

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
February 14, 2017

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, February 14, 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
Alderman Gary Caldwell
Alderman Jon Feichter
Alderman Julia Freeman
Alderman LeRoy Roberson

The following staff members were present:

Rob Hites, Town Manager
Woody Griffin, Town Attorney
Phyllis Rogers, Retired Town Clerk
Rhett Langston, Recreation Director
James Robertson, Tax Collector
Lisa Burnett, Purchasing Agent
Eddie Caldwell, Finance Director
Elizabeth Teague, Development Services Director
Joey Webb, Fire Chief

The following media representatives were present:

Allison Richmond, The Mountaineer
Cory Vaillancourt, Smoky Mountain News

1. Welcome/Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting, including Boy Scout Troop 318. Mayor Brown added that it is always good to have a group of young people join the Board at their meeting. Attendance at a meeting will help the boy scouts earn their Merit Badge, show them how to become involved in their community and how to look at both sides of an issue. Mayor Brown said he was once a member of Boy Scout Troop 318 and Alderman Feichter was also a member of Troop 318 for a short period of time. Mayor Brown asked that official Town of Waynesville lapel pins be made available for the Boy Scouts.

Special Meeting Scheduled February 24, 2017 for Board Retreat

A special meeting is scheduled on Friday, February 24, 2017 beginning at 8:30 a.m. at the Wells Events Center for the purpose of a Board Retreat. A draft agenda was presented to the board members for their review and they were asked to contact Town Manager Rob Hites if they have additional items for the agenda.

2. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Freeman, to approve the minutes of the January 24, 2017 regular meeting as presented. The motion carried unanimously.

3. Introduction of New Fire Fighters by Fire Chief Joey Webb

Fire Chief Joey Webb introduced four new Waynesville firemen and some of their family member members. David Blackburn was unavailable to attend because he was returning from a cardiac arrest call. Cody Parton was working a brush fire at Pigeon Gap. Ben Buchanan has volunteered for Waynesville for six years, and is a former employee of Enka Fire and Rescue. Wesley Alison began as a volunteer for Waynesville before being hired fulltime. This completes the hiring of eight new firefighters by the Town of Waynesville. Mayor Brown expressed appreciation to the firefighters for their service.

Four Fire Captains attended to present a plaque to Fire Chief Webb in honor of him being named 2016 North Carolina Career Fire Chief of the Year. Chief Webb was also named 2016 Career Fire Chief of the Year by the Western North Carolina Association of Fire Chiefs. In November 2016 the Waynesville Fire Department personnel wrote a letter of nomination for Fire Chief Webb which was read by Captain Darrell Calhoun. Upon receiving the award for WNC, Chief Webb was then eligible for the title of Fire Chief of the Year for the State of North Carolina. Fire Captain Allen Stewart added that it is a great honor to Chief Webb and the Waynesville Fire Department for this title to be bestowed on Fire Chief Webb. Chief Webb's wife, two children and seven of his eight grandchildren attended the meeting. Chief Webb said he feels that he is the fire chief of the best town in North Carolina. He gave credit to the firemen in the department that work tirelessly and faithfully in all their tasks. Chief Webb thanked his wife for standing by him through the years. They were married in 1977 and he joined the Fire Department soon after.

A resolution unanimously adopted by the Board of Aldermen by consensus was also presented. Mayor Brown read the last paragraph as follows: "Now, therefore, be it resolved, that the Waynesville Board of Aldermen, on behalf of the Town's employees and all its citizens, wishes to express its appreciation to Fire Chief Joey Webb, Sr., for his outstanding work and leadership, and congratulates him on the receipt of the 2016 North Carolina Career Fire Chief of the Year award."

Mayor Brown thanked Chief Webb for bringing this sense of professionalism to Waynesville and noted that it is also recognized by the community. Mayor Brown thanked everyone in attendance on behalf of Chief Webb, adding that this award is also an honor for the Town of Waynesville.

B. PUBLIC HEARING

4. Public Hearing to consider the approval of the Town of Waynesville Recreation Master Plan

The Waynesville Parks and Recreation Department Systemwide Parks Master Plan: 2017-2026 and the Site Specific Plan for Vance and Recreation Park were created through a public survey and three public meetings. Derek Williams presented the plan to the Waynesville Parks and Recreation Department Advisory Commission on Monday, January 9. The commission voted to approve the plans. The plan was presented to the Board of Aldermen on January 24, 2017 and a public hearing was called for February 14 to gain citizen input on the presented Master Plan.

