

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

Regular Meeting

June 14, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday June 14, 2022 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 6:03 pm with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Eddie Ward, Town Clerk
Martha Bradley, Town Attorney
David Adams, Police Chief
Brandon Gilmore, Assistant Police Chief
Elizabeth Teague, Development Service Director
Misty Hagood, Finance Director
Jeff Stines, Public Services Director

The following media representative was present:

Becky Johnson, Mountaineer
Cory Valliancort, Smoky Mountain News

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded the Board of Mountain Street Dance on June 24th, and the Hazelwood First Baptist Children's Benefit Car Show on Saturday June 25th.

B. PUBLIC COMMENT

Peggy Hannah – 268 Hemlock Street - commented concerning the presentation by the Waynesville Police Department, and the purchase of a Thermal Imaging Night Drone for the Police Department.

Wanda Brooks - 63 North Hill Street – commented on the Police Department presentation, and on the pre-trial release program. She requested that the Alderman converse with the Haywood County Commissioners and convey to Judge Letts that the citizens do not want the pre-trial release program.

Sherry Morgan – 437 Boundary Street – commented on the Land Development Standards, density, and reinstatement of the quasi-judicial procedure that allow decisions on large developments.

C. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

D. 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.

1. Adoption of minutes of the May 24, 2022 Regular meeting
2. Adoption of minutes of the June 3, 2022 Emergency Meeting
3. Approval of Special Events Application for Hazelwood First Baptist Children’s Benefit Car Show
4. Approval of Special Events Application for Sarges 17th Annual Downtown Dog Walk
5. Approval of Special Events Application for Folkmoot Summerfest 2022 International Day

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

E. CALL FOR PUBLIC HEARING

2. Map Amendment request to change the zoning of property located at 134 Belle Meade Drive PIN 8605-81-6159
 - Elizabeth Teague, Development Services Director

Ms. Teague explained to the Board that staff had determined that outside storage of vehicles, or as part of an automotive repair business, was not an allowable use within the Hazelwood UR District where the request for a Map Amendment to change zoning is located. The zoning administrative decision was appealed by the applicant to the Town’s Zoning Board of Adjustment, and the ZBA upheld the staff decision. On May 16th, 2022, the Planning Board held a public hearing and considered this request to rezone this lot to the Hazelwood Business District which would introduce commercial uses into the Hazelwood Urban Residential District. The Planning Board voted that this would not be consistent with the Comprehensive Land Use Plan or the current zoning and did not recommend approval by the Board of Aldermen. The Planning Board also noted that historically this lot has been zoned residential going back to the 1977 Town of Hazelwood zoning map.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to call for a Public Hearing to be held on Tuesday, June 28th, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, to consider a zoning Map Amendment request to change the zoning of property located at 134 Belle Meade Drive, PIN 8605-81-6159, from Hazelwood Urban Residential (H-UR) to Hazelwood Business District (H-BD). The motion passed unanimously

3. Zoning text amendment request initiated by the Planning Board to implement buffer requirements and quasi-judicial review procedures on major subdivisions which create 30 or more lots.

- Elizabeth Teague, Development Services Director

The subcommittee of the Planning Board has been working to make recommendations to improve the Land Development Standards and the adoption of the 2020 Comprehensive Plan. The committee recommends dividing major subdivisions into “tiers” so that larger subdivisions that have more impacts to surround neighbors, would have to meet additional requirements. Ms. Teague said this request for text amendments is the result of citizens concerns regarding procedural changes from quasi-judicial to administrative decision, and the desire to require buffering around large subdivisions that create 30 or more lots.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to call for a Public Hearing to be held on Tuesday, June 28th, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, to consider a Zoning Text Amendment request to implement buffer requirements and quasi-judicial review procedures on major subdivisions which create 30 or more lots. The motion was passed unanimously.

F. OLD BUSINESS

4. 2022-2023 Annual Budget
 - Town Manager, Rob Hites

Manager Hites said that in following the direction of the Board, Finance Director Misty Hagood had met with Department Heads to help discover cuts in the proposed budget that would achieve a \$300,000.00 reduction in General Fund spending, and no tax increase. He said rather than make further appropriations from the General Fund, they would rather reduce expenditures, and referred the Board to the list of cuts that had been drafted.

Alderman Chuck Dickson told the Board that the ABC budget has \$12,184.00, and he proposed deleting the \$30,000.00 camera update for the cemetery, replace that with the \$15,000.00 Police App, and \$20,865.00 for the Police cameras.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to delete the \$30,000.00 upgrade to the Cemetery Camera, and use \$15,000.00 for the Police App and \$20,865.00 for Police cameras. The motion passed unanimously.

Alderman Dickson commented that he would like to use the money that will be coming in from the past due utility bills instead of the ARP money for the to the sewer and water additions, and upgrades. He also mentioned a possible revision of the electric bills by making them more equitable towards lower income families.

Alderwoman Julia Freeman stated she was happy with the Budget as presented.

Alderman Anthony Sutton said he would like to see \$14,000.00 allocated to the Police Department for the Thermal Night Drone. He commented on the need for capital projects, but the Board was reluctant to raise taxes, and that puts these needed projects farther and farther behind.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to add another \$14,000.00 for the Police Department in contingency for a drone. The motion passed unanimously.

Manager Hites said that the item could be added as a contingency item, but since the Police Department's budget is so large, there could be funds available for the drone.

Alderman Anthony Sutton withdrew the motion to add another \$14,000.00 for the Police Department in contingency for a drone.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to adopt the 2022-2023 budget as presented. The motion passed unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to adopt the Budget Ordinance. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adopt the Resolution R-16-22 on Operating Plan for two Internal Service Funds. The motion carried unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Jon Feichter, to adopt Ordinance O-22-22 for the Grant Project ARP Plan. The motion carried unanimously.

5. Presentation of Proposed Rules and Procedures
- Town Attorney Martha Bradley

Town Attorney Martha Bradley stated the Rules and Procedures Ordinances are clarifying policies and putting them in writing. This gives guidance in preparation of Agendas and assures that everyone is being treated the same. She said she had received feed back from the Board, and one of the key questions for the Board to answer is whether the Town Attorney will continue to conduct Public Hearings.

Alderman Chuck Dickson brought up the procedure of the Town Attorney conducting the Public Hearings instead of the Mayor. There was much discussion as to who should keep time and conduct the meetings.

Alderwoman Julia Freeman stated that the Board should follow what is statutorily correct, and not compromise the Town Attorney. Alderman Jon Feichter and Alderman Anthony Sutton agreed.

Manager Hites explained the "reading" system of approving Ordinances. The Board asked Attorney Bradley to adjust the Rules and Procedures and present the revised document at the June 28, 2022 meeting.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve Ordinance No O-23-22 amending the text of the Town of Waynesville Code of Ordinances. The motion passed unanimously.

G. NEW BUSINESS

6. Request for Funding Curb and Gutter Improvements Along Longview Drive

- Chris Corbin, General Manager, Waynesville Inn and Golf Club

Mr. Chris Corbin of the Waynesville Inn and Golf club told the Board that Civic Design Concepts and the Teraflex Group have been working to redesign the Waynesville Inn & Golf club. As a part of this project, a new stormwater catch basin along the edge Longview Drive. In order for the sheet flow from Longview Drive to be collected by this new catch basin, the Inn is requesting that the Town cover the cost of improving to Longview Drive by installing 250 feet of new curb and gutter. Longview Drive is a Town owned street, and the cost of this project is quoted at \$17,567.62.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to approve the Town to cover the cost of installing approximately 250 feet of new curb and gutter along Longview Drive. The motion passed unanimously.

7. Request for Donation to Hazelwood Baptist Church Car Show

- Dick Young, Hazelwood Baptist Church

Mr. Dick Young requested that the Board appropriate \$500.00 to the Hazelwood Baptist Church Car Show to be used for trophies and supplies.

Alderman Chuck Dickson stated that he felt that even though the money would be used for the purpose of the car show, the beneficiary is a religious organization, and should not be spending taxpayer money on nonprofits.

A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman to provide \$500.00 sponsorship of the Hazelwood Baptist Car Show. The motion passed with four yays (Alderwoman Julia Freeman, Alderman Anthony Sutton, Mayor Gary Caldwell, and Alderman Jon Feichter) and one nay (Alderman Chuck Dickson.)

8. Special Appropriations for Fiscal Year 2022/2023

- Assistant Town Manager, Jesse Fowler

Assistant Town Manager Jesse Fowler explained that in the previously approved budget, the Board has approved \$100,000.00 for special appropriations. He said that he had sent out worksheets to the Board but had not received all of them back. He asked that this item be moved to the June 28th Board meeting for the Board to return their worksheets, and he will present those numbers at that time.

Alderman Dickson asked why the Civilian Police was not a line item and should this be added to the Police Department Budget. Manager Hites said a line item could be moved to a line item for volunteers in the Police Department.

The consensus of the Board was to move the item to the June 28th Board meeting.

9. Boards and Commissions

- Jesse Fowler, Assistant Town Manager

Assistant Manager Fowler referred the Board to the Boards and Commissions Current Vacancies and Applicant Worksheet in their packet. This indicates Board Members whose terms will be ending on June 30th, applicants that have recently applied, and who have applied in the past and still have an interest in serving.

Assistant Manager Fowler said that in July 2021 the Board had voted to make it their policy to interview all candidates for those Advisory Boards and Commission required by Statute. These Boards and Commissions are the Waynesville Housing Authority, Planning Board, Zoning Board of Adjustment, and the ABC Board. We have no vacancies on the Waynesville Housing Authority. He asked the Aldermen for guidance as to when the Board of Aldermen wishes to convene for a special called meeting to interview the candidates for these Boards and Commissions and seeking guidance as to who the Board of Aldermen wish to interview for these positions so that we may contact them.

The Board had questions concerning residency requirements for the statutory Boards.

The consensus of the Board was to set a time for the Special Called meeting after researching the residency of the applicants.

10. Conveyance of Property to NCDOT along the right-of-way adjacent to the BiLo Apartments

- Town Manager, Rob Hites

Manager Hites said that during the negotiations with Tribridge LLC they asked to convey a part of the right-of-way that would be conveyed to the NCDOT for the Russ Avenue Project. This includes a small parcel purchased as part of the permanent right-of-way and a second parcel larger construction easement will revert to the Town once the project is complete. The DOT right-of-way agent used an appraised value of \$550,000.00 per acre as his value for surrounding property. His offer is based on the percentage of the appraised value and is offering \$5000.00 for the permanent conveyance and \$6800.00 for the temporary easement, totaling \$11,800.00.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve the conveyance of the Property and granting of a construction easement to the NCDOT at the Tribridge Apartment site. The motion passed unanimously.

H. **COMMUNICATION FROM STAFF**

Manager's Report

- Rob Hites, Town Manager

Change in "Tentative Award of Waste Treatment Plant contract

At the last Board of Aldermen meeting, a “Tentative Award of Contract” was approved to Harper Construction Company. Since that meeting Harper has re-estimated the cost of the value engineered plant and increased the price to \$25,497,000.00 – an increase of \$1,475,800.00. The Tentative Award of Contract will need to be amended to reflect that increase. McGill has been told by the State that they would not increase their loan offer beyond \$5 million, so to fill in the gap Manager Hites recommends using fund balances. The Town has applied for a \$15 million grant, so if the Town receive \$5 or \$6 million in grants, we will not have to use the fund balance. If the full \$15 million is granted to us, the Town would be able to fund the plant as planned.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to amend the “Tentative Award of Contract to reflect a contract amount of \$25,495,000.00 and authorize the reimbursement agreement. The motion passed unanimously.

Manager Hites reported on the progress on Pigeon Street. He said that soon after this project is finished, the Town would be sending out notices on behalf of NCDOT that Main Street and Pigeon Street will be repaved at night.

Town Attorney Report

- Martha Bradley, Town Attorney

Town Attorney Bradley had no comments.

I. COMMUNICATIONS FROM THE MAYOR AND BOARD

All the Board members commented that they did not know about the meeting the Police Department held addressing crime and drugs in Waynesville.

Alderwoman Julia Freeman extended her thanks to the Police Department and Public Services Department for the work they put into the Main Street Mile.

K. ADJOURN

With no further business, a motion was made by Alderwoman Julia Freeman, seconded by Alderman Anthony Sutton, to adjourn the meeting at 7:38 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk