

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
September 14, 2021

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday September 14, 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 6:02 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
Eddie Ward, Town Clerk
Martha Bradley, Town Attorney
Police Chief David Adams
Jeff Stines, Public Services Director
Chris Mehaffey, Assistant Fire Chief
Brandon Gilmore, Assistant Police Chief
Autumn Lyvers, Finance Director

The following media representative was present:

Cory Valliancort, Smoky Mountain News
Tom Lotshaw, Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone to the meeting and reminded them of the upcoming events including Tuscola Band Day and the Fall Rockin Block Party on September 18, Public Art Dog Show on September 19, and the Power of Pick race on September 25.

B. PUBLIC COMMENT

**Joey Reece
108 Maple Street
Waynesville, NC**

Mr. Reece spoke to the Board concerning the recent Waynesville Task Force on Homelessness and the possibility of low barrier shelter being placed in Waynesville, and crime rising in Waynesville because of the shelter. He asked the Board to not consider placing a low barrier shelter in the Town, so it won't become a high violent crime area like Asheville.

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

Mr. Overhultz stated he was speaking for himself and his wife. He stated that he felt that the only reason a low barrier shelter is being considered in Waynesville is because there is money to be made from federal grants. Mr. Overhultz asked the Board to listed to the citizens who have spoken out loud and clear concerning the low barrier shelters. He said the contract for the Direct of the Task Force should not be renewed, and the Task Force should be dissolved, and it was a waste of \$50,000.00. Concerned citizens of the Town is the life blood of what makes the Town tick.

**Peggy Hannah
268 Hemlock Street
Waynesville, NC 28786**

Ms. Hannah quoted from the definitions in the Town's Ordinance concerning soup kitchens, and she asked the Board to pass an Ordinance stating that religious facilities could place homeless shelters on their properties. The facilities would be in total control of the shelter. She said churches wanted to help with the homeless problems, so give them the opportunity to help. The homeless are a minority and the criminals are a large minority. If the shelters are placed on religious properties, they would be run correctly and solve a lot of problems in Waynesville.

Mayor Caldwell told everyone that there are no plans for a low barrier shelter in the Town of Waynesville.

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

Mr. Baus stated that he felt that the Board was responsible for the direction the Task Force took at the last meeting. He expressed concerns about the Director of the Task Force and the way the Task Force has been run. He said the Town did a great job the Pathways and that is the direction the Board should be taking.

Raife Davis
264 Stamey Cove Road
Clyde, NC 28721

Mr. Davis spoke about vaccines and the harm they can do. He presented facts about the COVID-19 vaccines including blood clots, low platelets, inflammation of the muscle and lining of the heart. He quoted from the Vaccine Adverse Event Reporting System Report with statistics for the vaccines.

Sherry Morgan
Waynesville, NC 28786

Ms. Morgan expressed her opinion on the Homelessness Task Force and the low barrier shelters that have been discussed. She said the citizens of Waynesville do not agree with the action plan that has been developed by the Director of the Task Force. She asked the Board to listen to the people and develop an Ordinance stating that low barrier shelters are prohibited.

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

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

D. PROCLAMATIONS

Mayor Caldwell read a Proclamation commemorating Constitution Week, and a Proclamation Recognizing Kiwanis Club of Waynesville's 70th Year.

He asked Mr. Wilson Strickhausen, President of the Kiwanis Club of Waynesville, to speak. Mr. Strickhausen thanked the Mayor for reading the Proclamation and gave a brief description of the mission of the Kiwanis Club in Waynesville, which is to help children of Haywood County. All grants and money raised go toward helping children with computers, books, and funding programs, and this is the seventieth year for the Kiwanis program in Waynesville. He explained in the schools there are advisors who help the students learn about community service, and training leaders for the future.

He said the thing they are the proudest of is the All-Inclusive Playground at the Waynesville Recreation Center. During the past year, this playground has been a fun and safe area for parents to take their children during the COVID-19 pandemic.

Proclamation for National Day of Service and Remembrance – September 11.

Alderman Chuck Dickson read the Proclamation for the National Day of Service and Remembrance signed by Mayor Caldwell on September 11, 2021.

E. PRESENTATION

2. North Carolina Disabled American Veterans Chapter #89 Presentation
 - Assistant Town Manager Jesse Fowler

Assistant Manager Fowler explained to the Board that Chapter 89 of the North Carolina Disabled American Veterans (NCDVA) is requested a donation from the Town of Waynesville. He said that during the last year they have not been able to do any fund raising. Any donation by the Town will aid the NCDVA in helping disabled veterans, veterans on active duty, and military personnel and their families. He said the intent is to continue to carry out their mission and to be there for fellow veterans.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton to give Chapter 89 of the North Carolina Disabled Veterans \$1000.00. The motion carried unanimously.

F. PUBLIC HEARING

3. Refinancing Debt and Financing Repayment of Fire Dept. Loan and Fire Tanker
 - Town Manager Rob Hites

Town Attorney Martha Bradley said this was a call for a special meeting to be held concerning the refinancing debt and financing repayment of Fire Department Loan and Fire Tanker. She opened the meeting at 6:38 pm and asked if anyone wished to speak.

No one spoke.

Town Manager Rob Hites presented a staff report for the financing and stated that Bond Attorney Sanford Holshouser has investigated the possibility of refinancing the USDA Loan on Fire Station 1 and the Town Hall. When the Town purchased the Fire Station 2 property, they discussed the possibility of using a loan to pay back the General Fund Balance.

Ms. Ashley Anderson of Sanford Holshouser has been contacted by BB&T requesting these types of Financing packages and they plan to submit a proposal on Thursday 9/9/21. The terms and interest rate that they propose will give us an idea if the refinancing of the two loans is worth the administrative fees.

We have discovered that the City Hall cannot be refinanced. It does not permit pre-payment. We do have a loan for the Public Works facility if approximately \$980,000 that can be refinanced though the current interest rate is close to 2%.

He said there was a stipulation that the Local Government Commission requires the Town to hold a Public Hearing on the refinancing before the agenda is set for the October meeting of the LGC. If the October meeting is missed , we will not be able to submit the refinancing package until the January meeting.

A motion was made by Aldermen Chuck Dickson, seconded by Alderman Anthony Sutton, to call for a Special Meeting to be held at 3:00 pm on Friday September 17, 2021 in the Town Hall Board Room located at 9 South Main Street to discuss financing as presented. The motion carried unanimously.

G. NEW BUSINESS

4. Purchasing Policy Revision

- Autumn Lyvers, Finance Director

Ms. Autumn Lyvers, Finance Director, explained to the Board that the Uniform Guidance (2 C.F.R Part 200) requires all federal grant recipients to have written procurement policies that conform to applicable federal law and Uniform Guidance requirements (2 C.F.R. 200.318(a)). She stated that the Town's current Purchasing Policy was last updated in April 2013, and we have not received Federal monies since the Uniform Guidance requirement was put into place in 2018. Ms. Lyvers referred the Board to the Policy that was given to the in their packets. This Uniform Guidance requirement outlines purchasing requirements when federal monies are involved (American Rescue Plan Act) and needs to be approved by the Board of Aldermen and added as Section 18 to the existing Town of Waynesville Purchasing Policy and Procedures.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the Purchasing Policy revision/addition as presented.

5. Fiscal Year 2022 Capital Project Additions

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler stated that during the FY 2022 budget process, the following capital projects were discussed but not included in the final adopted budget:

- 1) Main Street Gazebo – estimated cost of \$50,000
- 2) Obama-King Park Restrooms – estimated cost of \$150,000
- 3) Skate Park Pavilion – estimated cost of \$60,000

The total cost of the projects is \$260,000.00, and at the request of Mayor Caldwell, these projects and budget amendments are being presented before the Board for further discussion.

Alderman Dickson stated that he thought these were very good ideas, but the projects need more study. He reminded the Board that the Town had a Downtown Business Concept that was adopted in 2018 and produced in 2019. The first step in that process was increasing space at the Old Time Musicians, and the next step would be the park on Depot Street. Alderman Dickson said he felt that there should be more community input on what would be placed on these spaces. He added that the Downtown Waynesville Association had money that could be used.

Assistant Manager Fowler said that the project for Depot Street would require hiring an engineer to analyze the area to figure out what is needed.

After much discussion, the consensus of the Board was to gather more information from a budget perspective and possible input from citizens.

F. COMMUNICATION FROM STAFF

Manager's Report

- Rob Hites, Town Manager

Request to provide at pyrotechnics display at Laurel Ridge Country Club

Manager Hites said he had received a request from Zambelli Fireworks to provide pyrotechnics at Laurel Ridge County Club for a wedding reception at 10:35 pm on October 9, 2021. He told the Board that the noise Ordinance was written in 1999, with an amendment in 2012. The Town prohibits the use of explosives, firearms, fireworks, or similar devices. The one exception is holidays and religious ceremonies. The Zambelli company wants to apply the exception to the Ordinance as a religious ceremony.

The Board discussed the matter and determined that the request would exceed the noise level for the district at the time requested and that the request did not qualify for the religious exception since it did not involve a religious ceremony.

The Board denied Zambelli's request for the granting of a permit to carry out this production.

Town Attorney Martha Bradley encouraged the Board to amend the Ordinance and establish a permitting process and implement guidelines any future events such as holidays.

Alderman Jon Feichter asked Manager Hites to research other cities similar to Waynesville to see what their process is for permitting fireworks.

Manager Hites told the Board that as of this afternoon, DENR issued the Town an authorization to construct a sewer plant. This will allow engineers to send and receive bids, bring to DENR, and then to the Board of Aldermen.

6. Town Attorney Report
- Town Attorney, Martha Bradley

Attorney Bradley reported that she will be participating in Disaster Legal Services which is run by the North Carolina Bar Foundation. She and other Attorneys across the state will be providing free legal services to people affected by the flood in Haywood County with FEMA insurance claims.

G. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Anthony Sutton said that due to the resignation of the Downtown Waynesville Association, and the lack of members on the DWA Board, it has become necessary for the Town to take over the management of the Municipal Service District.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, that Waynesville's Municipal Service District immediately be administered as a division of the Town of Waynesville, and that the staff develop an organization plan for the Board's consideration at an upcoming meeting. The motion carried unanimously.

H. CLOSED SESSION

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to enter into closed session for discussion of the annual evaluation of the Town Manager NCGS 143-318.11(a)(6) – Personnel at 7:24 pm. The motion carried unanimously.

A motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton to return to open session at 7:50 pm. The motion carried unanimously.

I. ADJOURN

With no further business, a motion was made by Mayor Gary Caldwell, seconded by Alderman Chuck Dickson to adjourn the meeting at 7:51 pm. The motion carried unanimously.

ATTEST:

Robert W. Hites, Town Manager

Gary Caldwell, Mayor

Eddie Ward, Town Clerk