

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REGULAR MEETING  
September 25, 2018**

**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting on Tuesday, September 25, 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  
Elizabeth Teague, Development Services Director  
Joey Webb, Fire Chief  
Preston Gregg, Town Engineer

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:

- Friday September 28 - 6:00 – 8:00 PM – Mountain Street Dance – Downtown Waynesville Assoc.
- Saturday September 29 - 6:00 AM - Noon – Power of Pink 5K – Haywood Healthcare Foundation
- Sunday September 30 – 2:00 PM- Community Prayer Walk - Drugs in our Midst
- Wednesday October 3 – 8:00 – 10:00 AM - 7:00 PM – Coffee with a Cop – Smoky Mountain Roasters
- Friday October 5 – 5:00 – 9:00 PM – Art After Dark – Waynesville Downtown Assoc.
- Tuesday October 9 – 8:00 Am – Noon – Town of Waynesville Flu Clinic – Waynesville Rec Center

2. Adoption of Minutes

Mayor Brown made a clarification in the minutes concerning the time frame of the decision as to what path to follow with the Waste Water Treatment Plant. He wanted to clarify that there is not a time limit for that decision.

*Alderman Jon Feichter made a motion, seconded by Alderman Gary Caldwell, to approve the minutes of the regular September 11, 2018 meeting as presented. The motion passed unanimously.*

**B. PRESENTATION**

3. 28785/86 TDA 1% Zip Code Funding Year End Report

- Lynn Collins, Executive Director, TDA

Ms. Collins provided the Board with a summary of how the TDA 1% funding is being utilized for the Waynesville zip code. The presentation included a spreadsheet for the 1% funding, the projects included in this funding, a recap of the Co-op Marketing, a historical report of the 1% funding, and the economic impact of travel. She stated that the Town of Waynesville accounts for 30% of the overall collection of the 1% Zip Code Funding so far, and everything looks good for the 28786/28785 zip codes.

Some of the projects funded this year by the 1% TDA Funding included the largest item of Co-op Advertising for Waynesville. This is a lump sum that is dedicated to advertising Waynesville as a destination instead of advertising every event separately. Ms. Collins said this has worked well, and there has been much growth and response from the advertisements and promotions on Facebook.

One of the most notable increases was through the email program campaign. This program sends news letters by e-mail. There was an open rate of 85.4% for these emails and Ms. Collins said this was an exceptional rate. It proves that people are interested in Waynesville.

The dedicated page that is on the TDA website, which is Experience Waynesville, generated 18,925 hits in the 2016/2017 time frame and in the last year there was a substantial increase with 93,354 hits.

Ms. Collins reported information to the Board that tourism in Haywood County generated expenditures of \$182.27 million in 2017 which is an increase from 2016. More than 1,820 jobs in Haywood County were directly related to travel and tourism, and generated \$40.9 million in payroll. State tax revenues generated from travel to Haywood County are \$10.9 million, and as a result of tourism, tax savings for each Haywood County resident is \$272.79.

The Wayfinding program is moving forward with fabrication of the signs. It will be phased in, and a meeting is scheduled on October 9<sup>th</sup> 2018 with NCDOT and municipal and county managers to choose the first round of signage that will be placed. Each town in Haywood County will have a different animal for their signs. Canton will have a black bear, Maggie Valley will have an elk, Clyde will have a cardinal, and Waynesville will have the Plott Hound on their signs. The signs could possibly be ready by the end of the year.

Ms. Collins said that the I-40 Welcome Center will be closing in the fall for 12-15 months for renovation, and staff and information will be relocated to the Visitor's Center in Maggie Valley. NCDOT will be placing directional signage, and hopefully this will create additional tourism in the area.

**C. CALL FOR PUBLIC HEARING**

4. Call for a Public Hearing to consider a map and text amendment to establish a Mixed Use Overlay District over ten lots on the Southside of Broadview, PINs 8615-79-2068, 8615-79-1121, 8615-79-0231, 8615-69-9255, 8615-69-8390, 8615-69-8314, 8615-69-7326, 8615-69-6435, 8615-69-4554, 8615-69-2680 as the East Waynesville Urban Residential MXO.

- Elizabeth Teague, Development Services Director

Ms. Teague explained to the Board that this public hearing would consider establishing a mixed-use overlay to allow Business Support Services, Live-Work Units, Neighborhood Commercial, Neighborhood Restaurant, Personal Services, Professional Services and Studios (such as art, dance, martial arts, music), as permitted uses along the south side of Broadview from Summit Street to Overbrook Drive. She said that at their meeting on September 17, the Planning Board held a public hearing and unanimously recommends that rezoning these properties is consistent with the 2020 Land Use Plan, and is reasonable and in the public interest.

***A motion was made by Alderman Julia Freeman, seconded by Alderman LeRoy Roberson to call for a Public Hearing to be held on October 9, 2018 beginning at 6:30 pm., or as closely thereafter, in the Town Hall Board Room located at 9 South Main Street to consider a text amendment to establish a Mixed Use Overlay District over ten lots on the south side of Broadview, PINs 8615-79-2068, 8615-79-1121, 8615-79-0231, 8615-69-9255, 8615-69-8390, 8615-69-8314, 8615-69-7326, 8615-69-6435, 8615-69-4554, 8615-69-2680 as the East Waynesville Urban Residential MXO. The motion passed unanimously.***

5. Call for a Public Hearing to consider a map amendment to rezone the 122 and 140 Broadview, PINs 8615-69-9255 and 8615-69-8390 from North Main Street Neighborhood Center to East Waynesville Urban Residential MXO.

Ms. Teague explained to the Board that these two lots were recently rezoned, but both the Board of Aldermen and the Planning Board expressed that the area along Broadview where these lots are located is more suitable for a Mixed Use Overlay District. At their meeting on September 17, the Planning Board held a public hearing and unanimously recommended that rezoning these properties is consistent with the 2020 Land Use Plan, and is reasonable and in the public interest.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Gary Caldwell to call for a Public Hearing to be held on October 9, 2018 beginning at 6:30 pm., or as closely thereafter, in the Town Hall Board Room located at 9 South Main Street to consider a map amendment to rezone the 122 and 140 Broadview, PINs 8615-69-9255 and 8615-69-8390 from North Main Street Neighborhood Center to East Waynesville Urban Residential MXO. The motion passed unanimously.***

## D. NEW BUSINESS

### 6. Big Cove 2MG Water Tank Rehabilitation Project

- Preston Gregg, Town Engineer

Mr. Gregg stated that as part of the 2015 assessment of the two million gallon water tank located at the head of Allens Creek on Big Cove, there were recommendations for improvement of the tank. The tank was built in 1967, and is in fair shape for its age. It does need some work on the interior and a new roof system. The tank feeds primarily the Hazelwood area.

Approximately two months ago a bid package was sent out, and due to the requests for proposals that were required to be submitted back to the Town no later than Friday September 7, 2018, only two bidders were responsive.

Mr. Gregg explained to the Board that the Public Services Department had re-advertised for the construction repair work to the tank. This project falls under \$500,000; in which the North Carolina Procurement requirements for informal bidding were followed. In accordance with North Carolina G.S. 143-132, there is no minimum number of bids that shall be received to award a contract under the informal bidding requirements. The responsive bidder was local contractor ACMI, Inc. at an amount of \$351,917. This amount is under the approved capital budget item of \$375,000. The work entails a special skill set in the structural steel repair of the water tank that most contractors would not have expertise in; thus, possibly limiting the number of bidders who would be qualified for the job. ACMI has performed work before for the Town of Waynesville at both treatment plants and is qualified to meet the requirements laid out in the project plans and contract documents.

The project will involve the replacement of I-beams in the roof structure, coating the tank inside and out, doing grading around the tank to create positive drainage, and bringing the tank up to OSHA standards.

