

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

Regular Meeting

April 12, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, April 12, 2022, 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 6:04 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tem Julia Freeman
Alderman Jon Feichter
Alderman Chuck Dickson
Alderman Anthony Sutton

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Eddie Ward, Town Clerk
Martha Bradley, Town Attorney
David Adams, Police Chief
Brandon Gilmore, Assistant Police Chief
Joey Webb, Fire Chief
Misty Hagood, Finance Director
Elizabeth Teague, Development Services Director
Members of the Development Services Team
Public Services Director, Jeff Stines
Assistant Public Services Director, Ricky Foster
Wastewater Treatment Superintendent, Jeff Evans
Fire Marshall, Darrell Calhoun

The following media representatives was present:

Becky Johnson, Mountaineer
Cory Vaillancourt, Smoky Mountain News

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded the Board about the upcoming Easter Holiday. The Town offices will be closed on Friday April 15 in observance.

B. PUBLIC COMMENT

Janet and Bob Clark spoke to the Board concerning the capacity of the Wastewater Treatment Plant capacity.

Sherry Morgan expressed concerns about the recent building developments in the Town.

Scott Cason talked about the recent Zoning Board decisions, and Planning Board notice period for applicants.

Wanda Brooks expressed her concerns about the Burning Ordinance.

Sharon Ramsey expressed her concerns about the Burning Ordinance.

Don Bishop asked the Board to consider a sewer line extension near his property.

Phillip Gibbs told the Board that the streets are dangerous now, and with the proposed apartments on Preservation Way they will be more dangerous.

C. ADDITIONS OR DELETIONS TO THE AGENDA

Mayor Caldwell said there was a change to the agenda with the addition of adding a full-time position in Outside Facilities.

D. 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 April 12, 2022 regular meeting
- ii. Adoption of the Apple Festival Special Event Application
- iii. Adoption of Mother's Day Resource Fair Special Event Application
- iiii. Adoption of Summer Resource Fair Special Event Application
- iiiii. Adoption of Main Street Mile Special Event Application

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve the Consent Agenda as presented. The motion passed unanimously.

E. PROCLAMATION

2. Earth Day Proclamation
 - Alderman Jon Feichter

Alderman Feichter introduced Ms. Betsy Wall, WNC Climate Action Coalition and asked her to read the Earth Day Proclamation. Ms. Wall presented the Board with bags that have been sewn by local citizens and will be distributing these bags at local businesses during the week of Earth Day. She told the Board that local organizations are coming together this year to encourage BYOBAG (bring your own Bag) to mark Earth Day and encourage the public to reduce the amount of single use plastics in our community. The problem with single use plastics is that they do not break down. She named several organizations that are supporting this effort including area churches, Haywood Waterways, Haywood Community College, and Haywood Parks and Rec. Some places where bags will be distributed are Food Lion, Tractor Supply, Ace Hardware, Mast General Store, Junaluska Feed Center and Haywood Farmers Market. People are encouraged to bring their own bags to help reduce single plastics in our community.

Ms. Wall read the Proclamation for Earth Day on April 22, 2022.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton to support this initiative. The motion passed unanimously.

F. PRESENTATION

3. 933 Dogwood Trail-Request of Tom Daniel to install retaining walls on Dogwood Lane
- Tom Daniel
 - Will Gentry Geo Engineering (on Phone)

Mr. Tom Daniel gave a brief history of the property located at 933 Dogwood Trail. The house had been vacant for a while, and in June of 2020 Mr. Daniel visited the house and found the slide that had taken down trees and is threatening the driveway. He contacted the Town and contacted BLE Engineers who had been hired by the Town to evaluate the slide. Mr. Daniel said that at the first of 2021 he was told the property was stable. He then contacted Mr. Will Gentry with Geo Engineering for further evaluation.

Mr. Gentry stated he had visited the site in October of 2021, and the recommendations found in the BLE Engineering reports should be able to reduce further erosion and slope failure.

Mr. Daniel said he did not understand how he could continue with the work on the property without the Town building the retaining wall at the bottom of the slide. He asked the Board for answers about how to proceed going forward.

Manager Hites told Mr. Daniel that the Town does not have a legal obligation to carry through with the retaining walls. The Town's responsibility is for the safety of the road, not Mr. Daniel's private property where the slide areas are. He said there are two roads that can reach Eagles Nest Road on either side of the property. There is very little traffic on the road, and with very low risk of a slide, it does not merit a penny on the tax rate to construct the gabion system.

4. A true need for Progress with Vision for the Town of Waynesville
- Mark Banks

Mr. Mark Banks, former Police Department employee in the Town of Waynesville, talked to the Board concerning the hiring of a certified Human Resource Director. He feels that the Town employees are not receiving the benefits of having a dedicated HR person to guide them with insurance, retirement, training, policies, and many other areas of employment with the Town. He asked the Board to please consider the benefits of having an HR Director as they have in the past.

F. CALL FOR PUBLIC HEARING

5. Call for a Public Hearing to be held on April 26, 2022, or other date to be proposed, to consider an application for a Conditional District Map Amendment
- Elizabeth Teague, Development Service Director

Ms. Elizabeth Teague, Development Services Director, explained to the Board that Quartz Properties, LLC has applied for a Conditional District Map Amendment for four properties: 18 Allison Acres Drive (PIN 8615-88-

1632), 97 Allison Acres Drive (PIN 8615-88-3857), and two vacant parcels (PINs 8615-88-1854 & 8615-88-4442). A development consisting of 59 two-family and townhome dwelling units is proposed on the 7.7 acres of these four properties. The properties are in the East Waynesville Urban Residential (EW-UR) and Raccoon Creek Neighborhood Residential (RC-NR) Districts.

At the March 21, 2022 meeting, the Planning Board voted (1) that the proposed Conditional District Map Amendment is consistent with the Comprehensive Land Use Plan and (2) to recommend approval of the Conditional District Map Amendment to the Board of Aldermen.

Ms. Teague asked the Board to call for a Public Hearing to be held on April 26th 2022 to consider the approval of the Conditional District.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to call for a Public Hearing to be held on Tuesday April 26, 2022 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 an application for a Conditional District Map Amendment for the four properties described as 18 Allison Acres Drive (PIN 8615-88-1632), 97 Allison Acres Drive (PIN 8615-88-3857), and two vacant parcels (PINs 8615-88-1854 & 8615-88-4442). The motion passed unanimously.

Ms. Teague introduced the employees of the Development Services Department who have worked on the Junked and Abandoned Vehicles Ordinance.

6. Call for Public Hearing to consider the text amendment to Article IV, Junked and Abandoned Motor Vehicles of the Waynesville Code of Ordinances
 - Olga Grooman, Planner

Ms. Olga Grooman, Planner told the Board that The Town does not have adequate authority to enforce the Article IV - Junked and Abandoned Motor Vehicles Ordinance causing the 4 cases in 2022 not to be moved. She said the current sections of enforcement, vehicle removal, notification, and reclaiming procedures are broadly written and can be easily challenged.

Chief Building Inspector David Kelley answered questions from the Board concerning the actions that will be taken for a junked or abandoned vehicle. He referred them to the packet for the forms that will be used.

Code Enforcement Officer Sam Cullen explained the steps of appeal for the vehicle.

Ms. Grooman asked the Board to call for a Public Hearing to be held on April 26, 2022 to consider the text amendment to the Article IV, Junked and Abandoned Motor Vehicles of the Code of Ordinances.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to call for a Public Hearing to be held on Tuesday April 26, 2022 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 the text amendment to Article IV, Junked and Abandoned Motor Vehicles of the Waynesville Code of Ordinances. The motion passed unanimously.

7. Call for a Public Hearing on May 10, 2022 to consider the text amendment regarding Civic Space Standards, Chapter 7 of the Land Development Standards (LDS)
 - Olga Grooman, Planner

At the November 15, 2021 Planning Board meeting a subcommittee was formed to better align the Land Development Standards with the 2035 Land Use Plan goals. This committee focuses on revising existing subdivision regulations and promoting preservation of Waynesville's natural resources.

Ms. Grooman said staff would like to expand civic space options for developers, reduce the minimum acreage for some types of civic spaces to promote more green acres among projects of various sizes, clarify the use and maintenance of civic spaces, and increase the percent of land allocated to civic space based on the size of development. She asked the Board to call for a Public Hearing to be held on April 26, 2022 to consider the text amendment regarding Civic Space Standards, Chapter 7 of the Land Development Standards.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to call for a Public Hearing to be held on Tuesday May 10, 2022 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 the text amendment regarding Civic Space Standards, Chapter 7 of the Land Development Standards. The motion passed unanimously.

8. Call for a Public Hearing for April 26, 2022 to consider a request for affordable housing incentives for construction of a 60 unit low to moderate income senior housing complex located on Locust Drive.
 - Rob Hites, Town Manager

Town Manager Rob Hites explained that Mills Construction of Carrboro NC is going to apply for a 60-unit residential living development to the NC Housing Finance Agency for tax credits necessary to make the project feasible. To submit a marketable application, the support of the Town and an offer of incentives is required. The requests involve the cost of extending water to the site and must be paid by the General Fund. The Locust Drive development consists of 100% low to moderate income housing with fifteen of the units targeted at renters who earn 40% of the Average Monthly Income.

Manager Hites asked the Board to call for a Public Hearing to be held on April 26, 2002 to consider the Mills' Construction request.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to call for a Public Hearing to be held on Tuesday April 26, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street to consider a request for affordable housing incentives for construction of a 60 unit low to moderate income senior housing complex located on Locust Drive. The motion passed unanimously.

F. NEW BUSINESS

9. Selection of Audit Firm and Approval of Audit Contract
 - Misty Hagood, Finance Director

Finance Director Misty Hagood told the Board that The Town must follow the Uniform Guidance procedures to follow Federal Regulations for any year that the Town expends \$750,000.00 or more. She said she had sent out bids on February 7, 2022 and received three bids. The lowest of the bids was submitted by Martin Starnes & Associates, CPAs, P.A., and Ms. Hagood recommended selecting them for a period of three years. The cost of the contract is \$40,000.00 in FY 2022, \$42,000.00 in FY 2023, and \$44,100.00 in FY 2024.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the selection of Martin Starnes & Associates as the Town's audit firm for a period of three years. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve the audit contract as presented. The motion passed unanimously.

10. Adding Electric Line Tech 3 & 4 title to the pay/classification table

- Jesse Fowler, Assistant Town Manager

Assistant Manager Fowler reported that the Town has designed the career tract structure for the Electric Department from the ElectriCities model. This model has positions of Electric Lineman 3 and 4, and the Town's career tract has Electric Line Tech 3 and 4. However the Town's Pay and Classification Table does not include those positions from the ElectriCities model. To better emulate that model, staff would like to make our Pay and Classification Table more in line with the Electric Department's Career Track by adding the positions of Electric Line Tech 3 and 4 to the Pay and Classification Table with the grades of 66 and 69.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to add the position of Electric Line Tech 3 to the Town of Waynesville Pay and Classification Table at grade 66 and the position of Electric Line Tech 4 to the Town of Waynesville Pay and Classification Table at grade 69. The motion passed unanimously.

11. Moving Lead Mechanic on the Pay & Classification table

- Jesse Fowler, Assistant Town Manager

Assistant Manager Fowler stated that staff is requesting to move the Lead Mechanic position from a grade 63 to a grade 69 on the Town's Pay and Classification Table. The lead mechanic is performing more duties with an additional fleet being added, including administrative duties, ordering of parts, and fleet maintenance scheduling. By moving this on the pay classification, the minimum salary for this position will be increased, and cut the expense of on-call pay for the garage budget.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to move the lead mechanic position from a grade 63 on the pay and classification table to a grade 69. The motion passed unanimously.

12. Adding a full-time position to Parks & Recreation outside facilities

- Jesse Fowler, Assistant Town Manager

Currently there are three full-time Outside Maintenance employees that maintain all parks in Town. There are also two part-time Outside Maintenance positions that are unfilled. Mr. Fowler said that staff is requesting that the two part-time positions be combined into a single full-time position to make this more attractive to applicants.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve eliminating two part-time Outside Maintenance positions within the Parks and Recreation Department to add a full-time Outside Maintenance position. The motion passed unanimously.

13. Accepting the Church Street Festival as a Town Sponsored Event

- Jesse Fowler, Assistant Town Manager

Assistant Manager Fowler explained that the Downtown Waynesville Association would like for the Town and the Downtown Waynesville Advisory Committee to take over the operations of the Church Street Festival. Ms. Teresa Pennington would act as the Church Street Show Director and has recently been appointed to the Events and Promotions Subcommittee of the DWAC. This move would allow staff to manage the application process, advertising, logistics, and setup of the event. Proceeds from the event will be handed over to the Town to cover the cost for services rendered by the Town.

Alderman Sutton had questions about the money that has been collected by the Downtown Waynesville Association for the Church Street Festival in the past. Alderman Jon Feichter explained that the DWAC would submit an invoice to the DWA for the money, and it would be given to the newly formed DWAC.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to accept the Church Street Festival as a Town Sponsored and operated event with Teresa Pennington as the Show Director. The motion passed unanimously.

14. ARP funding for Rollout Garbage Carts

- Rob Hites, Town Manager

Manager Hites stated that included in the 2021-2022 annual budget, there are funds to purchase new roll-out garbage carts with Federal ARPA monies. He said there were 5 bids for the Carts, but three of those did not meet specifications. Of the remaining two the low bid who met all specifications was OTTO Environmental Systems in the amount of \$294,165.00, and \$278,000.00 was budgeted. The carts should be in place by June. The consensus of the Board was for the dark green color of the carts.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to award purchase and delivery of 4500 roll-out garbage carts to OTTO Environmental Systems in the amount of \$294,165.00 and approve Ordinance O-11-22, Budget Amendment 19 in the amount of \$22,000.00 to cover the additional cost of the contract, and direct the Town Manager and Public Services Director get the arrows facing correctly. The motion carried unanimously.

G. COMMUNICATION FROM STAFF

15. Manager's Report
- Rob Hites, Town Manager

Presentation on WWTP Project (design, bids, borrowing, grants)

The Town and McGill Associates have been working to alter the design of the Wastewater Treatment Plant to reduce the price from \$28,600,00.00, and it has been submitted to the DENR staff and received their informal approval. They have also requested the Division of Environmental Infrastructure (DEI) use their administrative discretion to increase our loan by 10% or \$1,900,000.00. In addition, they are asking the LCG to grant a further increase in the loan by an additional \$2,100,000.00. We are applying for a \$5 million grant to eliminate the need for this additional loan amount.

Manager Hites told the Board that the impact is minimal on rates with the additional \$4 million in loans. He said if the Town borrows the addition money, the rate for sewer usage would increase to \$49.95 by 2029.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to receive the presentation and approve Resolution # R-03-22 to carry out the design, loan increases and grants. The motion passed unanimously.

Manager Hites told the Board that in addition to the services that McGill and Associates are providing to write this grant, provide reporting for the grant, and carry the project through, they are requiring an amendment to their contract in the amount of \$15,000.00. The Town is also requesting a modification of the Special Order of Consent to permit us to have an addition 150 thousand gallons of flow. He explained to the Board that there is still 2.9 million gallons of capacity in the Treatment Plant.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to add another \$30,000.00 to the McGill Contract for additional services provided. The motion passed unanimously.

16. Wayfinding Phase II
- Rob Hites, Town Manager

Manager Hites said that over the last two weeks he has been meeting with stakeholders, to present the Wayfinding program including DWAC, Frog Level, Hazelwood, John Burgin, and Chris Forga. He said the plans were well accepted, and they liked the design, message, and placement of the signs. Travis Crisp and Jim Pierce from Frog Level asked the Town to place a sign at the intersection of Depot and Main Street to direct people to Frog Level from Main Street. Currently there is a parking sign at that location, so the parking and directional sign can be on one post. He said this program is split into 3 phases and recommends that the first two phases be funded in the amount of \$62,436.20 in this budget year. The TDA is providing a \$40,000.00 grant with the Tow paying the additional \$22,436.20 from the General Fund. During the time Phases I and II are being constructed and installed we will negotiate the third Phase with NCDOT.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman , to approve Phase I and II of the Wayfinding Program and approve O-12-22, budget amendment #20 in the amount of \$24,000.00 to cover the Town's share plus incidental expenses. The motion carried unanimously.

17. Town Attorney Report
- Town Attorney, Martha Bradley

Attorney Martha Bradley stated that she had prepared an initial draft of an Ordinance for Social Districts. She said she had been in conversation with Assistant Manager Fowler and Downtown Waynesville Advisory Director Beth Gilmore to discuss dates, hours, and streets the committee would prefer. This will be discussed at the next meeting of the DWAC.

She asked the Board if they were interested in combining the extended license when working on the Social District Ordinance. This would allow businesses to extend the area in which they can serve patrons.

Attorney Bradley said she was going to meet with the Clerk of Court, and the Judicial Court staff concerning search warrants for junk vehicles.

G. COMMUNICATION FROM THE MAYOR AND BOARD

Mayor Caldwell stated he had received numerous calls concerning the Burning Ordinance. He recommended that the Board vote to allow Fire Chief Joey Webb to revisit the Ordinance and bring back to the Board an updated Ordinance.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter to direct Fire Chief Joey Webb to revisit the Burning Ordinance to make it more adaptable to citizens. The motion passed unanimously.

H. ADJOURN

With no further business, a motion was made by Alderwoman Julia Freeman, seconded by Alderman Anthony Sutton, to adjourn the meeting at 8:18 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk