

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REGULAR MEETING**  
**November 10, 2015**

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**THE WAYNESVILLE BOARD OF ALDERMEN** held a regular meeting on Tuesday, November 10, 2015 at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

Mayor Brown called the meeting to order at 6:32 p.m. with the following members present:

Mayor Gavin Brown  
Alderman Gary Caldwell  
Alderman Julia Freeman  
Alderman J. Wells Greeley  
Alderman LeRoy Roberson

The following staff members were present:

Marcy Onieal, Town Manager  
Woodrow Griffin, Town Attorney  
Amie Owens, Town Clerk  
Elizabeth Teague, Development Services Director  
Byron Hickox, Land Use Administrator

The following media representatives were present:

Mary Ann Enloe, the Mountaineer  
Becky Johnson, Smoky Mountain News

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting and noted that tomorrow is Veterans Day and on behalf of the Board wished to thank all Veterans for their service and sacrifice.

Mayor Brown asked Manager Onieal to update regarding calendar events. Manager Onieal called attention to several upcoming events including:

- November 14 – Veteran’s Day Luncheon at Longs Chapel United Methodist Church
- November 19 - KARE Festival of Trees – Laurel Ridge CC - RSVP required
- December 3 - Canton Christmas Parade
- December 7 – Waynesville Christmas Parade
- December 10 – Haywood Chamber - Holiday Cheer – Laurel Ridge CC – RSVP required
- December 10 – Haywood Waterways Association Annual Membership Meeting – Lambuth Inn

Manager Onieal reminded members that there would be a public meeting in conjunction with the Planning Board meeting on Monday, November 16 to discuss the Brownfields Grant Application.

2. Adoption of Minutes

***Alderman Caldwell made a motion, seconded by Alderman Greeley, to approve the minutes of the November 10, 2015 regular meeting, as presented. The motion carried unanimously.***

**B. PUBLIC HEARINGS**

3. Public Hearing to consider application from Carolina Furniture Concepts to rezone the property at 121 Eagles Nest Road, Tax Parcel Identification Number 8605-64-6237, from Hazelwood Business District (HBD) to Hazelwood Business District – Conditional District (HBD-CD)

Elizabeth Teague, Development Services Director explained that an application had been submitted by Brenda Reece on behalf of Carolina Furniture Concepts to change the zoning to a conditional district zoning to allow for new signage. Land Use Administrator, Byron Hickox, provided information related to the request. He noted that this application was not for new development, but rather to permit the addition of an electronic changeable face signage to an existing non-conforming sign on the site. This type of signage is allowed currently in Regional Center districts only. Mr. Hickox explained that the property at 121 Eagles Nest Road is a 3.78 acre parcel with a 39,000 sq ft building occupied by Carolina Furniture Concepts. The maximum allowed square footage for signage under current land development standards for the site's zoning would be 24 sq ft with a maximum of 6 feet in height. Carolina Furniture Concepts' existing sign is 80 sq ft and 24 – 25 feet tall and was grandfathered in when the Land Development Standards were adopted in 2011.

Mr. Hickox added that the staff recommendation was denial of this proposal as it would expand the degree of non-conformity to an already non-conforming sign. Also, the sign would cause light to trespass on to other properties in violation of Land Development Standards due to the existing sign's location. As a side note, Mr. Hickox, questioned whether the sign would have the desired impact even with electronic changeable face, which is visibility from the bypass, due to existing tree canopy, which blocks visibility from the highway.

Mayor Brown inquired as to how the Wal-Mart sign is approved. Mr. Hickox noted that that is a large development on a parcel over 5 acres in size and is allowed under large parcel development.

The Planning Board voted to deny the request with a vote of 7 to 1 at their September 21, 2015 meeting.

Town Attorney Woody Griffin called the public hearing to order at 6:43 p.m.

Brenda Reece, representing Carolina Furniture Concepts, approached the podium and explained that the property owner wished to withdraw the application for re-zoning at this time. Mayor Brown asked if there were any time limitations related to such a withdrawal. Ms. Teague explained that an applicant can withdraw at any point in the process and could re-submit at a later time.

No one else requested to address the board.

Attorney Griffin closed the public hearing at 6:45 p.m. with no action taken by the Board of Aldermen on this matter.

4. Public Hearing to consider an application request to rezone the property at 263 Riverbend Street and 9 Camp Street, Tax Parcel Identification Numbers 8605-81-5526, 8605-81-6618, 8605-81,7716, and 8605-81-6705, from Hazelwood Urban Residential to Hazelwood Business District

Ms. Teague explained that a request had been received from the McKay family regarding rezoning of 4 properties from Hazelwood Urban Residential to Hazelwood Business District. The properties had historically been used for commercial endeavors, and that by approving the requested change in zoning, additional uses would be permitted.

Ms. Teague illustrated on the map the location of the properties. There is one additional property that is in this area that is not owned by the McKays. Ms. Teague noted that the request does allow for more uses in that area and added that there a mixed use overlay option could also be considered if the board felt that the requested rezoning was too drastic a change in zoning for this area. She noted that the owners of the abutting property did come to the Planning Board meeting and spoke regarding concerns with the possible change of rezoning.

Ms. Teague explained that the 2020 Land Development Plan addresses the desire of the Town of Waynesville to support local businesses. At Planning Board meeting on October 19, the Planning Board voted unanimously to approve the request and the staff supports the recommendation due to the following:

1. the properties are bordered on two sides by commercial businesses
2. there is a history of commercial uses on the property
3. the properties are very close to Hazelwood Business district with lots of potential for redevelopment.
4. such rezoning could help create a foundation of reinvestment and property improvements in the area

Alderman Roberson asked if there would be any kind of buffer for residential areas if a commercial business was added. Ms. Teague answered that under current zoning, no requirement for buffering between the two is in place for these historically mixed areas; however, by rezoning, a buffer requirement would in fact be required between commercial and residential uses. At present, the open roadways surrounding the property are the only buffer between commercial and residential properties. Alderman Greeley inquired as to what type of buffer could be used? Ms. Teague replied that either fencing or landscaping could be used.

Ms. Teague alluded to discussions about mixed use of the property with the owners possibly starting with the feed and seed store. She added that the Town could permit this use with a commercial overlay and still allow existing zoning. Alderman Roberson asked about any noise restrictions. Ms. Teague replied that all noise considerations would fall under the general nuisance ordinance. She added that the adjacent property owners expressed concerns if a business such as a restaurant were to be at this location.

Attorney Griffin again provided the reason for the public hearing, reminded individuals of the rules of procedure and opened the hearing at 6:51 p.m.

Alex McKay, property owner of properties in question, explained that there was a history of commercial use including a heavy equipment business, vehicle inspections, dog groomer and a laundromat. There were two mobile homes on the property and one has been removed. If rezoned, the remaining one would be removed.

If the board preferred the mixed use overlay, there would be limitations on tenants. Mr. McKay noted that his family had owned the property since the 1890s and would not want to see it changed very much but want to have the opportunity to create quality business in Hazelwood.

No one else addressed the board.

Attorney Griffin closed the public hearing at 6:53 p.m.

Mayor Brown added that it appeared that the property was inadvertently zoned as residential rather than commercial during a transition period. It makes sense to rezone the property back to what it was before. Ms. Teague reiterated the decision of the Planning Board and staff recommendation to approve the rezoning.

Mayor Brown added that this rezoning allows for new and re-development in the area. Alderman Caldwell added that this was a prime spot and one of the last developable properties left in Hazelwood.

***Alderman Caldwell made a motion, seconded by Alderman Freeman, to approve the application to rezone property at 263 Riverbend Street and 9 Camp Street from Hazelwood Urban Residential (H-UR) to Hazelwood Business District (H-BD). The motion carried unanimously.***

## **C. CONTINUING BUSINESS**

### **5. Personnel Policy Revisions**

Manager Onieal explained that the proposed personnel policy changes were touched on during previous discussions with the board during the last two budget processes when comprehensive policy revisions were addressed; however, these particular revisions were inadvertently omitted from the last set of comprehensive revisions adopted by the board in June, because they had no direct budgetary impact. Since they were not formally adopted in June, they are being brought back for formal approval tonight.

