

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

Regular Meeting

May 11, 2021

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, May 11, 2021 at 6:00 p.m. 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 6:05 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
Town Attorney William E Cannon, Jr.
Jeff Stines, Public Services Director
Autumn Lyvers, Finance Director
David Adams, Police Chief

The following media representatives were present:

Becky Johnson, The Mountaineer
Cory Valliancort, Smoky Mountain News

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded the board about the Drug Epidemic Awareness Walk to be held at 2:00 pm on Sunday May 16th beginning at Academy Street and going down Main Street.

B. PUBLIC COMMENT

Town Attorney William E Cannon, Jr. asked if anyone had public comments.

**Erich Overhultz
26 Davis Lane
Waynesville, NC**

Mr. Overhultz stated it was very encouraging to see many volunteers giving their time to clean up the Town. He said the worst place was under the Russ Avenue Bridge. The group Saving Haywood worked five hours removing two tons of trash. He thanked the Police Department and the Public Services Department for their help. He expressed his concerns about the criticism the group has received about the removal of items that belonged to the Homeless that shelter under the bridge. He said the Saving Haywood group would not be deterred because this is a public safety issue that requires immediate action. He urged the Board to make sure that this area never deteriorate to this point again.

**Paul Yeager
25 Grahl Street
Waynesville, NC**

Mr. Yeager expressed his concerns about the Town being threatened with the Homelessness problems. He urged the Board to choose carefully and avoid enabling. Efforts should be directed at solutions to find a way to deal with the problem to make it better not worse.

**Hannah Minick
50 Cherokee Street
Waynesville, NC**

Ms. Minick told the Board that she is disturbed by the Homeless people being targeted and being blamed unjustly. She said she was upset about the recent deconstruction of the site under the bridge. Citizens were taking belongings of the homeless such as food and clothing. This could have been handled differently. She explained to the Board that she had an idea about a Community Response Team. People want solutions that work. She asked the Aldermen to not be reactive or listen to just a few, but to pause and work with people instead of pushing them out of sight.

**Peggy Hannah
268 Hemlock Street
Waynesville, NC**

Ms. Hannah spoke for the Saving Haywood Group, and thanked everyone who has helped with clean ups. She said the group has repeatedly come before the Board and asked for help and asked questions and have not received any answers. Ms. Hannah stated that a media outlet would be listening to them.

**James Hall
18 Happy Lane
Canton, NC**

Mr. Hall said he had been homeless and did not appreciate people looking down on someone who is homeless. He said that no one in the community knew what the Bethel House does until they have been there. He told the Board they should go there and find out what it is about before they judge the homeless.

**Sharon Franks
1629 Crymes Cove Road
Waynesville, NC**

Ms. Franks spoke to the Board concerning the Greenhill Cemetery. She stated her concerns about the current Cemetery Committee and the Ordinance that was adopted by that Board. She said the Board was going backwards, not forwards. The Board should stay in tune with the Cemetery Committee or revamp the Committee with people who care.

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.*

- i. Adoption of minutes of the April 27th, 2021 regular meeting
- ii. Budget Amendment for IT infrastructure improvement plan
- iii. Approval of Special Event Permits – Power of Pink

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the Consent Agenda as presented. The motion passed unanimously.

D. PRESENTATION

2. Citizen petition to the Board involving the Cemetery Ordinance
 - Randy Mathis

Mr. Mathis stated he had been a part of the Cemetery Committee and there were a lot of things he did not agree with, but he was before the Board to ask for one thing. A shepherd's crook that was put on his child's grave 21 years ago was removed recently in accordance with the Town's Cemetery Ordinance concerning objects that interfere with mowing. He asked that the crook be put back because there were other things on other graves in the Cemetery that are against the Ordinance. He believes that the enforcement is selective and is targeting his son's grave.

E. NEW BUSINESS

3. Vehicle Purchase from General Fund
 - Lt. Chris Chandler

Lt. Chandler asked the Board for some of the American Rescue Plan monies to be earmarked for the purchase of new police vehicles. He said that due to past budget restrictions and putting off buying new vehicles, some of the mechanical repairs outweigh the use of the vehicle. He said that he had learned today that there are restrictions with this money, and the primary restriction is that it must be spent on American made items. Some of the requested vehicles cannot be purchased. Currently there is a timing issue with the vehicles being delivered to customers, and he feels that delays in getting the cars and getting them in service is a big issue for the Police Department.

Alderman Chuck Dickson asked if there is enough money in the General Fund to purchase the vehicles. He said that at this point and time he would be more comfortable taking the money from there until the Board can fully understand how the American Rescue Plan money can be spent.

Finance Director Autumn Lyvers stated that there are still more questions than answers at this point. She said she would like to use the money in the General Fund for now.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Julia Freeman, to approve the purchase of six vehicles for the Waynesville Police Department from the general fund during the FY 2020/21 budget cycle in the amount of \$219, 614.84. The motion passed unanimously.

4. Grant Project Ordinance establishing a Special Revenue Fund to account for grant revenues and related expenditures, including funds to be received under the American Rescue Plan Act of 2021 (ARP).

- Autumn Lyvers, Finance Director

Ms. Lyvers suggested tabling this item until sometime in the future, since the request from the Police Department concerning purchasing new police cars will be funded by the General Fund instead of using funds from the American Rescue Plan.

The consensus of the Board was to table the item until a future date.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to move \$214,614.84 from the General Fund to the FY 2020/21 Budget. The motion carried unanimously.

5. Janitorial Services

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler said that at the last Board meeting a Janitorial Contract from HyTech Professional Cleaning was approved for a one-year contract. Upon notification, HyTech told staff that they would not be interested in a 1-year contract. When asked if they would consider a two-year contract in the amount of \$62,328.00, HyTech said they would. Assistant Manager Fowler told the Board that it is written in the contract that if services start to decline, we can notify them that we are no longer interested in the contract.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to accept HyTech Professional Cleaning Service's proposal for two years as presented in the last meeting. The motion carried unanimously.

6. Public Services Parking Lot

- Jeff Stines, Public Services Director

Public Services Director Jeff Stines said that the employee parking lot at Public Services has slowly disintegrated over the last several years and needs repaving. In 2007 the parking lot had BST (Chip Seal) applied. With the ADT of the parking lot, it has surpassed the lifespan of the BST.

He explained that the surplus of funds (\$55,025.00) comes from Public Services - Public Facilities Capital Improvements. This funding was approved in FY21 for the repairs to the Municipal Building roof and the repairs were mostly complete in FY20 but carried over into FY21. The timing of budget requests and repairs are the reasoning for the surplus of funding. Mr. Stines received a quote from WNC Paving in the amount of \$49,735.00 and added that the Town would be responsible for dig out and replacing with ABC.

A motion was made by Alderman Julia Freeman, seconded by Alderman Jon Feichter to use existing surplus of funds (\$55,025.00) from Public Facilities (814260-545900) to repave/stripe the employee parking lot at Public Services. The motion carried unanimously.

Mayor Caldwell asked Mr. Stines to see if in addition to the Public Services Parking lot, the parking lot at the Armory be paved also. Mr. Stines said he would contact WNC Paving to see if that parking lot can be paved also.

7. Seeking approval from the Board of Aldermen for the design of the new playground equipment from the Waynesville Kiwanis in the Tot Lot area of the Kiwanis Playground in Recreation Park

- Rhett Langston, Parks and Recreation Director, Eva Hansen

Rhett Langston, Parks and Recreation Director, and Ms. Eva Hansen of the Waynesville Kiwanis, presented to the Board the design for new playground equipment in the Tot Lot area of the Kiwanis Playground in the Recreation Park. Ms. Hansen said that part of the wooden tower has deteriorated and will be replaced with upgraded material and designs.

She stated that the Kiwanis has applied for several grants along with some funding from the Recreation Budget. The cost of the project is approximately \$40,000.00 to \$50,000.00 thousand dollars.

Ms. Hansen thanked the Board for the 20 plus year relationship the Kiwanis has had with the Town.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve the design as presented. The motion carried unanimously.

F. COMMUNICATIONS FROM STAFF

Manager's Report

- Town Manager, Rob Hites

8. Report on HB 412- Maggie Valley Occupancy Tax

Town Manager Rob Hites told the Board that he had been contacted by Representative Mark Pless asking if the Town would like to be included in local bill (HB-412) that he has introduced on behalf of the Town of Maggie Valley. He explained that the bill enables Maggie Valley to enact an additional 2% occupancy tax. Two thirds of the proceeds would be used to promote travel, tourism and conventions in the Town, sponsor tourist related events and activities, and finance tourist related capital projects. Manager Hites said that the Towns would be required to create their own TDA's. Membership on the TDA would consist of one third of the members to be associated with businesses that collect the tax. One half of the members must be individuals who are active in the promotion of travel and tourism. The Board of Aldermen shall designate one member of the authority as chair and shall determine the compensation of the TDA if any, to be paid to members of the authority.

After discussion, the Board agreed that it was not a good idea at this time to be included in HB-412.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to oppose being included in HB-412 as introduced by Representative Mark Pless. The motion carried unanimously.

9. Lease for Armory Parking Lot

Manager Hites said that the Town currently has a lease for the parking of Armory patrons immediately adjacent to the facility. This lease may be terminated by either party with ninety days' notice. Currently the rent for 61 spaces is \$500 per month. The Mayor and Town staff have met with Ms. Kristen Coffey West that owns the lot and negotiated a ten-year lease that sets a \$600 per month lease for ten years on the first day of each month beginning July 1, 2021. Manager Hites explained to the Board that the Town will increase the lease 2% per

month during the lease. He said that the owner requests that the Town reserve a twenty-foot entry to the rear yards of two dwellings they own that face Boundary Street. The Town will also reserve four parking places in the lot for the lessor's use.

In addition, the lot is not completely built out and the Town could add another ten spaces. The lease also permits the Town to light the parking lot.

A motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton, to approve the lease in the amount of \$600.00 per month beginning on July 1, 2021 and continuing on the first day of the each month thereafter during the lease term for ten years, and beginning July 1, 2022 on each July 1 thereafter during the lease term, the monthly rent shall be increased by 2%. The motion carried unanimously.

11. Town Attorney Report

- William Cannon, Town Attorney

Town Attorney William Cannon reported that on Friday May 21, 2021 the Hazel Street property will be sold on the Courthouse Steps.

G. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Jon Feichter asked the Board to confirm what the next step will be in relation to the request from Mr. Randy Mathis to replace the shepherd's crook on his son's grave in Greenhill Cemetery. Alderman Feichter asked if there could be a variance in the Cemetery Ordinance and allow him to replace the crook.

After much discussion between Mr. Mathis, the Board, and Town Attorney William Cannon, the consensus of the Board was for Mr. Mathis to go before the Cemetery Committee and present to them his reasoning in asking for the shepherd's crook to be replaced.

H. ADJOURN

With no further business, a motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton, to adjourn the meeting at 7:37 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Town Manager

Eddie Ward, Town Clerk