

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REGULAR SESSION MEETING  
January 10, 2017**

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**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting on Tuesday January 10, 2017, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

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

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

The following staff members were present:

Rob Hites, Town Manager  
Woodrow Griffin, Town Attorney  
Eddie Ward, Deputy Clerk  
Elizabeth Teague, Development Services Director  
Joey Webb, Fire Chief  
Bill Hollingsed, Police Chief

Representing the media:

Cory Vaillancourt, Smoky Mountain News  
Allison Richmond, the Mountaineer

1. Welcome /Calendar/Announcements

Mayor Brown welcomed everyone to the meeting and noted the following calendar events including:

- Saturday January 14 – 11:00 am - MLK Weekend Activities – Pride March
- Sunday January 15 – 3:00 pm – MLK Weekend Activities – Commemorative Service – Pleasant Grove Baptist Church
- Monday January 16 – 8:00 am – MLK Prayer Breakfast – Lambuth Inn
- Monday January 16 – Martin Luther King, Jr. Day – Town offices closed
- Altrusa Soup and Cornbread – January 17 – First United Methodist Church
- Monday January 23 – 5:00 pm – Haywood Chamber of Commerce Elected Officials Reception – Wells Event Center

2. Adoption of Minutes

***Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman, to approve the minutes of the December 13, 2016 meeting as presented. The motion passed unanimously.***

**B. CALL FOR PUBLIC HEARING**

3. Call for Public Hearing to consider a map and text amendment to rezone the following properties from Howell Mill Road Medium Density Residential to Howell Mill Urban Residential

- Elizabeth Teague, Development Services Director

Ms. Teague explained to the Board that this property is owned by Mr. Thomas Moody. The properties consist of 1.65 acres adjacent to DC Plus Packaging warehouse, and convenient to the Town and the Town’s Recreation Center. The request is to consider a map and text amendment to rezone the following properties from Howell Mill Road Medium Density Residential to Howell Mill Urban Residential;

59 Abel Lane PIN 8616-42-9030  
48 Misti Lane PIN 8616-51-0949  
12 Misti Lane PIN 8616-52-0138

The Howell Mill Urban Residential District was created in May 2016 in response to the need to create transitional zoning between the neighborhood along Howell Mill Road and the heavy commercial development along Russ Avenue. Mr. Moody brought his request before the Planning Board at the December 21, 2016 meeting and the Board voted to grant the request with seven Board members voting for the rezoning and one objection.

***A motion was made by Alderman Jon Feichter, seconded by Alderman LeRoy Roberson, to call for a Public Hearing to be held on Tuesday January 24, 2017 at 6:30 p.m. or as closely thereof as possible, in the Town Hall Board Room located at 9 South Main Street, Waynesville, to consider a map and text amendment to rezone 59 Abel Lane, PIN 8616-42-9030; 48 Misti Lane, PIN 8616-51-0949; and 12 Misti Lane, PIN 8616-52-0138 from Howell Mill Road Medium Density Residential to Howell Mill Road Urban Residential, as presented. The motion passed unanimously.***

**C. NEW BUSINESS**

4. Request approval of Letter of Commitment to uphold the Town’s twenty percent (20%) match commitment for NCDOT Division 14 Needs Project to construct a pedestrian facility along Hazelwood and Plott Creek Road (TIP EB-5859, projected construction date 2023)

- Elizabeth Teague, Development Services Director

Ms. Teague explained to the Board that the NCDOT project to construct a pedestrian facility along Hazelwood and Plott Creek Road has officially been placed on the Transportation Improvement Projects (TIP) for construction in 2023. A letter of commitment to uphold twenty percent (20%) match of the cost to construct this pedestrian facility from Will Hyatt Road to Elysinia Road is required. Ms. Teague said the estimated cost of construction is \$100,000.00. Therefore the Town would commit to approximately \$20,000.00 toward this project depending on actual costs at the time of construction. Ms. Teague added that this project was the highest scoring pedestrian project in Division 14.

