

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR SESSION MEETING
SEPTEMBER 10, 2013

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting Tuesday, September 10, 2013 at 7:00 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Wells Greeley, Mayor Pro-Tem, called the meeting to order at 7:00 p.m. with the following members present:

Alderman Gary Caldwell
Alderman Julia Freeman
Alderman Wells Greeley
Alderman LeRoy Roberson

Mayor Gavin Brown was absent due to illness.

The following staff members were present:

Marcy Onieal, Town Manager
Woodrow Griffin, Town Attorney
Ginny Boyer, Administrative Assistant
Julie Grasty, Purchasing Agent

Representing the media:
Mary Ann Enloe, The Mountaineer

1. Welcome/Calendar/Announcements

Town Manager Marcy Onieal mentioned several calendar items: September 11th's 9/11 Prayer of Remembrance on the Haywood County courthouse lawn from 10:30 am- 1:30 pm; 8th annual Music at the Mill on September 14th from 1:00 – 5:00 pm and Saturday, September 14th's Haywood County Emergency Responders Annual Dinner and Recognition at First Methodist Church, 6:00 pm; Monday, September 23 Southwestern Commission Business Meeting and September 27th's Skate Park Ribbon Cutting at 4 pm.

Alderman Caldwell said the skate park looks good. Manager Onieal mentioned a number of visitors are from out of town and she has seen about thirty visitors at a time which packs the course. Mostly the visitors are skateboarders with some BMX bikers. Alderman Caldwell added that in The Mountaineer it was mentioned that signage about safety-gear was not installed but in fact it had been. Alderman Caldwell asked Mary Ann Enloe, reporter to The Mountaineer, to make a correction in the newspaper. Ms. Enloe said she would point that out to Vicki Hyatt, editor.

2. Proclamation in Remembrance of the Events of 9/11/01

Mayor Pro-tem Greeley, in reference to the “Proclamation in Remembrance of the Events of September 11, 2001”, said “we as a board want to give that honor”.

Alderman Freeman made a motion to accept the proclamation as presented; this was seconded by Alderman Caldwell. All were in favor.

3. Minutes of August 27, 2013

Alderman Caldwell made a motion, seconded by Alderman Roberson, to approve the minutes of the August 27, 2013 regular session meeting as presented. The motion passed unanimously.

B. NEW BUSINESS

4. Surplus Property Disposition Report—Julie Grasty

Purchasing Supervisor Julie Grasty reported on surplus property disposition which is required by ordinance: Mulch sales continue to be a good revenue maker; trading in of copiers and printers generated \$14,000; tractor-mower combination was sold; water meters were sold on GovDeals for the first time which was a big revenue maker (water meters are not sold by weight but by number); and in electric fund, big bucket truck was sold to Haywood County.

Manager Onieal mentioned that in a separate action the board authorized a number of printers be donated to local non-profits in Haywood County. No funds were received.

Alderman Greeley thanked Ms. Grasty for her report, expressing his appreciation adding, “You do a great job for us Julie”.

5. Review of 2013 Legislation enacted by NC General Assembly—Town Manager Marcy Onieal

A “Legislative Update Webinar” put together by UNC’s School of Government was hosted by Waynesville on Thursday, August 29 and a number of staff members from Town of Waynesville and other surrounding jurisdictions were in attendance. Manager Onieal reported the General Assembly has been very active in many arenas and a number of things affect the Town of Waynesville. Ms. Onieal provided the Board with the printout from the webinar with session law references and added she is glad to provide more information if needed.

Town Manager Onieal said this General Assembly took a very active role in creating new legislation, even in the arena of local bills, case in point being Lake Junaluska annexation. Local bills that used to be passed as a matter of courtesy became political footballs or were created from whole cloth. Legislative power over local governments was very evident throughout the session.

Even though the town survived this fiscal year with what looks to be the same level of revenue from the state, this could change in the next fiscal year. There are no bills hanging out there that may affect us in the next years. Some of these are more directly relevant to cities.

--We are now tasked with the onerous requirement of making sure that all those doing business with the town are hiring only U.S. citizens. While the burden is on the contractor to use e-verify to ensure citizenship, the town must certify every contractor is in compliance.

--There has been a change in LGC’s authority. It has now been extended to water and sewer operations, just the same as for the general fund. LGC has similar benchmarks for cities and towns that operate utilities.

--Franchise tax has gone away. An amount of it has rolled into tax revenue. In short term cities are going to be better off with the impact not seen for a couple of years.

--Powell bill funds may now be used for many different things including greenways and trails. Unfortunately there is less Powell bill money now to be spent on more things. Over time as the use of gas declines, the overall money may not be available; the long term view not real positive for that.

--There will be big changes in the environment. NCDENR will see a reduction of bureaucracy. Where they used to have a division of water quality, grants and rural, these have collapsed into single division of DENR. It is unclear about the total amount of money that will be reduced over time.

--We will see changes in allocation of state solid waste money. We will have to go through the budget process each year; there will be no more dedicated streams.

--We will see changes in purchasing and contracting for the first time. We will still have to bid projects that are over a certain amount. Changes allow for more flexibility and might help save money. Changes also introduce political pressure to do more. Legislation enacted for local contracting still looks at lowest responsive bidder.

--Ethics requirements and financial disclosure for members of the MPO have been repealed (the only member affected by this is Alderman Roberson). Manager Onieal said she is glad the board went to school, however. With each election the Board of Aldermen has ethics requirements to fulfill as elected officials.

--Due to changes to the gun bill concerning concealed carry legislation, the board will have to make changes to the current town ordinance. We cannot have a more restrictive ordinance than allowed by state statute.

--Department of Commerce is not receiving the level of state funding they once were with some categories being eliminated. Overall funding has not dropped but categories were eliminated, complicating the grant process for community and economic development needs. As Haywood County has moved to tier-three, Waynesville is now ineligible for rural economic development monies, it once was qualified to apply for.

--Privilege licenses were not eliminated but sent back to study committee. This fiscal year we will have support to continue but things may look different a couple years from now.

--Changes in election law are fairly significant. We will see major changes.

--Sidewalk dining is allowed on state highways as long as clearance is maintained. Furniture must leave five feet clear for ADA/pedestrian access and can be no closer than six feet to the vehicle travel lane.

--Changes were seen in amortization times. No longer can billboards and cell phone towers be prohibited. Some towns had tried to eliminate them by zoning or by charging exorbitant fees, but towns can't be more restrictive than the state allows.

Ms. Onieal added that any changes which will apply to the Town of Waynesville have been disseminated to staff for follow-up and implementation, and that she will be glad to supply board members with more detailed information on any of the topics. Alderman Greeley thanked Ms. Onieal for her report.

Alderman Freeman mentioned a recent article in The Mountaineer in which a dog walker's dog was attacked by a dog coming off of personal property. Alderman Freeman wanted to know the Board's stance and if there could be any recourse in such a case. Manager Onieal explained that while the Town may enact additional ordinances related to animal control, the matter of enforcement rests with Haywood County, since they enforce animal control laws.

Alderman Greeley wanted more clarification on how regional bills, such as water authority and airport, get to be not local but state bills. Manager Onieal explained a statewide bill can become a de facto “local” bill if the bill is constructed tightly enough in its requirements, demographics, applications, or circumstances, so that it ends up applying to only one community. Such was the case with the Asheville water system bill, Charlotte International Airport bill and Durham forced service to non-annexed area bill. There is a move toward more regionalization and this General Assembly feels that from an economic standpoint, more control is needed at state level than local. The Asheville water supply issue is the biggest concern across the state and there is consternation among all water owners. There are different iterations of that bill and the Asheville case could be tied up in courts for a while.

C. COMMUNICATIONS FROM STAFF

Manager Onieal reported on several items:

--Lake Junaluska’s Community Council is still meeting and dealing with the annexation issue. The community council recommended considerable rate increases in water and sewer to begin addressing the emergency water and sewer infrastructure needs. Other increases in assessments and sanitation fees had previously been reported which represent on average a 39% increase in cost to homeowners. The desire to annex remains strong among all the official bodies of Lake Junaluska and the majority who attend public meetings of those bodies. As the community council continues to address this issue, it will be not just staff-driven but a more resident-motivated push with petitions and outreach to registered voters. It is anticipated that the Town will participate with Lake Junaluska later this year and into the spring in addressing concerns of legislators as we prepare for the bill to be taken up again where we left off in the House Finance Committee, when General Assembly reconvenes next May.

--Once street performers were allowed in the downtown area, the very next day the first permit was issued to Mr. Bill Ierna who is already performing, with more permits to be issued on the heels of that one.

--Staff is now working on an RFQ for the Recreation Master Plan the Board of Aldermen approved. The tennis community has raised its ten percent share for resurfacing of the tennis courts and staff will seek proposals for getting the work done this fall, if weather holds out. An order for the mobile restroom unit will be placed this week and is expected to take 6-8 weeks for delivery.

--Ms. Onieal is attending Leadership Haywood, which takes place one day per month for the next ten months, and she appreciates the opportunity to do that. Ms. Onieal begins on September 11 with a team-building ropes-type course in Whittier. The second session will be October 9, with a group simulation exercise that forces participants to cope with the daily problems of governing society. The remainder of the sessions will focus on Haywood County-

specific areas of interest and challenge, arranged around the following broad topics: culture & arts; health & human services, medical, education & schools, government, economic development, and religion & non-profit services.

--Andrew Bowen from Waynesville is an intern working with the Town who, like Assistant Town Manager Alison Melnikova, hails from the Western Carolina University MPA program. Andrew is interested in a local government career in finance or general management. He currently is serving as a graduate assistant, taking three classes, just got married this summer and has good experience working with Jackson County Planning Department and the Haywood County Manager's office. He will report to Manager Onieal and will work closely with the Leadership Team on the budget process and on special projects throughout the remainder of the academic year.

--The Town Clerk position has been re-advertised, hopefully with finalists to be interviewed at the end of this month.

--The cell tower at Dutch Clyde Fisher Park is an issue that has had no movement to report. Verizon was expected to have sent a proposal for review, but the manager has not received a formal request to date.

--The special Board meeting scheduled for September 17th conflicts with the DWA annual dinner meeting. Ms. Onieal will check with Mayor Brown to see if Monday, September 16th, which was suggested by Alderman Roberson, will be acceptable.

D. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Greeley mentioned the dedication of the new public art piece in the downtown minipark, saying we are a very lucky municipality to have the public art we have in this town. Manager Onieal agreed it is a perfect piece to represent wildflowers of the smokies. Alderman Freeman said it is fantastic, and a real eye-catcher. The Aldermen and Manager Onieal thanked the Public Art Commission for their leadership and fundraising to make this happen and thanked Public Services personnel for the installation, which became a rather involved and somewhat complex process: Daryl Hannah, Fred Baker, Chris Snyder, Shane Messer, Damon Swanger, Matthew Price, and Jonathan Yates. For work behind the scenes and their staff support for the Public Art Commission Ms. Onieal thanked Brittany Buchanan, Phyllis McClure, Alison Melnikova and Ginny Boyer.

E. CALL ON THE AUDIENCE

No comments.

ADJOURN

There being no further business, Alderman Freeman made a motion, seconded by Alderman Caldwell, to adjourn the meeting at 7:43 p.m. The motion passed unanimously.

ATTEST

Gavin A. Brown, Mayor

Marcia D. Onieal, Town Manager

Eddie Ward, Deputy Town Clerk

Prepared by:

Ginny Boyer, Administrative Assistant