

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
April 11, 2023

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, April 11, 2023, 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 6:10 pm with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Candace Poolton, Town Clerk
Martha Bradley, Town Attorney
Assistant Police Chief, Brandon Gilmore
Sr. Lt. Chris Chandler
Misty Hagood, Finance Director
Jeff Stines, Director of Public Services
Elizabeth Teague, Planning Director
Olga Grooman, Land Use Administrator

Members of the media:

WLOS News Crew

Others present:

Karen Kiehna, McGill and Associates

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone of the Board of Aldermen Regular Meeting on April 25th, 2023.

B. PUBLIC COMMENT

No public comment.

C. ADDITIONS OR DELETIONS TO THE AGENDA

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to remove item ten from the agenda (RAC Appointment), and that item seven (Public Hearing to amend the Town's charter to change its method of elections to that of staggered four-year terms and change its "style of governing board" to that of Town Council) be moved to directly under item three (Resolution Opposing HB 264 that changes Waynesville's Method of Elections from Nonpartisan to Partisan). The motion passed unanimously.

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.

2. a. Adoption of minutes of the March 28th, 2023, Regular meeting

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

E. PRESENTATION

3. Resolution Opposing HB 264 that changes Waynesville's Method of Elections from Nonpartisan to Partisan.
 - Rob Hites Town Manager

Town Manager Rob Hites reported that Representative Mark Pless has introduced HB 264 in the NC House that would change all municipal elections in Haywood and Madison Counties from being conducted on a nonpartisan to a partisan basis. Last year he introduced a similar bill (HB 988) attempting to change Haywood County's municipal governments and school board to a partisan basis. The bill passed the House and was referred to the Senate Rules Committee where no action was taken. Mr. Hites added that Rep. Pless did not consult with or notify any of the affected governments to determine the impact of the legislation. All of the municipal governments potentially impacted by the bill have expressed their opposition to the legislation.

Alderman Jon Feichter said that in a few months, he will have served on the Board for eight years. He said the best part about serving in local government is how close they are to the people they represent. He advised that the Town steers clear of anything that would divide it. He said that HB 264 will cause division. He added that an increase in partisanship will keep the Board from getting things done.

Alderman Anthony Sutton added that with the Canton mill closing, this should be a time for us to come together, and a partisanship would divide the community.

Alderman Chuck Dickson also opposed HB 264 and said that holding a primary would cost the Town money. He added that a partisan election discriminates against federal employees who cannot run in the election and makes it very difficult for people who are registered as independents to run for election.

Alderwoman Julia Freeman agreed with the other Aldermen; she is in opposition. She added that Aldermen from other municipalities are in opposition of HB 264 as well.

Mayor Gary Caldwell said he has been serving on the Board for 28 years and agrees that partisanship would prevent the Board from serving the citizens as efficiently.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adopt the Resolution opposing HB 264 that changes the Town of Waynesville’s method of election from non-partisan to partisan. The motion passed unanimously.

4. Public Hearing to amend the Town’s charter to change its method of elections to that of staggered four-year terms and change its “style of governing board” to that of Town Council.
 - Rob Hites, Town Manager

Town Manager Rob Hites reminded the Board that at their retreat, they requested to change the Board’s method of elections to that of “staggered terms”. He explained that staggered terms mean after an election for four open seats the two candidates that poll the highest votes serve four-year terms and the two members that poll the third and fourth most votes be selected for two-year terms. For all elections thereafter, the voters would elect two candidates to office every four years. He added that the second charter amendment requested of the Board at their retreat was to change the “Style of the Governing Board” from Board of Aldermen to the more gender neutral “Town Council”. The motion was adopted unanimously at the retreat. Mr. Hites said that according to State Statute GS 160A-101 (3), the Board must pass a Resolution of Intent, which they did during their March 28th meeting, and hold a Public Hearing at tonight’s meeting to receive public input on the proposal (in accordance with NC GS 160A- 102). Mr. Hites said at the next meeting, the Board can change the Charter.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:20 pm. The motion passed unanimously.

There was no public comment.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to close the Public Hearing at 6:21pm. The motion passed unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to consider an ordinance amending Article 2. Sections 2.1 and 2.3 of the Town’s Charter at the April 25, 2023 Board Meeting. The motion passed unanimously.

