board meeting. He said he felt that having an Ordinance of this type would help Downtown Waynesville Association and the Chamber of Commerce to have the force of the Town behind them when they are asking people to wear masks at the upcoming events.

Alderman Jon Feichter asked that signs be placed in Frog level announcing that the speed bump is ahead.

Alderman Feichter asked that Ms. Wanda Brooks be appointed to the Town of Waynesville Task Force on Homelessness. She would be replacing Mr. Joey Reece who had resigned from the Task Force recently.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson to appoint Ms. Wanda Brooks to the Town of Waynesville Task Force for Homelessness to replace Mr. Joey Reece. The motion carried unanimously.

Mayor Caldwell stated the Mr. Phil Gibbs had contacted him concerning the renaming the Calvary Park. He asked that the park be named the Barack Obama – Martin Luther King Park and for short be named the OK Park.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to rename the Calvary Park to the Barack Obama-Martin Luther King, Jr. Park and OK Park for short. The motion carried unanimously.

Mayor Caldwell said that Mr. Brandon Green had requested that the area around Clyde’s restaurant needed to have the trash picked up and mowed in the right of ways of the road. Manager Hites said that NCDOT should be the one to take care of the right of ways but their financial situation has prevented them from mowing at exits and trash pickup. He said that he would contact NCDOT and see if they could get someone to do it before the October events.

I. CLOSED SESSION

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to enter closed session at 8:27 pm to consult with Attorney to preserve Attorney Client privilege, and to discuss matters relating to the location or expansion of industries or other businesses G. S. §143-318.11(a)(3)(4). The motion carried unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to enter back into open session at 8:47 pm. The motion carried unanimously.

With no further business, a motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton , to adjourn the meeting at 8:48 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk