

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REGULAR MEETING**  
**August 13, 2019**

**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting on Tuesday, August 13, 2019, 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 Jon Feichter  
Alderman LeRoy Roberson  
Alderman Julia Freeman  
Mayor Pro Tem Gary Caldwell

The following staff members were present:

Rob Hites, Town Manager  
Amie Owens, Assistant Town Manager  
Bill Cannon, Town Attorney  
Eddie Ward, Town Clerk  
Ben Turnmire, Finance Director  
Jesse Fowler, Planner  
Elizabeth Teague, Development Services Director  
David Foster, Public Services Director

1. Welcome /Calendar/Announcements

Mayor Brown reminded the Board of the following calendar events:

Sunday August 25 – Waynesville Public Art Dog Show – 5:00 – 7:00 – Behind the Hart Theater

Sunday August 25 – Back to School Bash – 4:00 – 7:00 – First Methodist Church

Friday September 13 – Maggie Valley Watershed Protection Celebration – Noon - Maggie Valley Town Hall

2. Adoption of Minutes

***A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to approve the minutes of the July 23, 2019 regular meeting, as presented. The motion passed unanimously.***

## The ARC of Haywood County

Steve Brown, Executive Director of the ARC of Haywood County, and members of the Voices of the ARC attended the meeting. They lead the Pledge of Allegiance and sang God Bless America. They also presented the Town with a plaque of appreciation for the Town as their “Community Partner of the Year for 2019.” Mr. Brown thanked the Board of Aldermen for their support throughout the years.

### **B. PUBLIC HEARING**

#### 3. Public Hearing to consider a map amendment to establish Dellwood Medium Density Residential Zoning on 187 Secret Hollow Lane, PIN 8617-00-9053

- Jesse Fowler, Planner

Mayor Gavin Brown asked that the record show that Alderman Julia Freeman would not be taking part in any vote or discussion related to this issue as she was the petitioner.

Mr. Jesse Fowler, Planner, stated that the Board of Aldermen had approved the annexation of 187 Secret Hollow Lane on November 27, 2018 and the Planning Board voted to zone the property as Dellwood Residential Medium Density. He said the current use of the property is as a single-family dwelling. The Dellwood Residential Medium Density District is located approximately 800 feet to the East of 187 Secret Hollow Lane, and this district is the closest residential district to the property.

The purpose and intent of the Dellwood Residential Medium Density District per the Land Development Standards §2.3.2. B states:

*The Dellwood Residential Medium Density District (D-RM) shall develop as a low to medium density residential district separating the Russ Avenue and Dellwood/Junaluska Town Center. Promoting a mixture of residential densities, this district shall be developed with such enhancements to residential living as pedestrian access and the provision of open space. Higher density development and limited business and professional services shall be promoted along Russ Avenue with larger lots and cluster development promoted throughout the district. Nonresidential uses typically found in residential areas are permitted, however, development in this district shall be designed to clearly define the residential appearance and scale of the area and to define the differences between this area and the Russ Avenue Town Center and Dellwood/Junaluska Area Center.*

Mr. Fowler said that in accordance with the 2017 revisions to NCGS 160A-383, staff recommends that the Board find that this map amendment is consistent with the Town of Waynesville’s Comprehensive Plan, Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, adopted in 2002, and that this map amendment is reasonable and in the public interest with the following considerations:

- A. The Dellwood Residential Medium Density District is designated as a low to medium density residential district. The current property is used as a single-family dwelling on 4 acres of

land. This use and density are consistent with the use and density of the Dellwood Residential Medium Density District. (LDS §2.3.2. B)

B. The zoning of this property as Dellwood Residential Medium Density District is consistent with the following Land Use Plan definition of “Residential Low/Medium Density”:

- Low/medium density residential development is located on lands where utility services are typically provided but roads are such that accommodation for higher density development is not recommended. Lands with constraints unsuitable for higher density development (i.e. topography) are also typically included in this category. (LDP 5-11)

Mr. Fowler stated the recommendations of the Staff as follows:

1. Find the map amendment and rezoning of 187 Secret Hollow Lane reasonable and in the public interest.
2. Find the map amendment and rezoning of 187 Secret Hollow Lane consistent with the Town of Waynesville’s 2020 Comprehensive Plan, Waynesville: Our Heritage, Our Future.
3. Approve the map amendment and rezoning of 187 Secret Hollow Lane as Dellwood Residential Medium.

**Town Attorney Bill Cannon opened the public hearing at 6:43 p.m.** and asked if anyone wished to speak on this issue. There being no one who wished to speak, **the public hearing was closed at 6:44 p.m.**

Mayor Gavin Brown once again noted that Alderman Julia Freeman was excused by the Board from voting because she was the petitioner and owner of the property being zoned.

***A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to find the map amendment and rezoning of 187 Secret Hollow Lane reasonable and in the public interest because the Dellwood Residential Medium Density District is designated as a low to medium density residential district. The current property is used as a single-family dwelling on 4 acres of land. This use and density are consistent with the use and density of the Dellwood Residential Medium Density District. The motion carried unanimously.***

***A motion was made by Alderman Jon Feichter, seconded by Alderman Leroy Roberson, to find the map amendment and rezoning of 187 Secret Hollow Lane consistent with the Town of Waynesville’s 2020 Comprehensive Plan, Waynesville: Our Heritage, Our Future because low/medium density residential development is located on lands where utility services are typically provided but roads are such that accommodation for higher density development is not recommended. Lands with constraints unsuitable for higher density development (i.e. topography) are also typically included in this category. The motion carried unanimously.***

***A motion was made by Alderman Jon Feichter, seconded by Alderman Gary Caldwell, to approve the map amendment and rezoning of 187 Secret Hollow Lane. The motion carried unanimously.***

## **C. NEW BUSINESS**

### **4. Request Budget Amendment for the hiring of Developmental Associates to conduct Police Chief recruitment and assessment center**

- Rob Hites, Town Manager

Town Manager Rob Hites explained that at the July 23, 2019 Board of Aldermen meeting it was approved to utilize Developmental Associates for the hiring process of the Police Chief and recruitment and assessment center. Because this was not a budgeted expense, a budget amendment will need to be done to transfer from Fund Balance to professional services in the amount not to exceed \$19,000.00.

Manager Hites provided an overview of the tentative schedule for the process with the hope being for a final interview and offer completed sometime between mid-November and Christmas.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve Budget Amendment # 3 to the fiscal year 2019/2020 Budget for the purpose of conducting Police Chief recruitment and assessment center. The motion carried unanimously.***

### **5. Request Budget Amendment for the addition of online training for OSHA, onboarding and other training needs**

- Amie Owens, Assistant Town Manager

Assistant Town Manager Amie Owens explained to the Board that when the Town transitioned from the NC League of Municipalities to the new vendors for property/liability and workers compensation, the access to the NCLM training module was terminated. She said we still have the need for annual and onboarding trainings to meet OSHA and other standards. We have been able to work with the same online vendor that the NCLM was utilizing FirstNet Learning. There are currently 400 topics available for trainings, in October, that number increases to 1,400.

All employees will have access to the online training portal and would be a useful tool for the various career track requirements, especially for those who may not be able to attend classes off site. The portal also allows for employer specific information and slide shows to be added; this was not a capability we had previously.

Ms. Owens said the total cost is \$16,104.00 which broken down is an initial set up fee of \$4,000 and a \$12,104 annual subscription and would be shared across all funds. The charge is based

on the number of employees. Alderman Jon Feichter clarified that there had been savings when moving from the NCLM to the new insurance providers. Assistant Manager Owens confirmed that there was a \$76,000 savings from that change.

