

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR SESSION MEETING
September 12, 2017

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday September 12, 2017, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Gavin Brown called the meeting to order at 6:30 p.m. with the following members present:

Mayor Gavin Brown
Mayor Pro Tem Gary Caldwell
Alderman Julia Freeman
Alderman Jon Feichter
Alderman LeRoy Roberson

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Captain Brian Beck – Waynesville Police Department

The following media representatives were present:

Vickie Hyatt – The Mountaineer
Cory Vaillancourt – Smoky Mountain News

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone and reminded everyone of the following events on the calendar:

Thursday September 14 – Senior Resource Center Cookout - 5 – 7 p.m.

Friday September 15 – Public Works Fish Fry- 11:00 a.m. – 1:00 p.m.

Wednesday September 20 – Plott Hound Sculpture Fundraiser has been Cancelled

Thursday September 21 – Sponsor Appreciation Dinner – Folkmoot Center – 6:00 p.m.

Sunday September 24, - Drugs in Our Midst Prayer Walk - 2:00 p.m.

Thursday September 28 – Downtown Waynesville Association – Board of Directors Meeting – 5:30 p.m.

Mayor Brown told everyone that former Alderman James Williamson had passed away. Mr. Williamson had served on the Board of Aldermen from 1991 – 1999.

Alderman Gary Caldwell thanked everyone for their kindness and flowers during the loss of his mother.

Mayor Brown said that there were no major issues in the Town because of Hurricane Irma. There were three power outages reported, and a tree down on Scenic Circle. Town staff was prepared and he commended Town Staff for being prepared for any emergencies during the storm.

2. Adoption of Minutes

Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman, to approve the minutes of the August 22, 2017 regular meeting, as presented. The motion passed unanimously.

3. Reading of Proclamation –Constitution Week- September 17-23. 2017

Mayor Gavin Brown read a Proclamation declaring September 17th through 23rd 2017 as Constitution Week. He encouraged everyone to take time to look at the Constitution and reflect on its meaning.

B. PUBLIC HEARINGS

4. Public Hearing to consider approval of an Ordinance to Allow the Sale of Alcohol Beverages Before Noon on Sundays at Licensed Premises

Mayor Brown told the Board that both Public Hearings to be held were based upon his inclinations. He reminded the Board that action did not have to be taken immediately on either Public Hearing.

Town Attorney Bill Cannon opened the Public Hearing at 6:37 p.m.

**Ashley Owens
Bourbon Barrel Restaurant**

Ms. Owens stated that she owned the Bourbon Barrel for six years, and she would like to start having a brunch business from 10:00 until 12:00 on Sundays. She feels this would be very lucrative and would make money for her business. Ms. Owens said she understood how the sale of alcohol before 12 on Sundays might interfere with church and she hopes that will not be a major problem. She does not want this to be seen as something that is less respectful of people's beliefs. She said she feels like that if someone is an alcoholic, they will drink, no matter if it is 10:00 a.m. on Sunday or another time. Ms. Owens told the Board that she felt that selling alcohol for two extra hours on Sunday would mean more tax money for the Town of Waynesville, and that it is a great step for the future.

**David Angel
Elevated Mountain Distillery**

Mr. Angel told the Board that he lived in Waynesville, and owns Elevated Mountain Distillery in Maggie Valley. He explained that in a way the two hours on Sunday would benefit his business. He said that by opening at 10:00 a.m. a business that carries his products could sell more of them. Mr. Angel said he wanted to make the Board aware of the economic impact the craft beer and wine industry has on Western North Carolina and Haywood County. He said that North Carolina is one of the top ten beer manufacturers in the United States. He said that in Haywood, Buncombe, and Henderson Counties over one billion dollars has been invested in this industry. Mr. Angel told the Board that the Town had a choice to show that they are open to this economic growth with a vote for the "Brunch Bill".

**Chris Lowe
Boojum**

Mr. Lowe said he wanted to emphasize the “Brunch Bill” was also about customer service for Boojum. Being open to the public two extra hours would not only boost Waynesville’s economic base, but is a way to welcome people from outside the Town. He said he did appreciate people’s religious choices against the sale of alcohol before 10:00 a.m. on Sunday’s, but he thanked the Board for taking into consideration the businesses of Waynesville, and the impact the “Brunch Bill” will have on them.

Town Attorney Bill Cannon closed the Public Hearing at 6:46 p.m.

Mayor Brown asked each Board member to give their thoughts on the matter.

Alderman Julia Freeman stated she had heard no public input against passing the Ordinance. She said that even though the Town currently has liquor by the drink, the Town needed to be respectful of people who are against the Bill. Alderman Freeman said she felt that businesses in Waynesville were very respectful and responsible business owners .

Alderman Gary Caldwell said that he felt that business owners in Waynesville were very responsible for their patrons and he doesn’t feel that two hours is going to make a difference. He said he is in agreement with the Ordinance.

Alderman Jon Feichter said he had posed the question for both Public Hearings on his Facebook page. He said the he was “blown away” with the comments he received on both questions. He said his post had Reached almost 5000 people, and was shared 25 times. On the question of serving alcohol before noon on Sundays, he received were thirty seven comments with thirty four in favor and three against. After seeing the Response from the public, he stated he was in favor of the Ordinance.

Alderman LeRoy Roberson said he didn’t think two hours would make much difference.

Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter to approve an Ordinance to allow the sale of Alcoholic Beverages Before Noon on Sunday at Licensed Premises. The motion passed unanimously.

5. Public Hearing to consider approval of an Amendment to Section 6.6 of the Town of Waynesville Code of Ordinances Animals at Street Fairs, Festivals, and Parades.

Town Attorney Cannon opened the Public Hearing at 6:58 p.m.

**Kenneth Martin
10 Country Club Drive
Waynesville, NC 28786**

Mr. Martin said the he and his wife have lived in Waynesville for 10 years. They love the area, and like to attend many of the festivals that are held. Some of the events they cannot attend because they cannot bring their dog. He asked the Board to consider changing the Ordinance to permit dogs at festivals and encourage owners to have long leashes on the dogs.

Town Attorney Cannon Closed the Public Hearing at 7:01 p.m.

Mayor Brown asked Captain Brian Beck to share the Police Department's perspective about allowing animals at festivals.

Captain Beck said it was a no win situation for the Police Department because in the State of North Carolina there is currently no registration, certifications, or paper work for service dogs. When they approach someone on the street about an animal, they are almost always told that it is a Service Animal, so nothing can be done. No questions can be asked concerning the animal. Captain Beck said that after every event, Civilian Police say that the only problem they have is when they approach someone about their dog being on Main Street and they are told it is a Service Animal.

Mayor Brown asked Board Members to express their opinions concerning animals at Festivals and Parades.

Alderman Freeman said this is the only issue that she has had any feed back from the community on, and it was 50/50. She said the one thing that has stood out in her mind are families that come into Town and are not aware of the Ordinance as it is now. She said it is a big decision as to what to do with their animal in order to attend the festival. Aldermen Freeman told the Board she has a concern about the hot streets, and having water available for the animals. She stated that water fountains with receptacles at the bottom for dogs could be considered if the Ordinance is amended.

Alderman Caldwell said he has seen several merchants placing water bowls out for dogs along the street. He said that as long as the animal was on a specified leash he did not see any problem with amending the Ordinance.

Alderman Feichter said that he can certainly appreciate why a person would want to bring their dog with them to an event in Waynesville. In his Facebook survey on the subject, it was overwhelmingly opposed by the public, with 89% saying do not allow and 7% saying to allow. He said that in his mind that was a pretty clear voice that people do not want the Ordinance changed. Some of the reasons cited were the number of people attending the festivals and not being able to move because of the crowd, and some of the people were just afraid of dogs. Alderman Feichter said he is opposed to changing the Ordinance.

Alderman Roberson said the biggest concern he had is people being responsible for cleaning up after their animals. He suggested that maybe some of the sponsors of the festivals hire someone to clean up after the animals, and make sure the streets are kept clean. He stated that he is opposed to the amending the Ordinance.

Alderman Feichter said that earlier discussion of the Ordinance, there was the possibility of a "doggie day care". He said he would be interested in possibly partnering with animal service organizations to provide dog sitting services so that people do have an option when they are visiting Waynesville. He said he would be willing to support the possibility of the Town paying if there were any costs involved.

Downtown Waynesville Association Executive Director Buffy Phillips said that at one time there was such a service offered at Grace Episcopal Church by Haywood Spay Neuter. She said that the service was not used because people were afraid to leave their animals with someone they didn't know. Ms. Phillips said the program wasn't worked out really well at the time. She said she felt the Board should decide what events animals would be allowed.

Alderman Feichter said the City of Hendersonville had taken the middle of the road approach and animals are allowed at smaller festivals. He said he would be totally in favor of that approach.

Assistant Town Manager Amie Owens told the Board that she had done some research on the policies of other towns concerning animals at Festivals and Parades. She said that most of the towns indicated that it is very difficult to enforce. Hendersonville had the most success with stating at which festivals animals are allowed.

Mayor Brown asked Manager Hites and Assistant Manager Owens to research other towns and cities in the state to see what is working best for them.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman to table the proposed amendment to Section 6.6 of the Town of Waynesville Code of Ordinances Animals at Street Fairs, Festivals and Parades for discussion at a later date.. The motion passed unanimously.

C. CALL FOR PUBLIC HEARING

6. Request for Voluntary Annexation from Mountain Credit Union

Assistant Manager Owens stated that this petition is being requested by Mountain Credit Union, represented by Mr. Chuck Reece. The purpose of the request is to connect to the Town's Sewer system in accordance with Town Policy. The property is located within the Town's Extra-Territorial Jurisdiction and is approximately 570 feet from the Town's contiguous boundary and 340 feet from the closest noncontiguous annex area. Ms. Owens explained to the Board that the property is zoned "Dellwood Medium Density District Mixed-use Overlay". This means that banks, credit unions, financial services, and ATM are permitted on this property, regardless of the Board's decision on annexation.

Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter, to call for a Public Hearing to be held on September 26, 2017 beginning at 6:30 p.m., or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville to consider a Petition for Annexation of a non-contiguous satellite area at 1698 Russ Avenue, PIN 8616-36-7164. The motion passed unanimously.

D. CALL ON THE AUDIENCE

**Danny Wingate
Manager - Haywood Builders Supply**

Mr. Danny Wingate stated that recently his company lost an unadvertised opportunity to sell the Town of Waynesville a product by 22 cents. Mr. Wingate said he would like for the Board, in future retreats, to consider a purchasing policy. This policy should favor local businesses that donate and pay taxes to the Town of Waynesville.

Mayor Brown told Mr. Wingate that the Board is working on a policy that would address that issue. Manager Hites read the current policy to the Board, and stated that he had talked with Town Attorney Cannon about the policy. Mr. Cannon has been in contact the the School of Government concerning this matter, and

would like to discuss revamping the policy at the fall retreat. A date of Friday October 6, 2017 was agreed upon by Board Members for the Fall Retreat.

E. COMMUNICATIONS FROM STAFF

7. Manager's Report – Town Manager Rob Hites

Manager Hites had no comments.

Assistant Manager Owens noted that several part time positions have been open since May. A consolidation of four part time positions into two full time positions will happen October 1. This consolidation would eliminate the monitoring of hours part time employees are allowed to work. She gave a brief summary of the full and part time employment, and the proposals to generate interest in working for the Town of Waynesville.

8. Attorney's Report - Town Attorney Bill Cannon

Town Attorney Cannon had no comments.

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Freeman told the Board she will be absent for the October 24, 2017 meeting.

G. ADJOURN

With no further business, Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter, to adjourn the meeting at 7:37 p.m. The motion passed unanimously.

ATTEST

Gavin Brown, Mayor

Rob Hites, Town Manager

Eddie Ward, Town Clerk