

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
August 25, 2020

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, August 25th, 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
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Esther Coulter, Administrative Assistant
Town Attorney William E Cannon, Jr.
Elizabeth Teague, Development Services Director
Dean Trader, Interim Finance Director
Autumn Lyvers, Budget Analyst
Rhett Langston, Parks and Recreation Director
Police Chief David Adams
Lieutenant Chris Chandler

The following media representatives were present:

Becky Johnson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and thanked them for coming. He reminded everyone that the Town of Waynesville Offices will be closed for Labor Day September 7, 2020 and re-open on September 8, 2020.

2. Adoption of Minutes

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the minutes of the August 11th, 2020 regular meeting as presented. The motion carried unanimously.

B. PUBLIC COMMENT

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

He advised everyone that wished to speak concerning the RV development at Laurel Ridge County Club that there had not been any formal plans submitted for that development.

**Phyllis Austin
100 Hendrix Street
Waynesville, NC 28786**

Ms. Austin expressed her concerns about the speeding and large trucks on Hendrix Street. She stated she had a disabled grandson and was concerned for his safety with the traffic on the street. Ms. Austin said that even though the speed limit on the street had been lowered last year, that has not helped with the traffic problems. She asked the Board to consider placing speed bumps on the street.

**Jessie-Lee Dunlap
28 Georgia Avenue
Waynesville, NC 28786**

Ms. Dunlap encouraged the Board to participate in any Black Lives Matter or other protests that may occur in the Town of Waynesville.

**Corina Taylor
1287 Brown Avenue
Waynesville, NC 28786**

Ms. Taylor thanked the Board for listening to her at the last meeting. She said she had seen some increased law enforcement on Brown Avenue. She asked the Board for some long-term solutions including some speed bumps, landscaping and signs in the area. She said she thought there had been a traffic calming policy in place, and any redraft of the policy will only delay progress in slowing the traffic down.

**Trish Plemmons
235 Hendrix Street
Waynesville, NC 28786**

Ms. Plemmons told the Board that in October 2019, residents of Hendrix Street had come before the Board with concerns about speeding and large trucks on the street. She said that at that point the speed limit was lowered, and signs were placed on the street, but that has not deterred the speeding or large trucks. She urged the Board to act and consider speed bumps on the street. *Following the public comment period, she submitted a petition to the Town Clerk of signatures of concerned citizens.

David Dills
141 Cupp Lane
Waynesville, NC 28786

Mr. Dills stated that he had heard about plans for an RV Park in Laurel Ridge near hole numbers 1, 5, and 7 about a week ago. He said he had seen the plans for hole number 5, but not the others. He stated he was against any such plans and asked the Board to investigate the zoning and ordinances to determine if these plans could be allowed at Laurel Ridge and make that information available to the public. He also asked that there is a conflict with any Board member, please bow out.

Matt Henley
66 Plateau Place
Waynesville, NC 28786

Mr. Henley told the Board that allowing an RV Park at Laurel Ridge would devalue and damage the community. He said that there was much anger and dismay concerning the RV's and asked the Board to please consider not allowing this to happen to their community.

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

C. OLD BUSINESS

Alderman Anthony Sutton said that he and Alderman Jon Feichter had met with Police Chief David Adams to review the policy for body cameras. They discussed when the cameras should be on or off, storage capacity, and the retention of the information on the cameras for 365 days. He said that because of this discussion he was much more comfortable with the Body Camera Policy, and he would like for the Policy to be adopted.

Alderman Feichter said he liked that the Town was being proactive rather than reactive. He said this policy was getting ahead of the game if there should be problems down the road, and he was completely in favor of the policy.

Alderman Anthony Sutton made a motion, seconded by Alderman Julia Freeman, to approve the amendment for the Body Camera Policy in the Standard Operating Procedures of the Police Department. The motion carried unanimously.

3. Law Enforcement Education Foundation Equipment Grant
 - Lt. Chris Chandler

Lt. Chris Chandler explained to the Board that the Police Department recently applied for and received a grant from the Law Enforcement Education Equipment Foundation (LawEEF) based out of Atlanta, Georgia. The purpose of the grant was to develop a solution to purchasing body cameras. The

proposal submitted to LawEEF asked for funding to purchase FirstVu HD Body Cameras and everything needed for basic operation. Lt Chandler said that FirstVu was chosen because they are produced by Digital Ally, who is our current provider for the in-car camera systems and could utilize our current VuVault Storage system. As a result of grant application, we were awarded the following:

Original quote from Digital Ally:	\$20,155.00
LawEEF Grant (75%):	\$15, 116.25
ToW Cost (25%):	\$ 5, 038.75

An ongoing study is being conducted to determine the best storage options available including utilizing the current VuVault system with the possibility of being required to increase server storage capacity with Electronic Office or contract with Digital Ally for access to cloud storage with an additional cost of \$7,092.00 annually. There are advantages to the cloud storage option that are not available to the self-storage option utilizing our current VuVault system.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to approve the transfer of Federal Forfeiture Funds to cover the ToW costs of \$5,038.75 to purchase 25 FirstVu HD Body Cameras, a 12 Bay docking station, 25 magnet mounts and 25 Professional Service fees, and Ordinance No. O-13-20 Amendment 3 to the 2020-2021 Budget Ordinance. The motion carried unanimously.

D. CALL FOR PUBLIC HEARING

Call for a Public Hearing on the Greenway bridge and extension project in preparation for submittal to the NC Recreational Trails Program

- Development Services Director, Elizabeth Teague

Elizabeth Teague, Development Services Director said that In January of this year, the Board gave town staff permission to apply for funding assistance from the North Carolina Recreational Trails Program (RTP). Staff has worked with Belle Engineering and Owen Surveying, and sought feedback from RTP consultants in development of a formalized plan and grant application. Ms. Teague asked that the Board schedule a public hearing for the Board and public to provide additional feedback on the project prior to final submittal of the grant application which is due on September 11, 2020.

A motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton, to call for a public hearing on Tuesday, September 8, 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 meeting is to discuss the Greenway bridge and extension project for the NC Recreational Trails Program Grant Application. The motion passed unanimously.

E. NEW BUSINESS

5. Request to replace 2014 Dodge Charger (Total Loss Vehicle)

- Lt Chris Chandler

Lt. Chandler told the Board that on the evening of July 15, 2020, at 10:54pm, a large white tail deer ran out of the woods directly into the front end of Sgt. Dickey's patrol car. The traffic collision occurred on the Old Asheville Highway while Sgt. Dickey was on his way to conduct a security check of the Time Out Market at the intersection of Old Asheville Highway and Howell Mill Road.

The repair estimates from the adjuster was at 67% and totaling in NC is 75% loss. This estimate was based on damages not considering the additional engine damage. The insurance adjuster was also concerned about the lack of air bag deployment considering the resulting damage.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to approve the additional funds required to replace Police Department vehicle #15, a 2014 Dodge Charger, last 5 vin# 79194 with #149 Dodge Durango AWD 5.7L \$22,815.20, Ordinance # O-14-20, Amendment No. 4 to the 2020-2021 Budget Ordinance. The motion carried unanimously.

6. Request approval of updates to Personnel Manual/Employee Handbook

- Assistant Town Manager, Amie Owens

Assistant Town Manager Amie Owens said it is required to perform updates the Personnel Manual/Employee Handbook to match the current policies and procedures of the Town. The recent updates include:

Page 2 - Welcome – updated to reflect the name of Gary Caldwell as Mayor

Page 12 – Authorization of New Positions – last sentence clarifying that only the Board can approve additional positions.

Page 16/17 – Longevity Pay – updated to reflect the new longevity pay format approved at the Board Retreat in February to be effective on July 1, 2020.

Page 23 – Reinstatement – updated to decrease the amount of time that an employee can be away from the Town where credit for previous service and benefits is still approved. Change from one year to six months. This item shows amended in 2015, but there was no discussion related to it in the minutes.

Page 48 – updated to have a not to exceed amount of \$2,000 annually for reimbursement for employees per fiscal year.

She said there were various grammatical and spelling updates made throughout the document for clarity.

Alderman Anthony Sutton asked that on page 28 of the manual under the section of Jewelry that it be changed so that there is no gender identification.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to amend the Personnel Manual/Employee Handbook, page 28, Section 2 – Jewelry, to be changed so there is no gender identification. The motion carried unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the updates to the Personnel Manual/Employee Handbook as presented. The motion carried unanimously.

TDA Appointment (Replacement for Amie Owens as Board Member)

Lynn Collins, Executive Director of the Haywood County Tourism Authority, explained to the Board that in the TDA legislation, it is stated that each municipality must have a seat on the Board. She said that with the departure of Assistant Town Manager Amie Owens, there would be a vacancy for the Waynesville Municipality. She said the appointee would have to be approved through the Haywood County Board of Commissioners and asked that they appoint someone to fill that vacancy.

Ms. Collins commended Ms. Owens for the time she has served on the TDA and said she has made a big difference because of the insight Ms. Owens has into the operation of the Town and bringing that to the TDA.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to appoint Alderman Jon Feichter to serve as the Town of Waynesville's appointment to the TDA Board. The motion carried unanimously.

