

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
June 11, 2024

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, June 11, 2024, at 6:00pm 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 6:00 pm with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Candace Poolton, Town Clerk
Town Attorney Martha Bradley
Elizabeth Teague, Director of Development
Olga Grooman, Assistant Director of Development
Jeff Stines, Public Services Director
Taylor Garland, Assistant Finance Director
Page McCurry, H.R. Director
Police Chief David Adams
Assistant Chief of Police, Brandon Gilmore
Joey Webb, Fire Chief
Chris Mehaffey, Assistant Fire Chief
DWC Director, Beth Gilmore

Members of the Media:

Becky Johnson and Paul Nielson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that the next Town Council meeting will be held on June 25th. He reminded everyone that this Friday is a Mountain Street Dance, there's a Community Paint Day at the PCMDC on the 22nd, and a Public Art fundraiser on the 27th at Folkmoor. He commented that the inaugural skate competition went well.

B. PUBLIC COMMENT

No public comment.

C. ADDITIONS OR DELETIONS TO THE AGENDA

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to approve the agenda as presented. The motion passed unanimously.

D. CONSENT AGENDA

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

2.
 - a. Approval of May 28, 2024 Regular Scheduled Meeting Minutes
 - b. Approve a resolution adopting the revised DEQ Procurement Policy effective January 1, 2024.
 - c. Motion to accept the greenway easement for the purpose of greenway construction in accordance with the 2017 Greenway Feasibility Study.
 - d. Motion to appoint Blake Yoder to the Planning Board.
 - e. Motion to appoint Corey Isbell to the Waynesville Housing Authority with his term beginning July 1st, 2024.
 - f. Motion to approve the End of Year Budget Amendment.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve the consent agenda as presented. The motion passed unanimously.

E. PRESENTATION

3. The USPCA Excellence Award for Officer Chelsea Parton and K-9 Loki
 - Brandon Gilmore, Assistant Chief of Police

Assistant Police Chief Brandon Gilmore presented Officer Chelsea Parton and K-9 Loki with the USPCA Excellence Award. AC Gilmore said that Officer Parton and K-9 Loki were dispatched on Feb 8th 2024 to the Rec Center to investigate a report of a suspicious male. He said the man was a wanted felon and a foot chase ensued. K-9 Loki and Officer Parton were able to locate the suspect.

4. Presentation on Progress of Waste Treatment Plant Renovation
 - Mark Cathey, McGill Associates

Mark Cathey with McGill & Associates introduced Keith Webb, who then presented a report on the contractor's updates to the WWTP. Mr. Webb said things are moving along relatively well. He said the new plan includes headworks with two new screens and machinery to remove grit, and new generators to power

the plant in case of loss of power. He said the renovations allow the plant to expand if needed in the future. He said the project is expected to be complete by May 1st, 2025.

Mr. Cathey said the original bid price was \$28,440,000 and the contracted bid price was \$25,725,000. He said there has been a change order in the amount of \$300,524.44 and a proposed change order of \$457,000. He said there is a remaining contingency of \$510,725. Mr. Cathey said with the extension of construction time by 225 days, there is an estimated increase of cost in the range of \$195,000-\$312,000. Mr. Cathey said contingency money will cover the additional expenses.

Councilmember Dickson asked if there's a difference in energy use of old plant vs. new. Mr. Webb said if there is any, there'd be slightly less because the blowers are more efficient.

Councilmember Sutton asked if some phases will be completed sooner. Mr. Cathey said yes, but the main delay in the project is waiting on equipment to be delivered. Mr. Cathey said everything should be here in November.

5. Pavement Condition Survey

- John Fersner, Labella Engineering

John Fersner with Labella Engineering presented a report on the 2024 Pavement Condition Survey. Mr. Fersner said that Waynesville maintains 87.2 miles of roads and proceeded to explain the different types of pavement distresses. He said that overall, the town's street system is in "good" condition and the Pavement Condition Rating (PCR) is above average in the state. He said that 54.3% of the street system needs maintenance or resurfacing. Mr. Fersner said that Waynesville has a current total need of \$2,255,610 in repairs:

- \$1,772,986 – Routine Maintenance
- \$482,624 – Resurfacing
- Additional Costs – 25% to 40%
 - Raising structures, milling, administrative, etc.

He recommended that Waynesville should continue to dedicate its maintenance funding towards preventative maintenance practices and structural repair, which will help reduce the maintenance cost per mile in future years. Mr. Fersner stated that a 15-year paving cycle is recommended, with the town paving 5.8 miles a year (costing ~\$1,091,328). He said the over the last four studies, Waynesville's roads are improving.

Councilmember Feichter asked about the cost of routine maintenance-if it's based on maintenance falling behind, or is that cost with inflation built in. Mr. Fersner said the integrity of the street system is being maintained, and that inflation is causing the increased cost.

Councilmember Sutton asked if there are technological advances that could help us moving forward. Mr. Fersner said instead of going in and patching, they are using fiber mat, a surface overlay that bridges alligator cracking. Councilmember Dickson asked how they balance on repaving or just doing maintenance. Public Services Director Jeff Stines said that full depth patches can be done in house and contractors can do overlays.

He offered to get a report on spending on maintenance versus full paving. Councilmember Sutton said higher impact roads should be the priority.

6. Presentation of Cam Bracelets

- Brandon Gilmore, Assistant Chief of Police

Assistant Police Chief Brandon Gilmore reported that cam bracelets are used when someone gets arrested for drunk driving-usually repeat offenders or drunk drivers who had seriously injured or killed someone. He said the bracelet notifies law enforcement if the offender drinks alcohol. He said the cost associated with the cam bracelet program is \$12/day, which the offender usually pays. AC Gilmore said moving forward, they would like to see ABC funds support this project. He said in all seven WNC counties included in the cam bracelet, there was a 99% success rate. He said it helps the offender get sober, continue working (employer knows they are sober), and helps prevent repeat offending and jail time. AC Gilmore compared the cost of 30 days in jail versus 30 days of the offender using a cam bracelet, \$2,700 versus \$360, respectively.

Councilmember Dickson said it's a great idea, but said county would be the ones saving money, so are they going to be providing funding? AC Gilmore said that he and Ellen Pitts presented to the County, but they were not interested in funding it, so tonight he's just asking on behalf of Waynesville. He added that Buncombe County has been using cam bracelets for a long time and the program has been successful.

F. PUBLIC HEARINGS

7. Presentation of 2024-25 Annual operating and capital budget

- Rob Hites, Town Manager

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to open the public hearing at 7:19 pm. The motion passed unanimously.

Town Manager Rob Hites reported that the presented operating funds are \$38,069,790, which is compiled of general, water, sewer, electric, and stormwater funds. Mr. Hites said taxes only make up 46% of the general fund and 25% of the fund is sales tax, which tourism contributes to. Mr. Hites said that 48% of taxes fund the fire and police department, with another 30% making up the public services department (streets, paving, sanitation). He said the total budget is only 3% higher than last year. Mr. Hites said there will be no water rate increase and 70% of water expenditures are treating water and maintaining infrastructure. He added that there will be no sewer rate increase and that sewer treatment and maintenance make up 75% of expenditures. Mr. Hites reported that the cost of the electric fund is mostly paying for wholesale power. He said they are asking for a 3.8 cent ad valorem tax rate increase, with 48% of that going to salaries. He said they are proposing a 2.5% COLA and 2.5% career track. He said in order to train and retrain law enforcement, they suggested a starting rate of \$47,000 for a law enforcement officers.

Mr. Fowler presented the new stormwater management fee proposal that will subsidize managing the stormwater service. He said that stormwater fees are implemented throughout the state and nation. Mr. Fowler said the main goal was to make sure the fee did not disproportionately impact residents of lower income, but the state does not allow municipalities to base the fee off of income. Mr. Fowler said they based the fee structure on the size of properties. Mr. Fowler reminded Council that this fee was introduced to help

reach a \$200,000 gap in funding what will help fund 1/3 of the stormwater program. He said the new fee structure shows a huge amount of properties meet the requirements for the lowest tier (smallest fee).

Councilmember Feichter said currently it is costing the town \$700,000, and therefore the residents, to deal with stormwater. Mr. Fowler said it will continue to increase because of the inflow and infiltration from the stormwater system into the sewer system. He then asked about some of the ways the stormwater fee revenue would be used. Mr. Fowler said revenue from the fee would fund a stormwater technician and subsidize the ad valorem tax costs that are used to mitigate inflow and infiltration. Councilmember Sutton said the sewer plant capacity goes up a million gallons after a rain event. Councilmember Dickson suggested making the lowest tier even less expensive, and raising it for commercial properties. Mr. Fowler cautioned against making the tier system disproportionate.

Councilmember Freeman asked if there's an increase in the electric fund. Mr. Hites said there is a 7% increase to cover the \$1,050,000 capital improvement plan that involves three contracts-Allison Acres, Sunnyside, and the completion of the Russ Ave and Walnut St improvements that are mandated by the NCDOT.

There was no public comment.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to close the public hearing at 7:48 pm. The motion passed unanimously.

Councilmember Sutton said he would like to do \$48,000 for police officer starting salaries, which would be a .48 tax rate. Councilmember Feichter agreed and said he's comfortable with moving forward with the \$47,000 starting salary now, but next year going to \$49,000.

Councilmember Feichter said that no one on Council wants to raise the tax rate, but this process has been more involved than any other one he's done. He said the amount of revenue under the current tax rate is not sufficient. He said that staff has done everything they can to rein in spending, and have only asked for needs, not wants. Councilmember Feichter said that the staffing standard for firefighters by OSHA may become a law soon. He reminded everyone that the town lost three officers to other departments, and each officer lost translates to costing the taxpayers one and a half times the officers' salaries. He said increasing the starting salaries will help with retention and save money.

Councilmember Dickson said the town is raising the electric rate by 7%, assessing a stormwater fee, and increasing taxes. He said he is concerned that low and middle income residents can't afford it. He said he'd rather wait until next year when property values may go up so they can do what they need to do without raising taxes. Councilmember Dickson said they have increased overtime pay by \$56,000 this year, but the idea behind raising salaries is that they would be fully staffed and not need overtime pay. Councilmember Dickson added that he thinks the stormwater fee can be less for the lower tiered residents.

Councilmember Freeman said she appreciates the employees more than anyone, and that she was willing to go to a tax rate increase of 2.5%. She said citizens are suffering with rising costs of everything, so she does not want to have a tax rate increase that residents cannot afford.

Mayor Caldwell said he is concerned about the fire department not having enough staff to help the community. He said they have a duty to maintain the safety of the public.

Councilmember Feichter said that at the DWC community forum, not having enough trash cans on Main Street was a major complaint. He proposed replacing 28 trashcans total, with ten of them being in Hazelwood. He proposed increasing the tax rate by .380 cents instead of .378, which equates to 47.9 cents per \$100,000. He said some of the new trashcans would also have recycling cans attached to them.

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to accept the budget as presented by staff with the inclusion of the additional trashcans in the amount of \$30,000 and set the tax rate at 47.9 cents per \$100 valuation. Mayor Gary Caldwell, Councilmember Anthony Sutton, and Councilmember Jon Feichter voted in the affirmative. Councilmember Julia Freeman and Councilmember Chuck Dickson voted against. The motion passed.

Councilmember Sutton thanked Councilmembers Dickson and Freeman for their input on the budget.

8. A Public Hearing to consider a text amendment related to general corrections and updates, including protest petitions, tree preservation, and definition of townhomes.
 - Olga Grooman, Assistant Director of Development Services

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to open the public hearing at 8:21pm. The motion passed unanimously.

Assistant Development Director Olga Grooman reported that the proposed text amendments are a series of corrections and updates to the Land Development Standards that include revisions to the outdated sections and clarifications per recommendations of our Town Attorney Martha Bradley pertaining to 160D, revision to the definition of a “townhome” to align with the current North Carolina Building Code, and updated definition of a tree caliper to be more precise and useful. Ms. Grooman said that staff recommends enhancing the tree protection ordinance that seeks to preserve existing trees within new developments. Section 8.3 of the Land development Standards provides a landscape credit to preserve existing trees and states that “the preservation of existing trees is strongly encouraged,” but does not provide a specific requirement or threshold. She said the proposed ordinance would specify that 5% of existing trees must be preserved and can count towards existing buffer and/or landscaping requirements for major subdivisions and major site plans which would force preservation of existing trees as a part of compliance with Chapter 8 “Tree protection, Landscaping and Screening.”

Ms. Grooman read the proposed amendments to the Council.

There was no public comment.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to close the public hearing at 8:36pm. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest in that it continues to promote smart growth principles in land use planning and zoning, encourages in-fill, mixed use, and context-sensitive development, promotes conservation design to preserve important natural resources, and reinforces the unique character of Waynesville and it protects and enhances natural resources, protects and enhances water quality and forests, and protects rural lands, iconic views, and mountain vistas. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to adopt the Ordinance as presented. The motion passed unanimously.

9. Revisions to Charter & Code of Ordinances to reflect change in governing body's name
- Martha Bradley, Town Attorney

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to open the public hearing at 8:38pm. The motion passed unanimously.

Town Attorney Martha Bradley reported that On April 11, 2023, the governing body for the Town of Waynesville changed the style of its name from "Board of Aldermen" to "Town Council" and there were several hundred references to variations of "Board of Aldermen," "Aldermen," or "Board" that needed to be revised.

There was no public comment.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to close the public hearing at 8:41 pm. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to adopt the proposed ordinance amending the Town's Charter and Code of Ordinance to reflect the governing body's correct title. The motion passed unanimously.

G. NEW BUSINESS

10. Access Road Sewer
- Rob Hites, Town Manager

Town Manager Rob Hites reported that staff recommends that Council reject the current bid and allow staff to rebid.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to reject the proposed bid. The motion passed unanimously.

11. Annual renewal of terms for Board and Commissions Members

- Jesse Fowler, Assistant Town Manager

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to dispense with interviewing renewing applicants on the Waynesville Housing Authority, Planning Board, Zoning Board, and ABC Board, and re-appoint all renewing applicants to serve another term on their respective boards. The motion passed unanimously.

H. COMMUNICATION FROM STAFF

12. Manager's Report

- Town Manager, Rob Hites

Nothing to report.

13. Town Attorney Report

- Town Attorney, Martha Bradley

Nothing to report.

I. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Mayor Caldwell received an update from Building Inspector David Kelley on the Sutton property. He said that Mr. Kelley has talked with Suttons, their attorneys, and real estate agent. He said that Mr. Kelley started a 30 day countdown that the building has to begin to be deconstructed.

J. ADJOURN

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to adjourn at 8:47pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk