

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

Regular Meeting

June 22, 2021

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, June 22, 2021 at 6:00 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 6:01 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
Kathy Johnson, Deputy Clerk
Town Attorney Ron Sneed
Autumn Lyvers, Finance Director
Olga Grooman, Planner
Elizabeth Teague, Development Services Director
Police Department Staff
Fire Department Staff

The following media were present:

Tom Lotshaw, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and referenced the calendar and reminded everyone about the upcoming street dances on June 25th and July 9th, the Stars and Stripes Street kids parade on July 3rd, and he reminded everyone that all Town offices will be closed on July 5th in observation of Independence Day.

Mayor Caldwell announced the Chamber of Commerce has presented the town with an award for Haywood Strong and Haywood Recovery. This award was presented in recognition of individuals that have shown exceptional resilience through the year of 2020.

B. PUBLIC COMMENT

Mayor Caldwell opened the meeting to public comment and asked that anyone wanting to speak to please sign in.

**Lisa Overhultz
26 Davis Lane
Waynesville, NC 28786**

Ms. Overhultz said she was originally from Florida, her family moved to Waynesville because they love the area and do not want to see it destroyed. She spoke on food pantries in the area being stocked with drug paraphernalia and feels a low barrier homeless shelter will harm the homeless more than help them. She said the Town needs money budgeted for rehab centers for the homeless, not homeless shelters.

**Sherry Morgan
PO Box 1496
Waynesville, NC 28786**

Ms. Morgan presented the Board with a handout on NC Homeless Coalition status of Haywood County homeless in 2020. The handout represented 30 homeless people and 100 in the Pathways center. She feels drug addict felons will be the ones to benefit from the low barrier shelters. She referred to an article that Lieutenant Tyler Trantham wrote about the Homeless population. She discussed how she agrees with the article and feels the homeless situation should be taken on a case by case basis to help restore their life.

Ms. Morgan said she feels the Homeless Task Force should represent all of Waynesville and take into consideration the law abiding, hardworking citizens of Waynesville.

**John Baus
55 Love Lane
Waynesville, NC 28786**

Mr. Baus said he would like to refer to his comments from the last meeting where he said the head of the Homeless Task Force, Amy Nugen has a conflict of interest because she is requesting money from the town for programs she was going to run. Since the last meeting he has read the minutes from the HTF and said the entire committee is requesting Ms. Nugen ask for the monies. Therefore, he feels the committee has a conflict of interest and the Board cannot rely on the recommendations of the HTF.

C. CONSENT AGENDA

(Adoption of June 3rd Special Called Meeting, Approval of Special Events Permits, Pig Pickin Back to School Bash – First United Methodist Church Apple Harvest Festival)

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to approve the Consent Agenda as presented. The motion carried unanimously.

D. PRESENTATIONS

2. Presentation of two Hero Awards

- Police Chief David Adams, Fire Chief Joey Webb, and Haywood County EMS Director Travis Donaldson

Police Chief David Adams Presented nine-year-old Hayden Bradley with a plaque on behalf of Waynesville Police Department, Waynesville Fire Department and Haywood County EMS for showing courage, bravery, and life-saving actions on June 7, 2021 where she alerted officials when she witnessed a neighbor trapped under a vehicle.

Chief Adams presented nine-year-old Conner Bridges with a plaque on behalf of WPD, WFD, HCEMS for showing courage, bravery and life-saving actions on May 20, 2021 where he aided his grandfather during a life threatening diabetic medical emergency.

E. PUBLIC HEARING

3. Public Hearing for the 2021/2022 proposed budget

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman to open the public hearing at 6:21 pm for the 2021/2022 proposed budget. The motion carried unanimously.

**Donald Hummel
172 E. Marshall Street
Waynesville, NC 28786**

Mr. Hummel addressed the Board stating he was a 25-year resident of Waynesville. He spoke in favor of the budget and the importance of investing in the Town and Town employees. He expressed appreciation for the repeal of the vehicle tax fee.

**Erin Columbo
117 Nelson Park Drive
Waynesville, NC**

Ms. Columbo bought a home in Waynesville over a year ago and is concerned with the reappraisal of her property and with the proposed tax, her property tax will be more than double. She said this will put a hardship on her being a single supporting, recently unemployed resident. She urged the Board to reconsider the proposed budget.

**Wanda Brooks
63 North Hill Street
Waynesville, NC**

Ms. Brooks feels when the moratorium is lifted there will be a large number of people losing their homes, resulting in a larger number of homelessness. She said this was not a good time to be increasing taxes for residents.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman to close the public hearing at 6:32 pm and enter into discussion for the 2021/2022 proposed budget. The motion carried unanimously.

Mayor Gary Caldwell thanked Ms. Lyvers and Staff for their work on the proposed Budget.

Alderman Chuck Dickson congratulated the Board on coming together and thanked everyone that worked on the budget. He said there are many things in the proposed budget that he likes, including the repeal of the vehicle tax and the full implementation of the pay plan for employees.

Alderman Dickson said although the town has a lot of improvements planned this year, he does not feel like this is a good time to be raising taxes. He expressed he would be voting against the proposed budget; he is not in agreeance with the \$100,000 allotment in the budget for County wide non-profit services, although he feels we need the services in the county, these services should be funded by the County and not the Town of Waynesville taxpayers.

Aldermen Julia Freeman expressed her appreciation to staff for the work on the budget and said she feels like there has been a great compromise in dropping the tax rate from 49 cents to 45 cents and finally to 43.92 cents. Being optimistic of the future of the town but realistic on what we are facing down the road. She feels it would not be good to deplete the fund balance and will be voting in favor of the proposed budget.

Alderman Jon Feichter thanked Ms. Lyvers and staff for their hard work on the budget. He expressed disappointment that a revenue neutral tax rate could not be reached. Although there are many aspects of the purposed budget that he likes, the tax rate would need to be a little lower before he could vote in favor of it.

Alderman Anthony Sutton said he fully supported the staff's recommendations and thanked the staff for their work on the proposed budget. He said he would be voting in favor of the purposed budget and feels that if the tax rate were to be lowered to revenue neutral the fund balance would be depleted and the Towns credit rate would go down, causing an increase in interest rates in the future.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman to approve Budget ordinance 09-21. The motion carried with three yays (Alderman Anthony Sutton, Alderman Julia Freeman, and Mayor Gary Caldwell) and two nays (Alderman Jon Feichter, and Alderman Chuck Dickson.)

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman to approve the Financial Operating Plan Resolution R0621. The motion carried with three yays (Alderman Anthony Sutton, Alderman Julia Freeman, and Mayor Gary Caldwell) and two nays (Alderman Jon Feichter, and Alderman Chuck Dickson.)

A motion was made by Anthony Sutton, seconded by Alderman Jon Feichter to approve an ordinance to repeal the \$15 Vehicle tax. The motion carried unanimously.

4. Text Amendments to the Land Development Standards for compliance with NCGS 160D
 - Olga Grooman, Planner

Development Services Director Elizabeth Teague explained that this public hearing has two parts and she wanted to clarify that text amendments are state mandated changes to local ordinances and these recommendations come to the Board of Alderman with the planning board's approval. Second item in the Public Hearing are not required to go to the planning board and is to update citations.

Town Planner Olga Grooman gave a detailed summary on NCGS 160D Land Development Standards (LDS) text amendments. These statutory guidelines are currently found in NCGS 160A and will be replaced by this new legislation. Changes to Town of Waynesville's LDS include converting all references from "160A" to "160D". The Amendments need to be incorporated into local development and zoning regulations by July 1 2021, before the Chapter 160D statutes become effective on August 1, 2021.

There was much discussion between Board members, Ms. Teague and Ms. Grooman on the proposed changes in the text amendment.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman to open the public hearing at 6:59 pm for consideration of Text Amendments to the Land Development Standards NCGS 160D. The motion carried unanimously.