***A motion was made by Alderman Jon Feichter, seconded by Alderman LeRoy Roberson, to approve Budget Amendment # 2 to the fiscal year 2019/2020 Budget. The motion carried unanimously,***

***A motion was made by Alderman Julia Freeman, seconded by Alderman Jon Feichter, to approve Amendment #1 to the 2019/2020 Financial Operating Plan for Internal Service Funds. The motion carried unanimously.***

6. Request a budget amendment to use Fund Balance to fund required upgrades to cashiering, utility billing, and accounting software

- Ben Turnmire, Finance Director

Finance Director Ben Turnmire told the Board that many of the technologies the Town of Waynesville uses to deliver customer service and financial management services are outdated. He said the platforms we are currently using for Utility Billing and Electronic Payments are no longer supported by Tyler Technologies, therefore, we must upgrade to a newer software. These technologies will allow staff to deliver more effective and timely services and information to citizens, departments, and elected officials.

Alderman Jon Feichter commented, based on his organization also using Munis, that their upgrade was free of charge and wanted to be sure that before the funds were utilized, that the Town was not being taken advantage of. Finance Director Turnmire explained that this upgrade was adding new platforms, expanding the ability for the town to take credit card and other payments, would allow for online work orders and would bring the entire Town-wide Munis system to the current version.

Alderman Jon Feichter asked if there was a plan in place to keep such a large upgrade from having to be done in the future. Finance Director Turnmire indicated that he was happy to implement a schedule for any technology upgrades.

***A motion was made by Alderman Leroy Roberson, seconded by Alderman Gary Caldwell, to approve the budget amendment for \$65,000.00 increasing the amount available to upgrade Munis and Tyler Technologies. The motion carried unanimously.***

## D. COMMUNICATIONS FROM STAFF

### Manager's Report

- Rob Hites, Town Manager

### 7. Continued discussion of tree trimming policy

- Amie Owens, Assistant Town Manager
- David Foster, Public Services Director

Assistant Manager Owens reminded the Board that there had been discussion at the previous meeting related to tree trimming in commercial areas after there was a situation in Frog Level that led to upset. To avoid future issues, the trimming policy was modified with the language related to commercial areas and attempt to mitigate interruptions and upset.

Public Services Director David Foster added that this should not be difficult to implement and that part of the reason for such a drastic landscape change was because the trimming had gotten behind schedule years back and not caught up.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve the revised tree trimming policy to include language related to commercial areas stating that Town employees will, when working in commercial areas, attempt to work with business owners to develop a timeline for such trimming and when possible, notify those businesses immediately adjacent to the area that will be trimmed related to any potential for landscape change and noise impacts prior to beginning the task. The motion carried unanimously.***

### 8. Renewal of Forest Steward's Contract to manage Watershed

- Rob Hites, Town Manager

Manager Hites stated that Forest Stewards has been performing forest management and academic research in Waynesville's watershed for several years. He said they conduct surface water quality testing and forest management practices such as thinning of white pine to encourage growth of hardwoods, and removal of non- native species such as Oriental Bittersweet. Their goal is to re-establish a hardwood forest. Their proposal is a \$42,000 per annum contract, the same as contract amount as last year.

Mayor Gavin Brown asked if the attorney had had the opportunity to review the contract. Manager Hites indicated that there was one change suggested related to the venue if any lawsuit was filed – the change would be to have the hearing in Haywood rather than Jackson County.

***A motion was made by Alderman Leroy Roberson, seconded by Alderman Jon Feichter, to approve Renewal of Forest Steward's Contract to manage Watershed, with the change in the venue to Haywood rather than Jackson County for any legal hearings as suggested by the Town Attorney. The motion carried unanimously.***

9. Resolution endorsing Canton's application for a feasibility study to connect with Waynesville's Waste Treatment Plant via an outfall that would also connect the Town of Clyde.

- Rob Hites, Town Manager

Manager Hites explained to the Board that as part of the Town's role as a regional waste treatment facility, the NC Department of Environmental Quality requires that it discuss the long-term needs of its neighboring jurisdictions. Both the Town of Clyde and Canton expressed a desire to explore the feasibility to build an outfall that would connect them with Waynesville's waste treatment plant. Clyde's waste water is currently being treated by our plant so we would be studying the impact of Canton's 900,000 GPD flow. The plant is being sized to handle eight million gallons of flow per day through its headworks. Once the abandoned secondary clarifiers are abandoned the new clarifiers can be constructed to accommodate an 8 million gallon per day flow. The Study will determine the cost of constructing an interconnection with Waynesville. The grant will fund 100% of the cost of the study estimated to be \$50,000. It does not bind the Town to accept the Canton's waste. If Clyde wishes to construct an outfall directly to Waynesville's waste treatment plant, it would make sense to size it for Canton's future flow. Manager Hites added that there was a \$300.00 administrative fee that would be included with the application and that would be the only cost to the Town of Waynesville.

***A motion was made by Alderman Leroy Roberson, seconded by Alderman Jon Feichter, to approve a resolution supporting the Town of Canton's application for a grant to fund a study to determine the feasibility of sending Canton's waste water to Waynesville's Waste Treatment Plant. The motion passed unanimously.***

10. Engineering Contract for Design, Bidding and Construction Administration for WWTP

- Rob Hites, Town Manager

Manager Hites noted that the next step in the process that leads to the funding, design, bidding and construction of the Waste Water Treatment Plant is to solicit proposals for the actual design of the plant. Manager Hites told the Board that a "Preliminary Engineering Plan" has just been completed and DEQ and USDA uses it as a template for the Special Order of Consent, and grant/loan applications. The next step is to advertise for an engineering firm to design one of the alternatives outlined in the PER. An RFP was drafted and sent to several firms in addition to placing it on the Town's website. Two (2) responses were received. The staff has reviewed the written submissions and interviewed WithersRavenel and McGill Engineers. Manager Hites said each firm was questioned on their experience designing and overseeing the construction of

waste treatment plants, the challenges we will encounter as we renovate our plant and discussed the success of the technology outlined in the alternatives.

Manager Hites commented that he, Larry Pressley, David Foster, Preston Gregg reviewed the written submissions and held personal interviews with WithersRavenel and McGill Engineers. Both firms have a solid background in the design and construction of waste water treatment plants. Both firms have been engaged with plants in Western North Carolina. The factor that leads us to choose McGill Engineers for the design, bidding and construction administration of the Town's plant is their extensive experience with the plant and the impact of regional collection systems on its process. McGill has been involved with different engineering components of the plant for several decades. They have recommended improvements to the plant in several studies over the years and provide onsite advice to the staff regarding the repairing of the plant's infrastructure. They know where to be especially cautious as the contractor begins their work. This experience with the plant and the knowledge they acquired as they analyzed the plant for the PER leads us to recommend them as design engineers for the improvement of the plant.

Keith Webb, McGill Engineers, was in the audience and commented that the plan is to have plan documents ready by May 2020 with ground breaking later that year in the fall.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman to approve the engagement of McGill Engineers as the firm to design, bid and administer the construction of improvements to the waste water treatment plant. The motion carried unanimously.***

#### Special Order of Consent – additional documentation

Manager Hites explained that in working with Forrest Westall and completing the application for the Special Order of Consent (SOC), the Board had approved, in open session working to complete the application, but had not formally done so as a resolution. Manager Hites presented Resolution R-17-19 – A Resolution Approving the Submission of an Application for a Special Order of Consent that sets interim treatment limits and Project Schedule for Rehabilitating the Waste Treatment Plant. The application and the \$400.00 application fee and other paperwork will be submitted this week.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman to approve the Resolution Approving the Submission of an Application for a Special Order of Consent that sets interim treatment limits and Project Schedule for Rehabilitating the Waste Treatment Plant. The motion carried unanimously.***



### Exemption from Connection to Town's sewer system

Manager Hites brought from the floor a request from Chris Wilson to be exempted (a variance issued) from connecting to the Town's sewer system off Allen's Creek.

Water and Sewer Superintendent Jeff Stines had recently had several conversations with Mr. Wilson regarding water/sewer service to his property at 55 Melody Drive. Mr. Wilson has changed his original proposal from a campground to a single-family dwelling. The issue of water is not a problem since there is a 24" main line that runs through his property. The issue is with the sewer connection, Mr. Wilson had a directional boring contractor visit the site to look at the possibility of boring in a force main sewer lateral from his property to a manhole adjacent to Allen's Creek Baptist Church. Based on the fee schedule adopted July 2018, these cost(s) would be the responsibility of the property owner. The contractor advised Mr. Wilson the probability of being able to accomplish this task was not good. This area is known for extremely rocky soil. In which case Mr. Wilson would still be responsible for the cost(s) associated with the boring attempt.

Superintendent Stines recommended that it would be in the Town of Waynesville's best interest to issue Mr. Wilson a variance from the ordinance to be able to install a septic system for the property and avoid additional costs for this citizen.

***A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman to allow a variance to the Town of Waynesville's Sewer Ordinance and allow Mr. Chris Wilson to have a septic system on his property located at 55 Melody Drive rather than connecting to the Town of Waynesville sewer system. The motion carried unanimously.***

### Funding Requests

Assistant Manager Owens explained that two funding requests had been received. The first was from the Disabled American Veterans (DAV) Chapter 89 for donation toward the Rides4Vets service that is offered to transport Haywood County veterans to the VA Hospital in Asheville. The hope is to obtain a new, larger van for this program. Assistant Manager Owens noted that the DAV Chapter 89 did not apply this year for special appropriations, but that the Board had provided the group \$1,000 annually since 2015. There is an amount of \$18,000 available under the special appropriations from the Board for undesignated requests such as these.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman to approve a special appropriation to the Disabled American Veterans (DAV) Chapter 89 for use toward the Rides4Vets service. The motion carried unanimously.***

The second request was for the Tee It Up for Diabetes Golf Tournament to support the Juvenile Diabetes Research Foundation. The request was for a \$250.00 sponsorship. Alderman Gary

Caldwell asked that the registration fee for the team also be included in the appropriation for a total of \$570.00.

***A motion was made by Alderman Leroy Roberson, seconded by Alderman Jon Feichter to approve the appropriation of \$570.00 to the Tee It Up for Diabetes Golf Tournament hosted by Mountain Credit Union. The motion carried unanimously.***

11. Attorney's Report

- Town Attorney Bill Cannon

Attorney Cannon had nothing to report.

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

**F. CALL ON THE AUDIENCE**

12. Water and Sewer Capacity Fees

- **Tim Bowers and Jackie Rich**

Mr. Tim Bowers had requested to speak with the Board related to water and sewer capacity fees and a possible extension for property owner Jackie Rich to pay the fees via a payment plan. He provided the Board with information related to the timeline of the Overbrook Village project, indicating that no one had informed them of the fees.

Manager Hites indicated that he had met with Mr. Bowers several months ago and offered the opportunity for payments to be made prior to their occupancy. Once the permanent certificate of occupancy is issued, all fees must have been satisfied. Mayor Gavin Brown also noted that the statute governing capacity fees states that the Town must collect the fees. The local government level has no way to allow for payments. The property owner will need to satisfy these fees in a lump sum.

- **Dick Young**

Mr. Young inquired why he saw a zoning notice on the Ron Muse property off Church Street. He noted that he did not think that the issue could be heard again and that the Board had indicated such. Development Services Director Elizabeth Teague explained that there would be a public hearing on the request to rezone that property. There is only a requirement of a 12-month waiting period for a new request. The last one was done in 2016.

**G. CLOSED SESSION**

13. Enter closed session under NC General Statute § 143.318.11(a)(6) – Personnel to discuss the Town Manager’s annual evaluation

*A motion was made by Alderman Julia Freeman, seconded by Alderman LeRoy Roberson to enter closed session at 7:45 p.m. for the purpose of discussing the Town Manager’s annual evaluation. The motion carried unanimously.*

The Board returned from closed session at 8:23 p.m.

**H. ADJOURN**

*With no further business, a motion was made by Alderman Julia Freeman, seconded by Alderman Gary Caldwell, to adjourn at 8:24 p.m. The motion carried 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