***A motion was made by Alderman Julia Freeman, seconded by Alderman LeRoy Roberson to authorize the Town Manager to sign a letter of commitment on behalf of the Town for the required match of 20% of the cost to construct this pedestrian facility from Will Hyatt Road to Elysinia Road, as presented. The motion passed unanimously.***

5. Request to Haywood County to obtain property and work with the Town to redevelop County property on Calvary Street as a new park

Ms. Teague told the Board that property located in the Pigeon Street Community was recently foreclosed on by Haywood County. It is located where Calvary and Craven Street meet in the Pigeon Street community. Together with other adjacent parcels owned by the county, this area could be cleaned up, a structure on the property that is a safety concern removed, and turned into a park that could be a community focal point. In pursuing this effort, the Town could gain control of the property and complete a park plan with neighborhood involvement. Ms. Teague said these park development efforts could be funded through a combination of grants and local investments.

Ms. Teague told the Board that since the time they had received their agendas, a private citizen has come forward to the County and expressed interest in purchasing the property.

Mayor Brown asked Police Chief Bill Hollingsed to speak to the Board concerning police calls involving this property. Chief Hollingsed stated that the police department had become involved with this area approximately 2 years ago. It has become an ongoing problem for the police department with about a dozen calls for service in the last year. This is where residents in the community have called the police department about suspicious activities, suspicious persons, and people hanging out and causing disturbances. Mr. Hollingsed said the property is a huge eyesore with overgrown grass and weeds, trash, and an unsafe structure. As a result of those complaints, the Police Department had asked residents what they would like to see in place of the eyesore it is now. Residents confirmed that they would like to have a park for the community that they could feel safe to take their family and children to.

Mayor Brown indicated he had spoken with Ms. Patsy Dowling of Mountain Projects, and she confirmed to the Mayor that having this park would benefit Mountain Projects because the site where they are now is very small. They would like to have an area where parents and children could gather comfortably.

**Phillip Gibbs** – Mr. Gibbs stated he was before the Board approximately one year ago asking to get recognition of Dr. Martin Luther King, Jr. The proposed park would uplift the community and get rid of the so called “rat hole” on this property. Mr. Gibbs said the property as it is now is a place where “druggies” hang out and is not a good place for the community. He asked the Board to consider pursuing buying this property. He suggested naming the park after Dr. Martin Luther King, Jr.

**Michael Tate** - Mr. Tate said he has interest in the property to form a new venture in the community. Mr. Tate said he agrees that the property needs to be cleaned up, and he said he is not opposed to a park. Mr. Tate’s idea for the area is an event center that would be a place for weddings, receptions, reunions private functions, parties, and community related events. Mr. Tate said he would clean up the property and obtain all permits and inspections that are required in opening this event center. He feels the event center would be a good project for the community.

**Alfred Caldwell** – Mr. Caldwell said that he is in favor of a park on the Calvary Street property. If a park is placed on the property, that would be something that could be accessed at no charge by residents. If an event center is placed on the property, more than likely there will be a charge for the use of the property, and not everyone can afford to pay.

**Walter Bryson** - Mr. Bryson stated he lives adjacent to the property on Calvary St. and he has had several problems with people who loiter on that property. He feels that if an event center is opened, it would cause more problems with alcohol and drugs. He also expressed concerns about noise that would be associated with gatherings. He does not want any problems that could be connected to an event center. Mr. Bryson encouraged the Board to purchase the property and put a park for the community there.

Alderman Jon Feichter expressed that he is very supportive of the option of a park on the property. He feels that there are several advantages to the Town, one being this would place a park in the general vicinity where there is not one now. Another advantage would be that the park will serve the entire community.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to direct staff to attempt to obtain property and work with Haywood County to redevelop lots on Calvary Street as a community park. The motion passed unanimously.***

6. Resolution requesting the Haywood County Board of Commissioners to approve a fire district for the properties in and around the Junaluska Assembly

