

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

Regular Meeting

June 28, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, June 28, 2022, 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 6:05 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tem Julia Freeman
Alderman Anthony Sutton
Alderman Jon Feichter (Via Remote)
Alderman Chuck Dickson

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Kathy Johnson, Deputy Clerk
Town Attorney Martha Bradley
Misty Hagood, Finance Director
Elizabeth Teague, Development Services Director
David Adams, Police Chief
Police Department Staff

The following media were present:

Becky Johnson, The Mountaineer

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and referenced the calendar on the upcoming street dances on July 8th and 22nd. He said the next scheduled Board of Aldermen regular meeting is scheduled for July 12th and he reminded everyone that all Town offices will be closed on July 4th in observation of Independence Day. He gave update on Brookmont apartments and encouraged everyone to schedule a tour of the new apartments.

B. PUBLIC COMMENT

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

Janet Preson spoke on her appeal of Preservation Way and concerns of the appeal process.

Trudy Schmidt, 202 Monica Way, spoke in favor of public comment in meetings.

Sherry Morgan, 437 Boundary Street, spoke on public comment and recommended putting term limits on Planning Board members.

Rafe Davis, 264 Stamey Cove Road, spoke on the crime rate in Waynesville and said Waynesville is ranked number one in opioid deaths for seven years and said crime in Waynesville has never been higher.

C. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

D. CONSENT AGENDA

1. Adoption of minutes of the June 14, 2022, Regular meeting
2. 4th of July Block Party – 56/61 Glendale Dr. – Between Springview Dr. and Auburn Park Dr.
3. Boundary Street 4th of July Street Closure

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to approve the consent agenda. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

E. PRESENTATION

2. Life Saving Award granted to Detective Paige Shell
 - Police Chief David Adams

Police Chief Adams introduced Detective Paige Shell and presented her with a lifesaving award for her heroic acts on May 24, 2022, where she saved someone from Lake Junaluska by swimming out and assisting him to shore. Chief Adams said it was an honor to have Detective Shell as part of the Waynesville Police Department.

F. CALL FOR PUBLIC HEARING

3. Call for Public Hearing for August 9, 2022, to consider the text amendment regarding driveway standards, Section 9.8- Driveway Access of the Land Development Standards (LDS).
 - Olga Grooman, Planner

Ms. Grooman explained the driveway standards are crucial for stormwater management, appropriate sidewalk connectivity, traffic flow, and quality of the road material. Several changes need to be made including minimum driveway spacing requirements, allowing an administrator to approve alternative material and changes related to fire safety.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman to call for a Public Hearing on Tuesday August 9, 2022, to be held at 6:00 pm in the Town Hall Board Room located at 9 South Main Street regarding driveway standards, Section 9.8- Driveway Access of the Land Development Standards (LDS), as recommended by the Planning Board. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

G. PUBLIC HEARING

4. Public Hearing for June 28, 2022, to consider a zoning text amendment request initiated by the Planning Board to implement buffer requirements and quasi-judicial review procedures on major subdivisions which create 31 or more lots.

- Elizabeth Teague, Development Services Director

Development Services Director Elizabeth Teague explained the public hearing was to review recommendations from the Planning Board related to subdivision ordinances. She explained the Land Development Standards, the comprehensive plan and 160D are all interrelated, and the subcommittee has been working on recommendations on improving the LDS in response to 160D and the adoption of the 2020 Comprehensive Plan. She went through the three types of hearings and explained that because of 160D the quasi-judicial hearings have been switched to administrative hearings. She explained the tier chart and outlined the changes and how the changes would affect future development.

There was much discussion between Board members, Attorney Martha Bradley, and Staff on the different types of hearings.

Mayor Caldwell opened the public hearing at 7:02 pm and opened the meeting to public comment.

Sherry Morgan 437 Boundary Street said NCSOG was not law but only a recommendation. She expressed her concern with all the new development and spoke on 160D and Quasi-Judicial hearings and the need for informing the public.

Trudy Schmidt, 202 Monica Way, spoke on all the new development and expressed concern on the new residents finding employment.

John Baus, 65 Love Lane, asked why development needs to be done so quickly. He said there is not that much demand, and he feels the development should be done in a smart manner.

Rafe Davis, 264 Stamey Cove Road, spoke on Quasi-judicial and administrative hearings and the guidelines for standing. He supports the Quasi-Judicial hearings and feels there is no need to change it.

Ginger Hain, 267 Calhoun Rd, Vice Chair for the Planning Board spoke on the two types of hearings.

There was much discussion between Board members and their concerns on the vague wording in the text amendment.

A motion was made by Alderman Anthony Sutton, seconded by Chuck Dickson to table the zoning text amendment request initiated by the Planning Board to implement buffer requirements and quasi-judicial review procedures on major subdivisions which create 31 or more lots for more discussion with the Planning Board. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

H. OLD BUSINESS

5. Rules and Procedures

- Attorney Martha Bradley

Ms. Bradley presented the Board with draft rules according to instructions of the Board at the June 14, 2022, meeting. She went over the changes to rules (110(b) removing fee for electronic meetings, (32-33) Language added to implement the reading system and clarify the meaning of date on introduction, (36) "Town Attorney" has been replaced with "Presiding Officer" and wording added to permit the Presiding Officer to delegate timekeeping to the Town Attorney or Town Clerk.

It was determined by the Board for Ms. Bradley to revise the Rules and Procedures and present again at the next Board of Alderman meeting.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to table the rules and procedures until Attorney Bradley presents the revised additions. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

6. Statutory Boards and Commissions Vacancies

- Assistant Town Manager Jesse Fowler

Mr. Fowler said the ABC Board had four applicants with only one applicant Danny Wingate receiving recommendations.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman to appoint applicant Danny Wingate to the ABC Board. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

Zoning Board of Adjustments Travis Dustin Smith received two recommendations to be interviewed and Joshua Morgan received five recommendations to be interviewed. It was determined to interview both due to there are three vacancies and only two applicants.

Planning Board has four vacancies and eight applicants. It was determined by the Board to interview all eight applicants. Travis Dustin Smith (1 recommendation), Ronald James Call (3 recommendations), Robert M. Blackburn (4 recommendations), Jan Grossman (4 recommendations), Peggy Hannah (4 recommendations), Donald McGowan (2 recommendations), John Baus (3 recommendations), Kara Sither (4 recommendations), Mathew Johnson (2 recommendations). Mayor Caldwell divided the Aldermen into two groups to conduct interviews with Alderman Jon Feichter and Alderman Chuck Dickson interviewing four and Alderwoman Julia Freeman with Alderman Anthony Sutton interviewing four.

7. Non-Statutory Boards and Commissions

- Assistant Town Manager Jesse Fowler

Cemetery commission has three vacancies and two applicants. Warren Putnam (4 recommendations, Bill Revis (5 recommendations).

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to appoint applicants Warren Putnam and Bill Revis to the Cemetery Commission. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

Historic Commission has four vacancies with Claire Bass being the only eligible applicant. Applicant Shereen Malek is ineligible.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter to appoint applicant Claire Bass to the Historic Commission. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

Public Arts Commission has three vacancies and three applicants. Ashten McKinney (5 recommendations), Douglas Garrett (4 Recommendations), Morgan Beryl (5 recommendations).

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman to appoint applicants Ashten McKinney and Douglas Garrett to the Public Arts Commission. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

Parks and Recreation Advisory Commission has three vacancies and three applicants. Chad Carver (5 recommendations), Corey Johnson (5 recommendations), Nicole Kott (5 recommendations).

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson to appoint applicants Chad Carver, Corey Johnson, and Nicole Kott to the Parks and Recreation Commission. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

Mayor Caldwell dismissed at 7:53 pm for a break and reconvened at 8:06 pm.

8. Special Appropriations for Fiscal Year 2022/2023

Mr. Fowler went over the worksheet with the Board, and it was determined for Finance Director Misty Hagood to bring a Budget amendment to add the Civilian police to the Regular Fund.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to add \$4,000.00 to the Police Department Budget for the sole purpose of funding the Waynesville Civilian Police Volunteers. The motion carried unanimously. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye), and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

Finance Director Misty Hagood asked if she could bring forward a Budget Amendment to fund the Civilian Volunteers at the next meeting. The consensus of the Board was to allow Ms. Hagood to complete the Budget Amendment and present it at the next meeting.

Alderman Chuck Dickson withdrew his motion.

A motion was made by Alderman Anthony Sutton, seconded by Jon Feichter to accept the special appropriations as amended. The motion passed unanimously. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye), and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

I. NEW BUSINESS

9. Resolution requesting that NC DOT place the South Main (US 23) project ahead of the Russ Avenue/Walnut Street project
- Major Gary Caldwell

Mayor Caldwell and the Board discussed the proposed resolution in support of the citizens in West Waynesville.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to Adopt resolution R-18-22 requestion the NCDOT place the South Main (US23) project head of t the Russ Avenue/Walnut Street project. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

10. Approval of APR required policies
- Finance Director Misty Hagood

Finance Director Misty Hagood stated she has used sample policies from UNC SOG to update the Towns Conflict-of-Interest Policy, Cost Principles Policy, Nondiscrimination Policy, Record Retention Policy, UG Eligible Use Policy, and ARP Subaward policy. She is requesting these policies be adopted before the fiscal year.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to approve the Conflict-of-Interest Policy, Cost Principles Policy, Nondiscrimination Policy, Record Retention Policy, UG Eligible Use Policy and ARP Subaward Policy. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

11. Approval of updated Purchasing Policy and Procedures
- Finance Director Misty Hagood

Ms. Hagood said the Town purchasing policy needed to be updated to be in line with state statues on purchasing laws. She recommended raising the purchase order limit to \$1500, informal bids for \$30,000, and formal bids on projects of \$90,000 and greater.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to approve the updated Purchasing Policy and Procedures. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

12. Increase Micro-purchase Threshold
- Finance Director Misty Hagood

Ms. Hagood recommends raising the micro-purchasing threshold to \$30,000 for apparatus, supplies, material, equipment, construction, and repair work and \$50,000 for purchase of service not subject to competitive bidding under NC law.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman to approve No. R-16-22 authorizing increase in Micro-Purchase Threshold. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

13. Budget Amendment to the General Fund and Garage Internal Service Fund

- Finance Director Misty Hagood

Ms. Hagood asked for a budget amendment for \$40,000 to the finance department for overtime pay for the meter readers that are working overtime reading meters and the Audit firm has already issued a couple of preliminary work. She requested to amend the garage budget by \$25,000 because fuel and diesel has increased in price.

A motion was made by Alderman seconded by Alderman to approve Ordinance No, 0-25-22 Amendment #27 to the 2021-2022 Budget Ordinance, increasing the finance budget \$40,000. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.)

A motion was made by Alderman seconded by Alderman to approve Resolution No. R-17-22 amending the Financial Operating Plan for the Garage Internal Service Fund, increasing the garage fund \$25,000. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously. .

14. Helping Hands of Haywood Fourth ARP Installment

- Assistant Town Manager Jesse Fowler

Mr. Fowler stated Helping Hands of Haywood provides temporary housing for individuals experiencing homelessness and have provided all documentation on how the previous installments have been spent. Mr. Fowler asked for the Boards direction on providing the fourth instalment of ARP funding.

A motion was made by Alderman seconded by Alderman to approve the fourth instalment of American Recovery Plan funding to Helping Hands of Haywood for the sole purpose of providing temporary housing to individuals experiencing homelessness in the amount of \$8,750. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

J. COMMUNICATION FROM STAFF

15. Manager's Report

- Town Manager Rob Hites

Town Manager Rob Hites gave update on the Pigeon Street project and EV chargers in Town. He said the Town has applied for two fast charger ports on Montgomery Street and to replace fast charger in the middle of Montgomery Street Parking lot.

Mr. Hites said he has consulted with the department heads and if the alderman does not have anything pressing, it is recommended to cancel the July 12th meeting.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman to cancel the July 12th, 2022, Board of Aldermen meeting. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

16 Town Attorney Report

- Town Attorney Martha Bradley

Ms. Bradley asked the Board for input on adopting civil penalties on the Criminal Ordinance, so the town can elect to charge civil penalties instead of asking police to file charges. It was determined for Ms. Bradley to work on draft ordinance for the Boards review.

K. COMMUNICATIONS FROM THE MAYOR AND BOARD

Mayor Caldwell recommended the Board take a tour of the new apartments called Brookmont Lofts.

L. ADJOURN

A motion was made by Aldermen Chuck Dickson, seconded by Julia Freeman to adjourn the meeting at 8:42 pm. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Town Manager

Kathy Johnson, Deputy Town Clerk