

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
September 28, 2021

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday September 28, 2021 at 6:00 pm. 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 6:00 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
Martha Bradley, Town Attorney
Police Chief David Adams
Assistant Police Chief Brandon Gilmore
Jeff Stines, Public Works Director
Beth Gilmore, Director of Downtown Advisory Board

The following media representative was present:

Tom Lotshaw, Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone to the meeting and reminded them of the upcoming events including the Annual Church Street Arts & Crafts beginning at 10:00 on Saturday October 9, and the Apple Harvest Festival on Saturday October 16 beginning at 9:00 am.

Mayor Caldwell asked for a moment of silence for the passing of a Waynesville Town employee, Jeremy Haney, and for everyone in Haywood County who has lost family members due to Covid 19.

B. PUBLIC COMMENT

Several people expressed concerns with the Town of Waynesville Task Force on Homelessness including Kay Miller, Erick Overhultz, and Sherry Morgan.

Kay Miller and Teresa Pennington also expressed their concerns about the DWA.

C. CONSENT AGENDA

All items below are routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion on these items unless a Board member so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.

- i. Adoption of minutes of the September 14th regular meeting
- ii. Adoption of minutes of the September 17 Special Called meeting
- iii. Approval of Hazelwood Halloween Festival Special Event Permit

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

D. PRESENTATION

2. Haywood County TDA 1% Zip Code Year End Report
 - Lynn Collins, Executive Director

Ms. Lynn Collins, TDA Executive Director, presented to the Alderman the year end report on the 1% funding for the 28785/28786 zip code. She reminded the Board that the TDA tax is broken down between the 3% net occupancy tax and the 1% net occupancy tax. The 3% tax is used for marketing in the County, and the 1% tax is divided and goes back to the zip code where it is collected through a grant program. Ms. Collins said that for the last 13 months there had been record setting 3% occupancy tax, and July was the biggest collection month the TDA has ever had.

Some of the projects that have been funded by the TDA include the Shelton House air condition in the barn, Historic Frog Level lighting, marketing for the marketing for the historic farmers market, marketing for the Hart Theater, the Night Before Christmas event, and Waynesville destination zip code marketing. Some projects were funded, but then canceled because of Covid, so those projects will be revisited in this year.

According to the Occupancy Tax Historical Report, the 2020-2021 year collected over a million dollars more than the previous year (2019-2020). Over the last four years, the gross sales have almost doubled, and based on Waynesville's percentage, twenty million dollars of the sales was from Waynesville. Ms. Collins went over the Star Report which tracks the occupancy and the average daily rate for hotels and motels and explained that they took a big hit due to Covid. She

said that at this point they are recovering nicely. Vacation rentals for the 28785-zip code rose from 153 to 194 in a year, and the revenue increase for available rooms rose from \$152.00 to 193.00. For the 28786-zip code listing the vacation rentals increased from 198 to 233 and the revenue increase for available rooms increased from \$123.00 to \$166.00. She said there were approximately 500 vacation rentals in Waynesville and 1200 in Haywood County.

Some of the other highlights from the report included Website Traffic Overview, Organic Blog Content, Email Campaigns, Google Ads, Facebook Ads, and Organic Facebook.

3. Citizen Request to Speak/Present

- Jared Lee

Mr. Jared Lee spoke to the Board concerning the Waynesville Skate Park He asked the Board if there were any plans for improvements to the park. He asked that during the next budget, to set aside money for a water fountain, shade for a picnic table, a small addition to the park, and allow more events to be held there.

4. Police Pay Structure

- Jesse Fowler, Assistant Town Manager
- Brandon Gilmore, Assistant Police Chief

Assistant Manager Fowler explained to the Board that when the recent pay study was completed, it was based on time in grade. This conflicted with the way the Police Department's pay classification was set up with five percent with every grade. The pay study ignored the pay classification and gave every officer different amounts of compensation.

Assistant Chief Brandon Gilmore stated that in order to maintain the level of professionalism, reputation, retention, and creating future leaders in law enforcement, these pay adjustments are a necessity. He said that Chief David Adams has reached out to other law enforcement agencies similar in size to Waynesville's and discovered that there are notable differences in our starting salary.

Three options were presented to the Board for discussion for sworn Police Officers, as well as recommended pay adjustments for Communications, Evidence Technician, and Administrative Assistant. Assistant Manager Fowler said that these three options spread out the pay structure for 14 different grades matching the current career track which will set every grade five percent apart. The three options included starting salary of \$39,500.00 at a cost of \$127,462.40, \$40,500.00 at a cost of \$132,862.82, and \$42,500.00 at a cost of \$257,544.75 to the Town. Assistant Manager Fowler told the Board that management believes that to make this equitable across the organization, staff will have to analyze the career tracks of every department to ensure

equity, which may require organization wide pay increases. He said he would present a detailed report to this effect at the next budget retreat.

A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman, to approve Option 2 which would bring the starting salary up to \$40,500.00 at a cost of \$132,862.82. The motion passed unanimously.

Chief Adams thanked Assistant Chief Gilmore and Assistant Town Manager Fowler for all the work they have done, and he thanked the Board for approving this adjustment for the Police Department.

E. OLD BUSINESS

5. Amendment to Chapter 26 Section 91 (Noise) Exceptions
 - Town Manager Rob Hites

Manager Hites said that at the last meeting there had been a request for Fireworks to be displayed at a wedding reception at Laurel Ridge. There is an exception to the Noise Ordinance to permit fireworks during holidays and religious ceremonies. He said that for several years companies have been shooting pyrotechnics without contact with the Town. At that meeting the Board instructed the staff to amend Chapter 26 Section 91 (Noise Exceptions) to permit the lawful discharge of fireworks on New Year's Eve, New Year's Day, and July 4th.

He mentioned that there is a form of pyrotechnics that is silent. He encouraged companies that want to use pyrotechnics to contact companies who specialize in silent pyrotechnics. This would be an option for people who want a display of fireworks and not have loud explosions.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve Ordinance O-18-21 amending Chapter 26 Section 91, Exceptions to permit the lawful discharge of fireworks on July 4th, New Year's Eve and New Year's Day. The motion carried unanimously.

F. CALL FOR PUBLIC HEARING

Conditional District Amendment to the Land Development Map and standards for PIN 8604-99-9017, within the Country Club Low Density Residential District (CC-RL).

- Elizabeth Teague, Development Services Director

Ms. Teague said this Public Hearing would be for a Conditional District Amendment to the Land Development Map and standards for PIN 8604-99-9017, within the Country Club Low Density Residential District (CC-RL). This project would be for 2.84 acres from the Country Club property for 8 single family units with areas for driveways walkways, parking spaces, and green space. This

area formally contained the hotel and condominiums which have recently been demolished. The Planning Board unanimously recommended this to the Board for district rezoning.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to call for a Public Hearing to be held on Tuesday October 12, 2021 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to consider a Conditional District Amendment to the Land Development Map and standards for PIN 8604-99-9017, within the Country Club Low Density Residential District (CC-RL). The motion carried unanimously.

G. NEW BUSINESS

6. Board Room Audio Visual Upgrades

- Jesse Fowler, Assistant Town Manager

Assistant Manager Fowler said that during the budget retreat process, the Board directed staff to seek quotes to upgrade the audio/visual capabilities in the Board Room and Town Hall. He said that he had tried to get 4 quotes, but only obtained 2. The upgrades will include new televisions, monitors, cameras, and sound equipment in the overflow mezzanine as well as the downstairs lobby. This will allow the Board to accommodate larger crowds and the ability to record and stream video. Carolina Technologies and Consulting, LLC, in partnership with Electronic Office will be providing the equipment and carrying out the installation. The project is quoted at \$69,476.16, and monies have already been allocated for this project.

Mayor Gary Caldwell said that it was hard to see spending that amount of money for all the equipment when there was only one time that an overflow of people had happened. He feels that he cannot support spending tax-payer money for this equipment when it will just sit there and not be used.

Manager Hites asked if the equipment could be installed without the streaming so it would just be in-house. Assistant Manager said he could turn the streaming off but that the equipment in the Board Room was so far out of date and it needs to be replaced. The amount of \$69,476.16 is lower than the budgeted amount of \$80,000.00.

Alderman Feichter stated that he felt that it was imperative that this equipment be replaced because it would be a disservice to the public if we do not have this capability. There is substantial benefit to having this equipment if overflow crowds occur again. He said the Board agreed earlier in the year when it was discussed at the Board Retreat, and he proposed that the Board move forward with the purchase and installation.

Mayor Caldwell said there were flaws in the contract that if the equipment failed the Town would be responsible for repairs. Town Attorney Martha Bradley said that as far as the terms in the

contract, she would not recommend the Town signing the contract. She encouraged the Board to authorize her to renegotiate the contract so there are more performance guarantees, quality assurances, and better contract terms.

Alderman Feichter said that this is routine for IT, and he would be shocked if Electronic Office did not support the equipment after installation, and he fully supports having the Attorney rewrite the contract.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter, to approve the integrated systems proposal for new board room equipment at \$69,476.17. The motion failed with 3 nays (Mayor Gary Caldwell, Alderman Anthony Sutton, Alderman Julia Freeman) and two yays (Alderman Chuck Dickson and Alderman Jon Feichter.)

Attorney Bradley told the Board that she would request in writing the identity of the subcontractors that might be used and incorporate that in the contract and bring it back to the Board.

There was much discussion concerning what should be included in the contract. Manager Hites recommended to the Board for staff to provide additional options and return to the Board with a better contract and options later.

H. COMMUNICATION FROM STAFF

Manager's Report

- Rob Hites, Town Manager

Options for Organization of Town Administered Municipal Service District

Manager Hites said the Board had begun discussions on the structure of a Town administered Municipal Service District at the last meeting. Since then, he has studied the structures of several Main Street Communities and modified them to fit Waynesville. He provided three options for the Board to discuss and gave details for each one.

- Steering Committee to develop an organizational plan for a Town Administered Municipal Service District.

Makeup of Steering Committee

Five- person committee appointed by the Board made up of two merchants, one property owner and two Alderman. Committee would study the needs of the Downtown/Town and develop an organizational operating plan for Board approval.

Staff will be Town Employees dedicated to the Steering Committee and supervised through the Manager's Office.

- 13 Member Board Advisory Committee (Approved by Town Board through application process) Committee to carry out the “N C Main Street Program” (Promotions, Design, Economic Vitality and Organization. Three members will sit on the committee with the addition of one volunteer from the District. The Board chair will be a member of all committees permitting five members.

Committee Made up of the Following:

Four members representing merchants

Four members representing owners/residents

One member of the Board of Aldermen

One member representing County (may be a Commissioner or Staff Member)

Three At-Large Members

Staff will be Town Employees dedicated to the Advisory Board and Special Events and supervised through the Manager’s Office.

Options for Establishing and Advisory Committee to administer the Downtown MSD

- 17 Member Board Advisory Committee (approved by Town Board through Application Process) Committee to carry out the NC Main Street Program (Promotions, Design, Economic Vitality and Organization)

Member Committee made up of the following:

Four members representing merchants

Four member representing owners/residents

Two members from Board of Aldermen

One member representing the County (may be commissioner or staff member)

Three at-large members

Three members representing the non- profit corporation titled “Downtown Waynesville Association” .

The 17- member structure permits four members to be appointed to each of the four “Main Street Committees” with the chair being a member of all committees. Total committee membership “5”.

Staff will be Town Employees dedicated to the Advisory Board and town wide special events supervised through the Manager’s office

Manager Hites provided a charter describing rules and procedures, intent of the organization, implementing staggered terms, open meetings, and follow Roberts Rules of Order.

Alderman Anthony Sutton said he was in favor of setting up the thirteen-member Advisory Board, and then instructing them to form the four sub-committees.

Manager Hites told the Board that the DWA’s fiscal year is over on December 31, 2021 that is an opportunity to make a clean financial break, and if everything is up and running by that date, that would be a financial and organizational smooth transition.

Both Alderwoman Julia Freeman and Alderman Chuck Dickson agreed that they felt that the thirteen-member Advisory Board along with a Steering Committee would work best for the Town. Letters and applications would be sent to merchants, property owners, and residents inviting them to apply for the committee. The Board would then make decisions as to who would be appointed.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve the Advisory Committee comprised of 13 members: 4 members from Downtown Merchants, 4 members from Downtown Owner/Residents, 3 at-large members, 1 County Official, and 1 Town Board Member. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman to retain the current staff as the DWA merges into the Town of Waynesville. The motion carried unanimously.

Manager Hites told the Board that he had been contacted by Bond Attorney Bob Jessup and he said that in the November meeting of the local Government Commission and request the refinancing of Fire Station 1 what has a \$2,993,000.00 and 4.9 percent interest rate. He said that BB & T's refinancing rate is for 12 years at 1.99 percent, and this would save the Town over a million dollars. Then in January or February after the audit if reviewed the \$775,000.00 loan to repay for the land for the new Fire Station and Tanker Truck. The fee for the financing would be \$9,500.00.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to hold a public hearing on October 12, 2021, at 6:30 p.m. (or as soon thereafter as the matter may be heard) in the Town Hall Board Room located at 9 South Main Street Waynesville, NC. The purpose of the hearing is to take public comment concerning proposed financing contracts, under which the Town would borrow (1) approximately \$1,000,000 to pay for a new tanker truck and the acquisition of property for a new fire station and (2) approximately \$1,700,000 to refinance existing loan obligations.

6. Town Attorney Report
 - Town Attorney, Martha Bradley

Town Attorney Bradley gave an overview of the DWA and recommended the revision of Town Ordinance and adopting Statutes concerning non-profits and non-public entities that manage public funds. She asked the Board if they would like her to draft such an Ordinance for presentation the next meeting.

The consensus of the Board was to direct Attorney Bradley to draft an Ordinance for presentation at the next meeting.

I. COMMUNICATIONS FROM THE MAYOR AND BOARD

Mayor Caldwell stated the Chelsea Street bridge is in great need or repair. He asked Jeff Stines, Public Services Director to report to the Board.

Mr. Stines explained that was an approved project that was carried over to the 2021/2022 fiscal year. He said that Mr. Sutton’s business is supposedly moving, and he assures that the vehicle on the property will be moved in the next week. If the cars are not moved when the construction on the bridge begins, the Town has the right to move them. Once the right of way is open, the old bridge will be demolished, and contractor will begin work on the new bridge.

J. ADJOURN

With no further business, a motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to adjourn the meeting at 8:28 pm. The motion carried unanimously.

ATTEST:

Robert W. Hites, Town Manager

Gary Caldwell, Mayor

Jesse Fowler, Assistant Town Manager