Attorney Griffin opened the public hearing. The following persons spoke:

Steve Mathis thanked the Board for allowing him to speak. Mr. Mathis was unaware of the master plan and that there have been surveys and opportunities for feedback from the public. He requested that the Board consider adding a public outdoor swimming pool for people to enjoy during the summer. He felt that there is a lot of interest for an outdoor pool and concessions could help the Town generate revenue to operate the pool.

Mayor Brown said the Recreation Master Plan includes a splash pad. Parks and Recreation Director Rhett Langston added that the splash pad does not require as many chemicals, personnel and operational costs as an outdoor pool. Numerous requests have been received for a splash pad and he is unaware of one similar in Western North Carolina. Mayor Brown said the discussion of the Master Plan would continue at the Board's Retreat on February 24. Alderman Roberson added that several years ago the Board discussed repair to the outdoor pool and the costs involved in repair and operation of the pool.

Paul Lentz said he moved to this area approximately three years ago. One of the main things that attracted him to Waynesville was the recreational amenities, and Waynesville's have lived up to his expectations. Mr. Lentz attended all three public meetings. He asked if the Master Plan as presented was "in stone". Mayor Brown explained that the plans have been presented to the Board for further discussion, but are subject to change. Mr. Lentz added that he is a developer and felt that demolishing the existing courts and building new ones may not be the most economical method to use. He felt that the existing courts could be repaired at a cost less than demolition and new construction and would like for the Board to look at cost analysis. Mr. Lentz also requested that Waynesville consider clay courts.

John Greer lives in Haywood County and uses the Town's recreational facilities. Mr. Greer requested that the Board consider outdoor Pickle Ball Courts, adding that this is one of the fastest

growing sports in the Country. Tennis is an awesome sport, but pickle ball is good for people that want to stay active despite limitations. Mr. Greer felt that pickle ball courts would attract tourists during the summer months and fit in with Waynesville's vision statement.

Kenny Mull, Recreation Advisory Commission Chairman, is a resident of Tarheel Drive. Mr. Mull said Parks and Recreation Director Rhett Langston and his staff have been working on the CAPRA Plan for certification of the Recreation Center. One of the criteria for certification is that you have a master plan. This plan gives Waynesville a ten year look of what is needed in recreation. Once the plan is adopted it can be "tweaked". One of the most needed additions in recreation is public restrooms, especially since Waynesville now has a public park at Chestnut Park Drive and the possibility of another park at Calvary Street, located off Pigeon Street.

No one else spoke; Attorney Griffin closed the public hearing. Mayor Brown thanked everyone that spoke and for the comments about the outdoor swimming pool and pickle ball courts. The Board will continue discussions of the Recreation Master Plan at their retreat on February 24.

Alderman Caldwell said the plan puts the Town in a position to obtain grants. He added that the last payment on the Recreation Center will be made in 2018. Alderman Feichter agreed and was impressed with the thoroughness of the plan. He asked how CAPRA is tied in with the plan. Parks and Recreation Director Rhett Langston explained the standards required for certification and how many must be met for certification, one of those being adoption of a plan. Alderman Freeman was very appreciative of the time and effort put into the development of this very comprehensive plan. Alderman Roberson asked if items in the plan have been prioritized. Kenny Mull said some of the priorities include the splash pad, larger weight rooms and aerobic rooms, and restrooms at every park. Parks and Recreation Director Rhett Langston said there were statistics and recommendations for items in the plan, including tennis courts. Another is that an outdoor swimming pool should be included for a community with a population of 34,000. Waynesville's population is 10,000.

Town Manager Rob Hites said Waynesville has a tax base of 10,000 people, but a service base of more than 30,000, which includes residents from areas outside Waynesville's corporate limits. This puts pressure on the citizens of Waynesville to pay for such facilities. Mayor Brown suggested that the Board have further discussion regarding rates and whether they should consider charging outside rates for facility users that live outside Waynesville's corporate limits. Mayor Brown said it is important when the plan is approved that the Board finds a way to pay for it as well. The Board was appreciative for all the work that has gone into the plan. No action was taken. Discussions regarding the plan will continue at the Board Retreat on February 24.

5. Public Hearing to consider a request to rezone 1678 Brown Avenue, PIN 8605-70-6170 from Hyatt Creek Regional Center Commercial District (HCRC) to Hyatt Creek Regional Center Commercial District Conditional District (HCRC-CD)

This request is being made by Ingles Markets, Inc., for the purpose of placing a new store and gas express at their current site on Brown Avenue. The proposal is for the Town to apply map and text amendments for 6.02 acres in the Hyatt Creek Regional Center District (HC-RC) in which the site plan and enumerated ordinance amendment requests specific to this location be applied as a Conditional District (HC-RC-CD).

Development Services Director Elizabeth Teague explained that Ingles would like to redevelop their site located at 1678 Brown Avenue, involving 6+ acres. The current buildings would be demolished with new buildings constructed with a final new footprint almost double in size and including a gas express facility. An easement has been worked out with Haywood County for a sidewalk and the addition of a transit stop has been coordinated. The proposal was heard and unanimously recommended by the Planning Board and found to be consistent with the 2020 Land Development Plan. Approval of a conditional district has more to do with design and flexibility within the ordinance without asking for anything that would not be allowed in the zoning district in which it is located. Floodplain issues and additional sidewalks will be addressed. Adequate water and sewer services are available. Flexibility with the interior parking lot is recommended as well as a signage plan that would be similar to the signage at the Ingles located off Russ Avenue. Multiple services are usually located within Ingles stores such as Starbucks, pharmacy and deli. As part of the conditional district approval the Board will also be approving the site plan. Once approved, if there are any major changes Ingles will need to come back to the Board for approval.

Preston Kendall, representing Ingles, was in attendance to further explain the request by Ingles and answer questions. Mr. Kendall explained that Ingles would like to create this new development to give their customers an improved store similar to the Ingles located off Russ Avenue. In trying to meet the Town's ordinance they are proposing changes in the location of trees. The required number of trees will not change, however the trees will be located in larger islands to avoid having trees grow outside smaller islands. They are also requesting changes in the signage which will be scaled down slightly from the other Ingles with a total of seven signs on the building front. The Town permits 15% signage on the front of the building but the proposal will be less than 4%. 203 parking spaces are proposed with two car charging stations with the capability of installing additional charging stations in the future. Drainage improvements are proposed and will be tied into NCDOT's drainage system. Sidewalks will add connectivity with Haywood County's adjacent property. A bus stop will be located in the front left hand corner of the property. Ingles has worked with the railroad and purchased an additional 50 feet of property and an easement which would allow room for maintenance of transformers, etc. The store currently employs 75 -100 people. These employees will be offered jobs in another location equal to the same rate of pay while the store is closed. When the new store is opened they will hire 300 employees and jobs will be offered to former employees. Demolition should take approximately 30 days and roughly 8 – 9 months to complete reconstruction. Mr. Kendall added that the Town and Haywood County have been great to work with. The Ingles store will be built two feet above the flood plain and the equipment will be located one foot above the flood plain. Mayor Brown added that this Ingles Store on Brown Avenue was originally built in 1983.

Attorney Griffin opened the public hearing.

Paul Lentz lives in Auburn Park and spoke in support of the project, adding that the proposed development will improve the entire area of Waynesville.

No one else spoke; Attorney Griffin closed the public hearing.

Development Services Director Elizabeth Teague explained that a conditional district is similar to an overlay district. Several years ago State Statutes were changed to allow a development to be reviewed and certain areas of a development approved without allowing items not already permitted within the district. Before these changes were made this would have been considered spot zoning.

Mayor Brown said this is a valuable addition to the community, using the Ingles located off Russ Avenue as an example of the improvements, and Ingles was applauded for adding the drainage. Once the conditional district is approved Ingles will have two years to develop the property. If not completed within the two years, or if significant changes are made, Ingles would be required return to the Board for additional approval.

Alderman Freeman made a motion, seconded by Alderman Roberson, to find the proposed rezoning request consistent with the 2020 Land Development Standards as presented. The motion carried unanimously.

Alderman Caldwell made a motion, seconded by Alderman Freeman, to approve Ingles Markets, Inc., request for a Conditional District based on the submitted site plan and draft ordinance, as presented. The motion carried unanimously.

C. NEW BUSINESS

6. Request Support for Proposed Additional 2% Occupancy Tax

Haywood County TDA currently collects a 4% occupancy tax on short term rentals in Haywood County. 3% of the funds go directly to the TDA for marketing the county as a destination. The remaining 1% is distributed back to the zip code area where it is collected for the zip code area to utilize the funds for marketing and tourism related expenses.

The proposed Tourism Product Development Fund (TPDF) would provide financial assistance for major tourism capital projects that would drive tourism to Haywood County generating overnight stays in accommodations and creating economic impact. The funds for the capital projects would be generated through occupancy taxes paid by visitors to Haywood County. Tourism in Haywood County represents a \$259.43 tax savings to each county household.

Lynn Collins, Haywood County TDA Executive Director, presented the request to the Board to add a 2% Occupancy Tax for Tourism Product Development. Ms. Collins said this was attempted a couple of years ago but was unsuccessful. In the proposal there are two major changes from the previous request. One change is the distribution method for the net proceeds from the increase. 50% of the net proceeds would go into a general fund at TDA and eligible applicants could apply for grants. The remaining 50% of the net proceeds would be returned to the zip code area where it was collected for those areas to have their own pot of money to draw from for projects in their area, similar to the 1% that is already set up. Alderman Feichter asked how the grants would be administered. Ms. Collins said the TDA would consult with the zip code area on their proposed project and send their recommendation to the Haywood County Commissioners for approval. Funds will be administered by the TDA. The other change is that the independent committee has been eliminated.

Ms. Collins further explained how the occupancy tax is distributed and the amount of dollars that could be generated by the additional 2% collected. Surrounding areas, including Asheville and Cherokee, have higher occupancy tax rates and enjoy more money for tourism projects. The TDA has plans to survey visitors to gather information regarding what they would like to see and do in the area. Responses are currently received from people that would like to see a splash pad added to the area. Many people enjoy Waynesville's skate park. Proposed projects should reflect what visitors would like to see or do while visiting the area. The additional 2% could bring more jobs and people to the area.

Alderman Feichter felt that this is critical and without the additional funds it would be like operating with "one hand tied behind our back" in relation to other communities around us.

A motion was made by Alderman Roberson, seconded by Alderman Caldwell, to support the legislation of an additional two percent (2%) Occupancy Tax for establishing a Tourism Product Development Fund and approve the Haywood County Tourism Development Authority (HCTDA) Product Development Fund Policy and Process Guidelines. The motion carried unanimously.

7. Story Walk Agreement for the Waynesville Recreation Center Walking Trail

Haywood County Public Library will install and maintain a story walk around the walking trail at Vance Street Park, 550 Vance Street in Waynesville. The installation is contingent upon Haywood County Public Library being awarded a Medford grant administered by the Community Foundation of Western North Carolina. The purpose of the "story walk" is to promote literacy, family recreation and healthy lifestyle in Haywood County. Attractive displays featuring a children's story book will be placed along the walking trail that will allow kids with their guardians to walk and read while enjoying the trail.

Sharon Woodrow, Haywood County Library Executive Director and Jeff Kuhlman attended the meeting to explain the project and present an example of a display. Pages of a children's book would be displayed along the walking trail and the books would change over time. Families could walk and read the book together. This is popular around the Country right now and libraries are getting involved in

these projects. Mayor Brown commented that this collaboration is important to move forward, adding that the project is a wonderful idea.

Alderman Roberson made a motion, seconded by Alderman Freeman, to approve the Memorandum of Agreement between Haywood County Public Library and the Town of Waynesville for the installation and maintenance of the story walk at 500 Vance Street, as presented. The motion carried unanimously.

8. Authorization to Advertise 2016 Delinquent Property Taxes

The tax office requests authorization be granted to advertise all 2016 delinquent property taxes in the local newspaper, *The Mountaineer*, as required by NCGS §105-369. These are taxes that were billed on property values as of January 1, 2016, which became due as of September 1, 2016 and delinquent as of January 6, 2017. After the approval of the Board, a target date of March 3, 2017 has tentatively been set for the delinquent ad. This date may change due to scheduling with the newspaper.

Tax Collector James Robertson presented the request to advertise delinquent taxes. He explained that delinquent letters were mailed February 2 and to date \$48,000 in additional tax revenue has been collected. The proposed date to advertise is March 3. This advertisement date could be delayed for another week if revenues continue to be received.

