

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
September 11, 2018**

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, September 11, 2018 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 Jon Feichter
Alderman LeRoy Roberson
Alderman Julia Freeman

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
David Foster, Public Services Director
Ronnie Norris, Waste Water Treatment Superintendent

The following media representatives were present:

Becky Johnson, the Mountaineer

1. Welcome /Calendar/Announcements

Mayor Brown welcomed everyone to the meeting. From the events calendar, the following were mentioned:

- Saturday September 15 - 6:00 PM - River Walk – Harrah’s Casino
- Saturday September 15 - 7:00 - Raise the Roof - Haywood Habitat for Humanity
- Saturday September 15 - 7:00 PM - BLOCK PARTY - sponsored by the Downtown Waynesville

2. Adoption of Minutes

Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman, to approve the minutes of the regular August 28, 2018 meeting as presented. The motion passed unanimously.

3. Proclamations

a. National Day of Service and Remembrance – September 11, 2018

Alderman Julia Freeman read the National Day of Service and Remembrance Proclamation remembering the victims and innocent lives lost as a result of the tragic events of September 11, 2018.

b. Constitution Week – September 17-23, 2018

Mayor Gavin Brown read the Constitution Week Proclamation for the week of September 17th – September 23rd 2018. He encouraged the citizens of the Town to reaffirm the ideals of the Constitution. He reminded everyone that lost rights may never be regained.

B. CONTINUED BUSINESS

4. McGill and Associates Engineering Report for the Waste Water Treatment Plant

- McGill and Associates Representatives

Keith Webb, Professional Engineer, from McGill and Associates provided a recap of the presentation that was part of the August 14th meeting and noted that the formal Preliminary Engineering Report (PER) had been provided prior to this meeting. The PER was a comprehensive study of the plant including alternatives for upgrades and improvements. Mr. Webb explained that while there was not currently a need for additional capacity, part of this study was to assess whether there could be alternatives that would allow for expansion should it become necessary. He added that the several of the options presented in the report allowed for optimization and maximization of existing facility infrastructure and would continue to meet the required permitting standards through the NC Department of Environmental Quality/Division of Water Resources (NCDEQ/DWR).

Mr. Webb noted that the four options included:

- Rehabilitate Existing Process – this would include some changes to the physical plant, the processing would remain the same. Estimated cost - \$14.6 Million
- Sequencing Batch Reactors – changes again to the physical plant, but the treatment process would occur in a single tank. Estimated cost - \$18 Million
- Integrated Fixed Film Activated Sludge Process (IFFAS) – changes again to physical plant, treatment process is different and would require more modifications to plant. Estimated cost - \$20 Million
- Construct New Wastewater Treatment Plant – treatment process may be changed with a new plant. Estimated cost - \$34.8 Million
- The first three options allow for modification to the plant within its existing footprint or slightly outside it. A new plant would require relocation of the facility.

Mr. Webb explained that a structural engineer had completed an assessment on the plant and its various components utilizing radar testing. The primary concern was the clarifiers and the aeration basins. From the assessment, although they are only 10” concrete rather than 12”, they have been and should continue to hold with minimal structural repair required.

Mr. Webb concluded by noting that the next steps moving forward would be to determine which of the options was most feasible and to determine funding sources. The need for this action moving forward is that the Special Order of Consent (SOC) needs to be filed with NCDEQ/DWR based on existing violations. The SOC will outline the timeframes for these improvements.

Mayor Brown thanked Mr. Webb for his update and asked the Board members if they wished to comment or had questions.

Alderman LeRoy Roberson asked if the modifications would allow the plant to continue operating for the next 50 years – much like the installation of a new plant would. Mr. Webb noted that this would be the case with the recommended modifications. Alderman Roberson inquired if in the future the capacity needs for treatment changed, would a modified plant be sufficient to meet these needs or at least have the ability to expand. Mr. Webb answered that part of all of these options was to build new basins; however, existing basins would be used as storage, but could be modified within the existing footprint for treatment if necessary in the future. Alderman LeRoy Roberson continued by asking if U/V treatment would be a viable option. Mr. Webb noted that it would be a different process and include filtration rather than settling as a separation method and that putting it in would mean additional modifications to the system. He added that of the plants using U/V that he had been involved with, all had discontinued the practice.

Alderman Jon Feichter referred to a specific entry in the PER related to growth and capacity and asked about exceeding capacity based on trend growth. Mr. Webb explained that he was moderately confident that the plant would handle projected capacity based on population demand and added that processes now are more water-efficient which has led to a decrease in capacity overall. The Town's permit is for 6 Million gallons per day treatment capacity and currently runs at 4.1 Million. There are times, when there is an inflow of water which moves the capacity up due to rain water entering the system. This inflow issue will be addressed as part of the sewer system as a whole. Town Manager Rob Hites interjected that the additional treatment capacity could be achieved, if necessary, without much additional upgrade to infrastructure.

Mayor Gavin Brown commented that everyone should remember that this is not a 50 year plan; it is crucial to continually maintain the facility and its infrastructure to ensure proper operation. The individuals at the plant have done a good job in keeping it going for this long. Mayor Gavin Brown asked about current improvements and projects at the facility. Public Services Director David Foster answered that there is a project to address some electrical issues, some repair work to the basins and the entryway bridge as ordered by the NC DOT.

Mayor Gavin Brown thanked current Waste Water Treatment Plant Supervisor Ronnie Norris for his service as he will be retiring at the end of the year.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter to accept the Preliminary Engineering Report as presented. The motion passed unanimously.

As a follow up to this presentation, Town Manager Rob Hites explained that it is necessary for some technical guidance related to the negotiation of the SOC. The Board was provided an agreement for review for the services of McGill and Associates, specifically Forrest Westall, for assistance in negotiating the SOC. This is a not to exceed contract of \$20,000.00. As the process continues with the SOC, the Mayor and staff will be providing updates.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter to approve the contract with Mr. Forrest Westall to represent the Town as it moves through the “Special Order of Consent” process. The motion passed unanimously.

Mayor Brown told the Board that on September 4, 2018, the Town had received a Notice of Violation from the North Carolina Division of Water Quality after the inspection that had been done on August 21, 2018. The inspection was conducted to verify that the facility is operating in compliance with the conditions and limitation specified in NPDES WW Permit No. NC0025321. As a result of this inspection, Mayor Brown indicated that in order to prevent further action by the agency, a written response regarding the plans or measures to be taken to address violations must be received within thirty days of the notice.

Mayor Brown drafted a letter in response, and asked the Board to read and review the response to the violation. He told the Board that he felt the decision as to what path to follow with the Waste Water Treatment Plant should be decided within the next ninety days or more.

C. COMMUNICATIONS FROM STAFF

5. Manager’s Report –Town Manager Rob Hites

Request to remove elevated walkway in Hazelwood

Manager Hites stated that Mr. John Burgin has requested that the Town remove the elevated crosswalk across Hazelwood Avenue due to the flooding that has taken place as a result of its installation. He stated that the area has not flooded in 20 year, and since the installation it has flooded five times. Manager Hites explained that we have experienced several severe thunderstorms in the Hazelwood area that has caused some flooding of the entire commercial area. When the Town installed the elevated walk it also installed new catch basins to channel water from the area around the elevated walkway. The Town did not anticipate rain events where the creek at the Finance Department backed up through the storm system and prevented the new drains from functioning. The curb area in front of Pink Regalia has no storage capacity and the handicapped ramp from the elevated walk serves to direct the runoff to the entrance of Pink Regalia. While The Town agreed that the handicapped ramp is directing runoff to the entrance of Pink Regalia, the most pressing problem is the lack of storage of storm water in the street.

Manager Hites referred the Board to pictures of a recent storm which flooded all of Hazelwood from the Finance Office to A1 Mini Storage. He said if the old sidewalk could be hammered out and raised approximately 3 inches and raise the handicapped ramp three inches, a large amount of runoff from the sidewalk would be remedied. Eliminating just the elevated ramp will solve the issue of directing flow to the entrance of Pink Regalia, but it won’t solve issue of keeping storm water in the street.

Manager Hites indicated that the Town would like to try raising the curb, handicapped ramp and sidewalk three inches first and then eliminate the elevated walk if we do not see relief from raising the sidewalk. Raising the sidewalk will require Mr. Burgan to trim his doors to accommodate the increase in sidewalk height.

John Burgin

Mr. Burgin stated he had been in contact with Town Staff, and many scenarios have been discussed, and he would like to expedite a solution for the flooding of his building in Hazelwood. He said that since the new crosswalk has been constructed, surface water has been running into his building, causing flooding even with rains that are not considered extreme. Mr. Burgin said he feels that the storm water system in Hazelwood is antiquated and will not carry the amount of water that some of the recent storms have produced, but he also feels that the crosswalk should be removed, and let the water run down the street like it has for over 20 years.

Mr. Burgin stated that after speaking with Manager Hites, he does not believe that raising the sidewalk three inches will fix the problem. He feels that removing the crosswalk is the only solution for the water going into the business. In doing this he wants to have the least impact on the businesses in Hazelwood as possible, and feels that doing the work in November would be the best time. Mr. Burgin agreed that a solution may not be easy to come to. He said he would like for the Board to say that they would do whatever it takes to solve the flooding into his building.

There was much discussion concerning the raising of the sidewalk, removing the raised crosswalk, and the timing for the work to be done.

A motion was made by Mayor Brown seconded by Alderman Gary Caldwell to authorize staff to raise the sidewalk within a comparable timeframe for the tenants, and anything else down the road to solve the problem, and evaluate the system and make smart changes that can be addressed according to what a study shows. The motion passed unanimously.

Consideration and discussion of an additional Land Development Ordinance application under Section 15.14.6 of the Town of Waynesville Land Development Standards

Mayor Brown explained to the Board that at the Special Called Meeting on August 21, 2018, the Town Board determined to re-hear text amendments adopted since revisions to NCGS 160A-383 in 2017. A text amendment adopted on November 28, 2017 to include the zoning classification and definition of “nudge or skill games” to the Land Development Standards was inadvertently left out of the action. We would like to include this amendment along with the others being brought forward in order to assure technical correctness.

Alderman LeRoy Roberson made a motion, seconded by Alderman Julia Freeman to waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 2.5.3 and 3.2 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan to include the zoning classification and definition of “nudge or skill games” to the Land Development Standards. The motion passed unanimously.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Gary Caldwell, to approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendments for Land

Development Standards for Sections 2.5.3 Table of Permitted Uses, LDS 3.2 Supplemental Standards, and LDS Chapter 17 Definitions, in regards to video gaming. The motion passed unanimously.

Signage at Waynesville Middle School

Public Services Director David Foster reported that there was a sign that has been causing a bit of confusion at the Waynesville Middle School. The sign indicates that there is no left turn into the parking area from Brown Avenue during certain hours. There was concern that this was meaning no left turn across the railroad tracks on to Boyd Avenue during these times.

Mr. Foster explained that this was not a sign that the Town had placed in the right-of-way and that police could not enforce a sign that was not regulated by the Town. All signage that alters normal traffic patterns and/or hours must be approved by the Board of Aldermen. Mr. Foster recommends modifying or clarifying the existing sign to specifically reference the parking area to ensure that everyone understands that it is not related to Boyd Avenue, but only the parking lot.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve the recommendation by Public Services Director, David Foster to install a regulatory sign at the Waynesville Middle School.

6. Attorney's Report – Town Attorney Bill Cannon

Attorney Bill Cannon referred the Board to a "Family Tree Chart" of the Hazel Street property. He said that genealogist Mr. Harvey Morse had spent considerable time tracing the family members down. A quote would have amounted to about \$2,500.00, but Mr. Morse had indicated no charge for the work. Attorney Cannon asked if it would be possible to reimburse him \$500.00 for his work.

A motion was made by Alderman Gary Caldwell, seconded by Alderman LeRoy Roberson, to authorize payment of \$500.00 to genealogist Harvey Morse for the work on the Hazel Street property. The motion passed unanimously.

Attorney Cannon reported that he anticipated, and he has already answered on behalf of the Town, the lawsuit with Red Square Properties will file a motion to dismiss within the next two weeks.

D. CALL ON THE AUDIENCE

**Rich Byers
Morgan Street
Hazelwood, NC**

Mr. Byers stated that he and his wife are bee keepers. And he would like to invite the Board to the Beekeepers meeting on October 2, 2018. Ms. Phyllis Stiles from Asheville will be speaking. Ms. Stiles is instrumental in naming Asheville as a Bee City USA. Mr. Byers and the Beekeepers club would like to partner with the Town of Waynesville to make Waynesville a Bee City USA also. Mr. Byers said he had spoken with Jonathan Yates concerning pollinator gardens, and Tom Maguire about approaching Publix

for their support also. Public Services Director David Foster volunteered to head up the project of Waynesville becoming Bee City USA.

Dick Young

Mr. Young had questions concerning Mr. Peter Bates and college students being on the watershed. Mayor Brown explained to Mr. Young that they are working under a contract to monitor the creeks and trees. A copy of existing reports will be provided to Mr. Young at his request.

E. COMMUNICATION FROM THE MAYOR AND BOARD

F. CALL ON THE AUDIENCE

G. ADJOURN

There being no further business to discuss, Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman to adjourn the meeting at 8:04 p.m. The motion carried unanimously.

ATTEST:

Gavin A. Brown, Mayor

Robert W. Hites, Jr., Town Manager

Eddie Ward, Town Clerk