

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**Regular Meeting**  
**July 27, 2021**

**THE WAYNESVILLE BOARD OF ALDERMEN** held a regular meeting on Tuesday July 27, 2021 at 6:00 pm. in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

**A. CALL TO ORDER**

Mayor Gary Caldwell called the meeting to order at 6:02 pm with the following members present:

Mayor Gary Caldwell  
Mayor Pro Tem Julia Freeman  
Alderman Anthony Sutton  
Alderman Jon Feichter  
Alderman Chuck Dickson

The following staff members were present:

Rob Hites, Town Manager  
Jesse Fowler, Assistant Town Manager  
Eddie Ward, Town Clerk  
Ron Sneed, Interim Town Attorney  
Elizabeth Teague, Development Services Director  
Police Chief David Adams  
Julie Grasty, Asset Services Manager  
Lisa Burnett Purchasing Supervisor  
Autumn Lyvers, Finance Direct  
Sharon Agostini, Tax Analyst

The following media representative was present:

Becky Johnson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone to the meeting and reminded them of the upcoming Town of Waynesville Task Force on Homelessness Community Open House Drop 5:00 pm – 8:00 pm at the Waynesville Recreation Center.

The Downtown Dog Walk sponsored by Sarge's will take place on Saturday August 7<sup>th</sup> beginning at 9:00 am – 12 noon. The walk will begin at the Courthouse.

**B. PUBLIC COMMENT**

**Lisa Overhultz  
26 Davis Lane  
Waynesville, NC 28786**

Ms. Overhultz spoke to the Board about her concerns with the homeless and homeless shelters.

**Peggy Hannah  
268 Hemlock St  
Waynesville, NC 28786**

Ms. Hannah thanked the Board for allowing her to speak at Board meetings. She encouraged all Board members to meet in small groups with citizens and have general conversations.

**Ernestine Mathis  
89 Coventry Lane  
Waynesville, NC 28786**

Ms. Mathis told the Board about her personal experience on her property with trash and needles left by homeless people. She encouraged the Board to consider building a place where they can be helped if they are on drugs.

**C. CONSENT AGENDA**

*All items below are routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion on these items unless a Board member so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.*

The July 27, 2021 regular Board of Alderman meeting.

***A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to approve the consent agenda as presented. The motion carried unanimously.***

**D. PRESENTATION**

**2. Withers Ravenal Third Party Billing Review**

- Jesse Fowler Assistant Town Manager
- Melissa Cardinali, Withers Ravenal
- Steve Miller, Withers Ravenal (by phone)

Assistant Town Manager Jesse Fowler explained that in March 2021 the Board had directed staff to hire a third-party consultant to review the electric billing process and specifically the months of February, March, and April. The Town hired Withers-Ravenel to do this audit and the results have been sent to the Board.

Melissa Cardinali, Senior Project Manager at Withers Ravenel, said that data was pulled from the Munis utility billing program, and the review ran calculations on the entire data base. Monthly charges of each customer were compared to respective usages to ensure accurately billed usages. Annual averages for each customer were compared to March 2021 usages.

Ms. Cardinali said that data was pulled for the twelve months prior to March 2021 to verify bills issued in March 2021 were estimated. It can validate that many bills in March 2021 were estimated based on prior customer usage not meter readings.

She said that electric meter records a customer's cumulative usage since the beginning of service. When a meter is erroneously read or estimated, subsequent meter readings always correct for the prior reading.

The final objective was to estimate the revenue loss for the Town if the Town waived the March billing cycle for all residential utility bills. That estimate would be a loss of \$369,700.00, and Ms. Cardinali told the Board that is not legally viable for the Town.

Some considerations that the Town may wish to explore going forward to help ensure accountability and accuracy in the billing process include:

- For each cycle for all residential utility bills require the Billing Technician to sign off on the bill register and have the Finance Director or Finance Director to sign as well.
- The Assistant /Finance Director run the Munis Bill Adjustment Audit Report on a predetermined regularly scheduled basis (weekly), and date and sign the reports documenting completion.
- Establish standard due dates for meter readers and document the expected workflow related to reading each cycle.
- Establish clear workflow expectations for the Billing Technician.

Alderman Jon Feichter had questions concerning whether the usages were correct. Mr. Steve Miller noted that if a reading was plugged into the system incorrectly, the following month would correct itself if the reading was put in correctly. Alderman Feichter asked if the analysis indicated that the overall usage of the Town's customers was higher than in years past. Ms. Cardinali stated that was dependent on the weather, how cold, or how hot, and the length of the billing days in the cycles. She said these could not be captured in the analysis.

Alderman Feichter questioned Assistant Manager Fowler as to how the Town arrived at this point. Assistant Manager Fowler explained that that primary event was the original estimation of bills in February 2021, so the bills received in March were low. The March bills that were received in April were then very high. To compound that problem, meter reading devices, and hardware and software programs went down, making the problem to be prolonged.

When asked what the Town is doing to prevent these problems from happening again in the future, Assistant Manager Fowler said that a new Munis software upgrade has been installed, new hand-held readers have been ordered, and there is a full staff of meter readers. He explained that the staff had discussed the option of bringing the billing cycles to shorter billing times, and that is a process that will take time. Another option is to bill everyone twice a month. The recommendation of staff is to allow customers to have six to twelve months to pay the high bills depending kilowatt usage.

Alderman Feichter said that he wanted to be confident when telling Town of Waynesville citizens that the electric bill is correct for those months.

#### **E. CALL FOR PUBLIC HEARING**

3. Call for a Public Hearing for August 10, 2021 to consider a Zoning Map Amendment to the Land Development Map at 1426 Howell Mill Road and Adjacent property, PINs: 8616-94-1047 and 8616-94-1485

- Development Services Director, Elizabeth Teague

Elizabeth Teague , Development Services Director, explained to the Board that two parcels, 1426 Howell Mill Road, and Adjacent property, PINs: 8616-94-1047 and 8616-94-1485 are undeveloped. The lots are currently zoned Commercial-Industrial which allows a variety of commercial, manufacturing, and indoor and outdoor storage and warehouse usage. Ms. Teague asked for a Public Hearing to be held to change the zoning of these properties to eliminate those types of usage and allow residential development of density up to 10 units per acre or 6 units with a Special Use Permit.

***A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to call for a Public Hearing to be held on Tuesday August 10, 2021 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street, Waynesville to consider a Zoning Map Amendment to the Land Development Map at 1426 Howell Mill Road and Adjacent property, PINs: 8616-94-1047 and 8616-94-1485. The motion carried unanimously.***

## F. PUBLIC HEARING

4. Presentation and Public Hearing to consider the draft Greenway Feasibility Study.
  - Elizabeth Teague Development Services Director
  - Megan Foy, Equinox Environmental

Elizabeth Teague, Development Services Director, stated that in the Town's Comprehensive Plan, Greenway development is one of the main goals, and have been tied to the Parks and Recreation Plan. She said that Equinox Environmental had been hired to conduct a feasibility study looking at Recreation Park to Lake Junaluska. She introduced Megan Foy of Equinox to present the information to the Board.

Ms. Foy gave a brief presentation of the work that Equinox Environmental and J. M. Teague have done over the past year. Equinox has now completed the feasibility study of trail alignments from the Recreation Park and Vance Street north to the trailhead at Dellwood Road and Lake Junaluska. She explained how the concept of the greenway was reached. There was input from the Steering Committee, and a survey sent to the public for input on what they desired to see in this greenway. Some of the things included in the survey were benches, fishing spots, resting areas, exercise areas, bicycles, and disc golf.

Mayor Caldwell opened the Public Hearing at 7:17 p.m. and asked if anyone wished to speak.

No one spoke.

Mayor Caldwell closed the Public Hearing at 7:18 p.m.

***A motion was made by Alderwoman Julia Freeman, seconded by Alderman Jon Feichter, to approve the Waynesville Greenway Feasibility Study from the Recreation Park to Lake Junaluska. The motion carried unanimously.***

5. Amendment to Chapter 44, Section 4 and 5 (littering)
  - Rob Hites, Town Manager

Town Manager Hites told the Board that Alderman Jon Feichter asked staff to amend the Town's current Littering Ordinance to increase penalties and include language from GS 14-399 that encourages judges to order litter cleanup in lieu of fines or imprisonment.

Manager Hites said that GS 14-399 is more inclusive than the Town's current Ordinance. The first violation of the Ordinance the penalty would be a minimum fine of \$250.00 or court ordered community service of eight hours of picking up litter. If a person unintentionally violates the Ordinance the penalty would be a \$100.00 fine or four hours of picking up litter. A person

that is caught for a second violation within three years from the date of the prior violation, the penalty would be picking up litter for sixteen hours. He said this Ordinance give the Town more power by having the violators pick up litter rather than having a fifty-dollar fine and having the court issue a warrant for them. The recommendation can be given to the court that the community service hours be given instead of the \$250.00 fine.

Alderman Feichter said that he is pleased with the amendments to the Ordinance, because this would cause the person to consider before littering and is a significant improvement to the prior Ordinance. He asked that signs be posted all over Town indicating the Ordinance and the penalties.

Mayor Caldwell opened the Public Hearing at 7:28 p.m.

**Pam Walser  
118 Jarvis Street  
Waynesville, NC**

Ms. Walser had a question concerning the three-year time frame for the penalty. Manager Hites explained the penalty would double if the violator was caught again within that three-year time. She said she wanted to see the strictest penalty allowed.

Mayor Caldwell closed the Public Hearing at 7:32 p.m.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to approve Ordinance No. O-13-21 amending Chapter 44 Section 4 and 5 of the Town of Waynesville Code of Ordinances on littering. The motion carried unanimously.***

**G. OLD BUSINESS**

6. Appointment of new Boards and Commissions members
- Assistant Town Manager Jesse Fowler

Alderman Dickson stated that he had been looking at the General Statutes concerning appointments of member of the ABC Board, and the Statute states that the local ABC Board shall consist of three or five members for three-year terms. Also, the Statute states that if a three-member board and the appointing authority finds that a five-member board is preferable, the terms of the two new members shall be for three years.

***A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, that pursuant to §18B-700 a five-member Board is preferable, and that we appoint two additional members to a three-year term. The motion carried unanimously.***

***A motion was made by Alderman , seconded by Alderman , to appoint the following to Boards and Commissions with a term ending June 30, 2024.***

**ABC Board:**

***Raymond Ezell  
CeCe Hipps  
Katherine Smith***

**Cemetery Commission:**

***Elizabeth Atkinson  
Sharon Franks***

**Historic Preservation Commission:**

***Rodney Conard  
Linda Lee  
Alex McKay  
1 vacant***

**Planning Board:**

***Susan Smith  
Barbara Christian-Thomas  
Ginger Hain (ETJ representative)***

**Public Art Commission:**

***James Cuellar  
Libba Feichter  
George Kenney  
Skip Middleton***

**Recreation Advisory Board:**

***Megan Hauser  
Wallace Messer  
Regina Zachary  
David Hyder***

**Zoning Board of Adjustment:**

***Henry Kidder  
Edward Moore  
George Escaravage (ETJ representative)***

**Waynesville Housing Authority with a term ending June 30, 2026:**

**Christina Esmay  
Mandy Haithcox  
Michael Loomis**

***The motion passed unanimously.***

***A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to keep the vacant position in the Historic Preservation open until the next meeting. The motion carried unanimously.***

Alderman Dickson said that regarding the four statutory Boards (ABC Board, Zoning Board of Adjustment, Waynesville Housing Authority, and the Planning Board) he would like to interview the candidates for these positions, to see what their expectations are.

***A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, for the whole Board to interview candidates for the ABC Board, Zoning Board of Adjustment, Waynesville Housing Authority, and the Planning Board. The motion carried unanimously.***

**H. NEW BUSINESS**

7. Award bid for Powell Bill Excavator
- Lisa Burnett, Purchasing Supervisor

Ms. Burnett asked for the Board's approval to purchase a new John Deere 85G excavator through James River Equipment for the street department. She told the Board that this purchase had been included in the 2021-2022 annual budget. Contract pricing is through Sourcewell which is a purchasing cooperative, in the amount of \$114,700.00. Delivery of the excavator is estimated to be within 60 days.

***A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to award the purchase of the excavator to James River Equipment in the amount of \$114,700.00. The motion carried unanimously.***

8. Approve Design of Cemetery Signs for Green Hill and Dix Hill Cemeteries
- Julie Grasty, Asset Services Manager

Julie Grasty, Asset Service Manager, told the Board that in 2019 the Town of Waynesville Historic Preservation Commission designed signs for Green Hill Cemetery and Dix Hill Cemetery. The designs were presented to the Cemetery Committee and approved at their March 2021 meeting. Ms. Grasty presented pictures of the designs for both cemeteries and said that \$8000.00 had been budgeted for signs at both cemeteries.



***A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to approve the design for signage for Green Hill and Dix Hill Cemeteries as presented. The motion passed unanimously.***

9. Hazelwood Baptist Church Open Car Show Special Event
  - Jesse Fowler, Assistant Town Manager

Assistant Town Manager said that Hazelwood Baptist Church has submitted a Special Event application for their annual car show on August 28, 2021. The event will involve the closure of Virginia Avenue between the intersections of Hazelwood and Kentucky. The church is also requesting the Town to sponsor the event in the amount of \$500.00 in special appropriations.

### **Dick Young**

Mr. Young stated that the car show is a fundraiser for the Church's children's program. He said the money would be used for buying supplies and trophies.

***A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman, to approve the Hazelwood Baptist Church Open Car Show special event permit. The motion passed unanimously.***

Alderman Dickson said he approved the Special Event permit for the church, but he did not feel like the Town should be giving churches money for fundraising.

***A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julie Freeman, to provide a \$500 sponsorship of the Hazelwood Baptist Car Show. The motion passed with four yays ( Jon Feichter Anthony Sutton, Julia Freeman, Gary Caldwell) and one nay (Chuck Dickson)***

10. Manager's Report
  - Manager Rob Hites

Manager Hites reported that Attorney Woody Griffin closed on the new First Station property.

11. Town Attorney Report
  - Interim Town Attorney Ron Sneed

Attorney Sneed reported on two Bills that are being considered pertaining to impact fees and affordable housing.

## **I. COMMUNICATIONS FROM THE MAYOR AND BOARD**

Alderman Anthony Sutton told the Board that he wanted to have a joint session with all the DWA Board members to discuss and clarify expectations. After much discussion, consensus of the Board was to hold a Special Called Meeting on August 11, 2021 at 6:00p.m. to be held at the Recreation Center located at 550 Vance Street. Interim Director Beth Gilmore will contact the Board of DWA concerning the meeting.

## 12. CLOSED SESSION

***A motion was made by Alderman Chuck Dickson , seconded by Alderman Anthony Sutton, to enter closed session at 8:40 pm under NC General Statute § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, hiring for the position of Town Attorney. The motion passed unanimously.***

***A motion was made by Alderman            seconded by Alderman            , to reconvene the open session at    pm. The motion carried unanimously.***

## G. ADJOURN

***With no further business, a motion was made by Alderman            , seconded by Alderman            , to adjourn the meeting at pm. The motion was approved unanimously.***

ATTEST:

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Gary Caldwell, Mayor

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Robert W. Hites, Town Manager

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Eddie Ward, Town Clerk