Alderman Freeman made a motion, seconded by Alderman Caldwell, to authorize staff to advertise all 2016 delinquent property taxes in The Mountaineer on or about March 3, 2017, as required by NCGS §105-369. The motion carried unanimously.

9. Award Formal Bid FBR 214-17 for Water Maintenance Department Vehicles

The adopted FY 16-17 annual budget included the purchase of two new dump trucks for the Water Department. On December 22, 2016 a Request for Proposal was distributed and bids were opened on Wednesday, January 18, 2017 at 2:00 p.m. Only two bids were received and evaluated. Upon review of the bids the apparent low bidder is Ken Wilson Ford of Canton, North Carolina in the amount of \$139,440.

Purchasing Supervisor Lisa Burnett explained that bids were sent out to six vendors on December 22, 2016, with only two vendors responding. Ms. Burnett explained that Ford prohibits any dealership from buying vehicles from them to sell if they cannot service the vehicle. Since Taylor Ford can't provide service for the vehicles they could not bid on the trucks. The bids came in slightly under budget and the purchase will remain under budget even with any additional costs for radios. The old trucks can be sold on Gov Deals unless it is determined that the Town needs to keep them.

Alderman Caldwell made a motion, seconded by Alderman Feichter, to award the bid for the purchase of two dump trucks in the amount of \$139,440.00 to the lowest, responsible, responsive bidder, Ken Wilson Ford of Canton, as presented. The motion carried unanimously.

10. Approval to submit a grant application to the State Historic Preservation Office Certified Local Government Program for the purpose of conducting a survey of resources historically associated with Waynesville's African American community.

The Town of Waynesville Historic Preservation Commission is making this request for the purpose of identifying and documenting historic resources within Waynesville's oldest and most in-tact, African-American neighborhood along Pigeon Street and in other locations. This research would identify structures and locations of historic and/or architectural significance and evaluate the possibility of developing a nomination to the National Register for particular sites or an historic district. Information gathered could be used in future historical markers and interpretive signage such as what the Town may want to place within a future park at Calvary Street. CLG grants require a 40% match, or \$4,000 toward a \$10,000 study project with a grant request of \$6,000.

Development Services Director Elizabeth Teague was available to answer questions and provide further information if needed. Mayor Brown added a point of interest that the East Street Park property was once owned by an African American resident of Waynesville.

A motion was made by Alderman Freeman, seconded by Alderman Roberson, to direct staff to prepare an application to the Certified Local Government Grant program of the State Historic Preservation Office, as presented. The motion carried unanimously.

D. COMMUNICATIONS FROM STAFF

11. Proposed Service Agreement for Legal Services involving potential litigation

Town Manager Rob Hites explained that the Town is frequently involved in actions that may result in litigation. While Waynesville staff is enforcing the minimum housing ordinance, land owners refer the action to their attorneys. Any appeal of their actions will ultimately be held in Superior Court. It would be very helpful for the Town to have an attorney familiar with litigation to meet with opposing counsel rather than the Town staff.

The Police encounter structures where numerous illegal activities take place. Should property owners refuse to remedy the situation the Police may petition the Superior Court to have the properties closed and become vacant. Having an attorney that is familiar with the process would help the Police to approach the property owners and District Attorney in cases where they have not been successful in having the property owners cooperate with the staff.

Attorney Griffin and Mayor Brown have recommended that Mr. William Cannon be approached with this issue, since he and his staff have worked with the Town in prior years and are familiar with both code enforcement and the laws involving places that harbor habitual felons. Attorney Griffin and Manager Hites met with Attorney Cannon and his partner and they are willing to provide this service on an “as needed basis”. It is not proposed to engage them on a retained basis.

Alderman Feichter made a motion, seconded by Alderman Roberson, to approve the proposed contract with Cannon Law, P.C., for legal services involving potential litigation, as presented. The motion carried unanimously.

E. ADJOURNMENT

Alderman Caldwell made a motion, seconded by Alderman Feichter, to adjourn the meeting at 8:45 p.m. The motion carried unanimously.

ATTEST

Gavin A. Brown, Mayor

Robert W. Hites, Jr., Town Manager

Phyllis R. Rogers, Retired Town Clerk

Amanda W. Owens, Town Clerk