

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
March 8, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, March 8, 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 6:05 pm with the following members present:

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

Alderman Anthony Sutton was absent.

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
Police Department Officers
Patty Johnson, Police records
Fire Chief Joey Webb
Finance Director, Misty Hagood
Tax Collector, Sharon Agostini
Beth Gilmore, DWAC Director

The following media representative was present:

Becky Johnson, Mountaineer (arrived at 6:49 pm.)
Cory Valliancort, Smoky Mountain News

1. Welcome/Calendar/Announcements

Mayor Caldwell asked Sheriff Greg Christopher to open with prayer.

He reminded everyone of the upcoming events: Gateway to the Smokies Marathon and the VIP event to be held at Chestnut Mountain in Canton.

B. PUBLIC COMMENT

Mr. Dick Young made comments concerning rerouting trucks from Main Street.

Ms. Peggy Hannah commented on safety issues stemming from Homeless around Belk's and Ingles in Hazelwood.

C. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

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 February 21, 2022 special meeting
- ii. Adoption of minutes of the February 22, 2022 regular meeting

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to approve the Consent Agenda as presented. The motion passed unanimously.

D. PRESENTATION

2. Chief David Adams

- 1) Life Saving Awards granted to the following: Sgt. Dickey, Master Officer Carver and Officer Gasperson

Chief Adams described a situation that occurred on February 9th with Sergeant Eric Dickey, Master Officer Tim Carver and Officer Cam Gasperson involving a cardiac arrest. The officers were able to start CPR immediately, and the patient lived because of their quick thinking and actions. The officers were presented with Life Saving Award Certificates for their actions.

- (2) Life Saving Awards granted to the following: Sgt. Matthew Trantham, Deputy Josh Watts of Haywood County SO, Sgt. Ryan Craig, Sergeant Shawn Messer & Officer Cam Gasperson WPD

Assistant Chief Brandon Gilmore told the Board about the accident that occurred on February 24th while Officer Heath Pressley and K-9 Luke were traveling to work in the early morning. He said that due to the quick thinking of Haywood County Deputies Matthew Trantham, and Josh Watts, along with Waynesville Police Department officers Shawn Messer, Ryan Craig, and Cam Gasperson, the life of Officer Heath Pressley and K-9 Luke was saved. They were presented with Life Saving Award Certificates.

Officer Pressley thanked everyone for the prayers that have been offered up for him and the quick thinking of his fellow law enforcement officers.

E. PUBLIC HEARING

3. Public Hearing for borrowing funds for Fire Tanker Truck and repayment of General Fund for Land Purchase
 - Town Manager Rob Hites

Town Attorney Martha Bradley opened the Public Hearing at 6:21 pm.

Manager Hites explained that the Town is on schedule to appear before the Local Government Commission on April 8, 2022, to request to borrow up to \$450,000 for the purchase of a Fire Tanker Truck and repay the General Fund Balance \$400,000.00 for purchase of the land where Fire Station #2 will be located.

The interest rate is proposed to be 2.01% for a period of 15 years. In addition, the Town is requesting LGC approval to refinance the existing 2.09% loan for the Public Works Facility to 2.0% for a 9 -year term. He presented Resolution R-01-22 which supports the application to the Commission for its approval.

Alderman Jon Feichter had a question concerning Article 3 in the resolution concerning prepayment of the loan. Manager Hites will contact Mr. Bob Jessup with that question.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to approve Resolution R-01-22 supporting application to the Local Government Commission for its approval of Town financing agreements – approximately \$1,000,000 for property acquisition for a Fire Station site, tanker truck financing, refinancing of existing loan, and reimburse the General Fund Balance \$400,000 . The motion passed unanimously.

F. NEW BUSINESS

4. Historic Preservation Commission Member
 - Jesse Fowler, Assistant Town Manager

Assistant Manager Fowler explained that Since July of 2021 there has been a vacancy on the Historic Preservation Commission due to there being a tie between two applicants that were already serving on other Boards. This is a request for the Board to vote on one of four applicants to fill that vacancy. The applicant will serve a three-year term ending on June 30, 2025.

The Board had previously received four applications to review for the vacancy.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to approve Caroline Brown-Williamson to serve as an Historic Preservation Commission Member for a three-year term ending June 30, 2025. The motion cleared unanimously.

5. Amendments to the Municipal Records Retention Schedule

- Jesse Fowler, Assistant Town Manager

Mr. Fowler reported that periodically the NC Department of Cultural Resources amends the Records Retention Schedule to include information that may have been changed due to legislative updates or other necessary revisions.

This request is to approve the newest revision of the Programs Record Schedule and the General Records Schedule.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to approve the latest version of the retention schedule as presented. The motion passed unanimously.

6. Downtown Waynesville Advisory Committee Chairman Selection

- Jesse Fowler, Assistant Town Manager

The Downtown Waynesville Advisory Committee held their first meeting on February 23rd. The Committee nominated Jay Spiro as their preferred Chairman. Mr. Spiro has experience working with downtown organizations in Sylva, NC and has experience in the revitalization through working to revitalize “Old Cullowhee”. Mr. Spiro is an at-large member of the Downtown Waynesville Advisory committee.

Mr. Spiro told the Board that he was excited to begin work with the newly formed Commission as well as the existing DWA. He said he felt that they could accomplish good things for the Town.

A motion was made by Alderman Chuck Dickson seconded by Alderwoman Julia Freeman, to appoint Jay Spiro as Chairman of the Downtown Waynesville Advisory committee. The motion passed unanimously.

7. Presentation of Phase II Wayfinding Program

- Rob Hites, Town Manager

Manager Hites told the Board that late in the fall the TDA sent out a request for RFPs for funds they received in excess of their funded program. The Towns of Haywood County jointly applied for a regional grant to help fund the final phase of the Wayfinding Program. The TDA awarded Waynesville \$40,000 toward the final phase. The balance would be funded by the second

reimbursement of ARP funds. Signage was placed at critical intersections that direct visitors to all three of our commercial districts. In addition to the signage, "Public Parking Signs" were placed in several locations. The State requires that the messages on Wayfinding Signs be generic so a visitor would read "Downtown, Frog Level or Hazelwood. They may include museums and theaters such as Hart or Shelton House.

Mr. Buzz Bizzell, from Bizzell Design, has divided the project into three components: the Parking Signage \$33,045.90, the Downtown Waynesville Wayfinding Signs \$29,390.30 and the Frog Level and Hazelwood Wayfinding Signs \$39,546.50. All the phases total \$101,981.90. Mr. Bizzell will be presenting his designs, and how they fit into a coordinated branding program, for both Waynesville and the rest of the County.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson to receive Mr. Bizzell's presentation and refer the Downtown, Frog Level and Hazelwood phases to their respective stake holders for input. The item will be placed on the April 12th agenda.

8. Budget Amendment to allocate \$30,000 from fund balance for the development of Engineering and Construction Documents for Greenway segment at Mountain Creek Plaza.
 - Elizabeth Teague, Development Services Director

Ms. Teague explained to the Board that the Town is coordinating with Tribridge Real Estate as part of the Mountain Creek Plaza development, and with NCDOT as part of the Russ Avenue project, to design a greenway and park space along Richland Creek on property that the Town owns. She requested \$30,000.00 to hire Civil Design Concepts to design, engineer and develop construction and bid documents to construct the segment of greenway. Cost estimates from this contract will be used to apply for funding from the Haywood County Tourism Development Authority for assistance with the construction.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson to approve Ordinance No.O-04-22 Amendment No. 16 to the 2021-2022 Budget in the amount of \$30,000.00 for the development of Engineering and Construction Documents for Greenway segment at Mountain Creek Plaza. The motion passed unanimously.

9. Report on Unpaid Property Taxes/Yearly Tax Advertisement in Local Newspaper
 - Sharon Agostini, Tax Collector

Ms. Agostini asked the Board to approve the advertisement of delinquent taxes in The Mountaineer, which is the local newspaper, in accordance with N.C.G.S.105-369, the last week of March.

A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman to approve the yearly tax advertisements in The Mountaineer in accordance with N. C. G. S.105-369. The motion passed unanimously.

G. COMMUNICATION FROM STAFF

10. Manager's Report

- Rob Hites, Town Manager

Social Districts

Manager Hites gave a brief overview of Social District, and the requirements of creating the district in the Town. He defined a Social District as a defined outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee. This was included with House Bill 890 that was signed by the Governor in September. The Town may adopt an ordinance designating an area within the municipal limits as a social district under G.S. 160A-205.6.

The requirements include:

1. Social districts must be clearly defined and post signage in conspicuous locations indicating:
 - a. The area included in the social district
 - b. The days and hours during which alcoholic beverages can be consumed in the social district and
 - c. The telephone number for the ALE division and local law enforcement jurisdiction over the social district.
 - d. A clear statement that an alcoholic beverage purchased for consumption in a social district shall:
 - i. Only be consumed within the social district and
 - ii. Be disposed of before the person possessing the alcoholic beverage exits the social districts unless the person is reentering the licensed ABC premises where the alcoholic beverage was purchases (G.S. 18B-906.1(c)(1)).
2. Social districts are only allowed to operate during the hours defined under G.S. 18B-1006: from 7am until 2 am Monday-Saturday and 10am-2am on Sundays because the Town of Waynesville has allowed for earlier Sunday Sales. (G.S. 18B-906.1(c)(1)).
3. A Town designating a social district is required to establish management and maintenance plans for the social district and post these plans along with a drawing of the boundaries and the applicable days and hours of the social district on the city's website. A social district must be maintained in a manner that protects the health and safety of the public. (G.S. 18B-906.1(c)(2)).

4. Before a social district can become operational, a Town must submit to the North Carolina ABC a detailed map of the social district with the boundaries clearly marked and the days and hours during which alcoholic beverages can be consumed. (G.S. 18B-906.1(c)(3)).

Additional Rules that ABC permittees must follow to sell alcohol within a social district:

First, an ABC permittee must be in or contiguous to the social district in which it is selling alcohol to be consumed.

Secondly, the ABC Permittee is only allowed to sell and serve alcoholic beverages ON its licensed premises. In other words, the ABC Permittee cannot sell alcoholic beverages in the street or down the street from its licensed premises just because they are in or are contiguous to the social district.

Third, alcoholic beverages that are being sold to be consumed in a social district can only be sold in a container that meets the following requirements:

1. The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased.
2. The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
3. The container is NOT made of glass.
4. The container displays, in no less that 12-point font, the statement “Drink Responsibly – Be 21.”
5. The container cannot hold more than 16 fluid ounces.

Finally, the ABC permittee must prohibit a person from entering or reentering its licensed premises with an alcoholic beverage not sold by the ABC permittee as is the current law. An example, XYZ restaurant sells John Smith a cup of wine. John Smith cannot reenter XYZ Restaurant with a cup of beer he bought at Acme Brewing located within the same social district. John Smith also cannot enter XYZ restaurant for the first time with the cup of beer John Smith bought at Acme Brewing. They can, however, re-enter the same location where they purchased the alcohol that they are still consuming.

If a business wishes to opt out, there must be signage that indicates that retail customers can or cannot not enter with alcohol, and signage must indicate that a bar or restaurant may not remove alcohol from the facility.

Manager Hites told the Board that the structure for the proposed districts in Downtown Waynesville, Frog Level and Hazelwood will be based on input from residents, permit holders, non-permit holders, the Town’s liability holders, Law Enforcement, and the ABC Legal team in Raleigh.

After much discussion, the consensus of the Board was to allow Manager Hites to present the ideas to the Downtown Waynesville Advisory Committee, and merchants in Frog Level and Hazelwood.

11. Town Attorney Report

- Martha Bradley, Town Attorney

Attorney Bradley gave an update on the Triangle lawsuit.

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Chuck Dickson mentioned that a piece of property near Lee Street has become overgrown and asked that the Public Services Director speak with NCDOT to see if that area can be cleaned up.

Mayor Caldwell said there would be an informational program about Broadband held on March 21, 2022 at Holly Springs Baptist Church if anyone wished to attend.

Due to a discrepancy with schedules, the dates for the upcoming Board retreat will be decided at the March 22, 2022 Board meeting.

I. ADJOURN

With no further business, a motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman, to adjourn the meeting at 7:27pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk