

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REGULAR SESSION MEETING  
September 26, 2017**

---

**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting on Tuesday September 26, 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 6:22 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  
Eddie Caldwell, Finance Director  
Elizabeth Teague, Development Services Director  
David Foster, Public Services Director  
David Kelley, Code Enforcement Officer  
Rhett Langston, Parks and Recreation Director

The following media representatives were present:

Becky Johnson – 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 28** – Downtown Waynesville Association – Board of Directors Annual Meeting- 5:30-172 North Main Street

**Friday October 6** - Board Retreat – Wells Event Center- starting at 8:30

**Friday October 6** – Kiwanis Club Barbeque-11:00 a.m. – 6:00p.m.

**Saturday October 14** – Church Street Art and Craft Show 10:00 a.m. – 5:00 p.m. – Main Street

**Saturday October 21** – 29<sup>th</sup> Annual Apple Harvest Festival – 10:00a.m. – 5:00 p.m. – Main Street

2. Adoption of Minutes

***Alderman Gary Caldwell made a motion, seconded by Alderman LeRoy Roberson, to approve the minutes of the September 12, 2017 regular meeting, as presented. The motion passed unanimously.***

3. Reading of Proclamation Promoting NC Public Power Week October 1<sup>st</sup> – October 7<sup>th</sup> 2017

Mayor Gavin Brown read a Proclamation declaring October 1<sup>st</sup> – October 7<sup>th</sup> 2017 as NC Public Power Week. He commended Public Services Director David Foster, and the electric department for the good work they do.

**B. PRESENTATION**

4. University Participant Program (UP) – Kelly Kelley, PhD Western Carolina University

Dr. Kelly Kelley, co-director of the program, gave an informative presentation on the Western Carolina University Participant (UP) Program. This program was started in 2007 as a pilot program to address a need for inclusive services for individuals with intellectual disabilities beyond high school. This program provides an inclusive two year on-campus living and learning experience for college aged persons. The goal of the program is to facilitate transition of students from secondary school to adult life with education, employment, and independent living. Students receive a Certificate of Accomplishment from the WCU Division of Educational Outreach by completing 1800 total ours and achieving 80% of their personalized goals.

Dr. Kelley introduced Shawn Waitt, a student in the UP program, and Lexa Wall, a Social Work Intern at Western Carolina University. Mr. Waitt told the Board about his experiences while in the UP program and about the opportunities the program has provided for him. Ms. Wall explained to the Board that she was actually the one who was getting the education from being associated the program. She said it has changed her life, and made her realize she would like to continue working with students with disabilities.

Dr. Kelley told the Board how the program was initially started, and the financial aspects of keeping the program active. She asked the Board to consider becoming a supporter of the program and consider contributing monetarily to the program.

Mayor Brown suggested that this request be discussed at the upcoming Fall Retreat on October 6, 2017.

**C. PUBLIC HEARING**

5. PUBLIC Hearing to consider a Petition for Annexation of a Non-Contiguous Satellite Area at 1698 Russ Avenue, PIN 8616-36-7164

Mayor Brown asked Elizabeth Teague, Director of Development Services, to give a staff report about this request.

Ms. Teague said this petition is being requested by Mountain Credit Union, represented by Mr. Chuck Reece, for the purpose of connecting to the Town's sewer system in accordance

with Town Policy. The property is located at 1698 Russ Avenue and 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 non contiguous annexed area. The property is zoned "Dellwood Medium Density District Mixed-Use Overlay" which means that banks, credit unions, financial services, and ATM's are permitted on this property.

**Chuck Reece  
Mountain Credit Union**

Mr. Reece explained to the Board that Mountain Credit Union currently had a branch, and administrative office, and an IT office in three separate buildings on North Main Street and Maple Street. He said Mountain Credit Union's main headquarters is located in Waynesville and they currently have branches as far west as Murphy, North Carolina. Mountain Credit Union plans to build a branch and administration building on Russ Avenue to consolidate these buildings. He said the property was over 6 acres, which is more than a branch bank operation would require. Mr. Reece told the Board that at sometime in the future there could be commercial development on the property that would work well with the Credit Union.

Town Attorney Bill Cannon opened the Public Hearing at 7:05 p.m. and asked if anyone would like to speak.

No one had any comments.

Town Attorney Cannon closed the Public Hearing at 7:06 p.m.

Mayor Brown said he felt that having a financial institution in that area of the Town would encourage development along that corridor. He asked Ms. Teague about an analysis of satellite annexation, and if the recent annexations would exceed ten percent of the main municipal boundaries of the Town. Ms. Teague said she would look into doing an analysis.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Gary Caldwell, to approve the Petition for Annexation of a non-contiguous satellite area at 1698 Russ Avenue PIN 8616-36-7164. The motion passed unanimously.***

**D. NEW BUSINESS**

**6. Amendment 3 Budget Ordinance – Historic Preservation Historical Coloring Book**

Finance Director Eddie Caldwell told the Board that the Historic Preservation Commission had accumulated \$5,474.00 from sales and donations since 2010. The Commission is now requesting that \$2,000.00 of these funds be budgeted for the design and printing of an historical coloring book. A local artist, Kris Sullivan, will be designing the pictures in the book with a budgeted cost of \$1,200.00 and the cost of printing the books will be \$800.00. These coloring books will be distributed in the Haywood County School System to 4<sup>th</sup> graders, and they will also be placed in Bed & Breakfasts and other places for tourists to see.

***Alderman Julia Freeman made a motion, seconded by Alderman Jon Feichter, to approve the amendment number 3 to the 2017-2018 Budget Ordinance for the purpose of Historical Coloring Books for the Historic Preservation Commission. The motion passed unanimously.***

7. Boards and Commission Appointments

The Board received two applications (Kim Gardner and Jeff Childers) for a vacated position on the Recreation Advisory Board that will expire June 30, 2018 and one application (Dominick DePaolo) for a vacated position on the Public Art Commission that will expire June 30, 2019.

***Alderman LeRoy Roberson made a motion, seconded by Alderman Julia Freeman, to appoint Kim Gardner to the Recreation Advisory Board for a term that will expire June 30, 2018, and Dominick DePaolo to the Public Art Commission for a term that will expire June 30, 2019. The motion passed unanimously.***

8. Purchase Christmas Decorations for Hazelwood

Manager Hites stated that several Board Members had mentioned that the Town should decorate its new parking area and street lights for the holidays so that this area of the Town can be as festive as the rest of the Town. He has contacted Mosca Design, the company that the Town has used before is purchasing decorations. The quote received from the company is as follows:

Six 3' lighted wreaths	Hazelwood Street	\$1632.00
Six 12' lighted garlands	Hazelwood Street	\$1063.00
Twelve 4' snowflakes	Parking Lot	\$4825.00
NC Sales Tax		\$ 526.00
Shipping		\$ 350.00
Total		\$8396.00

There was discussion among the Board about the whether there should be six or twelve snowflakes for the new parking lot. He reminded the Board that decorations are not cheap, and these decorations will handle winter weather for several years. Manager Hites said with the completion of the new bathrooms, the Public Art Plott Hound statue and Holiday decorations, this would add to the community spirit.

The Board asked Public Works Director, David Foster, to have his department leave the Holiday decorations up until February 28, 2018.

***A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to approve purchase of Holiday decorations for Hazelwood in the amount of \$8,500.00. The motion passed unanimously.***

9. McGill System Development Fee Study

Manager Hites said that in 2016, the NC Supreme Court said that system development fees, or capacity use fees, based on future costs of a municipality or count's water and waste water systems were unconstitutional. At that time, the Town Attorney recommended that the Town cease charging these fees. The Supreme Court also ruled that vendors could go back ten years in requesting recovery of these fees. Manager Hites said the legal issue for Waynesville is that the Town never developed and adopted a formal policy stating the basis for its system development fees. In 2017 the Board adopted a policy with the intent of re-establishing the Town's existing system development fee program after the budget was adopted.

Manager Hites explained to the Board that in July, the General Assembly adopted HB 436. This Bill establishes a set of standards that local governments must use a qualified professional to set system development fees, and this must be done before July 1, 2018. Two quotes have been obtained, and McGill and Associates of Asheville quoted \$8500.00, and he recommends approving this quote for this service.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter to approve the quote of McGill and Associates to conduct a system development fee study and develop a set of fees for the Town. The motion passed unanimously.***

Alderman Feichter asked for a status update on the reservoir study that was being done by the same company. Public Services Director David Foster explained to the Board that the study was complete but the Town has asked for interpretation on some of the items in the report. Once received, they will come before the Board and give a presentation.

#### **E. COMMUNICATIONS FROM STAFF**

##### **10. Manager's Report – Town Manager Rob Hites**

Manager Hites said that the Inclusive Playground at the Recreation was at the point where Recreation and Parks Director Rhett Langston would like to get approval for the site plan from the Board and move ahead with Phase 2 of the project.

Mr. Langston said that the Playground Committee and the Recreation Advisory Board had approved the site plan for Phase 1 of the playground. He explained to the Board that in this phase would be near the soft ball field and the next phase, the dug out would be removed.

***A motion was made by Alderman Gary Caldwell, seconded by Alderman LeRoy Roberson to approve phase 1 of the Inclusive playground project. The motion passed unanimously.***

##### **11. Attorney's Report**

Town Attorney Bill Cannon gave each member of the Board a copy of "Service Animals in Government Buildings" for review.

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

Alderman Jon Feichter brought before the Board some considerations the he felt was important pertaining to changing Section 6.6 of the Town of Waynesville Code of Ordinances. He said he had four points to consider.

1. Adding animals to an already overcrowded area.
2. Accommodating individuals who have perfectly legitimate reasons for not wanting to visit a festival that includes animals, such as fear of dog, difficulties of people with impaired movement having to navigate leashes and animals.
3. Accommodating individuals who travel with their animals and having to make the choice of not visiting the festival or leaving their animals in the automobiles. – Will this cause these folks to feel unwelcome in our Town?
4. Difficulty in enforcement of the ordinance.

Alderman Feichter suggested that with the two biggest festivals of the year coming up, that as a test, allow dogs – with the provision that the dogs must always be on a leash, and in control by their owners - at these two festivals, and collect some data.

Mayor Brown and the Board were in agreement that gathering feedback from the upcoming events would be helpful in the decision concerning animals at special events.

The Board issued a 90-day moratorium on the enforcement of Section 6.6 pertaining to Animals at festivals, street fairs and parades. The Mayor asked Manager Hites to communicate this information to the Police department and volunteers.

**G. CALL ON THE AUDIENCE**

No one addressed the board.

**H. ADJOURN**

***With no further business, Alderman Gary Caldwell made a motion, seconded by Alderman LeRoy Roberson, to adjourn the meeting at 7:49 p.m. The motion passed unanimously.***

ATTEST

\_\_\_\_\_  
Gavin Brown, Mayor

\_\_\_\_\_  
Eddie Ward, Town Clerk

\_\_\_\_\_  
Rob Hites, Town Manager