Mr. Gregg stated that the window of opportunity to perform the work is now, before cooler weather. He said that the Water Plant Superintendent is comfortable with operating without this tank for up to four months. He said the project could be done possibly by the end of December, depending on the weather, or it could be a spring project.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to approve the award of contract to ACMI, Inc. for the Big Cove 2MG Water Tank Rehabilitation, at a cost of \$351,917.00. The motion passed unanimously,***

### 7. Automatic Mutual Agreement - Center Pigeon

- Joey Webb, Fire Chief

Chief Webb stated that the Center Pigeon Fire Department has requested the Waynesville Fire Department to sign an Automatic Aid Agreement. He said the Automatic Aid Agreement between departments allows full credit when initially dispatched to a structure fire under the North Carolina Ratings and Inspections Divisions (ISO). Chief Webb described mutual aid as being reciprocal between

departments and is requested following the initial dispatch of structure fires with personnel and a 1,000 gallon tank on an apparatus.

The Town of Waynesville Fire Department has Automatic Aid agreement currently with Saunook Fire Department and Maggie Valley Fire and Rescue. The Automatic Mutual Aid Agreement will provide a better response to the South Waynesville area, as well as other fire districts.

***A motion was made by Alderman Julia Freeman, seconded by Alderman Gary Caldwell to approve the Automatic Mutual Agreement as presented. The motion passed unanimously.***

8. Consideration of an Intent to Close a named but un-opened portion of a right-of-way between 277 East Street (PIN # 8615-46-4688) and 24 North Hill Street (PIN# 8615-46-3776) and Call for Public Hearing

- Amie Owens, Assistant Town Manager

Assistant Manager Amie Owens informed the Board that the Town has received a petition from a single property owner (Brandon Green) to close a named but un-opened portion of right of way off of North Hill Street and East Street. She explained that the Right of Way was named in 1966 when the development was created; however, there was never a street that was maintained or used.

Ms. Owens said the Town does not have an interest in the right-of-way for public access, and closing it will allow conveyance to the property owner whose two properties it divides. There are no homes other than Mr. Green's on the right-of-way and all other properties are connected to Johnson Hill Drive and have addresses as such. She said that staff recommends closure of this right-of-way, and all required notices will be sent to adjoining property owners and published in the Mountaineer newspaper.

***Alderman Gary Caldwell made a motion, seconded by Alderman LeRoy Roberson to adopt a Resolution of Intent to Close a named but un-opened portion of Right of Way between 277 East Street (PIN # 8615-46-4688) and 24 North Hill Street (PIN# 8615-46-3776). The motion passed unanimously.***

***Alderman Jon Feichter made a motion, seconded by Alderman Julia Freeman to call for public hearing to be held on Tuesday, October 23, 2018 at 6:30 p.m. or as closely thereafter in the Board Room of Town Hall located at 9 South Main Street, Waynesville to consider the adoption of a Resolution to Close a named portion of Right of Way between 277 East Street (PIN # 8615-46-4688) and 24 North Hill Street (PIN# 8615-46-3776).***

**E. COMMUNICATIONS FROM STAFF**

9. Manager's Report

Purchase offer from NC DOT for 2359 sq. ft. of Town Property for Walnut Street Round About

- Town Manager Rob Hites

Manager Hites stated that the NC Department of Transportation wishes to purchase three small parcels of Town property for the Walnut Street round about project. The first parcel is 2,359 square foot parcel located at the intersection of West Marshall and Walnut Street. Manager Hites said the offer is \$10,800 and is based on a value per acre of \$200,000.00. He explained that the Town is not using the property and has no plans to improve it. This DOT project is very beneficial to the Town because the design of the round about will improve drainage and relocate Vance Street.

***Alderman LeRoy Roberson made a motion, seconded by Alderman Jon Feichter to approve the sale of the parcel located at the intersection of U.S. Business (N Main) and Walnut Street to the NC DOT in the amount of \$10,800.00. The motion passed unanimously.***

Manager Hites asked the Board's approval for a personal absence on the next regularly scheduled Board meeting on October 9, 2018. Assistant Manager Amie Owens will be in attendance in his absence.

Manager Hites stated that the Town has been working with Mr. John Burgin on the issue of the elevated crosswalk located in front his building located in Hazelwood. He said the intention from the last Board meeting was to raise the sidewalk, and at a later date possibly remove the crosswalk, in order to prevent the flooding of his building. Manager Hites said that now he would like to recommend to the Board that be reversed and he now recommends that the crosswalk be removed. If the flooding continues into Mr. Burgin's building after the removal of the crosswalk, then the sidewalks could be raised. He said this needed to be done quickly, before the leaf season begins.

#### **John Burgin**

Mayor Brown asked Mr. Burgin if removing the crosswalk first would be acceptable to him. He said if the removal of the crosswalk does not work, then the sidewalk can be raised and he will build a ramp inside his building.

***Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman, to authorize staff to remove the crosswalk in Hazelwood as the first step in order to eliminate flooding into Mr. John Burgin's building. The motion passed unanimously.***

#### 10. Attorney's Report

- Town Attorney Bill Cannon

Town Attorney Bill Cannon prepared an opinion related to the continued service of Mayor Brown in his current capacity based on his status following his personal legal issues. Attorney Cannon noted the various provisions of the NC Constitution and NC General Statutes applicable to this situation and explained that there had been no adjudication of guilt. Attorney Cannon concluded that Mayor Brown is eligible to "remain in office unless he is unable to fulfill the terms of his Conditional Discharge and is then adjudicated guilty of a felony." A full copy of the Memorandum from Town Attorney Bill Cannon is herein incorporated into these minutes.

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

Mayor Brown thanked the Board for their support during a very difficult and emotional time in his life.

**G. PUBLIC COMMENT**

a. Waste Water Treatment Plant

There were no comments from the public.

b. South Main Street improvements by NC DOT

There were no comments from the Public.

- Resolution of Support of proposed improvement of TIP Project U-4712 – South Main Street

Mayor Brown read Resolution No. R16-18 in support of the proposed improvement of the TIP project number U-4712-Proposed improvements to South Main Street (U.S. Business 23) From Hyatt Creek Road 9S.R. 1164) to Pigeon Street (U.S. 276).

Mayor Brown stated that he would like for the Resolution to be sent to the NC DOT in order to show the support of the Town for the improvement project in principle.

***A motion was made by Alderman Jon Feichter, seconded by Alderman LeRoy Roberson, to approve Resolution No. R-16-18 in support of the proposed improvement of the TIP project number U-4712-Proposed improvements to South Main Street (U.S. Business 23) from Hyatt Creek Road 9 S.R. 1164) to Pigeon Street (U.S. 276).***

c. Ron and Nancy Bernard

Mr. and Mrs. Bernard addressed the board regarding the cutting of their shrubbery/trees that were along the roadway in front of their home. The concern was the manner in which this was completed with no notice and with disregard to the existing yard maintenance and the perceived poor customer service. Mrs. Bernard provided pictures for the board to review showing the before and after of her property and another property on Hazelwood Avenue.

Mrs. Bernard asked if a process could be implemented that would allow citizens to be informed prior to such trimming and allow them the ability to opt out and have it done by a private company. Mrs. Bernard presented a petition from individuals in Haywood County regarding this practice. A copy will be incorporated into the minutes as an attachment.

Following additional comments and some discussion regarding the process, it was determined that Manager Hites would meet with town staff and develop a plan for future notifications to citizens regarding such planned trimming and work on customer service skills training.

Mrs. Bernard mentioned perennials and asked that they not be cut down. Manager Hites agreed that that type of flower should be fine and should not require trimming.

Mayor Brown added that this is not something that the Town takes lightly and will work to achieve the best compromise possible.

**H. ADJOURN**

***With no further business, Alderman Julia Freeman made a motion, seconded by Alderman Jon Feichter to adjourn the meeting at 7:50 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, Town Clerk