Mayor Caldwell asked if anyone would like to speak at the public hearing to please come forward.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to close the public hearing at 7:00 pm. The motion carried unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to find that the 160D updates are in the public interest because they bring land development standards in compliance with the 2035 Comprehensive Land use plan. The purposed amendment will keep the Town of Waynesville in compliance with the current General Statutes for land use planning and zoning, and clarify definitions and procedures which should aid in land use decisions. The purposed text amendments are consistent with the first goal of the 2035 Comprehensive Plan to continue to promote smart growth principles in land use planning and zoning, create walkable and attractive neighborhoods and commercial centers. Encourage in-fill, mixed use, and context-sensitive development. Promote conservative design to preserve important natural resources and reinforce the unique character of Waynesville. The motion carried unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter to adopt the attached text amendments to Land Development Standards as presented. The motion carried unanimously.

A motion was made by Alderman Julia Freeman, seconded by Alderman Jon Feichter to find that 160D updates are in the public interest because they bring the Land Development Standards in compliance with the new law. The motion carried unanimously.

5. Public Hearing to consider additional changes to the Town of Waynesville Code of Ordinance for compliance with NCGS
 - Olga Grooman, Planner

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter to open the public hearing at 7:06 pm to consider additional changes to the Town of Waynesville Code of Ordinance for compliance with NCGS. The motion carried unanimously.

Mayor Caldwell asked if anyone would like to speak at the public hearing to please come forward.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to close the public hearing at 7:07 pm. The motion carried unanimously.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton to adopt the attached text amendments to the Town Ordinance as presented (or as amended). The motion carried unanimously.

F. NEW BUSINESS

6. Contract for Interim Town Attorney Ron Sneed

Town Manager Rob Hites said he has reviewed the contract for Mr. Sneed and finds it to be consistent with the previous Town attorney.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to approve the contract for Interim Town Attorney Ron Sneed. The motion carried unanimously.

7. Appointment of a Town of Waynesville Representative to the Haywood County Planning Board

- Elizabeth Teague, Development Services Director

Ms. Teague explained that Haywood County has asked the Town of Waynesville to appoint someone to the County Planning Board to represent the Town's interests. Ginger Hain serves on the Town's Planning Board and Ms. Teague and staff recommend this appointment.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter to appoint Ginger Hain as the Town's representative to the Haywood County Planning Board. The motion carried unanimously.

8. Audit Proposal

- Autumn Lyvers, Finance Director

Ms. Lyvers said the audit proposal presented was to authorize Mayor Caldwell to sign the contract for Ray, Bumgarner, Kingshill, and Associates. The fees have increased from \$95 per hour to \$135 per hour.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman to approve the audit proposal and authorize the Mayor to sign the Contract to Audit Accounts. The motion carried unanimously.

9. Budget amendment for rehabilitation of "Old Haywood County Hospital" (Brookmont Lofts)

Ms. Teague gave an update on the Brookmont Lofts. There was discussion between staff and Board members on the history of the building.

A motion was made by Alderman Anthony Sutton and Seconded by Julia Freeman to approve the budget amendment as presented. The motion carried unanimously.

10. Grant Project Ordinance establishing a Special Revenue Fund to account for grant revenues and related expenditures, including funds to be received under the American Rescue Plan Act of 2021 (ARP)

- Autumn Lyvers, Finance Director

Ms. Lyvers explained to the Board that approval of the attached Grant Project Ordinance will allow a separate special revenue fund for the American Rescue Plan grant. She said the grant will fund Police Vehicles \$250,000, Fire Vehicles \$80,000, Storm Sewer upgrade-Kentucky Ave \$90,000, garbage can replacement \$289,000, Greenway bridge \$210,000, COVID vaccination incentive for employees \$19,000, Helping Hands \$35,000, With total of \$973,000.

A motion was made by Anthony Sutton, seconded by Alderman Chuck Dickson to adopt the Grant project Ordinance 1) authorizing the Finance Director to set up special revenue fund to account for multiyear grant activity and 2) appropriation \$973,000 of ARP funds for expenditures as outlined. The motion carried unanimously.

11. Reimburse Resolution for Fire Station #2.1 associated costs

- Rob Hites, Town Manager

Manager Hites explained to the Board that he, along with Ms. Lyvers and the Town's Bond Attorney Bob Jessup have discussed refinancing the USDA and BB&T loans. Adoption of the resolution will permit the purchase of the Fire Station land and the environmental study fees to be included in the loan.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to adopt the pre-payment method. The motion carried unanimously.

12. Refinancing of USDA and BB&T Loan including purchase of fire station land

- Rob Hites, Town Manager

Manager Hites said upon request of Alderman Dickson, discussion is taking place on refinancing the 40-year 4% loan for fire station #1. Mr. Jessup said he will draft an RFP on the refinancing of the loan and send it to lenders at no additional cost other than Mr. Jessup's fees.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton to request Bob Jessup and staff to draft an RFP to be sent out to lending institutions and determine if refinancing the debt would be advantageous to the Town. The motion carried unanimously.

13. Approve purchase of 3.67 acres of property located at Mosaic Place

- Rob Hites

Manager Hites updated the board on 3.67 acres of property located at 33 Mosaic Place in Hazelwood. Phase 1 and phase 2 on an environmental study have been completed and although there were several chemicals found in the soil that were considered contaminates, not in a quantity by EPA standards that will prohibit a fire station to be built on site.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman to approve the purchase of the 3.67 acres site located at 33 Mosaic Place for a purchase price of \$405,000 and to appropriate the funds from the General Fund Balance. (The additional \$5,000 is intended to cover closing costs, attorney's fees, etc.)

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman to amend the motion to approve the purchase of the 3.67 site located at 33 Mosaic Place for a purchase price of \$400,000 and to allot \$5,000 to cover the closing cost and to appropriate the funds from the General Fund Balance. (The additional \$5,000 is intended to cover closing costs, attorney's fees, etc.) The motion carried unanimously.

14. Manager's Report-Staffing Issues Parks and Recreation

- Assistant Town Manager Jesse Fowler

Assistant Town Manager Jesse Fowler explained to the Board there have been some staffing issues in the Parks and Recreation department. As a result of being short staffed the pool has not been able operate normal hours. Staff is asking the Board to take four of the part time lifeguard positions and replace those positions with 2 full time position.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton to replace four part time lifeguard positions with two full time lifeguard positions. The motion carried unanimously.

15. Town Attorney Report

- Interim Town Attorney Ron Sneed

Attorney Ron Sneed reported to the Board there are a couple of bills that are still in committee in the legislature that could change laws in zoning and local government planning.

Ms. Teague announces that the State planning association is monitoring these changes.

G. COMMUNICATIONS FROM MAYOR AND BOARD

16. Board discussion concerning adjustments to the Downtown Municipal Service District

- Alderman Anthony Sutton

Alderman Sutton and the Board discussed property located at 180 Legion Drive and decided there should be a public hearing to possibly remove this property from MSD.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman to hold a public hearing to remove 180 Legion Drive from the MSD. The motion carried unanimously.

H. CLOSED SESSION

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson at 7:43 pm to enter into Closed Session in accordance with North Carolina General Statute 143-318.11 (3) (4) to consult with interim Town Attorney to preserve attorney/client privilege and to discuss matters relating to the relocation or expansion of an industry or business. The motion carried unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter to enter back into open session at 9:06 pm. The motion carried unanimously.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman to compensate Zeb Smathers for legal fees incurred through his services in representing a Town of Waynesville Police Officer in matters pending litigation wherein the officer is being sued in both hi professional and personal capacity. The motion carried unanimously.

A motion was made by Alderman Anthony Sutton and seconded by Alderman Jon Feichter to schedule a public hearing on July 13, 2021 for the purpose of discussing the expansion of industry at 100 Mountain Creek Way in Waynesville. The motion carried unanimously.

A motion was made by Alderman Jon Feichter and seconded by Alderman Chuck Dickson to adjourn the meeting at 9:12 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Town Manager

Kathy Johnson, Deputy Clerk