#### **a. Conditions of Employment – Article IV, Section V - Employment of Relatives Nepotism**

Manager Onieal explained that the nepotism policy had been one of the most misunderstood and inconsistently applied provisions of the Town's personnel over time and was probably one of the greatest sources of internal concern within the workplace historically, both from a supervisory standpoint and from a perception standpoint. These revisions are being made in an attempt to acknowledge a contemporary definition of "family" and broaden the limited language included in current policy, to include the close relationships of foster/adoptive children, in-laws, cohabitants, domestic partners, etc. that constitute relationships that should be considered under a workplace nepotism policy. The current policy also discriminated

between part time and full time staff which has led to disparate treatment and a sense of inequity among employees. Manager Onieal noted that clarification was added relating to the employment of immediate family members for all individuals employed in Finance and Administrative Services positions, all of which function from a unique position of trust, authority and sensitivity with regard to HR matters.

Manager Onieal added that language was added to clarify the time frame for change in employment status, whether that is movement to another department or leaving the employment of the Town should two employees become related or fall under the definition of family. She also outlined that there were exceptions to this include interns or temporary for less than 100 days each year; for example: seasonal employees.

Mayor Brown expressed concern about the definition of cohabitant and domestic partners.

Manager Onieal explained that the Town will not be the “relationship police” and that the burden of disclosure is on the employee, and is a matter of confidentiality between the employee and his/her supervisor and/or HR to ensure that a supervisory situation does not arise that creates a problem of disparate treatment based on that relationship. Alderman Freeman added that the definition is that of the SF 50 a/b utilized by the Court System.

Manager Onieal noted that the policy had not been consistently applied and that there had been a significant number of familial relationships among staff that had not previously been disclosed, that had created supervisory and performance challenges or at least the perception of unfairness for other employees over the years. The goal of this policy is to stop the problem now and create clarity for the future. The policy language and format was taken directly from the State Office of Personnel and information from the national Society For Human Resource Management (SHRM) and is language that is currently in use by many municipalities and state agencies.

b. Separation and Disciplinary Action – Article VII, Section 16 – Eligibility for Rehire

Manager Onieal noted that while it has been the practice that individuals who are dismissed for cause are not rehired, it was not clearly documented in the policy. The new language reads that individuals dismissed for cause are ineligible for rehire any capacity (full-time, part-time or seasonal).

Alderman Greeley commented that nepotism in the workforce is a difficult challenge. Sometimes when you have relatives in the same unit it can occasionally be a good thing; however, it can also cause serious problems in the workplace. He clarified that this is not done to slap anyone’s hands but is a wise policy that removes the dynamic for future problems and the perception of coercion or unfair treatment.

***Alderman Greeley made a motion, seconded by Alderman Freeman, to approve revisions to the Town of Waynesville Personnel Policy Manual, as presented. The motion carried unanimously.***

6. Budget Amendment – Hazelwood Parking Lot Improvements

Manager Onieal reminded members that at the previous meeting she had explained about the potential for a lease agreement with Chris Forga related to the parking lot in Hazelwood. Manager Onieal was instructed to continue negotiation to move this project forward. To ensure project moves

forward within the current fiscal year, she presented a budget amendment (Ordinance 09-15) which would allow for use of internal service fund transfers to cover these improvements. A total of \$100,000 is being added to the public facilities fund for capital outlay in the spring.

***Alderman Caldwell made a motion, seconded by Alderman Greeley, to approve a budget amendment to the Financial Operating Plan for Internal Service Funds transferring a total of \$100,000 in charges to other funds to the Public Facilities Fund for the purpose of covering expenditures needed for planned improvements at the Hazelwood Public Parking Lot, as presented. The motion carried unanimously.***

7. Installment Financing Agreement for Purchase of Town Vehicles

Finance Director Eddie Caldwell reported that there were a number of vehicles included in the budget process for purchase or replacement. Requests for Proposals (RFP) were sent to 12 financial institutions for financing for these vehicles; four (4) were received by the deadline. Mr. Caldwell noted that the offer from First Citizens Bank was recommended for approval with a five-year (5) term at 1.56% with no closing costs and no pre-payment penalty. This offer provided lowest total financing costs for the town, with the first payment included in next year's budget.

Mr. Caldwell explained that the project consists of the purchase of nine vehicles, and their related equipment. These purchases includes five (5) vehicles and their related equipment to be used by the police department, two (2) vehicles and their related equipment to be used by the street department, two (2) vehicles and their related equipment to be used by the water maintenance department and (3) three "Alliance Prins VSI" auto gas (propane) conversion kits.

Alderman Roberson asked whether the vehicles were all replacements. Mr. Caldwell explained that the Police vehicles were replacements. Manager Onieal added that the other vehicles are for the newly formed capital construction crews in Public Services, which were approved by the Board at their retreat last March. Manager Onieal added that the capital construction crews are just now getting started and the water/sewer construction crew started their first large project on Locust Drive in recent weeks.

***Alderman Greeley made a motion, seconded by Alderman Caldwell, to approve the proposal presented by First Citizens Bank for installment financing with a term of five (5) years at 1.56% interest, and an annual payment of \$109,325.86, as the lowest total financing costs for purchase of vehicles, as presented. The motion carried unanimously.***

**D. NEW BUSINESS**

8. Cooperative Inspections Agreement between the Town of Waynesville and Haywood County

Manager Onieal reported that Jason Rogers had left his position with the Town for a similar position in a much larger department with Buncombe County. The position has been advertised and during the interim the Town has hired Ron Evans as a temporary employee. Mr. Evans has a level 3 certification in all 5 disciplines and has served as a statewide for code enforcement certification. He is well-known and respected across the state and especially appreciated for his approach to customer

service. Manager Onieal explained that during the times when Mr. Evans may not be available, the Town has arranged for a reciprocal agreement with Haywood County for inspections services. A Joint Resolution would authorize each board to approve this agreement. A draft of the agreement was included in the board packet and the joint resolution will be presented at the Board of County Commissioner's meeting on November 16th.

***Alderman Roberson made a motion, seconded by Alderman Freeman, to approve the Cooperative Inspections Agreement between the Town of Waynesville and Haywood County, as presented. The motion carried unanimously.***

#### **E. COMMUNICATIONS FROM STAFF**

##### **9. Town Clerk – Amie Owens**

###### Tobacco Ordinance Implementation Communications Plan

Town Clerk Amie Owens reminded members that the Tobacco Ordinance that was approved in May 2015 and would go into effect on Friday, November 13. She noted that the focus of the communications plan will be on education rather than on penalizing individuals. Meetings will be held one-on-one with merchants to ensure the friendliest approach and discuss why this ordinance was enacted and what the merchants and town could do to work together to better inform the public. Ms. Owens will be providing information to the Downtown Waynesville Association on November 19 as well as meeting with other organizations and merchants to ensure compliance. The initial concentration will be on town-owned facilities and town staff will work with merchants over the winter to ensure that all are aware of what will occur. Copies of the "Waynesville Cares About Your Air" brochure will be provided to merchants, town staff and available in kiosks. Permanent signage indicating the prohibition of tobacco use in designated areas will be installed and information will be shared with the media.

##### **10. Town Manager – Marcy Onieal**

###### Power Supply Contract Summaries

Manager Onieal noted that members had a grid in their packet which was a brief summary of the nearly completed power supply contracts. Unfortunately, final drafts were not ready in time for this meeting. Attorneys from all three parties are trying to complete final provisions. Manager Onieal indicated that it may be necessary to have a special called meeting or to handle as old business at the December meeting. The board preference by consensus was a special called meeting at a date and time to be announced.

###### Organizational Meeting/New Board

Manager Onieal reminded members that the regular meeting on December 8<sup>th</sup> is the organizational meeting where the new board will be sworn in. She asked the board how much or how little business would they like to include at this meeting. Members concurred that a lighter meeting would be preferable. Manager Onieal noted that there would be a reception honoring the elected officials that evening following the installation of members by the Haywood County Clerk of Court June Ray.

### Board/Staff Retreats

Manager Onieal reported that the Public Services staff had a departmental retreat today which was well received. Activities included team building, discussion topics of what makes for better organization and presentations by each division of their needs for consideration in the upcoming budget planning. She added that Development Services staff will have their own retreat and that the Leadership Team will also hold a retreat shortly after the first of the year. The hope is to also include staff in a portion of the Board Retreat which is tentatively set for January 29 and 30, 2016.

### NCLM Legislative Round Up

Manager Onieal provided copies of the NC League of Municipalities End of Session bulletin to the board. This report is very comprehensive and includes not only the bills that were passed, but identifies where things were left such as the Lake Junaluska merger bill. She applauded the effort by the NCLM to keep elected officials informed, noting this is the first time the League has prepared such a comprehensive report at end of long session.

### Chestnut Park

Manager Onieal explained that a community meeting was held on October 29 with eight (8) members of the Chestnut Park neighborhood, Alderman Caldwell and Alderman-elect Jon Feichter, and the media in attendance. Representatives from Development Services, Public Services, Police, Recreation and Fire department were also present. Several issues including future vision for the park and existing traffic issues were brought to light as well as being able to address concerns about untoward activities that had been reported. Manager Onieal remarked that this was a great start and each of the staff are working on areas mentioned. She added that the town will stay in touch with residents and update periodically regarding improvements. Mayor Brown asked about the survey of the property. Manager Onieal noted that Kevin Ensley will be doing the survey.

### Internal Updates/News

Manager Onieal noted that the Public Services October Employees of the Month were Bill Litty and Jonathan Yates. They assisted a lady who had fallen downtown and got her first aid. She congratulated Mr. Caldwell for another audit completed by October 31 and added that the audit report would be presented in January.

The kick off event for the annual Food Collection Drive and Boot Drive, led by the Fire Department resulted in two trucks filled with food and over \$4,000 in monetary donations, the largest monetary collection ever received for this annual effort. The town staff also collects food and coats at their annual Employee Appreciation Luncheon.

### 10. Town Attorney – Woody Griffin

Attorney Griffin had no business to discuss. Mayor Brown offered condolences to Mr. Griffin on behalf of the town on the loss of his brother.

**E. COMMUNICATIONS FROM MAYOR & BOARD OF ALDERMEN**

Alderman Roberson highlighted a letter to the editor in the November 6 edition of the Mountaineer that praised the cemetery crew for their work and dedication. He encouraged all to read it in its entirety.

**F. CALL ON THE AUDIENCE**

No one addressed the board.

**G. CLOSED SESSION**

***Alderman Greeley made a motion, seconded by Alderman Caldwell, to enter into closed session to discuss personnel matters as permitted by NC General Statute §143.318.11(a)(6). The motion carried unanimously.***

The Board entered Closed Session at 7:36 p.m.

The Board returned from Closed Session at 8:04 p.m.

Manager Onieal reported that departmental work with the HR manager on the career track program was nearing completion and that she was prepared to implement career track salary adjustments with the first pay period in January contingent upon the Finance Director completing the necessary programming to the payroll application between now and the end of the year to allow for customized adjustments within the pay plan. She noted that her proposal also included a market study to make equity adjustments for selected positions in various departments, adjustments to wages for certain part-time positions and limited market/equity/merit adjustments for members of the Leadership Team who are not participants in the Career Track progression. In addition there will need to be made some adjustments in exempt status and overtime budgets for some supervisory positions due to changes in FLSA law beginning in 2016.

Manager Onieal explained that there had been \$403,100 available in the adopted budget and that the total salary adjustments as projected effective as of January will result in a total allocation of \$400,556 by the end of the fiscal year. The equity adjustments will be retroactive to the beginning of the fiscal year as promised, and the career track adjustments will move forward beginning with the first pay period in January 2016.

Ms. Onieal noted that while there are a few employees who will get neither a career track nor equity adjustment, these are limited to the police department personnel who already went on Career Track in July and received adjustments at that time, and employees who have just recently been hired or promoted or received an adjustment due to reorganization and taking on additional duties and whose salaries are already at market or career track level .

***Alderman Greeley made a motion, seconded by Alderman Freeman, to approve the salary adjustments, as presented. The motion carried unanimously.***

Manager Onieal will visit all departments with department directors over the next several weeks to answer any questions that may arise about salary adjustments and to discuss changes in personnel policy, smoking ordinance and any other issues of interest to employees.

Mayor Brown reminded members that usually there is no second meeting in November and December due to the fact that these meetings usually fall during holiday weeks. He asked members if they wished to meet or to cancel the meetings during holiday weeks.

***Alderman Greeley made a motion, seconded by Alderman Caldwell, to cancel the regularly scheduled meetings of the Board of Aldermen on November 24, 2015 and December 22, 2015. The motion carried unanimously.***

**ADJOURN**

***There being no further business to discuss, Alderman Greeley made a motion, seconded by Alderman Caldwell, to adjourn the meeting at 8:09 p.m. The motion carried unanimously.***

ATTEST:

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Gavin A. Brown, Mayor

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Marcia D. Onieal, Town Manager

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Amanda W. Owens, Town Clerk