5. Staff Report on Buffers and Pollinators and request to selectively limit mowing.
 - Elizabeth Teague, Planning Director

Planning Director Elizabeth Teague reported that the staff have been working on an initiative involving pollinators that coincides with stormwater. She presented to the Board on the importance of stream buffers and their benefits to pollinators and explained the benefits of selective mowing during mid-April through May. She also explained the benefits of riparian buffers to prevent pollution and erosion into bodies of water.

Ms. Teague said that Stream banks and buffer areas should be left undisturbed because they serve as natural filters that protect water quality, provide wildlife habitats, reduce greenhouse gas emissions, reduce flood impacts, and provide recreational opportunities. Ms. Teague reviewed the Town's Code of Ordinances and Land Development Standards that relate to Stream Buffers:

- No dumping within 30 feet of a stream or any body of water
- No storage areas may encroach into buffer
- An undisturbed buffer of a minimum of 30' from the centerline and a maximum of 25' from the top of bank of any perennial streams shall be maintained.
- An undisturbed buffer zone twenty-five (25) feet wide or of sufficient width to confine visible siltation within the twenty-five (25) percent of the buffer zone nearest
- The riparian stream buffers shall be left intact, which means that removal of trees, or other vegetation, or disturbance of soils within this buffer is prohibited when grading.
- Development that falls under stormwater regulations shall keep built-upon area at a minimum of thirty (30) feet landward of all perennial and intermittent surface waters.

Ms. Teague said that staff is requesting initiatives the preserve buffers and support pollinator regeneration:

- Understand that "no mow" areas along streams are being left undisturbed on purpose to protect water quality and support pollinating insects.
- Allow staff to scale back on mowing in selected public areas from late April through May to allow flowering plants to bloom and provide bees and other pollinators with nectar and pollen to feed themselves and their offspring during a critical time in their life cycle and in the pollination of other plants.
- Promote community participation to pause or reduce mowing during the month of May, allowing flowers to bloom to help early season pollinators.
- Allow code enforcement to extend compliance period of Ordinance 26-51, "growth of weeds or grass over 10 inches" during mid April - May for participating property owners.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve staff initiative to send out postcard and post "no-mow" areas. The motion passed unanimously.

F. PUBLIC HEARING

6. Public Hearing to consider a Community Development Block Grant (CDBG) application for \$2,500,000 in utility infrastructure improvements in South Waynesville.

- Karen Kiehna, McGill and Associates

Karen Kiehna presented the following to the Board of Aldermen: This public hearing on April 11, 2023, will provide an explanation and description of the 2022 North Carolina Department of Environmental Quality (DEQ) Community Development Block – Infrastructure Grant (CDBG-I).

We are present to discuss the purpose of the public hearing for the Town's CDBG-I funding application. The purpose of the public hearing is to obtain citizen's views and to allow response from the public to funding proposals and answer any questions posed by citizens.

This public hearing will cover the Town's community development needs, development of the proposed activities, and a review of program compliance before the submission of the Town's

The Town proposes to request funding from NCDEQ'S CDBG-I program for South Waynesville Sanitary Sewer System Improvements and Public Water System Improvements Project in the South Waynesville area. The proposed project will meet the following community and housing needs of the Town of Waynesville by replacing deteriorated sewer lines and appurtenances for purposes of eliminating infiltration and inflow and extend sanitary sewer lines including residential connections and extend public water lines including hydrants, and residential taps. The project area includes Franklin Street, Hendrix Street, Muse Street, Explorer Street, and Sawyer Street.

The purpose of the CDBG-I grant program is to improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.

- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of 2022 the CDBG-I funding available is expected to be \$19,000,000. The maximum available grant is \$3.0 million over a 3-year period. Applications for funding will be received by 5:00 pm, May 1, 2023.

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund several activities: water and sewer infrastructure, neighborhood revitalization, COVID-19 related projects, and economic development projects that lead to job creation or retention.