- Rob Hites, Town Manager
- Joey Webb, Fire Chief

Fire Chief Joey Webb gave a brief history of the Fire Districts within the Town of Waynesville. He said that when water lines were laid in the Town, a \$2.00 charge was added to the water bill for fire protection. In 2006 the County Fire Marshall proposed a fire district for each fire department within the county. This caused a problem because the city limits of the Town of Waynesville were not contiguous with the rural fire district that was currently in place. Seven areas were identified that were served by the Waynesville Fire Department, but were not in these districts. Since 2006, Chief Webb said that Ivy Hills, Howell Mill Road, and Eagles Nest have been included in the Waynesville Fire District. Chief Webb referred the Board to the Waynesville Fire District Map showing the properties that are not included in a fire district. He stated this will clean up four areas and place them in the rural tax district (Reinertson, Knollwood, Shingle Cove, and properties around Lake Junaluska). While reviewing the maps Chief Webb said that another property on Lloyd's Mountain had been discovered as not being in the fire district.

Chief Webb stated that the Town increased its ad valorem tax rate five cents per \$100 in assessed valuation to fund eight additional fire fighters. Due to the increase in the Fire Department's budget, the Town requests that the Haywood County Commissioners create a fire district that encompasses the properties that the Town has served for many years with six cents per \$100 tax rate. This will change the method and fairness of collections for fire service from a fee on the resident's utility bill to the customary method of collection, which is a fee on the ad valorem tax bill for fire service.

Manager Hites explained to the Board the next steps involved in the process of approving a new fire district. First, the County will set a Public Hearing and Chief Webb and the County Fire Marshall will present a statistical report, incident report, and the GIS map showing properties involved to the Commissioners. At that meeting the public will have the opportunity to express their opinion on the matter. The Commissioners will then vote to approve or disapprove the request. If approved, the request for the six cents per \$100 tax rate will be presented, possibly at another County Commissioner meeting.

***A motion was made by Alderman Julia Freeman, seconded by Alderman Gary Caldwell, to approve the resolution requesting the Haywood County Commissioners to adopt a fire district involving the area that the Town has continually served with fire and rescue services for many years. The motion passed unanimously.***

7. Request approval of renewal of lease contract with Asheville Radio Group for radio transmitter located in the Municipal Building

Manager Hites told the Board that the Town had entered a one year lease on December 10, 2015 with SAGA Communication – dba Asheville Radio Group- to locate transmission equipment and use the radio tower at Town Hall. The reasoning behind this lease was to provide local programming on radio station 105.9 to the community. The equipment is currently located in an office space on the second floor, which makes the office space unusable for staff. North Carolina State Statutes states that in regards to leasing it has to be established that there is no need for the office space in order to lease to a private entity. Manager Hites expressed that the office space was needed to be used by the Town staff. The representative from Asheville Radio Group agreed to relocate the equipment to the top two shelves of a storage closet at the top of the stairs. Manager Hites stated that the monthly rent for the space is \$200.00 which will provide \$2400.00 per year in general revenue.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Gary Caldwell, to approve renewal of the lease contract with Asheville Radio Group for radio transmitter located in the Municipal Building effective February 1, 2017 as presented. The motion passed unanimously.***

**D. COMMUNICATIONS FROM STAFF**

8. Manager's Report – Town Manager Rob Hites  
a. Vehicle Purchases

Manager Hites said that in Section XI Special Authorization of the Budget ordinances allows the Budget Officer (Manager) to “affect transfers within the same fund. Notation of such transfers shall be made to the Board on the next Financial Report”. This broad authority has been used to purchase capital items when funds are freed up in both Capital and Operating budgets. Manager Hites explained to the Board that in the past if funds are found that have not been spent in Capital and Operating budgets, additional equipment has been purchased with these funds. A new Ford Explorer 4X4 has been purchased to patrol the Watershed by the Water Department and replace a vehicle that was transferred to the Police Department. The cost was \$26,842.87 including tax and tags. These funds came from unspent capital in the Water Department.

Another vehicle, a Nissan Leaf, was purchased for use in the Asset Management Division. This all electric vehicle is to be used for regional travel. The Division's Toyota Prius will be transferred to the Administrative Division to replace a vehicle that was wrecked several years ago and not replaced. The cost of this vehicle is \$23,302.54 including tax and tags. The funds for this car came from \$21,000.00 in savings derived from favorable purchasing in the Lease Purchase for vehicles funded in 2013. The Explorer has been ordered and the Leaf is in service.

Manager Hites said that he realized this has been a common practice when unspent funds can be used to purchase needed capital items, but he feels good budget discipline should be practiced, and

vehicle purchases should be approved in the annual budget. If additional capital purchases are needed, staff should return to the Board so the need can be evaluated and approved.

***A motion was made by Alderman Julia Freeman, seconded by Alderman Jon Feichter, to approve a resolution authorizing the Town Manager to utilize the residual loan proceeds for the purchase of additional vehicles, as presented. The motion passed unanimously.***

9. Attorney's Report – Town Attorney Woody Griffin

Town Attorney Griffin had nothing to report

**E. COMMUNICATIONS FROM THE MAYOR AND BOARD**

10. Town of Waynesville Resolution to NCDOT regarding Russ Avenue Project

Mayor Brown stated that the North Carolina Department of Transportation has presented their plans for the Russ Avenue Corridor Project. He said that a special Board meeting had been held, and the Board had heard many comments from the community concerning this project. He said Town Staff had formed a resolution from those public comments to be presented to the NCDOT as a result of that meeting. Mayor Brown read the resolution aloud and stated that he felt the resolution was consistent with the comments from the public, and with the Town's Land Design Standards.

Alderman Jon Feichter thanked Mayor Brown for his leadership in this project. He added special thanks to Mr. Charles McDarris and members of the public for their interest in not only the Historical District of the proposed plans, but the whole Russ Avenue project as well.

Manager Hites explained to the Board that the Resolution from the Board, along with the Resolution from the Historic Preservation Commission, and minutes from the comment sessions will be forwarded to NCDOT.

Alderman LeRoy Roberson brought up the fact that economically it would be a savings of money to the NCDOT if the project stayed within the current right of way.

Ms. Elizabeth Teague mentioned that the plans for the greenway that cross under Russ Avenue along Richland Creek have already been sent to NCDOT. She added that any comments that randomly came into the Town have been forwarded to NCDOT also. She said that the Town wanted to make sure that NCDOT get all the public comments before the January 13, 2017 deadline for comments. She encouraged anyone in the public who has concerns or wants to direct comments specifically to their property in this project to contact NCDOT by email or in writing.

Alderman Julia Freeman said that the Historic District of this project is a "no-brainer." She said this district has got to be protected. But she reminded everyone that this project will affect all of Russ Avenue. The property within Russ Avenue that is going to be lost when the NCDOT takes their right of way is tremendous. Some businesses will lose property and parking with the median in the center, and the seventeen foot right of way on each side of Russ Avenue. She said the tax base along Russ Avenue is the second largest tax base in the Town of Waynesville. The project will definitely impact the small businesses along the sides of Russ Avenue, and the tax base from those businesses. She said she would like to see more in the resolution referring to the small business and the impact the project will have on

them and the Town. Alderman Freeman said she wished that more effort could be placed on saving Russ Avenue.

Mayor Brown said in response to Alderman Freeman's statement that one of the items in the Resolution was the concept of reducing the size of the concrete median on Russ Avenue, so that less private property would be taken by the NCDOT. He told the Board that this will be a massive project, and it will go forward, so this is the opportunity to send comments to the NCDOT.

***A motion was made by Alderman Gary Caldwell, seconded by Alderman LeRoy Roberson, to approve the resolution from the Town of Waynesville to the NC Department of Transportation regarding the Russ Avenue Project. The motion passed unanimously.***

**F. CALL ON THE AUDIENCE**

No one addressed the Board

**G. ADJOURN**

***With no further business, Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter, to adjourn at 7:40 pm. The motion passed unanimously.***

ATTEST

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Gavin A Brown, Mayor

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Robert W. Hites, Jr., Town Manager

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Eddie Ward, Deputy Clerk