F. COMMUNICATIONS FROM STAFF

7. Manager's Report

- Manager Rob Hites

Traffic Calming Policy

Manager Hites said that at the last Board meeting Alderman Dickson had asked that he bring a traffic calming policy to them for review.

Town Manager Rob Hites presented the following memo to the Board of Aldermen:

I have reviewed several Traffic Calming Policies from NC municipalities. Some, including the policy the Waynesville staff drafted in June of 2015, may be too complicated for the citizens to understand and for staff to carry out. Matthews and Monroe have a more streamlined process that is easier to administer. The policies have the following in common:

- Traffic calming devices may be requested by one or more residents or businesses; however, the review process begins AFTER sufficient petition of the residents of the “study area” has been submitted and verified. Study areas are defined as the principal street in question plus any small, residential feeder streets that may be impacted by the devices. Different percentages of affirmative signatures are accepted by the municipal staffs. They range from 60-75%.
- It is up to the residents requesting the devices to obtain the signatures. The municipalities supply the petition forms.
- Once the petitions have been submitted and found to be sufficient, the municipality conducts a study of the affected area. They post a traffic computer to assess the number of vehicles and their speeds. They study the design of the street and its topography to determine the safest and most efficient traffic calming devices.
- In order to move to the next step, the traffic survey must show that the vehicles that make up the 85th percentile are traveling a minimum speed over the posted speed limit. One Town uses 6 miles over the speed limit, another uses 8 miles over the limit.
- Municipalities define the types of streets that are suited for traffic calming devices. Some of their definitions are as follows:

Street must not end in a cul-de-sac.

Street must post a travel volume of over 500 vehicle trips per day.

Street must not have a grade in excess of 8%.

Street must not be classified as a collector or thoroughfare.

Street must be predominantly residential in nature.

Traffic Calming Devices

- The Town staff will meet as a working group to determine the type of traffic calming device that is best suited for an area.
- The Police, Fire, Sanitation and EMS staff will discuss the impact of different traffic calming devices on their vehicles. Frequently used emergency routes may not be conducive for certain traffic calming devices.

- The staff will report to elected officials their findings to the elected officials.
- Several municipalities state that the same percentage of residents must petition for a traffic calming device to be removed. One municipality states that the traffic calming device must be kept in place for a minimum 5 years before the Town will remove it unless the residents wish to pay to have it removed.
- A couple of municipalities state that a list of approved traffic calming devices will be kept until such time as the Town may contract with a paving company to install several at one time.

I recommend that the Board review the attached policies and give the staff guidance as to what they would like to see in Waynesville’s policy. The staff can flesh together a plan that meets your needs and bring it to you for consideration.

Alderman Feichter stated that it was obvious that the Town needs a policy and would like to hold a Public Hearing in order to get input before the policy is adopted.

Manager Hites said that a map needed to be developed to show the thoroughfares and collector streets and better understand where the traffic calming devices could be placed.

Chief Adams said our traffic computer is no longer functioning (15 years old). He suggests that we purchase a new one (\$3,500). He also suggests that we purchase several portable solar powered speed monitors that we can place in problem areas to show folks their speed as they pass the monitors.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to authorize staff to draft a Traffic Calming Policy and present to the Board at the next meeting. The motion carried unanimously.

8. Town Attorney Report

- Town Attorney William E Cannon, Jr.

Attorney Cannon asked the Board to go into Closed Session to discuss three items.

1. Consult with the Town Attorney regarding Potential Litigation – NCGS § 143.318.11 (a)(3)
2. Discuss matters related to Economic Incentives – NCGS § 143.318.11 (a)(4)
3. Instruct Town Attorney and Town Manager on the Acquisition of Real Property – NCGS § 143.318.11(a)(5)

G. COMMUNICATIONS FROM THE MAYOR AND BOARD

Mayor Caldwell said that he had had discussion with Jeff Stines, Public Services Director, and asked him to look at some of the potholes and see if they can be filled until NCDOT is able to start repaving streets again.

Alderman Anthony Sutton stated that there would be an MPO meeting next week and he would report on that at the next meeting.

Alderman Dickson asked that at a future meeting (Second meeting in September) the Interim Finance Director report on the Sales Tax and financial status of the Town.

A motion was made by Alderman Chuck Dickson to enter closed session at 7:36 pm. The motion carried unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Julia Freeman, to enter back into open session at 8:55pm. The motion carried unanimously.

A motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton to refer the definition of "Recreational Use" to the Development Services Staff and Planning Board for review and re-wording because of the broad definition. The Planning Board would then recommend a Text Amendment to the Board of Aldermen. The motion carried unanimously.

H. ADJOURN

With no further business, a motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to adjourn the meeting at 9:03 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk