

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
August 9, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, August 9, 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 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
Town Attorney Martha Bradley
Misty Hagood, Finance Director
Jeff Stines, Public Services Director
Ricky Foster, Assistant Public Services Director
David Adams, Police Chief
Brandon Gilmore, Assistant Police Chief
Misty Hagood, Finance Director
David Kelley, Chief Building Inspector
Darrell Calhoun, Fire Marshall
Beth Gilmore, DWAC Director
Olga Grooman, Planner

Members of the media:

Becky Johnson - Mountaineer

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone of the upcoming events in the next few weeks.

B. PRESENTATION

2. Administrative appeals

- Town Attorney Martha Bradley

Town Attorney Bradley gave a detailed presentation on Administrative Appeals as they relate to General Statute 160-D, the Planning Board, Zoning Board of Adjustment, Staff and Superior Court.

Included in the presentation was a description of the Duties of the Planning Board. The two key duties are to exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct, and to perform any other related duties that the governing board may direct. Planning Board members are not supervised by the Town Manager. The Planning Board will deliver final decisions regarding these permit types:

- Site plans
- Subdivision (Major) – Preliminary Plat
- Special Use Permits

Town Attorney Bradley said that The Town has discretion to delegate responsibilities given to the Board of Adjustment under 160 D to other Boards including itself. In the Town of Waynesville Land of Development Standards, the Board of Adjustment shall render final decisions regarding:

- Appeal of any Administrative decisions
- Appeals of Planning Board Decisions regarding Subdivision (Major) – Preliminary Plats
- Appeal of Historic Preservation Commission decision regarding Certificate of Appropriateness (Major)
- Variances

Ms. Bradley stated that the Land Development Standards defined the Administrator as the Town Manager and his subordinate staff. The Development Services Department will serve as the “gatekeeper” for all development applications and will advise applicants on appropriate personnel to contact.

In conclusion Ms. Bradley stated that the Zoning Board of Adjustment has only the duties and authority given to it by state law as enacted by local Ordinance. Tasks which a Statute authorized staff to carry out may be delegated by local Ordinance to one of the appointed boards or to the governing board. The review of Major Site Plans is the responsibility of the Planning Board. The Zoning Board has no authority under local Ordinance or State Statute to review and overturn decisions of the Planning Board. Appeals of administrative decisions made by the Planning Board should go to Superior Court.

C. PUBLIC COMMENT

Sherry Morgan, 437 Boundary Street, had comments pertaining to Preservation Way and an Administrative Appeal.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson to allow Mr. Bob Clark to have more than three minutes to speak during the Public Comment period. The motion passed unanimously.

Bob Clark, 416 Park Drive, gave his response to the Administrative Appeal presentation by Town Attorney Martha Bradley.

Linda Sexton, 75 Town & Country Drive, commented on traffic calming devices that are needed in many areas of the Town.

Deannie Brooks, 407 Boundary Street, expressed her concerns about needles being found at different places in Town.

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

E. 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.

1. Adoption of minutes of the August 9, 2022 Regular meeting

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

F. PUBLIC HEARING

3. Public Hearing to consider the text amendment to Section 9.8 of the Land Development Standards (LDS), Driveway Access
 - Olga Grooman, Planner

A motion was made by Alderwoman Julia Freeman seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:58 pm. The motion passed unanimously

Ms. Grooman reported to the Board that the Development Services and Public Services departments have worked together to revise the current Driveway Permit form, its fee, and develop an adequate inspection procedure to ensure all new and rebuilt driveways comply with the Ordinance requirements. During that process staff identified several improvements to the driveway standards including minimum driveway spacing requirements in residential areas, alternative materials for a driveway apron section, defining joint and shared driveways, and guidelines related to fire code and public safety. The standards were written in coordination with fire officials and J. M. Teague Engineering recommendations.

The changes proposed by staff to the Driveway Ordinance include:

- Distinguishing between requirements for residential and non-residential and multi-family driveways
- Updating driveway spacing requirements based on a district's minimum lot size
- Alternative materials for a driveway apron section
- Defining joint and shared driveways
- Mandatory fire code official approval for residential driveways longer than 150 ft
- References to American Association of State Highway and Transportation Officials (AASHTO) standards per engineers' recommendations.

She stated that the Planning Board held a Public Hearing on June 20, 2022 and voted unanimously to recommend to the Board of Aldermen to adopt the changes in the Ordinance O-28-22 as presented.

Mayor Caldwell asked if anyone wished to speak for or against the proposed Ordinance changes. No one spoke.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter to close the Public Hearing at 7:09 pm. The motion passed unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to find that the Ordinance is consistent with the 2035 Comprehensive Plan,

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- ***Create walkable and attractive neighborhoods and commercial centers.***
- ***Encourage infill, mixed-use and context sensitive development.***

Goal 2: Create a range of Housing opportunities and choices

- ***Encourage new housing inside Waynesville's city limits and ETJ***
Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter to adopt the Ordinance Number O-28-22 as presented. The motion carried unanimously.

E. OLD BUSINESS

F. NEW BUSINESS

4. Fiscal Year 2021-2022 Carryforwards

- Misty Hagood, Finance Director

Ms. Hagood said there were several projects and initiatives approved and funded in the prior fiscal year that were not completed as of June 30, 2022. She asked the Board to adopt Ordinance O-26-22, Amendment 1, to carry over the remaining unspent funds to the current fiscal year.

<u>Expenditure</u>	<u>Department</u>	<u>Amount</u>
Board Room A/V Equipment	Admin	\$47,658.45
Vehicle	Admin	\$26,813.00
Supplies	Finance	\$1,676.62
Uniforms	Police	\$2,668.72
Supplies & Equipment	Police	\$14,505.03
Supplies & Equipment	Fire	\$36,508.50
Pierce Dry side Tanker & Equip	Fire	\$480,290.00
Supplies & Equipment	Streets & Sanitation	\$13,358.48
Supplies	Planning	\$1,120.00
Capital Imp-Greenway/Bridge	Planning	\$123,293.37
Sulphur Springs Park Impr.	Planning	\$17,450.00
Bldg Repair & Maint	Parks & Rec	\$3,386.34
Equip Repair & Maint	Parks & Rec	\$2,301.38
Supplies & Equipment	Parks & Rec	\$7,376.76
Total General Fund		\$778,406.65
Materials & Meters	Water Maintenance	\$56,832.00
ARP Project-Pigeon St	Water Maintenance	\$398,000.00
Total Water Fund		\$454,832.00
Repairs & Maint	Sewer Treatment	\$4,100.00
ARP I&I 1st year	Sewer Treatment	\$98,041.97
Total Sewer Fund		\$102,141.97
Supplies & Equipment	Electric Maintenance	\$3,738.00
Transformer	Electric Maintenance	\$47,089.00
Capital Improvements	Electric Maintenance	\$236,059.58
Total Electric Fund		\$286,886.58

Also included in the amendment is removing the Police Civilian Volunteers \$4,000.00 in funding from Special Appropriations to the Police Department, as requested during the budget vote.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to approve Ordinance Number O-26-22 Amendment 1 to the 2022-2023 Budget Ordinance as presented. The motion passed unanimously.

5. Traffic Calming
 - Ricky Foster, Assistant Public Services Director

Mr. Foster explained to the Board that the Town had several new traffic calming requests. He presented requests for East Street between Assembly and Howell Street, Hazel Street from North Main to Walnut Street, Country Club between Longview and Springview Drives, and Locust Drive. This will include speed humps, signage, and pavement markings. The Board had previously approved \$75,000.00 in the current Fiscal Year Budget specifically for traffic calming devices. He stated that these requests will absorb this line item. Mr. Foster expressed his concern of impeding the response of emergency vehicles.

Fire Marshall Darrell Calhoun spoke to the Board and stated he was most concerned about the safety of the Town citizens. The Town currently has several speed humps on the Station 2 side of Town that respond to Davis, Cove, Crymes Cove, Duckett Cove area and every fire and ambulance is hitting speed humps. He stated that each of these speed humps is slowing a fire truck down by 10 seconds. He gave examples of how much time it is taking to reach emergencies, and how adding more speed humps will slow response time even more.

Mr. Calhoun proposed to the Board that a committee be formed to discuss the speed bumps or redesign the humps themselves. He said there are speed humps that fire trucks and other emergency vehicles do not have to completely slow down over. He added that in Chapter 5 - 503.11 of the North Carolina Fire Code, which has been adopted by the Town, states that traffic calming devices shall be prohibited unless approved by the Fire Official.

Alderman Feichter asked how speed humps on Brown Avenue would affect response times. Mr. Calhoun stated it would have a tremendous effect because of the Middle School and the housing on Boyd Avenue. Alderwoman Julia Freeman thanked Mr. Calhoun for bringing the attention of the Board to the response times with these speed humps. She added that she thought there needed to be further discussion pertaining to alternative speed hump devices.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Jon Feichter, to approve the purchase and installation of the recommended traffic calming devices by J.M. Teague Engineering on Hazel Street, and Locust Drive. The speed humps for Country Club Drive and East Street be researched for other alternative speed humps. The motion carried unanimously.

6. Appointment to the Cemetery Commission and the Historic Preservation Commission
- Jesse Fowler, Assistant Town Manager

Mr. Fowler stated that the Cemetery Commission and the Historic Preservation Commission have had unfilled vacancies since new Commission members were appointed at the end of June. The Town has received an application for the Cemetery, and one for the Historic Commission and asked the Board for their consideration on these appointments.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to appoint Lisa Kay Cook to the Cemetery Commission for a term of three years ending on June 30,

2025. The motion passed unanimously with Alderman Chuck Dickson, Alderwoman Julia Freeman, Mayor Gary Caldwell, and Alderman Jon Feichter voting yes.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to appoint Anne Marie Miller to the Historic Preservation Commission for a term of three years ending on June 30, 2025. The motion passed unanimously with Alderman Chuck Dickson, Alderwoman Julia Freeman, Mayor Gary Caldwell, and Alderman Jon Feichter voting yes.

J. COMMUNICATION FROM STAFF

Manager's Report

- Manager Rob Hites

16. Request for Part Time Collection Clerk in Finance Department

Manager Hites told the Board that the workload in the collections area of the Finance Department has increased dramatically due to the time being spent with customers as they work through the list of people that chose not to make payments on their utility bills during the Governor and Utilities Commission's ban on utility disconnections. He said the staff is negotiating many repayment contracts and issues with people failing to honor their payment arrangements. In addition, the Finance Department will be sending out tax bills next month which will further increase the load on the collection staff. An additional staff member will help relieve some of the stress and permit more time to be dedicated to each customer. There are sufficient funds in their budget to handle the salary of another employee. The salary range would be between \$14 - \$16 per hour.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter, to approve the addition of a part time customer collections employee at an hourly salary range of \$14-16 per hour depending on qualifications. The motion passed unanimously.

17. Approval of a "Resolution of Award" to "The Harper Corporation - General Contractors of Greenville SC

Manager Hites stated that at the last meeting, approval was given for a negotiated bid awarding to "The Harper Corporation General Contractors of Greenville, SC." In May the Board adopted a "Resolution of Tentative Award" for a \$25,475,000 contract. The final negotiated bid price that you adopted in your July meeting was \$25,725,000. DWI is requesting that the Board amend its "Resolution of Award" so that it reflects the final construction amount of \$25,725,000. It would also be in order to amend the Town's "Reimbursement Resolution" to reflect the adopted project ordinance. The project ordinance established Total Project Cost to be \$29,631,150.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter, to adopt the amended resolution No. R-17-22 of award to "The Harper Corporation- General Contractors of Greenville SC." The motion passed unanimously.

DWI is requesting that the Board amend its "Resolution of Award" so that it reflects the final construction amount of \$25,725,000. It would also be in order to amend the Town's

“Reimbursement Resolution” to reflect the adopted project ordinance. The project ordinance established Total Project Cost to be \$29,631,150.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to adopt “Reimbursement Resolution” R-16-22 to reflect at project cost of \$ 29,631,150. The motion passed unanimously.

Assistant Town Manager Jesse Fowler told the Board that the Tuscola High School Cheerleaders had approached the Town asking for a sponsorship. It was explained to them that normally a public good is required for these types of requests. Mr. Fowler stated he had a verbal commitment from them that they would help the Town with the upcoming downtown events.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Jon Feichter, to approve \$500.00 to the Tuscola cheerleaders on the contingency that they assist with special events held in the Town. The motion carried unanimously.

18. Town Attorney Report

- Town Attorney Martha Bradley

Attorney Bradley asked that the Board have a closed session at the next regularly scheduled meeting to discuss possible litigation.

K. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Feichter asked about the progress of the paving on Pigeon Street. Public Services Director Jeff Stines stated that all the utility work is complete, and WNC paving will be doing paving soon, and after that they will be paving Main Street.

L. ADJOURN

A motion was made by Aldermen Jon Feichter, seconded by Alderman Chuck Dickson, to adjourn the meeting at 7:48 pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Town Manager

Eddie Ward, Town Clerk