

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**Regular Meeting**  
**January 12, 2021**

**THE WAYNESVILLE BOARD OF ALDERMEN** held a regular meeting on Tuesday, January 12, 2021 at 6:00 p.m. via Zoom in the Municipal Building located at 16 South Main Street Waynesville, NC.

**A. CALL TO ORDER**

Mayor Gary Caldwell called the meeting to order at 6:00 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  
Jesse Fowler, Assistant Town Manager  
Town Attorney William E Cannon, Jr.  
Eddie Ward, Town Clerk  
Jeff Stines, Public Services Director  
Joey Webb, Fire Chief

The following media representatives were present:

Becky Johnson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and explained that Town Offices will be closed on Monday January 18<sup>th</sup> in observance of Martin Luther King Day.

2. Adoption of Minutes

***A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to approve the minutes from the November 10, 2020 and the December 8 2020 regular meeting. The motion carried unanimously.***

<b><i>Mayor Gary Caldwell</i></b>	<b><i>Aye</i></b>
<b><i>Mayor Pro Tem Julia Freeman</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Jon Feichter</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Chuck Dickson</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Anthony Sutton</i></b>	<b><i>Aye</i></b>

**B. PUBLIC COMMENT**

Mayor Gary Caldwell asked Town Clerk Eddie Ward if there were any comments to be read into the minutes. Ms. Ward stated there were no Public Comments

**C. PUBLIC HEARING**

3. Public hearing to discuss Habitat for Humanity’s request for a grant through the Town of Waynesville’s affordable housing policy.

- Jesse Fowler, Assistant Town Manager

Jesse Fowler, Assistant Town Manager, explained to the Board that Habitat for Humanity is seeking to take advantage of the Town of Waynesville’s Affordable Housing Policy and is requesting a grant from the Town of Waynesville to offset the development costs associated with the construction and infrastructure development of their Sylvan Street subdivision. This is a 10-unit subdivision that is expected to be completed over several years.

This grant request would be for the approximate amount of \$192,177. Habitat for humanity estimates that each unit will be appraised at approximately \$230,000. This would increase the tax base by approximately \$2,300,000 per year at buildout.

Town Attorney William C. Cannon opened the Public Hearing at 6:08 pm. And asked if anyone wished to Speak.

**Jon Lynn McDermott** said she felt that the request for the grant was a great idea.

Attorney Cannon closed the Public Hearing at 6:10 pm.

***A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to award a Low-Income Housing Grant to Habitat for Humanity to offset Development costs associated with the construction and infrastructure development of their Sylvan Street location. The motion carried unanimously.***

<b><i>Mayor Gary Caldwell</i></b>	<b><i>Aye</i></b>
<b><i>Mayor Pro Tem Julia Freeman</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Jon Feichter</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Chuck Dickson</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Anthony Sutton</i></b>	<b><i>Aye</i></b>

***A motion was made by Alderman Julia Freeman, seconded by Alderman Chuck Dickson, to approve Ordinance No. O-01-21, Amendment No. 7 to the 2020-2021 Budget Ordinance in the amount of \$45,412.00. The motion carried unanimously.***

<b>Mayor Gary Caldwell</b>	<b>Aye</b>
<b>Mayor Pro Tem Julia Freeman</b>	<b>Aye</b>
<b>Alderman Jon Feichter</b>	<b>Aye</b>
<b>Alderman Chuck Dickson</b>	<b>Aye</b>
<b>Alderman Anthony Sutton</b>	<b>Aye</b>

**D. NEW BUSINESS**

4. Development Services Department request for an additional Code Compliance Officer.
- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler explained to the Board that the Development Services Department has experienced an increase in workload due to increased construction and development in the past 3 years. He said in this year alone, building inspectors are having to spend more time on large projects such as the Plott Creek Apartments, the Hampton Inn, the Browning Branch subdivision, Haywood Hospital, and the new Shining Rock Academy. The Department has also experienced an increase in complaints under the nuisance, minimum housing and environmental ordinances, and those issues take time away from other department responsibilities. He said there are several other large projects on the horizon (Ingles, Mountain Creek Plaza), and we expect a similar or increased workload for the next several years. He referred the Board to the Building Permit Evaluation and Comparison for 2012 – 2020, and the code Enforcement Officer job description that was included in the agenda.

***A motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton, to approve the new position of Code Compliance Officer within the Development Services Department. The motion carried unanimously.***

<b>Mayor Gary Caldwell</b>	<b>Aye</b>
<b>Mayor Pro Tem Julia Freeman</b>	<b>Aye</b>
<b>Alderman Jon Feichter</b>	<b>Aye</b>
<b>Alderman Chuck Dickson</b>	<b>Aye</b>
<b>Alderman Anthony Sutton</b>	<b>Aye</b>

5. Award of Contract for Chelsea Rd. Bridge Replacement
- Jeff Stines, Public Services Director

Public Services Director Jeff Stines said that Chelsea Road is a Town maintained road located near Waynesville Country Club and directly behind Doyle Sutton’s Garage. He said that at a previous meeting it was discussed that the bridge on Chelsea Road is a single span, wooden superstructure bridge estimated to have been built in the 1950’s. The bridge girders are composed of 8x10 wood with 4x8 wood decking. Mr. Stines told the Board that all girders and decking are experiencing wood decay / rot with one specific girder being completely collapsed leaving the entire structure compromised and in severe risk of failure. This bridge requires emergency attention and is a public safety issue. Plans have been assembled for the complete replacement of this bridge and issued for bid. Once completed, the new bridge will be constructed out of steel and concrete deck.

Mr. Stines said that two bids were received for the construction of the bridge, and Ashe Construction and Maintenance, Inc. had the lowest bid at \$242,675.00.

***A motion was made by Alderman Julia Freeman, seconded by Alderman Jon Feichter, to award the contract to ACMI, Inc. in the amount of \$242,675.00. The motion carried unanimously.***

<b><i>Mayor Gary Caldwell</i></b>	<b><i>Aye</i></b>
<b><i>Mayor Pro Tem Julia Freeman</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Jon Feichter</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Chuck Dickson</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Anthony Sutton</i></b>	<b><i>Aye</i></b>

***A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter, to approve Ordinance No. O-02-21, Amendment No 8, to the 2020-2021 Budget. The motion carried unanimously.***

<b><i>Mayor Gary Caldwell</i></b>	<b><i>Aye</i></b>
<b><i>Mayor Pro Tem Julia Freeman</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Jon Feichter</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Chuck Dickson</i></b>	<b><i>Aye</i></b>
<b><i>Alderman Anthony Sutton</i></b>	<b><i>Aye</i></b>

#### **E. COMMUNICATIONS FROM STAFF**

6. Manager's Report
- Town Manager Rob Hites

##### Annual Town Board Retreat

Town Manager Rob Hites said that the Town Board usually conducts a retreat in February to discuss their priorities and those of the staff. It is an informal time for the Board to discuss their priorities for the upcoming year also and provide the staff with their marching orders. He suggested that Finance Director Autumn Lyvers be permitted to provide her financial update during the closest regular board meeting to the retreat. By doing so this will free up time and the first 1 ½ hours of the retreat can be for Board discussion. In the past, Friday has been the most convenient date for most of the Board to meet. The agenda will be set to meet until late afternoon. If there are additional items, they can be scheduled for the next regular Board Meeting. If the Board's agenda exceeds one day, it can be arranged to meet for 1 ½ or 2 days.

Manager Hites told the Board that it is important for Board members to send him their priorities, so the agenda can be developed and have information and cost out programs to aid in discussions. He suggested them to consider either Friday February 18th or Thursday February 25th. The regular meetings in February will be the 9th and the 23rd.

The consensus of the Board was to hold the Board Retreat on Thursday February 25, 2021, with the option of continuing the meeting the next day.

### Summary of Wastewater Improvements

Manager Hites gave a brief timeline of the Wastewater Treatment Plant over the next few years as follows:

On December 31st DENR in Raleigh signed the Town's Special Order of Consent (SOC) and placed it in effect.

One January 6th the Local Government Commission approved DENR's recommendation for a State Revolving Loan of \$19,545,000 with a 26-year term.

The SOC provides a project schedule for the remainder of the project. The schedule is as follows:

The Town has amassed \$22,500 in civil fines that have not been paid (We have challenged the imposition of these fines and DENR has held them awaiting the SOC). The Town will pay an upfront penalty of \$4,129 with the remaining amount of \$16,516.48 held in abeyance through the project term. If the Town does not materially breach the SOC the remainder will be forgiven.

Within 60 days following the issuance of the SOC the Town must submit an update on current inflow and infiltration (I&I) reduction efforts.

On or before April 15, 2021 McGill and Associates will submit the construction documents to DENR and request an Authorization to Construct (ATC).

On or before November 1, 2021 shall submit or make available online the flow measurements from the second influent flow meter.

Four months following the issuance of the Authorization to Construct the Town shall advertise the project, receive bids and receive authority from DENR to construct the project.

Three months following receipt of authority to award the construction contract, begin construction.

After receiving approval of the bids from DENR the Town shall close the \$19,454,000 loan with the LGC. This will involve payment of an administrative fee estimated to be approximately \$350,000.

Twenty-four months after beginning construction complete construction.

Three months following completion of construction, achieve compliance with the DPES permit. (Make sure the plant treats waste in accordance with the limits established in their operating permit).

## Wastewater Treatment Plant – Project Schedule

The Town will be assessed the following penalties should it violate the following provisions of the SOC.

Failure to meet a Schedule Date listed in the SOC	\$1,000 per day for first seven Days, \$750 per day thereafter.
Failure to submit progress reports	\$1,000 for the first violation; Penalty doubles with each Subsequent assessment for late reports.
Failure to maintain compliance with modified treatment limits	\$1,000 for exceeding monthly average limit; \$500 for exceeding weekly average limits.
Monitoring frequency violations for modified parameters.	\$100 per omitted value per Parameter

Penalties are not due if the Town satisfies DENR that noncompliance was caused solely by:

- Act of God
- Act of War
- An intentional act or omission by a third party
- Extraordinary event beyond the Town's control.

The State permits the Town to accept 155,000 gpd of waste into its system during the project period. (This does not include the waste that has been permitted before 12/31/2020).

SOC expires July 1, 2024.

### Plott Heights Slide

Manager Hites told the Board that there had be further failure on Plott Heights. He said that some of the rock had to be removed because of soil that is saturated underneath. It is anticipated that there will need to be about 100 city truck loads of small boulders used to stabilize the area at a cost of approximately \$100,000.00.

7. Town Attorney Report
  - Town Attorney Bill Cannon

Attorney Cannon stated that the Queen family has signed off on the property next to the Greenway, and he anticipates that the property will be closed in the next thirty days.

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

Alderman Feichter asked Fire Chief Joey Webb about the fire under the Russ Avenue Bridge. Chief Webb stated that it is still under investigation by Police.

**G. ADJOURN**

*With no further business, a motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to adjourn the meeting at 6:35 pm. The motion carried unanimously.*

<i>Mayor Gary Caldwell</i>	<i>Aye</i>
<i>Mayor Pro Tem Julia Freeman</i>	<i>Aye</i>
<i>Alderman Jon Feichter</i>	<i>Aye</i>
<i>Alderman Chuck Dickson</i>	<i>Aye</i>
<i>Alderman Anthony Sutton</i>	<i>Aye</i>

ATTEST:

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Gary Caldwell, Mayor

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Robert W. Hites, Town Manager

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Eddie Ward, Town Clerk