The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure activities, including, but not limited to the, following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extent public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The Town of Waynesville is seeking an amount in CDBG-I funds not to exceed Three Million Dollars (\$3,000,000.) for the South Waynesville Sanitary Sewer System Improvements and Public Water System Improvements Project. The purpose of the Town's request will replace deteriorated sewer lines and appurtenances for purposes of eliminating infiltration and inflow and extend sanitary sewer lines including

residential connections, and extend public water lines including hydrants, and residential taps. The project area includes Franklin Street, Hendrix Street, Muse Street, Explorer Street, and Sawyer Street if time and budget allows.

The project proposed by the Town of Waynesville was identified in Capital Improvement Plan/Asset Management Plan) updated 2023. Informal community meetings were held in the project area to inform citizens of the potential project and get feedback from the residents.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the Town of Waynesville has been determined to have an Income Survey area of approximately 75.60% LMI. The project area includes Franklin Street, Hendrix Street, Muse Street, Explorer Street, and Sawyer Street

The range of activities covered by the CDBG-I funds for the South Waynesville Sanitary Sewer System Improvements and Public Water System Improvements Project.

- Construction.
- Environmental Review
- Engineering Design
- Construction Administration and observation.
- Legal activities.
- Surveying.
- Grant Administration.

If Town is awarded a CDBG-I grant, the town is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen’s Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that the if the Town of Waynesville receives CDBG grant funding that the town will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. Being a water and sewer improvement project, it is very unlikely that any household would be displaced.

In the past, the Town has applied for and received for the following completed CDBG project:

- List Name of Projects and Outcomes/Outputs of the projects with output and outcomes:
 - Based on recent research Waynesville has not been awarded a CDBG project in a number of years.

The Town of Waynesville will submit its CDBG-I application for the South Waynesville Sanitary Sewer System Improvements Project on May 1, 2023. The CDBG-I application will be available for review during normal business hours at 9 S. Main Street, Waynesville, North Carolina 28786.

Additional information is available from Elizabeth Teague, Development Services Director, at 828-456-2004, or at the 9 S. Main Street, Waynesville, NC 28786.

Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within fifteen (15) business days or by April 26, 2023, and a written response to the written complaints and/or grievances will be sent by the Town of Waynesville within fifteen (15) business days, where practicable.

Mayor, I turn the floor back to you and am happy to respond to any comments or question about the CDBG program, and about the proposed project.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:50 pm. The motion passed unanimously.

There was no public comment.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to close the Public Hearing at 7:10pm. The motion passed unanimously.

Town Manager Rob Hites added that adding the new water line would give the Town new accounts.

Planning Director Elizabeth Teague said that this project would replace old terracotta water line and allow fire hydrants to be placed where there were none before, improving safety.

Ms. Kiehna said that if the Town gets the grant, it would be about a year before construction begins.

7. Public Hearing to consider a text amendment to Chapter 14, Article IV, Taxicabs to include provisions related to pedicabs/rickshaws in the Waynesville Code of Ordinances.

- Olga Grooman, Land Use Administrator & Lt. Chris Chandler

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 7:14 pm. The motion passed unanimously.

Land Use Administrator, Olga Grooman, reported that The Development Services Department received a request for a rickshaw business in Waynesville. The applicant plans to give tours and provide transportation services on a hybrid bicycle powered rickshaw, also known as a pedicab. This mobile business does not fall under any zoning use categories. However, it involves driving on public streets and transporting passengers. Development Services staff met with Police Chief David Adams and Senior Lieutenant Chris Chandler to discuss this business request and decided to add the pedicab-related provisions to the current Taxicab Ordinance because they involve transporting passengers on public streets. Ms. Grooman said the additions would include but not limited to definition of a pedicab/rickshaw, mandatory fire extinguisher and first aid kit requirement, prohibiting pedicabs on sidewalks, and a permit process with driver's background check, fingerprinting, and annual vehicle inspection by the police.

The applicant was present and thanked the Board. He said that he will not be doing cemetery tours. His goal with the business was to cut down on intoxicated drivers. He also said he wants to offer tours that focus on the history of Waynesville.

Alderman Jon Feichter asked the applicant where he'd be operating the business out of. The applicant said it depends on demand. The rickshaws could be staged in a public parking space, inn, or other place of business as they request.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson to close the Public Hearing at 7:30pm. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adopt the Ordinance as presented. The motion passed unanimously.

G. NEW BUSINESS

8. Department Head and Assistant Department Head Career Track.

- Rob Hites, Town Manager

Town Manager Rob Hites reported that the Town's Career Track does not include a system for rewarding department heads and their assistants for in-service training and certifications. With no means of achieving increases through Career Track, department heads only receive pay adjustments when the Town grants a cost-of-living adjustment. Mr. Hites said for the Town to provide a system where department heads are eligible for monetary advancement, they have drafted a "Career Track" for their classification. He added that it's for department heads to stay "up to date" on changes in their career field. The career tract is designed to provide an incentive for them to attend seminars, training, regional and statewide conferences, and personal enhancement such as supervisory training.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to adopt the Career Track for Department Heads and Assistant Department Heads. The motion passed unanimously.

9. Proposals to conduct Studies on Electric Rates and Upcoming Contract

- Rob Hites, Town Manager

Town Manager Rob Hites reported that in preparation for the negotiation of a new wholesale power contract in 2024, the Town needs three studies to be conducted, a "Cost of Service Study", a "Load Forecast" and the preparation of a "Request for Proposals for a Power Supply Contract". Mr. Hites recommended that the Board approve the "Cost of Service" and Load Forecast" now and fund the "Request for Proposals" as part of the upcoming budget. He said that Finance Director, Misty Hagood, has to have the "Cost of Service" and "Load Forecast" carried out as soon as possible to determine what percentage of an electric rate increase they need to recommend. During the winter, Santee Cooper charged the Town with a sizable "Fuel Adjustment Charge" which resulted in the Town expending the remaining funds from its "purchase power" budget in March. Mr. Hites said that the Fuel Adjustment Charges are added to the Town's wholesale power bill when Santee Cooper has to use expensive alternative fuels such as natural gas, coal or power from another utility to provide power to its system. These studies will determine whether the amount of power being used by the Town will increase over the next year and , if so , how much we need to increase the rates for both the remainder of this fiscal year and the upcoming fiscal year. He added that they will form the basis for the RFP that we will send out in 2024.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to approve the proposals for a “Load Forecast” and a “Cost of Service Study”. The motion passed unanimously.

10. Lighting Package for Russ Avenue Widening Project
- Jeff Stines, Public Services Director

Public Services Director, Jeff Stines, reported that the Russ Avenue Widening Project is set to begin in August 2023. The lighting upgrade will be the Town’s responsibility for purchase and install from Walnut Street to the Howell Mill Road/Russ Avenue Intersection.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to award the purchase of poles and led lighting for the Russ Avenue Project to Border States for \$120,846.00. The motion passed unanimously.

11. Main Street Bump Out Budget Amendment
- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that in the current budget year, the Board of Aldermen had approved \$17,500 in the Downtown Budget for the installation of bump outs on Downtown Main Street. The Board also approved \$20,000 in the Development Services budget for the purpose of Downtown improvements. The Town was also awarded a \$7,000 grant in March through the Medford Fund for the purpose of installing bump outs. Mr. Fowler said that the Downtown Waynesville Commission approved the bump outs. He added that in order to proceed, staff are requesting a budget amendment to transfer the money from the Development Services account into the Downtown budget, while adjusting the current budget to reflect the money we will receive through the Medford grant. Mr. Fowler said the plan is to put two identical bump outs halfway between Church Street and Miller Street, and Miller Street and Truist bank.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to approve budget amendment No. 18, Ordinance No. O-18-23. The motion passed unanimously.

H. COMMUNICATION FROM STAFF

12. Manager’s Report
- Town Manager, Rob Hites

Town Manager Rob Hites reported that Virginia and Mississippi Avenues have been paved.

13. Town Attorney Report
- Town Attorney, Martha Bradley

Nothing to report.

I. COMMUNICATIONS FROM THE MAYOR AND BOARD

Mayor Gary Caldwell reported that he is retiring from Clark Communications. He also said that Dutch Fisher has been having some issues with homeless activity, so he is working with the police department and Recreation Director, Luke Kinsland, to come to a solution.

Alderman Anthony Sutton said he will be going to Raleigh on Monday to oppose HB 264.

There was discussion about scheduling a joint meeting between the Planning Board and the Board of Aldermen.

J. ADJOURN

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Anthony Sutton, to adjourn at 8:01pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk