

TOWN OF WAYNESVILLE, NC

Board of Aldermen – Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786

Date: **February 12, 2013** Time: **7:00 p.m.**

The agenda and all related documentation may be accessed electronically at www.townofwaynesville.org.

Click on “**Download Forms**” to download materials for all town board & commission meetings.

 **Conserve resources; consider the environment; print only when necessary.**

The Town of Waynesville provides accessible facilities, programs and services for all people in compliance with the American with Disabilities Act (ADA).

Should you need assistance or accommodation for this meeting, please call

(828) 452-2491

townclerk@townofwaynesville.org

A. CALL TO ORDER

1. Welcome/Calendar/Announcements – Mayor Gavin Brown
2. Adoption of Minutes

Motion: *To adopt the minutes of January 22, 2013 (regular session) as presented [or as corrected].*

B. NEW BUSINESS

3. Resolution Approving Installment Financing for Purchase of New Fire Truck and Related Equipment

Motion: *To adopt Resolution R-4-13, accepting the proposal from SunTrust, as lowest responsible, responsive bidder, offering a term of ten (10) years, at 1.835% interest and annual payment of \$48,721.79, for financing the purchase of a new fire truck and related equipment.*

4. Amendment to Code of Ordinances Regarding Solid Waste and Weed Management

Motion: *To adopt Ordinance O-2-13 as presented, amending Chapter 44 (Sections 1 and 41-46) of the Town of Waynesville Code of Ordinances, regarding Solid Waste and Weed Management.*

5. Appointment to Haywood County Local Emergency Planning Committee

Motion: *To appoint Police Chief Bill Hollings as the Town of Waynesville’s representative to the Haywood County Local Emergency Planning Committee, and Fire Chief Joey Webb and Town Manager Marcy Onieal as alternates.*

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

February 12, 2013

- 2 -

C. PRESENTATION & PUBLIC HEARING

Any individual who wishes to address the Board of Aldermen on this topic should sign-in outside the door of the board room, and after being recognized by the mayor, clearly state his/her name and address before beginning comment. In courtesy to others in attendance, please limit individual comment to three (3) minutes or less.

6. Lake Junaluska Merger Update – Town Manager Marcy Onieal
 - Jack Ewing, Executive Director, Lake Junaluska Assembly
 - Buddy Young, Public Works Director, Lake Junaluska Assembly
 - Ron Clauser, Chair, Lake Junaluska Municipal Study Task Force (MSTF)
 - Lee Galloway, TOW representative, Lake Junaluska MSTF
7. Public Hearing to receive comment regarding the proposed merger between the Town of Waynesville and the Lake Junaluska Service Area

Motion(s):

- 1) *To open the public hearing.*
- 2) *To continue the public hearing until Friday, February 22, 2013 at 11:00 am, or as soon thereafter as possible, in the Town Hall Board Room, 9 South Main Street.*
- 3) *To authorize the Town Manager to submit as soon as possible in coordination with Lake Junaluska Assembly staff, a draft bill to the NC General Assembly's Legislative Drafting Office, proposing merger between the Town of Waynesville and the Lake Junaluska service area, in anticipation of the March 13, 2013 deadline to introduce local bills in the Senate.*
- 4) *[At the board's discretion; however, no additional action is anticipated at this meeting].*

D. COMMUNICATIONS FROM STAFF

8. Assistant Town Manager – Alison Melnikova
 - NCLM Municipal Advocacy Goals Conference
 - NCCCMA Managers Conference
9. Town Manager-Marcy Onieal
 - TDA Legislative Request
 - Bolin Property Easement Request
 - Board Retreat Proposed Agenda
 - Video Sweepstakes Update
 - Projects Update
 - Town Clerk/Employee Updates
 - Other

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

February 12, 2013

- 3 -

10. Town Attorney-Woody Griffin

E. COMMUNICATIONS FROM THE MAYOR AND BOARD OF ALDERMEN

- FBRMPO January Meeting – Alderman Roberson
- Southwestern Commission January Meeting – Mayor Brown
- Other communications

F. CALL ON THE AUDIENCE

G. ADJOURN

BOARD OF ALDERMEN

UPCOMING EVENTS

Tue, Feb 12	Haywood Transit Grand Opening, 1:00 PM, 50 Armory Drive, Clyde BoA meeting, 7 pm, Board Room
Wed, Feb 13	Clean Community Awards Luncheon, 12 noon, Waynesville Inn & Spa (RSVP required)
Thu, Feb 14	Mountain Mediation Services-Soup & Cornbread Get Together, Drop-In 11:30-1:30, Haywood County Justice Center Jury Assembly Room
Mon, Feb 18	FBRMPO-TCC/TAC Members Required Ethics Training Webinar, 1:30-3:30 Designing Healthy Communities Workshop I, 5:30-8:30 pm, UNC-A, Sherrill Center
Wed, Feb 20	LOSRC Linking Lands Workshop, 2:00 pm, Haywood Community College
Thu, Feb 21	Regional Trails Plan Open House, 5:00-7:00 pm, Jackson County Public Library
Fri, Feb 22	Board Retreat including: <ul style="list-style-type: none">• Public Hearing on Junaluska Merger• IT Master Plan Presentation• Board Goals & Visioning• Manager Evaluation (closed session)
Mon, Feb 25	FBRMPO-TCC/TAC Members Required Ethics Training Webinar, 1:30-3:30 Designing Healthy Communities Workshop II, 5:30-8:30 pm, UNC-A, Sherrill Center
Tue, Feb 26	BoA meeting, 7 pm, Board Room
Fri, Mar 1	Haywood Community College-Arts & Crafts Center Grand Opening, 11:00 am, HCC Auditorium
Sat, Mar 2	Haywood County Educational Foundation Mardi Gras Ball Fundraiser, 6:30 pm, Laurel Ridge Country Club
Sat, Mar 9	Public Art Commission Jury Selection (Minipark-Flora & Fauna of the Smokies)
Tue, Mar 12	GROWNC Workshop, 10:00-2:00, WNC Arboretum BoA meeting, 7 pm, Board Room
Thu, Mar 14	Vitality of the Southern Appalachians Workshop, Time TBD, WNC Arboretum
Tue, Mar 26	BoA meeting, 7 pm, Board Room
Wed, Mar 27	NCLM Town Hall Day, Raleigh
Mon/Tue, Apr 29-30	Working Dinner with Duke Energy Officials, (Tent. - Date/Time TBD)

*You are cordially invited
to attend the Ribbon Cutting Ceremony & Open House
for the New Haywood Public Transit Facility,
A Division of Mountain Projects, Inc.*

February 12, 2013

1:00pm

50 Armory Drive

Clyde, North Carolina



COMMISSION *for a* CLEAN COUNTY

Post Office Box 174 • Hazelwood, North Carolina 28738

January 18, 2013

Marcy O'Neal, Manager
Town of Waynesville
P.O. Box 100
Waynesville, NC 28786

Dear Ms. O'Neal:

THE COMMISSION FOR A CLEAN COUNTY (CCC) is proud to announce a luncheon to honor Winners of our 2012 *Community Pride Awards*.

Our Board annually recognizes businesses, civic groups, schools and individuals (both adults and children) for outstanding efforts in waste and litter control, recycling, beautifying public areas and environmental stewardship.

The luncheon will be on **Wednesday, February 13, 12:00 noon** at the **Waynesville Inn** in the Conference Room, located next to the parking lot. A sign will be posted on the door.

As it is important to Winners to be recognized for their efforts, we hope you will join us in this salute to those who advance a clean, attractive Haywood!

The Waynesville Inn requires us to turn in a definite count for the luncheon. Therefore, please confirm by **February 6, or before if you will attend.**

IT IS ABSOLUTELY NECESSARY TO CONFIRM. Just call my number below. If I am not in, please leave a message. Thank you.

Most sincerely,

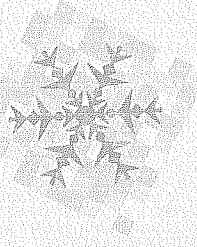
JoAnna Swanson
Secretary of the CCC

phone: 452-1550

Soup & Cornbread Get Together

DATE: THURSDAY, FEBRUARY 14TH

TIME: 11:30—1:30 DROP IN



Mountain Mediation Services'
Haywood County Advisory Board
would like to invite you to join us
for a mid-winter get together of
soup n' cornbread...and a
few treats!



Join us in the Jury Assembly Room of
the Haywood County Justice Center
for chili, hushpuppies, desserts and more.

Thanks for your support!



Thank You!

From: Lyuba Zuyeva
Sent: Thursday, February 07, 2013 1:28 PM
To: Paul Black
Cc: Justin Hembree (Justin@landofsky.org)
Subject: Upcoming "Ethics Act Overview" Webinar and Viewing at Land-of-Sky Offices on February 18th
Importance: High

To MPO Board (TAC) members, MPO TCC members, RPO TAC members and RPO TCC members,

As you are already aware, MPO and RPO TCC and TAC/Board members are now subject to the state ethics requirements. NCDOT is making available a webinar this month to address some of the specific ethics requirement questions and issues. You can see the instructions attached and watch the webinar from your desk; or you are welcome to attend a viewing at **Land-of-Sky Offices in the Medium Conference room on Monday, February 18th from 1:30 PM-3:30 PM**. Please RSVP if you plan on attending the webinar viewing at Land-of-Sky.

This webinar does not replace the state ethics education requirement. Education requirement must be fulfilled by June 30, 2013 or by the end of six months from when your membership on an MPO or RPO Committee begins. You can attend an in-person training either in Raleigh or at a distance site; or you can complete the ethics training online.

On March 8th, one of the distance training sites will be in Charlotte. On May 3rd, there will be a distance training offered in Cullowhee, NC. More information and schedule for in-person/distance training located at

<http://www.ethicscommission.nc.gov/education/eduSchedule.aspx>

Online ethics education link is at <http://www.ethicscommission.nc.gov/education/eduOnline.aspx> MPO and RPO staff have contacted the State Ethics Commission to request that an Asheville distance learning site be added to the list; however this might not happen in time for June 30 deadline.

Additional information about the webinar:

Presenters: Perry Newson, Executive Director & Teresa Pell, SEI Attorney

Dates & Times:

Session 1: Monday, February 18th, 2013 – 1:30 PM-3:30 PM;

Session 2: Monday, February 25th, 2013 – 1:30 PM-3:30 PM

Webinar Login Information: please see instructions attached to this e-mail.

If you are unable to enter the webinar session the maximum number of participant connections has been exceeded, please

contact the State Ethics Commission for questions:

Phone: (919) 715-2071

SEI Questions: sei@doa.nc.gov

Education Questions: Education.Ethics@doa.nc.gov

All Other Questions: ethics.commission@doa.nc.gov

Sincerely,

Lyuba Zuyeva

Transportation Planner, French Broad River MPO

Land-of-Sky Regional Council

339 New Leicester Hwy, Suite 140

Asheville, NC 28806

Main phone: 828-251-6622 xt 127

Fax 828-251-6353

Visit us on the web

Blue Ridge Bike Plan: www.brbp.org

French Broad River MPO: www.fbrmpo.org

Land-of-Sky RPO: <http://www.landofskyrpo.org/>

Land-of-Sky Regional Council: www.landofsky.org

Facebook: French Broad River MPO and Blue Ridge Bike Plan

Like 1 Tweet 2

To receive email from Asheville GreenWorks, add info@ashevillegreenworks.org to your [safe sender list](#)

[View as Web Page](#)

[Send to a Friend](#)

JOIN US FOR:

Designing Healthy Communities

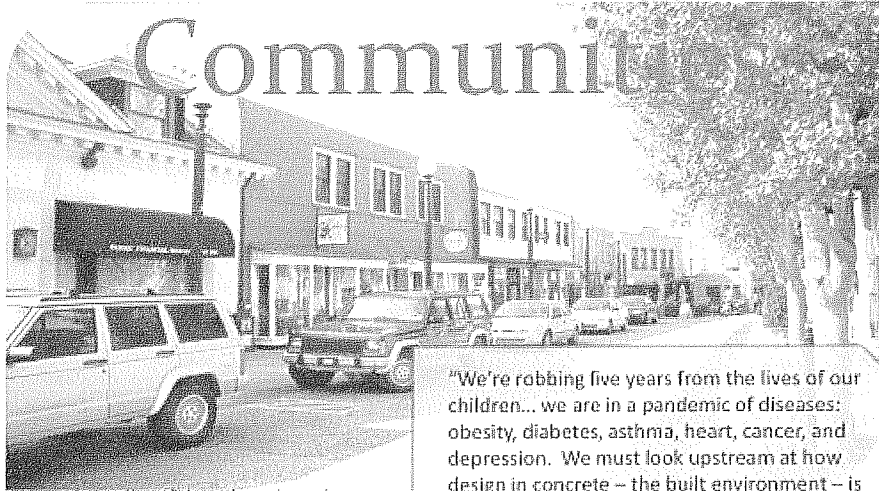


Image via: <http://www.flickr.com/photos/simnari/>

"We're robbing five years from the lives of our children... we are in a pandemic of diseases: obesity, diabetes, asthma, heart, cancer, and depression. We must look upstream at how design in concrete – the built environment – is affecting public health. We must – and can – do better. This is urgent." Dr. Richard Jackson

Monday, February 18

5:30pm-8:30pm

Retrofitting Suburbia

Rebuilding Places of the Heart

Monday, February 25

5:30pm-8:30pm

Social Policy in Concrete

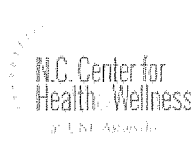
Searching for Shangri La

Both events at the Wilma Sherrill Center at the University of North Carolina at Asheville.

For more information contact Terri March, 828.250.4047 or terri.march@buncombecounty.org

Join us for a free screening of the provocative 4-part PBS series *Designing Healthy Communities*. Two episodes of the series will be shown each night that looks at how different aspects of our built environment impact key public health indices – obesity, diabetes, heart disease, asthma, cancer and depression. Narrator, Dr. Richard Jackson connects bad community design with growing health costs, then analyzes and illustrates what architects, planners and citizens are doing about this urgent crisis by looking upstream for innovative solutions.

Light refreshments will be provided.



Asheville GreenWorks • P.O. Box 22 • Asheville, NC 28802

<http://www.ashevillegreenworks.org>

[Subscribe](#) | [Unsubscribe](#) | [Send to a Friend](#) | [Preferences](#) | [Report Spam](#)

From: Sarah Graham <sgraham@regiona.org>
Date: February 5, 2013, 3:37:49 PM EST
To: undisclosed-recipients;;
Subject: Regional Trails Plan Open House

Regional Trails Plan Open Houses to be Held in February

Meetings will highlight recommendations for new trails and economic development

The Southwestern Commission has scheduled two public open houses in February to gather comments on the Regional Trails Plan. The open houses are slated for **Tuesday, February 19 at the Community Facilities Building in Andrews**, at the corner of Locust St. and Forth St., and **Thursday, February 21 at the Jackson County Public Library in downtown Sylva**. The meetings will be from 5:00 pm to 7:00 pm.

The draft Regional Trails Plan and maps of existing and planned trails will be on display at the open houses and available from the Southwestern Commission's website (www.regiona.org) beginning February 9, 2013. In addition to the open houses, public comments will be taken through an online survey, available on the website, through March 1.

Maps generated for each county through the planning effort include existing greenways, trails and some bicycle routes, as well as ideas generated through the Plan effort for new and enhanced trails.

The Plan, funded through a grant from the North Carolina Division of Parks and Recreation and its State Trails Program, includes a preliminary assessment of options for the Mountains-to-Sea Trail to bypass tunnels along the Blue Ridge Parkway near Cherokee. The Plan does not prescribe a future alignment for the Mountains-to-Sea Trail, rather it identifies pros and cons of alignment ideas that will be forwarded to the state for future considerations.

The Plan also included input on connections to the Appalachian Trail, Benton MacKaye Trail and the Bartram Trail.

Thanks for your interest! Please forward to anyone who may want to attend.

Sarah

--

Sarah Graham
Regional Planner
Southwestern Commission
125 Bonnie Lane
Sylva, NC 28779
office: (828)586-1962 x212
mobile: (828)508-1796

www.regiona.org

Email correspondence subject to NC Public Records Law



Save The Date!

SAMAB Spring Conference 2013



Vitality of the Southern Appalachians

North Carolina Arboretum

Asheville, NC

March 14-15, 2013

The Western North Carolina Vitality Index is a tool developed to provide information necessary to protect the region's unique natural resources, promote development and planning that accommodates healthy growth, preserve the heritage and culture that defines communities, while strengthening public health and improving local economies. The information is classified into natural, built, human and economic sectors and was developed by UNC-Asheville National Environmental Modeling and Analysis Center from the result of a partnership between the U.S. Forest Service, the NC Mountain Resources Commission, the Blue Ridge National Heritage Area, the Asheville Board of Realtors, Duke Energy and the NC Department of Environment and Natural Resources.

The purpose of the conference is for attendees to examine the current tool, explore its potential utility, and determine if SAMAB should investigate the feasibility and usefulness of expansion of the geographic scope to Southern Appalachia as a whole.

The conference will also work to collect the information necessary to: *1) Protect our region's abundant and unique natural resources 2) Promote development and land use planning that accommodates healthy growth 3) Preserve the heritage that defines our communities while strengthening public health and 4) Improve the region's local economic activity and expand its influence.*

To access the Vitality Index, please visit the website at www.wncvitalityindex.org.

To register for the SAMAB conference or to find more information about SAMAB, please visit www.samab.org, or contact Adam DeWitte at adam@cfaia.org.

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ALDERMEN
TOWN HALL – 9 SOUTH MAIN STREET
JANUARY 22, 2013
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, January 22, 2013. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Julia Freeman, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager Marcy Onieal, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Welcome/Calendar/Announcements – Mayor Gavin Brown

Several events were included on the upcoming Calendar of Events, including the retirement receptions for Town Clerk Phyllis McClure on January 29, 2013 from 4 – 6 p.m. and the following day on January 30 for Jackie Pressley, Accounting Clerk in the Finance Department from 2-4 p.m. at the Hazelwood office. Mayor Brown said the retirement of Town Clerk Phyllis McClure will be like losing your little sister. When you call she is always in the background, and the Town will lose not only institutional knowledge, but family knowledge as well.

Public hearings are scheduled for February 12 at 7:00 p.m. and February 22 at 11 a.m. to receive public comment regarding the potential merger of Lake Junaluska and the Town of Waynesville. There will be several meetings at Lake Junaluska, beginning Saturday, January 26. Mayor Brown and Manager Onieal have both met and spoken at length with Senator Davis and others regarding the merger of Waynesville and Lake Junaluska. Town Manager Marcy Onieal suggested that the Town Board hold their retreat on February 22, beginning at 9:00 a.m., with a public hearing at 11:00 a.m., then breaking for lunch and continuing the retreat in the afternoon. It was the consensus of the board to conduct the retreat and public hearing on the same day.

The Southwest Commission Meeting is scheduled for Monday, January 28 at 7:00 p.m. Mayor Brown is currently serving as Chairman of this group. Mayor Brown said historically the Southwest Commission has been focused on activities of counties and municipalities west of Waynesville. Bill Gibson asked Mayor Brown to serve as chair for the next couple of years, in hopes of getting the community in this area engaged in the process. Board Members are always welcome and encouraged to attend these meetings. Congressman Mark Meadows will be at the next meeting, and possibly Senator Davis and Representative Joe Sam Queen. Mayor Brown

said he enjoys meeting with and talking with others which gives him a perspective of what is happening west of Waynesville, adding that sometimes the meetings are simply a time to share goals. Southwest Commission is also looking for partnerships in the future. Waynesville is not a part of the Southwest Commission Transportation Planning area, but is part of the Asheville area MSA (Metropolitan Statistical Area) and is a member of the French Broad River Metropolitan Planning Organization for transportation planning purposes.

Adoption of Minutes of January 8, 2013

Alderman Caldwell moved, seconded by Alderman Roberson to approve the minutes of the January 8, 2013 meeting as presented. The motion carried unanimously.

Haywood Waterways Association Presentation by Eric Romaniszyn, Executive Director

Eric Romaniszyn, Haywood Waterways Association Executive Director, requested time on the Board's agenda to report on the organization's work. Two milestones were reached this past year. The first is that they have now surpassed the \$6 million mark for grants received, as well as contributions from organizations including Pigeon River Fund, Clean River Fund, Haywood County Community Foundation and Haywood Rotary. The second milestone is that Haywood Waterways has now surpassed ten thousand students involved with "Kids in the Creek". In this program every eighth grade student in Haywood County receives hands on learning in the environment which is a "wow" factor for them. A recent survey revealed that this experience is having an impact on the students regarding the environment.

The State maintains a list of impaired waterways, defined because of pollution, sedimentation and other issues. But this designation opens up opportunities for funding. Partners, including the town, have implemented a number of projects allowing waterways to be removed from the list. Hyatt Creek was removed in 2010 because of projects completed with \$1 million in grant funds. Fourteen miles of Richland Creek are currently on this list for bacteria and biological issues. Work is being done on restoration projects, including plantings at Evergreen Packaging for bank stabilization and efforts are being made to repair failing septic systems that leak raw sewage. About 45 have been repaired, which eliminated 8,000 gallons of raw sewage from entering the waterway each day. Mr. Romaniszyn applauded the town, and the work of Fred Baker and Robert Hyatt in locating the town's infrastructure and helping to make those repairs. Organizations are encouraged to adopt sections of the creek trash for clean-up. Every time it rains more trash enters and getting more volunteers to help with this work is important. Haywood Waterways is always trying to find win-win situations. They recently completed a stormwater management plan for the Junaluska Assembly, and projects are currently underway to create stormwater management plans for Waynesville Plaza and Waynesville Middle School. The next phase is writing a grant to construct the controls in those plans.

Haywood Waterways has a great fundraising committee and efforts are made to get money in place for long-term survival. A “Polar Plunge” is planned as a fundraising event on February 23rd at Lake Junaluska. All funds raised from this event will be earmarked for Kids In the Creek.

Alderman Roberson said for years raw sewage discharged in the waterways was called straight piping and a lot of work was done to correct this when Charles Hipps served as District Attorney. Mr. Romaniszyn said there have been only a few examples where pipes broke and raw sewage was running in the creek. Eric has been with Haywood Waterways since 2004. Mayor Brown said the town provides support to Haywood Waterways by providing office space in the Municipal Building. The Board thanked Mr. Romaniszyn for his presentation.

Request for Town Participation in Sewer Line Extension for Hyatt Trace Development

Workforce Homestead, Inc., and Grant Construction, Inc., are proposing to develop Hyatt Trace, a 64-unit affordable rental apartment community for working families on Hyatt Creek Road in Waynesville. The complex will contain a mix of two and three bedroom units in two-story buildings, and will offer rents that will be affordable to households earning no more than 60% of the county median income. Since there is currently no sewer service on Hyatt Creek Road west of the highway, they are proposing to extend a sewer line as part of overall site development efforts. Not only would it serve the proposed multifamily complex, it would also facilitate any other future development initiatives on the remainder of the tract east of this apartment site. They are requesting that the Town of Waynesville participate in the extension of the sewer line down Hyatt Creek Road. Their preference would be to finance the entire length of the off-site utility installation. They have an estimate from the civil engineer for the 1,570 foot utility improvement at a cost of \$106,700. Such assistance would be in the form of a low interest loan to the project that would be repaid over a 20-year term. Manager Onieal said this development is proposed on the “Swift tract” of property. The request is a little bit unique for the board because a policy has not been adopted for these types of activities, and the board was encouraged to continue conversations to develop guidelines.

The proposed 6-acre development site is roughly 1,600 feet west of the intersection of the Highway 23/74 overpass, on cleared land that had previously been used for farming and pasture. It is a subdivided section of a larger 48-acre tract, and will be bordered on the west by Freeman Road, on the north by Hyatt Creek, and on the east and south by raw land.

Hyatt Trace will be developed through a joint venture between two highly experienced developers, Grant Construction Inc., and Workforce Homestead, Inc. Together, the principals of the two companies, Charles Grant II and Jim Yamin, have almost 50 years of experience in affordable housing development and construction, having led the development of 36 high quality rental housing communities in North and South Carolina, totaling 1,608 units.

Grant Inc., was organized in North Carolina in 1977 and has successfully developed raw land, built single and multifamily housing as well as light commercial projects. Since 1994, Grant, Inc., has specialized in the development and construction of affordable apartment complexes using federal housing tax credits allocated by the North Carolina Finance Agency and the South Carolina Housing Finance Agency.

Jim Yamin, president of Workforce Homestead, Inc., said Charles Grant was unable to attend the meeting due to a family conflict. Mr. Yamin said their proposal would provide much needed housing for working families and help to boost the local economy. They will be buying a six acre subdivided parcel. The sewer line will access the site along Freeman Road (off Hyatt Creek Road), crossing over Hyatt Creek. A sixty foot right-of-way will run along Hyatt Creek to serve any subsequent development along the remainder of the acreage. The estimated cost of the sewer line extension is \$106,700, which is included as part of the project budget of \$8.1 million. Mr. Yamin requested assistance from the town for a 20 year low interest loan. The loan would also offer another benefit since they will be applying for federal housing tax credits, and it will make their application more competitive. This is a very competitive process because it has been a successful program and more applications are received than can be funded.

The proposed project will be built, owned and managed for the long term by the developers. Examples of their developments include Elsworth Commons, in Greenville, NC; a new development under construction in Concord, NC.; a 76 unit development for independent living seniors in Hillsborough, NC; Charles Point in Florence, SC with 148 family units; Water Brook, a 64 unit development in Raleigh, NC for independent living seniors; and Randall Place in Goldsboro, NC.

Manager Onieal said the developer is proposing that the loan be paid back in a 20 year period. This project would be one year or more out, but the developer is requesting assistance now as part of the grant application process with the NC Housing Finance Agency. The issue is whether the Town would be willing to commit now to assist in this project in FY14. The water line extension costs would be paid by the developer. Mr. Yamin explained that if families initially apply and their income allows acceptance in the community and later their income exceeds allowable limits they will not be evicted.

Mayor Brown said the town does not have a policy for this type activity. The Town installed a water line for Sonoco by installing a water line earlier than planned. Money contributed for work at The Strand Theatre was based on the creation of jobs.

Fred Baker also mentioned \$75,000 that was committed by the Town for a proposed project by developer Hollis Fitch at the old hospital. That project did not get enough points on the state system and the project was never done.

It was felt that this is a good project with a lot of appeal, as it is located within the town's urban growth boundary, in an area that is going to develop, with some standards in place. Alderman Freeman asked what would be offered to the residents of the homes on Freeman Road. Mayor Brown asked if there was a possibility that the town could do some of this work. Fred Baker said this is something that could be handled administratively by town staff contracting for the construction of the project. Fred Baker said water and sewer was installed to this tract in 1985 and was one of the first projects he was involved with after coming to Waynesville. Another policy for the board to consider would be to waive capacity fees to encourage affordable housing development. Mayor Brown said this was done for the old hospital project that did not work out.

Patrick Bradshaw clarified that the sewer line would run along the creek rather than the road. The water line will likely run along the road. The preliminary application deadline is Friday, January 25. The full application deadline is in May.

Alderman Roberson moved, seconded by Alderman Freeman to participate with Workforce Homestead/Grant Construction & Development in the extension of sewer to the Hyatt Trace Development as proposed, and to authorize the town manager to negotiate terms of participation in a principal amount not to exceed \$106,700. The motion carried unanimously.

Mayor Brown added that he would like to have discussion of policy added to the retreat agenda. Mayor Brown and the Board thanked Mr. Yamin and Patrick Bradshaw for attending the meeting.

Parks and Recreation Trust Fund (PARTF) Grant Application for Tennis Courts Resurfacing and Construction

The Waynesville Parks and Recreation Department would like to apply for a grant from the North Carolina Parks and Recreation Trust Fund (PARTF) in the amount of \$75,000 to help fund a project which will include resurfacing the six existing tennis courts and construction of two additional tennis courts at the old swimming pool location in Recreation Park at a total cost of \$150,000.

Rhett Langston said this is a great opportunity to apply for this grant which will provide an opportunity to repair cracks in the tennis court and build two new tennis courts, bringing the department's total to eight courts, which would allow for the Town to host tennis tournaments.

The Town would provide \$75,000 and the grant is for \$75,000. Manager Onieal said the master plan for this project was previously approved by the board in July 2012.

Alderman Freeman said the tennis community is very excited about this project. Rhett Langston added that they are also very excited about the new restrooms to be built in this area.

Alderman Caldwell moved, seconded by Alderman Greeley to authorize the manager to submit a grant application in the amount of \$75,000 to the Parks and Recreation Trust Fund (PARTF) for resurfacing and construction of tennis courts at the Recreation Park. The motion carried unanimously.

Amendment to Chapter 30 (Sections 3, 4 and 66) of the Town of Waynesville Code of Ordinances Fire Prevention and Protection Code

State law requires that fire inspections be conducted for certain structures, including but not limited to commercial, institutional, industrial and high rise structures, on a systematic scheduled basis. Current Town of Waynesville's standards for Fire Prevention Inspections do not conform to the North Carolina Fire Prevention Code.

The Town of Waynesville Code of Ordinances dictates an inspection schedule based on hazards and building systems. The proposed amendments base the inspection schedule on occupancy and use of the building, consistent with state standards.

The current standard also directs the codes administrator and the fire chief to administer the inspections in Chapter 30. The proposed changes will direct these inspections to be administered by the Development Services Department. Fire Chief Webb said the changes are recommended.

Alderman Roberson moved, seconded by Alderman Greeley, to adopt amendments to Chapter 30 of the Town of Waynesville Code of Ordinances as presented. The motion carried unanimously. (Ord. No. 1-13)

Revised Municipal Records Retention and Disposition Schedule

Town Clerk Phyllis McClure presented a request for approval of a revised Municipal Record Retention and Disposition Schedule. This schedule was developed by the State Archives of North Carolina, a division of the Department of Cultural Resources. Ms. McClure said the Town adopts the new schedule each time the State Archives issues a revision. Without the schedule, municipalities are obligated to obtain the State Archives of North Carolina's permission to destroy any record, no matter how insignificant. Each record series listed in the schedule has specific disposition instructions which indicate how long that series must be kept. These

instructions are determined by the State. In the past, the disposition instructions for some documents were “destroy in office when administrative value ends” and now each municipality must determine what the minimum requirements for these record series should be. Ms. McClure explained that this has been determined for each area, with the help of several departments, and is included in the revised Municipal Record Retention and Disposition Schedule being presented at this meeting.

Alderman Caldwell moved, seconded by Alderman Freeman, to approve the Municipal Records Retention and Disposition Schedule as presented. The motion carried unanimously.

NCLM Municipal Advocacy Goals Conference 2013 Review & Discussion of Goals and Appointment of Voting Delegate

Every two years, the N. C. League of Municipalities holds a municipal advocacy goals conference to provide the opportunity for the League’s member jurisdictions to thoroughly debate legislative issues important to municipalities across the state, and set advocacy priorities. In preparation for the conference, NCLM Legislative Action Committees have been meeting for the past year to develop goals and legislative positions pertaining to the following areas: Planning & Environment, General Government, Tax & Finance, and Regulatory (technical environmental regulations).

A list of 57 advocacy goals proposals recommended by the NCLM Board of Directors for consideration by the membership, which will need to be voted on at the goals conference on January 24. These series of votes will result in 30 priority legislative goals on behalf of NC cities and towns for the next biennium (2013 long session and 2014 short session of the NC General Assembly).

Manager Marcy Onieal said several board members have brought their priorities to her individually. This item was on the agenda at a prior meeting and placed on the agenda once more to see if there are others to add. Mayor Brown said one goal is to protect what small communities do and they should be able to continue doing those things. NCLM represents 540 towns and cities (many are less than 10,000). Some of the goals are specific to larger, more urban areas. Voting responsibility was given to Town Manager and Assistant Town Manager at the last meeting. Mayor Brown had hoped to attend but will not be able to go at this time. No board members had additional goals to add.

Mid-Year Reports From Town Staff

Assistant Town Manager Alison Melnikova reported that the Administrative Services Department includes the staff in the Municipal Building, and Public Works Director Fred Baker

and Assistant Public Works Director Robert Hyatt. Administrative Services also oversees Public Buildings, which includes Horticulturalist Jonathan Yates. Since June 30 studies and plans for merger with Lake Junaluska have been ongoing, with a study currently being prepared by McGill Associates expected for presentation in February 2013. The Information Technology Assessment has been ongoing with a presentation expected in February 2013 by VC3. The Fuel Shortage Response Plan is currently in draft form; the creation of it was a grant requirement from the State Energy Office. This plan will serve as the basis for a more comprehensive plan in the next year.

Public Facilities - Construction documents are being finalized on the new Skatepark. The project will be out for bid in February with hopes to award the bid in early March with completion in June. Construction documents are almost complete for the new recreation restrooms and it is hoped to have this project out for bid in February. Ms. Melnikova did not have a report available for the work being done by Horticulturist Jonathan Yates. The Public Art Commission has three finalists for a new art piece which will be installed in September 2013. The next six months include the upcoming retirement of Town Clerk Phyllis McClure, implementation of a new employee evaluation program (the initial setup is currently underway), employee training sessions on various safety, health and technology issues and the Health Fair which is scheduled for March 21. Town Manager Onieal said that the Administrative Services employees have been a joy to work with and their efforts are appreciated during the past year of multiple transitions.

Finance Director Eddie Caldwell presented a mid-year budget report, July 1, 2012 – December 31, 2012, with the revenues and expenses broken down into major categories. It is done on a modified cash basis – checkbook accounting, not the full accrual method presented in the annual audit. But this is how we track each department's spending and the revenues as they come in. In the General Fund revenues are as expected and pretty much on budget. Sales tax for first quarter is up 4% percent. Departments are doing a very good job in watching their budget and keeping their expenditures in line. The Water Fund is always one month behind in revenues, with the water usage in December billed in January. So far it has not been necessary to use any fund balance appropriated. In the fiscal year 2013 budget permission was granted to loan funds from the general fund to the water fund for a several major projects at the water treatment plant. With the sewer fund balance at \$1.6 million he may be back before the Board this spring to borrow from the sewer fund instead. Several projects have been delayed in the sewer fund until now, and so \$157,000 has been made in the sewer fund so far compared to \$63,000 last year and \$68,000 in the prior year. Work will begin soon on \$350,000 in line repairs.

The Electric Fund is improving, but town staff will continue to observe rates very closely each month. Electric usage in December is billed in January. One major manufacturer has shown increased electrical usage.

The Town has two internal service funds, which charge the other funds for the services they provide. Both Public Works and the Garage are benefitting because of recent lower prices for gasoline purchased.

Finance Department Report - Major accomplishments for the Finance Department include the receipt of a clean audit, completion of financing for new bucket truck and financial records being moved to “the clouds” on accounting software in November. This last process took about one half day to complete, but was months of planning and testing by the entire department. There were some internet connectivity issues with Charter this past week which have now been resolved.

Planning Director Paul Benson gave an overview of building permit activity for the first six months of the fiscal year. \$6.8 million in private sector construction activity is currently underway. For the same June – December time period in 2011 the Town had issued permits for \$5.9 million in construction, and \$3.7 million in 2010. Ingles representatives have indicated that they would be in soon to begin their renovations. They have until August 2013 to begin construction under their current permit.

The Planning Department has several grant projects underway this year. One was received from the Historic Preservation Office to develop downtown historic district and design standards. This would create new downtown design guidelines, and the Historic Preservation Commission is interested in the designation of local historic districts. This was attempted a few years back but was met with concern, especially from downtown property owners but they are now interested. Guidelines could be adopted that could be tailored to Waynesville. Design standards are also being considered that would make portable signs more acceptable. These items will be discussed further at next Historic Preservation Commission Meeting on Feb 6.

A Transportation grant was funded to complete a redesign project for the North Main Street/Walnut Street intersection. This area is a missing link in the Town’s greenway system and Waynesville is also dealing with a dysfunctional intersection at this location. The consultant will obtain traffic counts and include sidewalks and bike lanes. This area has been identified as major pedestrian area. Having a plan in hand makes it easier to get funding for project.

Manager Onieal said Paul Benson’s staff has been working diligently with changes and workload transition which includes cross training, learning new skills, and job responsibilities.

Parks and Recreation Director Rhett Langston reported that in the last six months a new basketball court design has been added, various sport camps, basketball camps and volleyball camp have been held, money raising efforts were begun for improving the tennis courts, softball

fields were improved by installing new sod and new recreation programs have been added. Attendance at the Recreation Center exceeded 144,000 people during 2012. During the next six months the new skate park will be built, the department will host the Special Olympics for Haywood County, and new restrooms will be built to replace the restrooms that were destroyed by fire. Mr. Langston said he is very proud of his staff and other employees for improvements around park.

Mayor Brown asked if Rhett has been in contact with Haywood County regarding their possible construction of an area to be used for ball tournaments in Jonathan Creek. Rhett Langston has not spoken to them yet. Mayor Brown added that however the town can work with the county will be beneficial. Rhett will speak with Haywood County's Parks and Recreation Director Claire Stewart.

Police Chief Bill Hollingsed said the number one law enforcement issue is prescription drug abuse. One in four deaths is because of drug overdose, exceeding motor vehicle accidents. A grant was written this year for 120 "med safe boxes" and 75 of the boxes have already placed. Parents and grandparents have become drug suppliers, and the boxes allow them to safely keep these medications in their homes. An outside disposal unit installed at the Police Department on Wall Street has shown increased usage. Police Department personnel have been emptying the unit two and three times per week and transporting the drugs to Charlotte for disposal. Chief Hollingsed recently spoke at North Carolina Probation/Parole Conference in Charlotte.

Chief Hollingsed said legislation is the best way to deal with this controlled substance issues. Three bills have been written with legislators to include the requirement of identification to buy controlled substances. This helps keep track of those receiving the medications as well as with Medicaid fraud. It is hoped that bills that did not go to the floor last year will be reintroduced this year.

Department accomplishments for the previous six months include participation in the Computer Aided Dispatch (CAD) for all agencies in Haywood County. All agencies are now on the same network which helps everyone work together. Mobile data units, which allow officers to complete reports in the field have been installed. You can now see patrol vehicles in neighborhoods and shopping areas as officers are doing their reports, instead of in the office. A new canine was added this year, and it is hoped to have "Valor" fully certified this spring. Detective Tamara VanderMolen is now certified for in-house fingerprint identification, which is much faster. She has been training for this for several years.

Other work included implementing a practical combat and readiness shooting course, upgrading the field training program, expanding the training and equipment for officers regarding active shooter scenarios, implementing new safety and security plans for school systems in conjunction

with the school systems, and actively working with legislators for the expansion of the WNC Crime lab.

Manager Onieal thanked the Police Department for their work, adding that there has been a lot of activity regarding sweepstakes machines, including the work of Tax Collector James Robertson, Land Use Manager Byron Hickox and Codes Administrator Jason Rogers.

Fire Chief Joey Webb reported the purchase and implementation of emergency reporting software, and a new Sutphen Fire Engine and been designed and ordered, with delivery scheduled in March 2013, and all career firefighters completed the NC Medical Responder Certification. When he became Fire Chief it was discovered that firemen could not handle such issues as heart attacks. On July 4th a gentleman collapsed on Main Street. One of the firemen began CPR and a life was saved as a result on this occasion and one additional occasion. In Haywood County there are six ambulances and citizens don't have anyone to intervene until someone gets there if ambulances are all tied up with other calls. Fires are down overall and the Fire Department is doing a better job with public education and fire inspections. With the new fire reporting software he will be able to do more sophisticated reports. In calendar year 2012 the department ran 1,854 calls. In light of the recent Connecticut events, Waynesville will be reviewing plans for all emergency events, including flood, fire and others.

Fred Baker, Public Works Director gave reports on the various utility and service functions. Public Works is fully staffed and the last two employees hired have Class C Driver's License.

Water and Sewer Treatment and Distribution - Concrete basis repairs are now complete at the Water Plant and money remains in capital outlays for additional repair work in the pipe gallery. An area wide optimization award was received by the Water Treatment Plant and Waynesville has a good crew.

Year-end calculations for the Wastewater Treatment Plant include 3.1 million gallons per day (mgd) passing through the plant. This is the lowest in 26 years. Last year was 3.2 mgd and 10 years ago it was 3.5 or 4.0 mgd. The bad news is that water sales are down. There seems to be a lot of inactive accounts at the present time. 542 meters were changed to radio read meters in 2012 and the goal was about 400. Over 10% of the system is radio read meters. More than 2 miles of water line were replaced in several areas, including Morning Drive, Vance Street, and through contract work on Maxima Lane and Arnold Heights. Earlier in 2012 a water line replacement project was completed in Ivy Hills. The Town experienced water line breakage issues in the Russ Avenue area. One of the biggest challenges at the Wastewater Treatment Plant was losing long time employee Johnny Reece, and the town is trying to fill the position of Plant Mechanic.

Street Maintenance - Street paving was done this year on Burma Street, Farley Street and Brown Avenue, and some BTS Treatment was completed on streets such as Sanctuary Drive, Marigold and Raytown Heights. There is still some work to be completed on Brown Avenue (four-lane section) to be ground up or patched. The town is trying to stretch the asphalt budget. Some seal coating has been done on Skylark Lane, and full depth patching was done on Brown Avenue, Boyd Avenue, Smathers Street and Haywood Street.

Sanitation - A big change was seen in sanitation since the town began hauling garbage to the White Oak Landfill. This has gone well and personnel and equipment costs have remained lower than estimated. Sidewalk projects on Vance Street, Wall Street behind the old Strand Theatre, and a project near the railroad in Hazelwood. Mr. Baker expressed appreciation to Daryl Hannah, Chris Snyder and Shane Messer for their work on the Shelton branch restoration project and plantings by Jonathan Yates.

Electric - The Electric Department has replaced 33 utility poles in the last six months as part of their annual replacement plan, and tree trimming trees has begun again this week. It is felt that this preventive maintenance program has paid off and reduced electrical outages. A large transformer was installed at Sonoco. The town now has 560 radio read electric meters in place, making approximately 1/6 of electric system is on radio read. The lighting project is almost complete in Frog Level.

Manager Onieal, Mayor Brown and the Board of Aldermen thanked the town staff for attending the meeting and presenting updates of their ongoing work. Manager Onieal added that it is important to hear what a good job town staff is doing because the Board doesn't always hear about the daily operations unless there is an issue or problem. She added that she attended the annual planning retreat of the Downtown Waynesville Association, noting that many of the issues and projects discussed were identical to those discussed during last year's retreat.

Payments to Boards and Commissions

The Planning Board and Board of Adjustment members have for many years received a stipend as a means of trying to reimburse for travel expenses. This began at a time when members of those boards had to be out in the field frequently prior to each meeting, which is no longer the case. There is a concern that these stipends are not being handled appropriately from an accounting and tax standpoint, and that the practice is inequitable since board appointments are meant to be volunteer activities and members of other boards are not receiving any stipend. Mayor Brown said the obvious thing is that boards and commissions should be treated the same. Alderman Roberson felt that it should be consistent across the board. Alderman Greeley asked about appointed boards when he came on board and understood that the only paid board was ABC Board. Alderman Roberson asked if this should be viewed as travel expense and Mayor

Brown said the town should adopt a policy that these funds be strictly reimbursement and not salary and the other Board Members agreed. Alderman Caldwell thought that all boards were voluntary except for the ABC Board. Manager Onieal said if it is acceptable to the Board, payment will be made to the Planning Board and Board of Adjustment members for the past year, since they had come to expect this annual stipend, but that all boards would be made aware that from this point forward, service on the various boards and commissions is all voluntary, except for the ABC Commission, which is governed by state statute. By consensus the Board concurred with the manager's recommendations.

Resolution to Name Assistant Town Manager Alison Melnikova as Deputy Town Clerk

Manager Onieal said the town will not have a new clerk in place when Town Clerk Phyllis McClure retires next week, and there currently is no one in the organization designated as Deputy Town Clerk. In the future Manager Onieal would like to develop several administrative employees to be in position to fulfill the role of Deputy Town Clerk as needed. This would allow more cross-training across the organization and would not be a separate position but an overlay title and responsibilities within their existing job duties. In order to ensure that statutory requirements are being met in the coming month, a resolution was introduced to name Assistant Town Manager Alison Melnikova as Deputy Town Clerk.

Alderman Caldwell moved, seconded by Alderman Roberson to adopt a resolution designating Assistant Town Manager Alison Melnikova as Deputy Town Clerk. The motion carried unanimously. (Res. No. 2-13)

Communications From the Mayor and Board of Aldermen

Alderman Greeley said the property across from Barberville Baptist Church is getting to be a bit of an eyesore and two people have approached him in the past ten days. Planning Director Paul Benson said dirt is being taken to Barber Orchard and the property owner has indicated that the property will eventually be a building site, although no plans have been submitted for development to date.

Junaluska Merger Update

Mayor Brown said everyone is moving ahead with the Junaluska project and we will all know more once the report is received from McGill. Manager Onieal said the town is beginning to receive some preliminary information. The Lake Junaluska Board of Directors has an executive committee meeting on January 25 which will be followed by another community meeting on February 7.

Adjournment

It was the consensus of board to adjourn the meeting at 9:25 p.m.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 12, 2013

SUBJECT: Installment Financing for New Fire Truck and Related Equipment

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 3-B
Department: Fire Department / Finance Department
Contact: Eddie Caldwell, Finance Director
Presenter: Eddie Caldwell, Finance Director

BRIEF SUMMARY: The Town of Waynesville desires to enter into an installment financing agreement pursuant to N.C.G.S. §160A-20 in the principal amount not to exceed \$441,450, for the purpose of financing the cost of the project described below. The town solicited proposals to provide the necessary financing for this project from local financial institutions.

The Project consists of the purchase of a fire truck and related equipment. The fire truck is a 2013 Sutphen EECO3 Shield series pumper with a Cummins ISL 9-450 horsepower engine, equipped with a Hale QFLO 1500 gpm single stage pump, 4 door cab with seating for four, 1,000 gallon water tank, light tower and generator. The truck will meet or exceed current (2009) NFPA standards. The related equipment will included various hoses, nozzles, adapters, cutoff saw, rescue chainsaw, extrication equipment, thermal imaging camera, shovels, fire rakes, pike poles, sledge hammers, axes and other multipurpose tools etc. as required by NFPA. The total estimated cost for these purchases is \$441,450 (the "Project") The Town desires to finance the project (\$441,450) over a ten (10) year period.

One (1) fire truck (includes taxes, tag and radios).....	\$ 396,410
Related items to equipment fire truck.....	45,040
Total to be financed	<u>\$ 441,450</u>

The Town publicly opened the proposals at 3:00 pm on February 4, 2013 at the Hazelwood Municipal Building finance's office conference room. See attached Summary of proposals for financing \$441,450.

MOTION FOR CONSIDERATION: *To adopt Resolution R-4-13, accepting the proposal from SunTrust, as lowest responsible, responsive bidder, offering a term of ten (10) years, at 1.835 % interest and annual payment of \$48,721.79, for financing the purchase of a new fire truck and related equipment.*

FUNDING SOURCE/IMPACT: The approved FY13 budget called for financing the cost of the new fire truck and related equipment in a total amount of \$434,500 over ten years with an annual payment of \$ 50,950, with first payment due in FY14. The proposed installment agreement finances the cost of the new fire truck and related equipment (\$441,450) over ten years with an annual payment of \$48,721.79, with first payment due in FY14. Although the principal cost is slightly higher than originally anticipated, the annual payment is more than \$2,000 less or over \$20,000 less than originally budgeted for the 10-year term.

ATTACHMENTS:

- Summary of proposals for financing \$441,450
- Suntrust Proposal
- Proposed Debt Schedule
- Draft Resolution of Governing Body

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented.

Town of Waynesville								
Summary of proposals for financing \$441,450								
Quotes opened February 04, 2013 at 3:00 p.m.								
Fire truck and related equipment \$441,450								
Financial Organizations	YRS	Interest Rate	Payment Amount	Cash Outflows	Other Information			
TD Bank	10	1.970%	24,426.16*	488,523.20	Prepayment penalty calculated as cost of funds.			
					...shall pay all reasonable costs and expenses			
*semiannual payments due six months from closing.					incurred by TD Bank with closing of loan.			
TD Bank	10	2.200%	24,710.12*	494,202.40	No prepayment penalty.			
					...shall pay all reasonable costs and expenses			
*semiannual payments due six months from closing.					incurred by TD Bank with closing of loan.			
Old Town Bank	10	2.790%	51,300.14	513,001.40	No prepayment fees			
					Commitment fee \$250.00			
BB&T	10	2.100%	49,402.58	494,026.80	1.00% prepayment premium.			
					No closing costs			
SunTrust	10	1.835%	48,721.79	487,217.90	Prepayment 101% of par.			
					Closing fee \$100.00, Escrow fee \$250.00			
SunTrust	10	2.035%	49,235.14	492,351.40	No prepayment penalty.			
					Closing fee \$100.00, Escrow fee \$250.00			
.								

SunTrust Equipment Finance & Leasing Corp.
303 Peachtree Street, N.E., 15th Floor, Mail Code GA Atlanta 130
Atlanta, GA 30308
Tel 404.658.4751
Fax 404.827.6695
dennis.mcdermott@suntrust.com

Dennis M. McDermott
Vice President



February 12, 2013

Eddie Caldwell
Finance Director
Town of Waynesville
P. O. Box 100
Waynesville, NC 28786-0100

Dear Mr. Caldwell:

SunTrust Equipment Finance & Leasing Corp. is pleased to provide the following proposal to finance the acquisition of various equipment by the Town of Waynesville.

**General
Structure:**

Listed below is an outline of some of the significant terms and conditions of the financing.

Borrower:

Town of Waynesville, NC (the "Town")

Amount:

\$441,450

Facility:

Tax Exempt, Bank Qualified Installment Financing Contract (the "Contract").

Purpose:

To provide financing for the acquisition of various equipment (the "Equipment")

Security:

- A security interest in the Equipment financed.
- Annual appropriation of funds by the County.

Term:

Ten (10) years

Interest Rate:	Tax Exempt, Bank Qualified Rate	
		Current Rate
	Option 1: Fixed Rate (prepayment at 101% of Par)	1.835%
	Option 2: Fixed Rate (prepayment allowed on any payment date with no penalty)	2.035%
	Upfront Costs: Bank document fees	\$100 plus UCC fees

Payment Amount: See attached amortizations

Optional Redemption: Option 1: The County will have the ability to prepay the Contract on any payment date at 101% of Par
Option 2: Prepayment will be allowed on any payment date at par

Funding: The Contract will be fully funded at closing.

Escrow of Funds: Lessor has assumed 100% funding into an escrow account on the date of closing for this transaction. The escrow account will be used to pay vendors and any escrow expenses.

Escrow Agent is assumed to be SunTrust Bank. Lessor will review and approve escrow disbursements prior to Escrow Agent disbursing funds. It is assumed that **all interest earnings will accrue for benefit of Lessee**. This proposal also does not take into consideration the application of any interest earnings from the escrow fund of the account. An escrow set up fee of \$250 will be assessed.

The interest rate is firm for a funding by March 31, 2013, if this proposal is selected by February 6, 2013, subject to final approval by the governing body of the County. If the financing is not selected and closed within the above described timeframe, the interest rate will be subject to change based on the five (5) year swap rate. The financing is subject to final credit approval by the Credit/Investment Committee of SunTrust Bank and approval of the financing documents in SunTrust Equipment Finance & Leasing Corp.'s sole discretion.

Very truly yours,



Dennis M. McDermott
Vice President

RESOLUTION NO. 15-09
RESOLUTION OF GOVERNING BODY

At a duly called meeting of the governing body of Lessee held in accordance with all applicable legal requirements, including open meeting laws, on the 24th day of November, 2009, the following resolution was introduced and adopted:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 01, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the governing body of [LESSEE] ("Lessee") desires to obtain certain equipment (the "Equipment") described in Equipment Schedule No. 01 to the Master Lease Agreement (collectively, the "Lease") with **SUNTRUST EQUIPMENT FINANCE & LEASING CORP.**, the form of which has been available for review by the governing body of Lessee prior to this meeting; and

WHEREAS, the Equipment is essential for the Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be deposited with **SUNTRUST BANK** (the "Escrow Agent") pursuant to an Escrow Agreement between Lessee and the Escrow Agent (the "Escrow Agreement") and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, Lessee proposes to enter into the Lease with **SUNTRUST EQUIPMENT FINANCE & LEASING CORP.** and the Escrow Agreement with the Escrow Agent substantially in the forms presented to this meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:

Section 1. It is hereby found and determined that the terms of the Lease and the Escrow Agreement (collectively, the "Financing Documents") in the forms presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. The Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The MAYOR of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents. The MAYOR of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

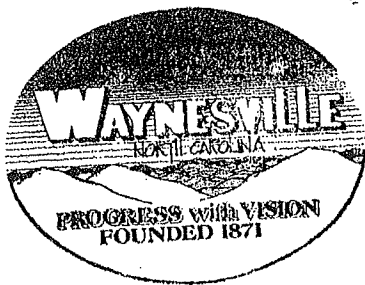
Section 3. The proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents.

Section 4. Pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), Lessee hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 65(b)(3) of the Code.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the Lease and Escrow Agreement executed on behalf of Lessee are the same as presented at such meeting of the governing body of Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

Adopted this 24th day of November, 2009.

TOWN OF WAYNESVILLE



By: J. Gary Caldwell
Name: J. Gary Caldwell
Title: Mayor Pro Tempore

Attested By: Phyllis R. McClure
Name: Phyllis R. McClure
Title: Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 12, 2013

SUBJECT: Amendment to Chapter 44 (Sections 1 and 41-46) of the Code of Ordinances regarding Solid Waste and Weed Management

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 4-B
Department: Public Works-Streets and Sanitation Division
Contact: Daryl Hannah, Streets & Sanitation Superintendant
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: In response to the increasing number of violations of the existing solid waste management ordinance, particularly with regard to disposal of bulky items and large volumes of trash and debris, staff is attempting to clarify language which is ambiguous in the current ordinance and bring the ordinance into consistency with current actual collection and recycling practices. In addition, the revision reduces maximum container sizes and total allowable weights for residential containers, in an effort to reduce and prevent back injuries to town staff. The vast majority of residential customers already meets the lower size and weight limits and should not be negatively impacted by the change. The amendment also clarifies that total building/site cleanouts are not eligible for curbside service and are required to be handled commercially or by the property owner removing and disposing of the bulk materials on his/her own. The amendment also clarifies how recyclables are to be secured and deposited for curbside pick-up.

MOTION FOR CONSIDERATION: To adopt *Ordinance O-2-13* as presented, amending the Town of Waynesville Code of Ordinances Chapter 44, Sections 1 and 41-46, regarding Solid Waste and Weed Management.

FUNDING SOURCE: N/A

ATTACHMENTS:

- Proposed amendments to Code of Ordinances Chapter 44, Sections 1 and 41-46 (*O-2-13*)

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

ORDINANCE NO. 2-13

CHAPTER 44: SOLID WASTE AND WEED MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 44-1 Definitions

[Add between definitions for *Building Materials* and *Bulky Items*]

Building/Site Cleanouts means any accumulated refuse, garbage, or debris, contained or uncontained, in excess of four (4) thirty-two (32) gallon receptacles, and/or weighing in excess of thirty (30) pounds per receptacle, or more than four (4) bulky items deposited at any one time.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 44-41 Prohibited items

The Town shall not collect building materials, hazardous wastes ~~or~~, industrial wastes, or *building/site cleanouts*, as defined in section 44-1, tires or heavy automotive parts, and the same shall not be left at curbside or at any other location for collection by town personnel and equipment. In collecting bulky items as defined in section 44-1, items placed for removal shall be limited to what two people can lift *and no more than four bulky items at any one time.*

Sec 44-42 Garbage receptacles

(b) *Residential containers.* Garbage shall be stored in a container of a type approved by the director. Every container shall be constructed of metal or equally durable material in such a manner as to be strong, watertight, not easily corrodible, fly-proof, and rodent-proof; shall have a capacity of not more than ~~45~~ *32* gallons; shall have handles designed for lifting and shall have a fly-tight covers which shall be kept in place at all times, except when garbage or other refuse is being deposited in or removed from container.

(c) *Dumpster containers.* Commercial dumpster containers shall be of steel construction, ~~normally obtained from the public works department~~ and of a size and of such design and construction as to facilitate mechanical unloading by collection equipment operated by the town ~~or private commercial hauler.~~ ~~Whether provided and serviced by the town or a private solid waste company, e~~ Each dumpster shall be equipped with a tight-fitting cover which shall be kept in place at all times when the receptacle is not being filled or emptied. These containers may be used for cold ashes or garbage, but smoldering ashes shall not be mixed with garbage. If one receptacle is not sufficient to hold the quantity of garbage or refuse accumulated between collections, a sufficient number of similar receptacles shall be provided or the director shall require more frequent collections from the establishment. The customer shall be responsible for keeping the area immediately around the dumpster clean and free of refuse.

Sec. 44-43 **Preparation of garbage**

~~(a) All liquid substances shall be in watertight containers.~~

~~(b) All garbage, trash, empty cartons, paper and other refuse shall be placed either within boxes or bags or weighted in some proper and efficient manner to prevent the same from being scattered upon the streets by the wind, animals or other causes.~~

(a) Garbage, trash, and refuse, as defined in section 44-1, shall be placed in such manner as to prevent the same from being scattered upon the streets by wind, animals or other causes.

(b) Commingled recyclables shall be placed in blue or clear bags, separate from garbage/trash receptacles. Recyclables must be weighted and/or secured in some proper and efficient manner to prevent the same from being scattered upon the streets by wind, animals or other causes. Cardboard must be broken down, stacked flat and secured from being scattered upon the streets by wind, animals or other causes.

Sec. 44-45 **Tree limbs, cuttings, shrubbery; leaves; removal of tree stumps**

(a) The town shall attempt to collect tree limbs, cuttings, shrubbery, and the like from each residence of the town ~~on a weekly basis~~ on a regular basis, as set

forth by the town pick-up schedule; however, during leaf season, this service will likely be curtailed to allow the collection of leaves. This service shall be limited to the amount of tree limbs, cuttings, shrubbery, and the like that a typical resident shall produce in normal yard work and is not a service provided to a landscaping firm or to a private tree company or to individuals who are paid to trim trees, redo landscaping or perform major yard work. Such debris produced by these firms shall not be collected by the town, and the property owner or tenant shall be responsible for the cost of removal and disposal of such material. Volumes of more than ~~one truckload~~ four (4) cubic yards or volumes which will take more than 30 minutes to load will not be collected. In any case, such limbs, cuttings, shrubbery and the like shall not be greater than six feet in length, nor more than three inches in diameter nor of such a weight that it may not be handled by one person. This debris is to be placed along the edge of the owner's or tenant's property nearest the street right-of-way, with cut ends facing the street, and shall not block any sidewalk or be in the street where vehicles might be prohibited from safe passage. Tree limbs and yard trimmings shall be free of trash, dirt, wire or anything which could damage chipping equipment. Lawn trimmings shall be placed in boxes, cans or bags for pickup and the weight of a single container device shall not exceed 30 pounds. Machine-piled material, logs and/or stumps shall not be collected. Material addressed in this section shall not be placed in the street or in gutters or drainage ways so as to inhibit storm drainage or so that the material might wash into or block catch basins.

Sec 44-46 **Discarded appliances and similar objects**

It shall be the duty of the property owner who wishes to dispose of discarded appliances such as water heaters, stoves, and any other items too large to be hauled by a regular garbage truck to ~~call the street/sanitation department and request a special pickup~~ have items placed curbside for pickup as set forth by the town pick-up schedule. This is a service provided to residential customers in the normal replacement of home appliances, and shall not be provided to establishments, which are in the business of selling and allowing trade-ins of such appliances, or for purposes of building/site cleanout as defined in Sec. 44-41.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 12, 2013

SUBJECT: Appointment to Haywood County Local Emergency Planning Committee

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5-B
Department: Administrative Services
Contact: Marcy Onieal, Town Manager
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: Each year, Haywood County Commissioners appoint members to a countywide Local Emergency Planning Committee (LEPC), which operates as an advisory and coordinating body under the leadership of County Emergency Management Coordinator Greg Shuping. As a constituent agency of the LEPC, the Town of Waynesville must recommend for appointment to this committee an individual who can speak and act on behalf of the Town with regard to emergency operations. Most jurisdictions recommend for appointment either a senior public safety/emergency management official (such as police or fire chief) or the senior administrative official (such as the town manager). Police Chief Bill Hollinshed has represented the Town of Waynesville on the LEPC since its inception. TOW Fire Chief Joey Webb already serves on this committee as representative for the county's western district fire departments. The LEPC meets quarterly and at other times as needed to train, recommend policy and procedure, and generally plan for coordinated response in emergency situations involving multiple jurisdictions and/or agencies. Member Agencies include:

Haywood Community College
Haywood County Board of Commissioners
Haywood County DSS
Haywood County Emergency Management
Haywood County EMS
Haywood County Fire Marshal
Haywood County Health Department
Haywood County Manager's Office
Haywood County Mental Health
Haywood County Public Information
Haywood County Public Schools
Haywood Public Transit
Haywood County Rescue Squad

Haywood County Sheriff's Office
Haywood County 911 Communications
MedWest Haywood
NC Highway Patrol
NC Department of Transportation
Town of Canton
Town of Clyde
Town of Maggie Valley
Town of Waynesville
Blue Ridge Paper Products
Fire Service (East)
Fire Service (West)

MOTION FOR CONSIDERATION: To appoint Police Chief Bill Hollingsed as the Town's representative to the Haywood County LEPC, and Fire Chief Joey Webb and Town Manager Marcy Onieal as alternates.

FUNDING SOURCE: N/A

ATTACHMENTS:

- LEPC list of constituent agencies (above)
- LEPC ByLaws

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend appointment of Police Chief Bill Hollinshed as the Town of Waynesville's representative to the LEPC. Fire Chief Joey Webb and Town Manager Marcy Onieal shall serve as alternate representatives.

THE BYLAWS OF THE
HAYWOOD COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE

ARTICLE I

NAME

This committee shall hereby be known as the Haywood County Local Emergency Planning Committee or Haywood County LEPC.

ARTICLE II

PURPOSE

The purpose of the Haywood County LEPC shall be set forth by the Haywood County Board of Commissioners. Not limited to but, in accordance with Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

1. Establish procedures for reviewing and processing requests from the public for information regarding hazardous materials at fixed facilities in Haywood County.
2. Develop a chemical hazard/ risk analysis.
3. Develop emergency response procedures for off-site emergency response personnel.
4. Identify private/ public sector resources available to deal with hazardous materials emergencies.
5. Review emergency operations plans (EOP's) submitted by the subcommittees and make recommendations on revisions of the plans that may be necessary to ensure coordination of such plans with the plans of other agencies. Present final drafts of these plans to the Board of Commissioners for implementation into the Haywood County Emergency Operations Plan.
6. Exercise emergency operations plans and update them accordingly.
7. Ant other Emergency Operations Planning as deemed necessary by the committee.

ARTICLE III

MEMBERSHIP

Section 1: The Haywood County LEPC shall consist of as many agencies as necessary by the Board of Commissioners in alignment with the NC Emergency Response Commission and SARA Title III, to ensure proper representation of all appropriate agencies. The following agencies have been selected by the Board of Commissioners to have a designee appointed to the committee: EM, EMS, EOC, Sheriff, DSS, Health Dept., Public Transit, NCDOT, NCSHP, FM, Blue Ridge Paper, Rescue Squad, Fire Dept. east, Fire Dept. west, HRMC, Waynesville, Canton, Clyde, and Maggie Valley. This list could expand or contract as the need arises with approval of the Board of Commissioners. Only one (1) designee from each agency shall have voting authority for the committee issues. There are two (2) appointed from the Fire Departments of the county, for the purpose of this committee only one (1) from the west and one (1) from the

east shall be designated. Should a vacancy arise, the recommendation for replacement shall come from the regularly scheduled Fire Chiefs meeting.

1. All appointments to the committee will be made by the Haywood County Board of Commissioners and approved by the NC Emergency Response Commission.
2. The members of the committee must possess the ability, commitment, authority and resources to make operational decisions for their particular agency.
3. The committee shall possess access to a wide range of expertise relating to their agency, the community, industrial facilities, transportation and the emergency response planning.
4. The committee must represent all elements of Haywood County with a substantial interest in reducing the risks posed by hazardous materials.

Section 2: Appointed members shall be considered inactive when they have missed more than two (2) consecutive meetings without notification to any of the committee officers. This notification shall have significant reasons why they are unable to attend the meetings.

Section 3: All members shall serve at the pleasure of the Haywood County Board of Commissioners.

Section 4: Vacancies shall be filled by the particular agency of which they represent, with final approval of the Haywood County Board of Commissioners.

ARTICLE IV

OFFICERS

Section 1: The officers of the Haywood County LEPC shall consist of a chairman, vice-chairman and secretary.

Section 2: The chairman shall be appointed by the Haywood County Board of Commissioners and serve at their pleasure. At the first meeting of each calendar year, the Committee shall elect, by majority, a vice-chairman and secretary for a one year term. They may be eligible for re-election each year.

Section 3: The vice-chairman and secretary may be removed by a majority decision of the committee whenever the best interest of the committee will be served thereby.

ARTICLE V

DUTIES OF OFFICERS

Chairman: The chairman shall preside over all meetings of the committee, preserve order, appoint subcommittees and sign all minutes and other records requiring a signature from the committee.

Vice-chairman: The vice-chairman shall fill the duties of the chairman in his/her absence or inability. He/she shall perform other duties from time to time as delegated by the chairman.

Secretary: The secretary shall have charge of all books, records, papers, and other documents of the committee. He/she shall keep the minutes of all meetings of the committee. The position is also responsible for proper notification of all meetings and events to all members. Copies of minutes shall be distributed to all members no later than 10 business days following the particular meeting via the most efficient method available.

ARTICLE VI

MEETINGS

Regular Meetings: The committee will meet quarterly for regular meetings. The date, time and location shall be posted at the offices of the County Manager and the Emergency Management Director. An agenda will be made available by the secretary to the public or the media upon written request to any officer of the committee no later than 48 hours prior to the convening of the meeting.

Special Meetings: The chairman may call a special meeting as deemed necessary to carryout the duties of the committee. Upon written request of a majority of its members, the chairman may call a meeting within 10 business days with no less than 5 business day's notification to members, public and media.

Quorum: Business transactions can be conducted by a majority of the members present at any scheduled meeting.

Agenda: Any member may request the chairman to place an item on the agenda. If the chairman should declines to do so, a member may have such item placed on the agenda by submitting a written request to the chairman with supporting signatures from at least three members.

Rules of Order: The deliberations of all meetings of the committee and various subcommittees shall be governed by Robert's Rules of Order, tenth edition.

ARTICLE VII

VOTING

- Each member, or their designee, including the chairman shall have one vote.
- When a designated member sends an alternate to the meeting in their absence, the regular member has the responsibility to inform that person of current issues which may arise for discussion/motion. Any voting action by the alternate during that meeting will be considered official.
- No member shall vote by proxy.
- Any member may choose to abstain on any vote. Members are encouraged to abstain when an issue poses a conflict of interest.

ARTICLE VIII

REPORTS AND RECOMMENDATIONS

- An annual report shall be compiled by the secretary and approved by the membership describing the activities of the committee for the past calendar year. This report shall be presented to the Haywood County Board of Commissioners.
- No report of any kind bearing the name of the committee shall be released unless it has been adopted by a favorable vote of the members present at a scheduled meeting.

ARTICLE IX

AMENDMENTS

These bylaws may be amended or replaced upon the affirmative vote of a majority of the members present at any regular scheduled meeting of the committee, provided that any proposed changes have been circulated to all members no less than 30 days prior to any action thereon.

ARTICLE X

RATIFICATION PROVISION

The bylaws are duly adopted by a majority of the members of the committee the _____

Day of _____, 2002 in Waynesville, North Carolina in Haywood County.

Chairman of Haywood County Local Emergency Planning Committee

Chairman of Haywood County Board of Commissioners

Notary

Date



TOWN OF WAYNESVILLE-LAKE JUNALUSKA ASSEMBLY MERGER/CONSOLIDATION OPTION KEY DATES

December 8, 2012	Received informal notice of award of planning grant from NC Rural Center for Consolidation Study – Total Project Cost \$65,000 <ol style="list-style-type: none">1. NC Rural Center Grant - \$30K2. Town of Waynesville - \$25K3. Lake Junaluska Assembly - \$10K
December 11, 2012	Scope of Work for Study Approved by BoA/LJA <ol style="list-style-type: none">1. LJA Infrastructure Program Assessment2. Project Financial Analysis3. TOW Asset Mgmt Plan Update4. Final Report
December 18, 2012	Martin-McGill contracted; data collection begins (4 engineers, 2 financial analysts, 1 project coordinator, LJA & TOW staff)
January 8, 2013	LJA Community Council meets with TOW Planning Board/Staff to discuss potential zoning regulations
January, 2013	Multiple meetings among TOW/LJA staff & board chair/Sen. Davis, Rep. Queen, Rep. Presnell
January 28, 2013	First Review of Raw Data by LJA/TOW staff with Martin-McGill
February 7, 2013	Final Meeting of LJA Municipal Study Task Force
February 12, 2013	Public Hearing on Proposed Merger, 7 pm Town Hall Board Room
February 22, 2013	2 nd Public Hearing on Proposed Merger, 11 am Town Hall Board Room
February 25, 2013	TOW Board of Aldermen vote to proceed or not proceed with local merger bill
March 5, 2013	Senate Deadline to get local bill to Drafting Office
March 8-9, 2013	LJA Board of Directors meets/vote to determine whether to proceed with merger bill
March 13, 2013	Deadline to introduce local bill in Senate
April 3, 2013	Deadline to introduce local bill in House
August 31, 2014	Proposed Effective Date of Merger

MARTIN-MCGILL REPORT
PREVIEW OF KEY COMPONENTS & FINDINGS
(Provided LJA Property Owners Organization & MSTF on 1/26/13)

COMPONENTS OF STUDY

- Legal Boundary Descriptions
- Review of Individual Contractual Obligations (operational and land-related)
- Population Estimate & Growth Estimate
- Tax & Revenue Analysis & Growth Estimate
- Staff Transitions from LJA to TOW (requires reorganization strategies)
- Water & Sewer Infrastructure Condition & CIP development
- Street Condition & CIP development
- Development of Operational Plans (esp. Police, Solid Waste, Streets, Water&Sewer)
- Recommendations on Capital Financing & Water/Sewer Rate Structure

ITEMS REMAINING TO BE NEGOTIATED BETWEEN LJA & TOW STAFF/BOARDS

- Confirm agreement on assumptions made within scope of study
- Amount of Payment in lieu of taxes by LJA/Conference Center for municipal services
- Precise list of roadways & sidewalks to be transferred to TOW
- Effective Date of Merger

ANTICIPATED FINDINGS

- LJA Capital needs in Water, Sewer, Streets previously underestimated by a significant margin
- Despite higher projected capital costs, merger still appears financially feasible for both LJA & TOW

NEXT STEPS

- 95% Data Collection Complete
- Resolve Discrepancies in Data from different sources (e.g. tax valuation; operational costs)
- Prepare final recommendation regarding negotiable items
- LJA determines desired effective date for merger
- TOW analyzes multiple financing and scheduling scenarios for major projects
- Complete draft of local legislation for introduction of bill in General Assembly by March 13, 2013
- Assess level of public support—LJA survey/TOW public hearings
- Vote by respective governing bodies

Assessment Handout
Prepared by Buddy Young, Public Works Director
For Lake Junaluska Community Council
February 7, 2013

The purpose of this document is to summarize the legal authority of Lake Junaluska to assess service charges and to clarify the impact of the transition from service charges to property taxes if incorporation or annexation were to take place.

Legal Standing

In 2010 the NC Supreme Court validated the right of the Lake Junaluska Assembly Board of Directors (the Board) to assess service charges. This right is retained regardless of the municipal status of Lake Junaluska, as long as the following conditions are met:

- The rates are applied evenly to all properties,
- The Assembly boundaries are well defined,
- The assessment expenditures are well defined, and
- The rates are reasonable.

The NC Supreme Court determined that our assessments are applied evenly to all Assembly properties; that our boundaries are defined adequately in the deeds; and that expenditures are defined adequately in our Rules and Regulations as street maintenance, storm drainage maintenance, streetlights, police protection, and administration.

As a result of the NC Supreme Court ruling, the “reasonable” doctrine is likely to be acceptable to the courts as long as public support is demonstrated. Public hearings to establish public support could be conducted by the Board or its designate. The Community Council is currently authorized by the Board to advise and make recommendations and would most likely be the designate.

Options

As an unincorporated community, as we currently are, the assessments are set at a level to fully support the expenditures listed above. If the community were to be incorporated or annexed, local taxes would fund those same expenditures. There has been discussion about the possibility of a higher level of service than delivered by most municipalities, especially police protection. Many have expressed an interest in continuing house checks that are not normally provided by a municipality.

An assessment of 2 ½ cents per one hundred dollars of property value would result in an annual assessment of \$50 for a \$200,000 home and would yield annual revenues totaling \$54,620. This would be sufficient to fund an employee to do house checks. This employee might also be able to do other enhanced services that property owners have come to expect from Assembly Public Works, as long as those services fall within the expenditures listed above.

Another option would be “fee for service.” Under this option house checks, provided at our current level, would require \$15 per week. The level of house checks is not constant which would cause cash flow issues. Also with weekly charges, the level of requested house checks could decrease. A combination of low assessments with fee for service might be the best alternative. These are just examples and not recommendations.

Again any decision concerning assessments would be made with public support and agreed to by the Board. Certainly, the decision to forego all assessments is available.

Conversion of Assessments to Taxes

The fiscal year for Lake Junaluska Assembly Public Works runs from January 1 to December 31. Our annual assessments are billed in arrears in December for that year. This means that the bill received in December 2012 covered expenses for the calendar year of 2012.

The schedule for municipal taxes and the fiscal budget year is set by the NC General Assembly and is July 1 through June 30. Property taxes due in January cover six months in arrears and six months in advance. In other words, the property tax bill due in January 2013 in the Town of Waynesville covers expenses from July 1, 2012 through June 30, 2013.

Therefore, under either incorporation or annexation, there would be an extended billing period in the first year of transition from being unincorporated.

The laws governing annexation and incorporation allow the effective date for either process to happen at any time. However, if the effective date is not between July 1 and August 31, property taxes must be billed in the following fiscal year. If the effective date is set for October 1, 2013, the taxes for the affected area would not be due until January 2015, but would cover 21 months; October 1, 2013 through June 30, 2015.

Because of these requirements and the busy summer season of Lake Junaluska, the most desirable effective date for annexation or incorporation would most likely be August 31. Under this scenario, the Lake Junaluska assessment would cover January 1 through August 31, (8 months) and property taxes would cover September 1 through June 30, (10 months).

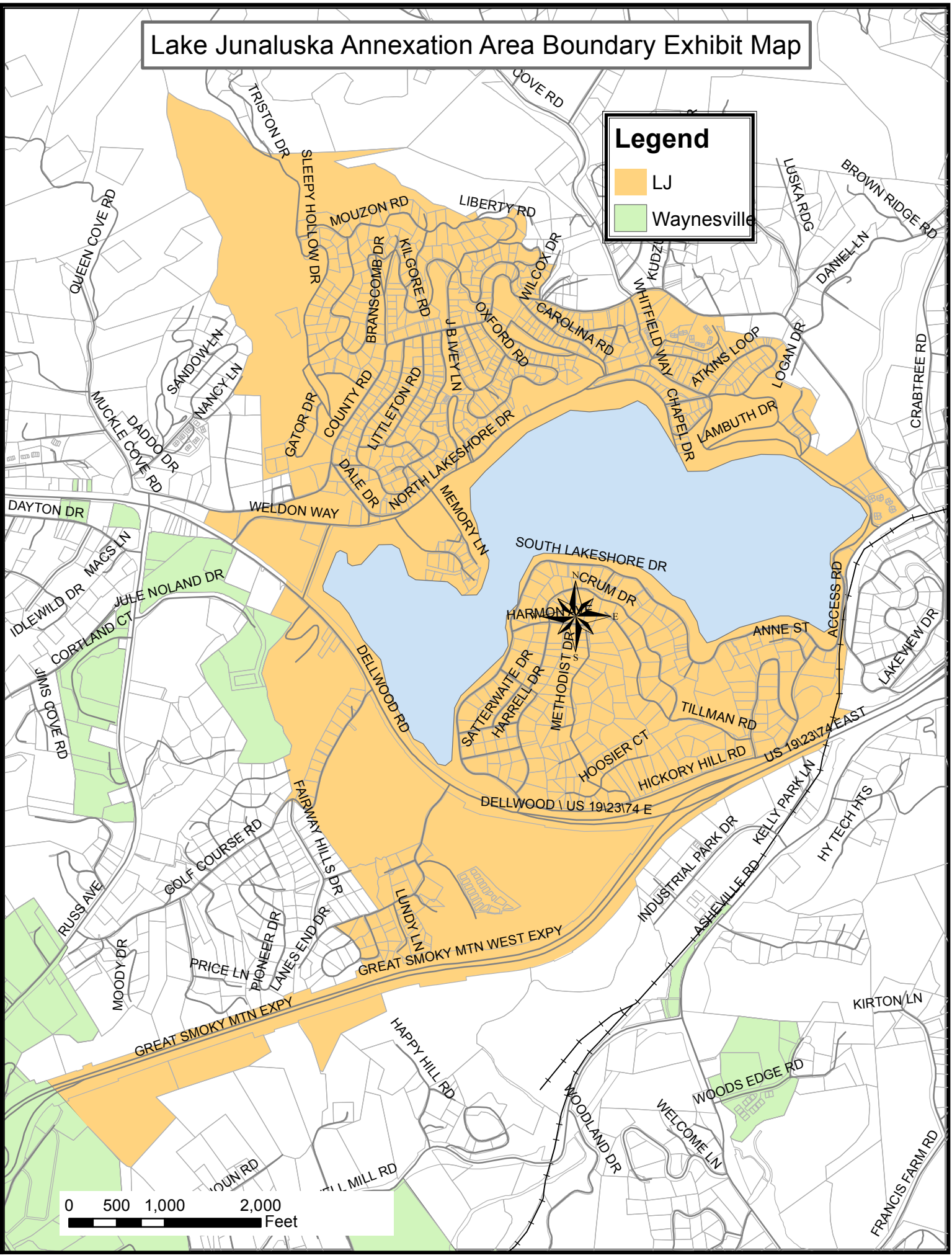
The billing for the assessments has traditionally been December 1 and as discussed earlier, taxes would be due in January. This would result in a one-time transition of two billings within 18 months.

Lake Junaluska Annexation Area Boundary Exhibit Map

Legend

LJ

Waynesville





February 8, 2013

Dear Lake Junaluska Property Owner:

The Board of Directors of Lake Junaluska Assembly (LJA), as part of its long-range planning process, has requested that options for governing and funding the Lake Junaluska community be explored as we enter our second century. An aging infrastructure, particularly water and sewer systems as well as streets, provided the initial rationale to do this. Maintaining the value of the investment each of us has made in our properties is also critical.

As you may know, the Junaluska Assembly Community Council was formed at the direction of the LJA Board of Directors for the purpose of monitoring the residential portion of our grounds and providing recommendations to the Board. In the spring of 2012, the Community Council appointed a Municipal Study Task Force to explore available options. This Task Force explored: 1) *remaining an unincorporated community*; 2) *pursuing incorporation as a stand-alone municipality*, and 3) *pursuing voluntary annexation with the Town of Waynesville*. Perhaps you have been able to attend some of the many public meetings which have been held by the Task Force to inform property owners and others about each of the options. All presentations, minutes, and documents from these meetings and presentations are available at www.lakejunaluska.com/community-plans should you wish to review them.

Either incorporation or annexation requires a bill passed by the North Carolina Legislature when it meets in full session. Since that occurs only in odd numbered years, these options would have to be considered in 2013 or 2015. The earliest opportunity to submit a bill for incorporation will be November 2014. The deadline for a bill for annexation is the middle of March 2013 or again in 2015. In order to secure the support of our current representatives to the NC Legislature, either type of bill will need to be approved by two bodies – the LJA Board of Directors and the Waynesville Board of Alderman.

The LJA Board of Directors requested that a survey of all property owners be completed prior to their March 7 & 8, 2013 semi-annual meeting.

We have enclosed a summary document comparing the three options and the survey requesting your opinion. **Please complete the enclosed brief set of questions and return it in the enclosed stamped addressed envelope.** This decision is important to the future of Lake Junaluska and to ALL property owners. Every opinion is important. Your opinion will influence the Board's decision. Thank you for your help.

I am so proud to be a part of a community that always has been and **always will be a place of Christian hospitality where lives are transformed through the renewal of soul, mind, and body.**

Grace and Peace,

John L. Ewing, Jr.
Executive Director and CEO

A Comparison of Three Options for the Future of the Lake Junaluska Community

Governance		
Unincorporated	Incorporation	Annexation
<ul style="list-style-type: none"> The LJA Board of Directors is the legal governing body for the community and the Conference and Retreat Center. The Junaluska Assembly Community Council is elected and makes recommendations to the LJA Board of Directors. Ordinances, codes, and traffic laws are not able to be established or enforced. 	<ul style="list-style-type: none"> The legal governing body would be a representative form of government elected by the registered voters, such as alderman and a mayor of Lake Junaluska. Costs to set up the municipal government would be borne by the community. The Junaluska Assembly Community Council would no longer exist. 	<ul style="list-style-type: none"> Lake Junaluska registered voters would participate in the election of the Board of Alderman and the Mayor of Waynesville. The Junaluska Assembly Community Council would continue to exist in order to determine unique needs and services for the Lake Junaluska community. Once annexation is attained it cannot be reversed.
Identity		
Unincorporated	Incorporation	Annexation
<ul style="list-style-type: none"> Complete independence is maintained. Municipal status will not affect mailing address; determined by US Postal Service. Covenants in property deeds unique to Lake Junaluska are in place. 	<ul style="list-style-type: none"> Complete independence would be maintained. Municipal status will not affect mailing address; determined by US Postal Service. Covenants in property deeds unique to Lake Junaluska remain in place. 	<ul style="list-style-type: none"> Lake Junaluska community would continue to exist. The lake, the dam, and areas around the lake would continue to be owned and maintained by SEJ under control of the LJA Board of Directors. Municipal status will not affect mailing address; determined by US Postal Service. Covenants in property deeds unique to Lake Junaluska remain in place.
Services		
Unincorporated	Incorporation	Annexation
<ul style="list-style-type: none"> Water, sewer treatment, and fire protection provided by the Town of Waynesville. Community pays full price for water and sewer services for water loss. Garbage, leaf removal, security, and other services provided by assessed service fees. 	<ul style="list-style-type: none"> Water, sewer treatment, and fire protection provided by the Town of Waynesville. Community pays full price for water and sewer services for water loss. The level of services would be determined by and taxes set by the elected officials. 	<ul style="list-style-type: none"> Water distribution and sewer collection provided by the Town of Waynesville. Community only pays for water treatment for water loss. The Town of Waynesville would provide similar services of garbage and leaf removal. Police protection would be provided by Waynesville. The Community Council could recommend that additional services such as house security checks and additional snow removal be provided at a modest fixed annual fee.

Finances		
Unincorporated	Incorporation	Annexation
<ul style="list-style-type: none"> Federal and State grants, loans, and purchasing contracts are NOT available. Long term loans are not available unless the Conference and Retreat Center Property is used as collateral. Liability for water, sewer, storm drainage, and security rests fully on LJA. Assessed service fees are not tax deductible. The Board of Directors of LJA, Inc. has the authority to set and collect service fees. The identified \$1.8 million Capital Improvement Plan for water and sewer will be borne by property owners over the next 10 years. The standard planned for is the lowest possible level. 	<ul style="list-style-type: none"> Federal and State grants, loans, and purchasing contracts would be available. Property taxes would be deductible. No commercial or industrial property would be present to enhance the tax base. Would, most likely, require adjusting annual billing from in arrears to in advance. The largest property owner, the Conference and Retreat Center, would not be required to pay taxes at the same rate it pays service fees because of its tax exempt status. Startup costs for the municipality would be borne by the property owners. 	<ul style="list-style-type: none"> Federal and State grants, loans and purchasing contracts would be available. Property taxes would be deductible. Significant commercial and industrial property would enhance the tax base. Taxes and fees charged will be the same for all residents of the Town of Waynesville; no extra fees for Lake Junaluska. Taxes and fees would be stable and well known. Would require adjusting annual billing from calendar year in arrears to fiscal year (July 1) in advance. The Conference and Retreat Center, would not be required to pay taxes at the same rate it pays service fees because of its tax exempt status.

Projected Annual Costs of the Three Options for a Property Owner

	Unincorporated	Incorporation	Annexation
Service Fees/Taxes	\$ 660	\$ 795	\$ 816
Fire Protection	\$ 120	\$ 120	\$ 0
Garbage Collection	\$166	\$ 166	\$ 108
Additional Services	\$ 0	\$ 50	\$ 50
Water and Sewer Services	\$ 885	\$ 660	\$ 450
Tax Deduction (20%)	\$ 0	\$ (156)	\$ (163)
Total	\$ 1,831	\$ 1,632	\$ 1,261

The following points are critical in understanding these financial numbers.

- Each number represents an **annual** estimate based on property valued at \$200,000, 5,000 gallons per month of water used, and a 20% IRS tax rate.
- Incorporation Taxes are based on the lowest level of services explored. The highest level explored would be \$150 more.
- Fire Protection under the Annexation option is included in the Taxes.
- One-time startup costs for Incorporation are not included; estimated to be \$100 per property owner.
- Additional Services under Incorporation and Annexation might include security home checks and special snow removal. The actual amount of the Additional Services would be determined by the Community Council with the affirmation of the Board of Directors.
- Water and Sewer Service fees are based on the assumption that water loss remains constant; it has been increasing in recent years.
- Under the Incorporation option Water and Sewer capital improvements would be paid with long-term federal and state loans.

Lake Junaluska Assembly Property Owner Survey

PLEASE COMPLETE AND RETURN IN THE ENCLOSED ADDRESSED STAMPED ENVELOPE AS SOON AS POSSIBLE.

Your opinion is important!

The purpose of this survey is to provide feedback to the LJA Board of Directors, the Waynesville Board of Alderman, and our elected representatives in the North Carolina Legislature.

As part of the overall Lake Junaluska Assembly long-range planning process, the LJA Board of Directors facilitated the establishment of a Municipal Study Task Force (Task Force) to receive community input regarding future municipal options. The Task Force has studied three viable options:

- A. Remain an unincorporated community,
- B. Pursue incorporation as a stand-alone municipality,
- C. Pursue voluntary annexation with the Town of Waynesville.

Please review the enclosed documents and answer these questions to the best of your ability.

1. Were you aware of the work of the Task Force? (Please check the **one** that best applies.)
 - ☐ No, I am not aware of the work of the Task Force
 - ☐ Yes, I have taken an active interest (attended meetings and/or read information from meetings)
 - ☐ Yes, I had heard of the Task Force but really didn't know much about the options.
2. Please identify any ways you have learned about the work of the Task Force? (Check all that apply.)
 - ☐ Public meetings
 - ☐ Newspaper articles
 - ☐ Mailings from Assembly Public Works and/or the Lake Junaluska Assembly Property Owners Organization
 - ☐ Email Messages from the Executive Director
 - ☐ Lake Junaluska Community website
 - ☐ Discussions with other persons
 - ☐ Other _____
3. After reviewing the enclosed documents, I am comfortable with: **(Please make a selection for all three - A, B, and C)**
 - A. Remaining an unincorporated community (Circle only one and go to B.)**

Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree
----------------	-------	-----------	----------	-------------------
 - B. Pursuing incorporation as a stand-alone municipality (Circle only one and go to C.)**

Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree
----------------	-------	-----------	----------	-------------------
 - C. Pursuing voluntary annexation with the Town of Waynesville (Circle only one)**

Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree
----------------	-------	-----------	----------	-------------------
4. Please note any comments or concerns you may have; continue on back side if needed.

Please return the survey in the addressed stamped envelope as soon as possible. Thank you so much for your help.

Municipal Advocacy Goals



“The health of your cities
is the health of our state.”

Gov. Pat McCrory



On Jan. 24, 2013, hundreds of municipal officials from across North Carolina gathered to approve the Municipal Advocacy Goals for the 2013-14 biennium. These top legislative and regulatory priorities for the state's municipalities are the culmination of a year-long, member-driven process. If you have any questions or would like to discuss any item in the Municipal Advocacy Goals, please contact any of the municipal officials or League staff members listed within this document. We welcome the opportunity to work with you.

This League endorses and supports the current National Municipal Policy and will actively support NLC efforts with respect to federal legislation and issues unless there is a clear conflict with the adopted policies of this League.

NC LEAGUE
OF MUNICIPALITIES
Good government. Great hometowns.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Regulatory Action Committee

Chair

Karen Brashear, Director Public Utilities, Goldsboro

Members

Flip Bombardier, Assistant City Mgr., Gastonia
Derrick Boone, Stormwater Superintendent, High Point
Bryant Bunn, Asst. Dir Public Services/City Engineer, Wilson
Sam Call, Utility Director, Wilkesboro
McCray Coates, Stormwater Manager, Asheville
Jeff Corley, Stormwater Engineering Manager, Concord
Mason Crum, Director of Engineering and Planning, Orange Water & Sewer Authority
David Czerr, Program Manager - Planning Section, Charlotte
Brent Detwiler, Engineer, Hendersonville
Randy Emory, Water Resources Director, Greenville
Jennifer Frost, Storm Water Services, Charlotte
Leila Goodwin, Water Resources Manager, Cary
Martie Groome, Pretreatment Manager, Greensboro
Chad Ham, Environmental Programs Manager, Fayetteville PWC
Ron Hargrove, Utilities Administration Deputy Director, Winston-Salem
Rob Hites, Former Manager, Statesville
Kinsey Holton, Stormwater Director, Greenville
John Kiviniemi, Wastewater Treatment and Biosolids Recycling Manager, Orange Water & Sewer Authority
Daniel McLawhorn, Associate City Attorney, Raleigh
Jeff Morse, Town Manager, Valdese
Mick Noland, Director of Water & Sewer, Fayetteville
Don O'Toole, Senior Assistant City Attorney, Durham
Larry Pressley, Interim Manager/Director of Public Works, Statesville
Russell Radford, Engineer, Kernersville
Mark Senior, Senior Project Engineer, Raleigh
Steve Shoaf, Director of Water Resources, Asheville
Tony Stimatz, Council Member, Elizabeth City
Kenneth Waldroup, Assistant Public Utilities Director, Raleigh
Terry Watts, Civil Engineer, Hickory
Karen Weatherly, Assistant City Attorney, Charlotte
Forrest Westall, Principal, McGill Associates, PA
Michelle Woolfolk, Stormwater Services Division, Durham

2012-2013 BOARD OF DIRECTORS



President
Mayor Art Schools
Emerald Isle



First Vice President
Mayor Alfonzo King
Goldsboro



Second Vice President
Mayor Ronnie Wall
Burlington

District 1	Mayor Brian Roth, Plymouth
District 2	Mayor Richard Stanley, Beaufort
District 3	Mayor Eulis Willis, Navassa
District 4	Mayor Jody McLeod, Clayton
District 5	Mayor David Combs, Rocky Mount
District 6	Mayor Robert Matheny, Zebulon
District 7	Council Member Keith Bates, Fayetteville
District 8	Council Member Warren Cooksey, Charlotte
District 9	Council Member T. Dianne Bellamy-Small, Greensboro
District 10	Mayor Lestine Hutchens, Elkin
District 11	Council Member Mary Bess Lawing, Newton
District 12	Council Member Walter L. Currie, Weaverville
At Large	Mayor Ronnie Williams, Garner
At Large	Mayor Bernita Sims, High Point
At Large	Council Member Valerie Mack, Sedalia
At Large	Mayor Rudy Wright, Hickory
At Large	Council Member Jennifer Robinson, Cary
Eastern Manager	John Connet, Clinton
Piedmont Manager	Hazen Blodgett, Matthews
Western Manager	Scott Hildebran, Blowing Rock
Clerk	Penelope Spicer-Sidbury, Wilmington
Attorney	Tom McCormick, Raleigh
Undesignated	
Affiliate Rep.	Eleanor Green, Apex
Undesignated	
Affiliate Rep.	Terry Story, Boone

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Legislative Action Committees

General Government

Co-Chairs

Warren Cooksey, Council Member, Charlotte
Bernita Sims, Mayor, High Point

Vice Chairs

Martha Sue Hall, Council Member, Albemarle
William Pitt, Council Member, Washington

Members

Tim Bailey, Director of Engineering, Cary
Al Ballard, Safety Officer/Supervisor, Raleigh
Judy Bass, Town Clerk, Garner
James Cardwell, Council Member, Mayodan
Thomas Carruthers, Associate General Counsel, Greensboro
Deloris Chambers, Mayor Pro Tem, Badin
Stevie Cox, Town Manager/Finance Director, Chadbourn
Ellen Davis, Attorney, Andrews
Juanita Doggett, Council Member, Marion
Andy Dulin, Council Member, Charlotte
Debbie Ferguson, Commissioner, North Wilkesboro
Samuel Fritschner, Attorney, Hendersonville
Jeanne Giblin, City Clerk, Morehead City
John Gray, NCCCM Life Member/City Manager, Lexington
Eleanor Green, Human Resources Director, Apex
Brian Hiatt, City Manager, Concord
Lena Hill-Lawrence, Council Member, Elizabeth City
Max Hopper, Mayor, Earl
Vivian Jones, Mayor, Wake Forest
Jeff Ledford, Chief of Police, Shelby
Terry Mann, Mayor, Whiteville
William Massengill, Mayor, Benson
Karen McDonald, Attorney, Fayetteville
Christopher McGee, Transportation Infrastructure Services Manager, Raleigh
Ralph Messera, Public Works Director, Matthews
Howard Morgan, Mayor, Sedalia
Harold Owen, City Manager, Burlington
Calvin Peck, Village Manager, Bald Head Island
Joseph Peel, Mayor, Elizabeth City
Hank Perkins, Town Manager, Lewisville
Bill Pitt, Council Member, Wilson
Betsey Richardson, City Clerk, Greensboro
Jimmy Sanders, Mayor, Havelock
Elic Senter, Mayor, Franklinton
Harold Troy, Mayor Pro Tem, Whiteville
Gregory Turner, Assistant City Mgr., Winston-Salem
Brian Ulrich, Engineering/Transportation Manager, Kernersville
Ted Voorhees, City Manager, Fayetteville
Hardin Watkins, Town Manager, Garner
Rhett White, Town Manager, Columbia
Mike Yaniero, Police Chief, Jacksonville

Planning & Environment

Chair

Ronnie Wall, Mayor, Burlington

Vice Chairs

David Howard, Council Member, Charlotte
Buck Kennedy, Council Member, Garner

Members

Andy Ball, Council Member, Boone
Danny Bowden, Stormwater Utility Manager, Raleigh
Ed Burchins, Former Manager, Laurinburg
Russell Byrd, Building Projects Engineer, Winston-Salem
Mike Crowder, Alderman, Columbia
Thomas Crowder, Council Member, Raleigh
Walt Currie, Council Member, Weaverville
Kady-Ann Davy, Council Member, Fayetteville
Nancy Fiorillo, Mayor, Pinehurst
Jay Gibson, Director Of Engineering, Chapel Hill
William Harris, Commissioner, Fuquay-Varina
Ed Harrison, Mayor Pro Tem, Chapel Hill
Rob Hites, Former Manager, Statesville
Clyde Holt, Attorney, Knightdale
Lestine Hutchens, Mayor, Elkin
David Hyder, Transportation Planning Administrator, High Point
Mary Johnson, Mayor Pro Tem, Louisburg
Eric Keravuori, Director of Engineering, Wake Forest
Russell Killen, Mayor, Knightdale
Michael Layne, Stormwater Manager, Burlington
Rodger Lentz, Director of Development Services, Wilson
Matthew Levi, Planner, West Jefferson
Rodney Locks, Council Member, Brevard
Lynne Mason, Council Member, Boone
Alison Melnikova, Assistant Town Manager, Waynesville
Joe Moore, City Manager, Brevard
Susan Patterson, Attorney, Sanford
Michael Peoples, Town Manager, Cramerton
Merlin Perry, Council Member, Lenoir
David Phillips, Councilman, Concord
Dan Pugh, Mayor, Lewisville
Keith Pugh, Director of Engineering Services, High Point
Tom Rogers, Council Member, Rocky Mount
T.J. Rohr, Mayor Pro Tem, Lenoir
Diana Schreiber, Deputy City Clerk, Greensboro
Scott Stevens, Manager, Goldsboro
Allen Thomas, Mayor, Greenville
Chuck Turnage, Council Member, Dunn
Keith Weatherly, Mayor, Apex
Betty Willis, Former Mayor, Littleton

Tax & Finance

Chair

David Combs, Mayor, Rocky Mount

Vice Chairs

Liz Johnson, Mayor Pro Tem, Morrisville
Barbara Volk, Mayor, Hendersonville

Members

Denise Adams, Council Member, Winston-Salem
Stan Anthony, Mayor, Shelby
Valencia Applewhite, Council Member, Fayetteville
Harry Archer, Mayor Pro Tem, Atlantic Beach
Tim Barth, Town Manager, Maggie Valley
Carl Bartlett, Mayor, Black Mountain
Lawless Bean, Former Assistant to the Manager, Wilmington
Tony Beasley, Director of Economic Development, Garner
Mary Cameron, Council Member, Clemmons
Todd Clark, City Manager, Newton
Chris Clemmons, Alderman, Alamance
Cora Cole-McFadden, Mayor Pro Tem, Durham
Eric Davis, Finance Director, Kannapolis
Larry Faison, City Manager, Whiteville
Carl Ferebee, Mayor Pro Tem, Roanoke Rapids
Joseph Fivas, Town Manager, Indian Trail
Jacqueline Jackson, Council Member, Thomasville
Ralph Karpinos, Attorney, Chapel Hill
Charlie Martin, Mayor Pro Tem, Belmont
Nancy McFarlane, Mayor, Raleigh
Steve McNally, Finance Officer, Oxford
David McNeill, Mayor, Southern Pines
Justin Merritt, Director Of Finance, Shelby
Karen Mills, Director of Finance, Cary
Edward Moultrie, Council Member, Washington
Jack Neel, Council Member, Albemarle
Lloyd Payne, Town Manager, Elkin
Eric Pearson, Town Administrator, Williamston
Todd Perdue, Council Member, Lenoir
Chris Rey, Mayor, Spring Lake
Stephen Ross, Former Councilman, Burlington
Connie Sorrell, Town Clerk, Benson
Jim Steele, Council Member, Blowing Rock
Gerry Vincent, Assistant Town Manager, Huntersville
Karen Zornes, Town Clerk/Tax Collector, Cape Carteret

The 25 legislative advocacy goals and 5 regulatory advocacy goals presented here were selected by municipal officials from across North Carolina at the N.C. League of Municipalities' Advocacy Goals Conference on Jan. 24, 2013.

The goals are organized into categories and are not presented in any type of priority order.



Government Affairs Advocacy Team

Paul Meyer, Director of Governmental Affairs
Phone: 919-715-3930
Fax: 919-301-1070
pmeyer@nclm.org

Karl Knapp, Director of Research & Policy Analysis
Phone: 919-715-9768
Fax: 919-301-1109
kknapp@nclm.org

Erin Wynia, Legislative & Regulatory Issues Manager
Phone: 919-715-4126
Fax: 919-301-1089
ewynia@nclm.org

Jennifer Webb, Grassroots Coordinator/Legislative Assistant
Phone: 919-715-1726
Fax: 919-301-1019
jwebb@nclm.org

Chris Nida, Research Analyst
Phone: 919-715-3945
Fax: 919-301-1082
cnida@nclm.org

Lori Moye, Staff Associate I
Phone: 919-715-0950
Fax: 919-301-1012
lmoye@nclm.org

Julie White,
Director of
Metropolitan Mayors Coalition
Phone: 919-715-7895
Fax: 919-301-1098
jwhite@nclm.org

Shenise Oakley,
Staff Associate
Phone: 919-715-3935
Fax: 919-301-1075
soakley@nclm.org

Build Safe & Prosperous Cities and Towns

- Seek legislation allowing the people to vote on an amendment to the North Carolina Constitution establishing Home Rule authority for municipal governments.
- Support legislation, if internet sweepstakes operations are legalized, that would expressly protect the land use decision-making and tax-levying authority of municipalities over said operations.
- Seek legislation to provide adequate representation for extra-territorial jurisdiction (ETJ) residents on advisory boards for land use decisions affecting ETJ areas, place reasonable limitations on the creation of new ETJ boundaries, and retain existing ETJ areas to help protect orderly development and building improvements, while facilitating economic development and protecting individual property values.
- Support legislation to permit a governmental entity to seek an order of abatement where a property may have some legitimate use, but is also the source of regular criminal nuisance activity.
- Seek legislation to reestablish authority for city-initiated annexation of “doughnut holes,” areas of land that are completely surrounded by municipal territory, and categories of right-of-way that have been accepted for maintenance by either a city or the NCDOT and in which there are no registered voters.
- Seek legislation to correct the constitutional issue within the annexation law requiring municipal construction of/payment for water and sewer lines across private property all the way to the home or structure.
- Support legislation to develop a holistic approach to water supply that offsets potable water supply demands and includes: opportunities for increased water storage options, reclassification of reclaimed water as a resource, and expanded uses of reclaimed water such as for recycling to surface water supplies.
- Support legislation requiring owners of mopeds to maintain a minimum level of liability insurance and register their mopeds.

Enhance the Fiscal Health of Municipalities

- Seek legislation to modernize the local tax system by:
 - Giving municipalities the authority to levy a sales tax that applies within their corporate limits and is solely a municipal revenue;
 - Expanding the sales tax base to include more services, provided that any accompanying change in the local sales tax rate includes a perpetual hold harmless provision for individual cities and towns;
 - Reducing the complexity and inequity of the privilege license tax while maintaining the tax as a locally controlled source of revenue that supports services to businesses and consumers;
 - Allowing all municipalities to adopt occupancy taxes that are available to fund municipal service and infrastructure costs in order to support travel and tourism;
 - Providing all municipalities with additional local option tax revenue sources;
 - Requiring a one-year delay in implementation when a county changes its method of distributing sales tax revenue.
- Seek legislation to authorize a state bond to provide low-cost loans to local governments and authorities for upgrades to water and wastewater treatment systems, expansion of storm water programs, and assured water supplies.
- Seek legislation to increase Clean Water Management Trust Fund appropriations and restore the fund’s recurring appropriation.
- Support legislation which defends the fiscal integrity of the Local Government Employees’ Retirement System and its defined benefit structure, promotes reasonable pension reforms that are prospective in nature, and meets the needs of local employees, employers, and retirees.
- Seek the temporary extension of the transitional hold harmless payments to cities and towns for a period of time that will allow the local option sales tax revenue to grow to the point where the loss of the promised payment can be absorbed by the local government.
- Seek legislation to give municipalities the option to award contracts for goods and materials to local bidders that are not low bidders, under specified circumstances.
- Seek legislation to give municipalities the option to use electronic legal public notices in lieu of publication in a newspaper.
- Ensure that municipalities can provide critical services by protecting state-collected municipal revenues.
- Seek legislation to allow all municipalities to adopt impact fees to pay for growth-related infrastructure and services.
- Support legislation to remove the sunset date on the use of film credit.

Strengthen the Future of Our Public Infrastructure

- Oppose legislation that weakens or removes local control over public utility systems, specifically including municipal water and/or sewer systems.
- Seek legislation to strengthen the law regarding municipal decision-making authority of water and sewer provisions beyond municipal limits and ensure the existing water and sewer system is given deference in order to support orderly growth.
- Seek legislation to provide relief for municipal governments who are forced to pay the costs of municipal utility relocation related to NCDOT projects by doing the following: requiring non-municipal units of governments to pay the costs of utility relocations; raising the existing municipal population threshold for the requirement for reimbursement; and limiting reimbursement requirements to the widening of existing rights of way by NCDOT.
- Seek legislation to allow Powell Bill funds to be used for sidewalks and walking paths that are adjacent to, but not located within, the right-of-way of state-maintained roads.
- Protect local authority and localities' power to regulate hydraulic fracturing and related infrastructure in their communities.
- Seek legislation requiring NCDOT to establish standards for greenway construction so that greenways are not required to be built to the same standard as roads.
- Seek legislation to include municipalities and utility authorities and commissions in the permit approval process of package wastewater treatment plants to be constructed within town boundaries or within the periphery that will negatively affect the town's infrastructure, and authorize municipalities to veto an application for a package wastewater treatment plant to be located within the municipality, upon a showing that municipal service is available to the area or will be within five years.

Reform Regulatory Provisions

- Support solutions addressing nutrient impairment in waters that: are based on site-specific data and analysis, demonstrate use impairment, assign responsibility proportionate to the source of impairment, and include measures to equitably hold accountable all contributors to the impairment.
- Seek policies that provide flexibility when implementing programs guided by water quality standards adopted through the triennial review process.
- Seek updated regulatory procedures that would provide more openness, transparency, and flexibility for development of the impaired waters list and the system of rating water bodies.
- Seek legislation that would implement mechanisms requiring state agencies to repeal unnecessary, unduly burdensome, or inconsistent rules.
- Support legislation that would limit regulation of land application of biosolids to the state and federal governments.

THE ADMINISTRATOR

A PUBLICATION OF THE N.C. CITY & COUNTY MANAGEMENT ASSOCIATION

JANUARY 2013, ISSUE 1

SEMINAR TO LOOK AT MANAGERS 'IN THE MIDDLE'

The 52nd N.C. City & County Management Association (NCCCMA) Winter Seminar is coming up Feb. 6-8 at the Sheraton Imperial in Research Triangle Park. The theme of this year's seminar is "Managers in the Middle: Bridging the Public Divide."

This theme is represented throughout the seminar; in fact,

the opening pre-conference workshop, "Interpersonal Leadership and the New Order of Things," will look at situations where leaders are put in difficult, awkward and conflict-laden situations.

From there the seminar will touch on a variety of topics to help managers and assistants be better prepared for the challenges that confront them every day. Among the topics of concurrent sessions are gauging community interest, navigating council-manager relations, interviews, human resources consolidation, even local government retirement.

Of course, one of the key components of this annual seminar is the best practices sharing that takes place, such as networking opportunities, new manager orientation and alumni breakfast meetings involving the various public Master's of Public Administration programs. All of

these are designed to help young and experienced managers alike navigate increasingly difficult professional waters.

The keynote address will be delivered on Wednesday, February 6 by Sen. Peter Brunstetter, Senate Appropriations Chair and former Forsyth County Board Chairman. Brunstetter will provide his perspectives on strengthening the state/local government partnership. He will highlight his expectations for major legislative initiatives impacting local governments in the General Assembly's 2013-14 biennium and reflect on the 2012 elections results and what they might mean to counties and cities.

Go to page 4 for the draft agenda of the 2013 NCCCMA Winter Seminar.

WEBSITE NOW MOBILE

www.NCManagers.org, the N.C. City & County Management Association, is now accessible via mobile phones and tablets.

Now, local government managers can visit the association's website on iPhones, iPads, Androids and more. The entire site is mobile accessible, which should keep you in touch with your association easier and quicker.

THE ADMINISTRATOR

The Administrator is a monthly newsletter of the North Carolina City and County Management Association, a professional association for city and county managers and assistant managers from counties and municipalities throughout the state of North Carolina.

For comments or suggestions, please contact Matt Lail, editor, at 919-819-3979, or email at collards12@yahoo.com.

UPCOMING EVENTS

**N.C. City & County
Management Association
Winter Seminar**
Sheraton Research Triangle Park
February 6-8, 2013

**N.C. City & County
Management Association
Summer Seminar**
Craven Convention Center,
New Bern
June 20-22, 2013

COOL COMMUNITIES REGISTRATION OPEN

Registration is now open for the [2013 Transforming Local Government Conference](#) (TLG) to be held April 10-12th at the Marriott Marquis in Atlanta, Georgia.

Hosted in partnership with the Georgia City-County Management Association (GCCMA), TLG is recognized for its dynamic content; encouraging freethinking and fostering unprecedented ideas, all within a relaxed and professional networking and learning environment. Participants from across the United States and Canada will convene to learn new and innovative ways to build the future of local government today.

The 2013 conference, Cool Communities, will showcase case studies on economic vitality, organization design, community building and partnerships. Recently, the Alliance for Innovation selected 35 organizations from over 100 applicants to highlight their success stories in Atlanta.

Register by **February 9** to take advantage of the early bird registration rate – a 10% savings- and join your peers as

we explore the building blocks of building a COOL COMMUNITY!

Visit www.tlgconference.org to learn more about the conference, to view the full program, to register and to book your room at the Marriott Marquis.

About the Alliance for Innovation: The Alliance for Innovation is transforming local government through the power of innovation and collaboration. With Arizona State University and ICMA, we serve as the platform for local governments who are passionate about nurturing an innovative culture and building the future of local government today.

About GCCMA: GCCMA is the recognized affiliate organization of ICMA, the professional association of appointed administrators servicing cities, counties, regional councils, and other local government in the State of Georgia.

2013 Transforming Local Government Conference
COOL COMMUNITIES
Atlanta, GA
April 10-12, 2013



ETHICS: IN THE PUBLIC'S BEST INTEREST

Reprinted with permission from Public Management (PM) magazine, published by ICMA, the premier local governmental management organization, Washington, D.C. Contact the ICMA Ethics Center at 202.962.3521 or visit ICMA.org/ethics.

For people working in the public eye, allegations of a conflict of interest are as dangerous as a third rail: not always obvious to the eye but incredibly harmful on contact. In some circumstances, even allegations alone can be lethal to a career. If avoiding a conflict of interest or even the appearance of one is so important to one's survival, why do they go undetected by so many public officials?

Misplaced Reliance on the Law

Part of the blame goes to our good, but in this instance misplaced, reliance solely on the law to guide conduct. State and local ethics laws draw narrow definitions of what constitutes a conflict of interest. ...

The law operates best in an environment of certainty and clarity. For that reason, the laws tend not to address the array of other more ambiguous situations that create conflicts. In the end, conflict-of-interest laws are simply financial disclosure regulations that require public officials to file annual reports detailing sources of income, real estate investments, debts, and other business interests.

A Better Working Definition

There is a significant gap between what the law defines as a conflict of interest for a public official and what a reasonable person may perceive to be a conflict. One municipal attorney described the quandary as balancing conflicts of "interest" versus "allegiance." The first is a strict legal definition; the second is a real situation that calls into question whose interests are being served.

Here is the practical definition of when you have a conflict of interest: when your personal interests or life intersect with your official position. Period. End of story. It may be a minor conflict or a major one. It may, in fact, be an appearance issue rather than an actual conflict of interest. Either way, recognize the situation for what it is and then develop your strategy to address it in an ethical way.

Red Flags

Here are 10 scenarios that should raise the ethical red flag for anyone working in local government.

- The councilmember assigned to lead your contract renewal process wants a job with your organization.
- A family member wants to purchase property from the local government where you serve as manager.
- Your spouse represents a buyer interested in acquiring property from the city.
- Your adult child is applying for a position with your employer.
- You are having conversations about future

employment opportunities with a firm that may bid on a county project.

- You are having conversations about future employment opportunities with a developer whose project is in the approval pipeline with the city.
- A family member works for a vendor who bids on a city project.
- You recommend a personal friend for consideration to do a consulting project for the county.
- A councilmember offers to serve as your real estate agent.
- Purchasing foreclosed properties in your community sounds like a good personal investment.

The ICMA Code of Ethics sets a high standard for disclosure that would be appropriate for all public officials—elected and appointed—to adopt: Disclose any personal relationship in any instance where there could be the appearance of a conflict of interest.

But disclosure doesn't cure all conflicts. If the conflict is significant enough that a reasonable person would question whether you are acting in the public's best interest, disengage from the process early on.

In the end, appearances often trump the facts. And it's far easier to stay out than to get out.

(Edited for space.)

Martha Perego
ICMA Ethics Director
Washington, D.C.

52ND NCCCMA WINTER SEMINAR

FEBRUARY 6-8, 2013

SHERATON IMPERIAL, RESEARCH TRIANGLE PARK

MANAGERS IN THE MIDDLE: BRIDGING THE POLITICAL DIVIDE

WEDNESDAY, FEBRUARY 6, 2013

9:00-12:30 PRECONFERENCE SESSIONS

Workshop I (Imperial 6 & 7)

Interpersonal Leadership and the New Order of

Things: Leaders today are immersed in moments of disruptive change. We have entered a "New Order of Things". Leaders and the organizations they lead are constantly placed in difficult, awkward and conflict-laden situations. What are the leadership fundamentals that we need to work on to thrive in "The New Order of Things"? This session will explore in depth the following topics: 1) An array of "poison darts" that exist in today's leadership environment that we must be aware of because they can easily derail our success; 2) "Interpersonal Leadership" as the antidote for the "poison darts" concentrating on the most important fundamentals for leading people during challenging times such as formal and informal authority, judgment, conflict, understanding emotions and the need for work/life balance. The session will be interactive including the use of case studies to amplify the leadership concepts explored. (Practice Groups: 2- Policy Facilitation, 6- Initiative, Risk Taking, Vision, Creativity, and Innovation; 14- Advocacy and Interpersonal Communication, 17- Integrity and 18- Personal Development). **Speaker:** David Limardi, ICMA Midwest Regional Director

11:00-12:00 Orientation for New Managers and Association Members, Senior Partner Training (Room 101). **Speakers:** Brian Hiatt, President, NCCCMA, City Manager, City of Concord; Carl Stenberg, Professor, UNC-CH School of Government

12:00 Registration

12:00-1:30 Executive Committee Meeting (Royal)

1:45-2:15 Welcome and Introductions (Imperial 4 & 5). Brian Hiatt, President, NCCCMA, City Manager, City of Concord; Ken Larking, Program Chair, NCCCMA, Assistant County Manager, Moore County; Harry L. Jones, Sr., Past President, NCCCMA, County Manager, Mecklenburg County; Mike Smith, Dean, School of Government, UNC-CH

2:15-3:00 KEYNOTE ADDRESS (Imperial 4 & 5)

The State/Local Government Partnership and Examining the Impact of the 2012 Election on Local Government. Moderator: David Thompson, Executive Director, NC Association of County Commissioners, Raleigh, NC. **Speaker:** The Honorable Peter S. Brunstetter, NC Senate District 31. Senator Peter Brunstetter, Senate Appropriations Co-Chair and former Forsyth County Board Chairman, will provide his perspectives on strengthening the state/local government partnership. He will highlight his expectations for major legislative initiatives impacting local governments in the General Assembly's 2013-14 biennium and reflect on the 2012 elections results and what they might mean to counties and cities.

3:00-3:30 Break

3:30-5:00 Plenary Session (Imperial 4 & 5)

The State/Local Government Partnership and Examining the Impact of the 2012 Election on Local Government. Panelists: Morgan Jackson, Nexus Strategies, Raleigh, NC; Paul Shumaker, Carolina Strategy Group, Raleigh, NC

5:15 Reception (Imperial Pre-Function Area)

THURSDAY, FEBRUARY 7, 2013

7:30 Late Registration

7:30-8:30 Alumni Breakfasts*Appalachian State University (Empire AB)**East Carolina University (Piedmont)**North Carolina State University (Empire C)**University of North Carolina at Chapel Hill (Empire DE)**University of North Carolina at Charlotte (Bull Durham A)**University of North Carolina at Greensboro (Room 101)**University of North Carolina at Wilmington (Bull Durham B)**Western Carolina University (Sandhills)***7:30 Continental Breakfast** (Imperial Pre-Function Area)**8:30-10:00 CONCURRENT SESSIONS****Speed Coaching for MPA Students (Imperial 6 & 7)**

Have career questions about the local government profession? Want advice about options you're considering? Want help with connections to advance your career interests? MPA students will have the opportunity to network one-on-one with up to six city/county managers and assistants in a fun, yet time-sensitive, way!

Moderators: Haley Kadish, ICMA Fellow/Management Analyst; Tom Lundy, County Manager, Catawba County

Session I (Imperial 4)

Tickets, Lunch, Trips: What's legal, what's ethical, and what might cost you your job? NC's Gifts & Favors law applies to all local governments. Come learn how this law affects you, your staff, and your elected officials. Your job just may depend on it! **Moderator:** Charles Archer, Chief Operating Officer, NCLM (retired December 2012). **Speaker:** Frayda Bluestein, Associate Dean for Faculty Development/Professor of Public Law & Government, School of Government.

Session II (Imperial 5)

Natural Disasters: Planning & Response This session is intended to provide executive management with an overview of Emergency Management principles as it applies to local government responsibilities. Topics covered include a review of Emergency Management laws and authorities along with a discussion of the local, State and Federal relationships needed for effective planning and response to emergency management issues. A familiarization of the process to receive funding assistance

in the aftermath of a disaster including project formulation and documentation will also be covered.

Moderator: Mike Downs, County Manager, Cabarrus County. **Speakers:** Norma Houston, Lecturer in Public Law, School of Government, Adjunct Professor, School of Law; Wayne Broome, Emergency Management Director, Charlotte/Mecklenburg County; Bobby Smith, Emergency Management Director, Cabarrus County

8:30-12:00 CONFERENCE WORKSHOP (Auditorium)**Delivering Bad News to the Community**

Speaker: Mark Weaver

9:00-10:30 MPA Program Director's Meeting (Crown)**10:00-10:30 Break****10:30-12:00 CONCURRENT SESSIONS****Session I (Imperial 4)****Interviews – Necessary but Not Sufficient: Hiring Emotionally Intelligent Government Leaders.**

Traditionally government organizations rely primarily on the interview for an in-depth assessment of candidates. Interviews have a role, but they are often over-extended: that is to say, employers assume they can learn (often intuitively) more from an interview than is reasonable to expect from this selection tool. This session will set forth what employers should be seeking to learn from candidates; explain the role of emotional intelligence (EQ) in candidate performance; and demonstrate that a mix of tools and methods is essential for accurate and in-depth assessment of candidates. **Moderator:** Rodney Dickerson, Assistant Town Manager, Town of Garner. **Speakers:** Heather Lee, PhD, SPHR, Senior Partner, Developmental Associates LLC, Durham, NC; Steve Straus, PhD., President, Developmental Associates LLC, Durham, NC

Session II (Imperial 5)

Human Services Consolidation. This session will be an overview of the legislation that granted authority to county governments in North Carolina for consolidation of human services (social services, mental health, and public health) and the implementation of the law from

officials in Brunswick and Buncombe counties. **Moderator:** Jeffrey Repp, City Manager, City of Boiling Spring Lakes.

Panelists: Marty Lawing, County Manager, Brunswick County; Amanda Stone, Assistant County Manager /Social Services Director, Buncombe County; Aimee Wall, Associate Professor of Public Law and Government, School of Government.

Session III (Imperial 6,7)

Local Government Retirement – What Does it

“Really” Mean to Me? Local Government retirement systems across the Country have been viewed by many as a “golden parachute” and a benefit that the private sector does not receive. Also, many retirement systems are broke across the Country and local governments have to fill in the budgetary shortfalls for their retirees. What is the real story for North Carolina and our system? How good a shape are we in? How do we justify to the public that the system is not broke and that it is vital to keep and retain good people in the public sector? This session will give you the information and ammunition that you need to address these issues. **Moderator:** Craig Honeycutt, County Manager, Alamance County. **Speakers:** Greg Ferguson, City Manager, City of Huntersville; Grant Goings, City Manager, City of Wilson

12:00-1:30 PRESIDENT’S LUNCHEON (Empire)

Includes introduction of NCCMA MPA scholarship recipients, recognition of Life Members, recognition of sponsors and **Memorable Moments in Local**

Management. Speakers: Lee Galloway, Retired Town Manager, Town of Waynesville; Rob Hites, Retired City Manager, City of Statesville

1:45-5:00 CONFERENCE WORKSHOP (Auditorium)

The New Social Contract After four years of hiring freezes, layoffs, benefit reductions, and public sector bashing, what can managers do to reenergize employees and attract the talent they need? This workshop will challenge managers to think outside the fiscal box using case studies of prickly employee negotiations, recruitment challenges, flexible workforce questions, and retention realities. Find out what principles are key to success and

what questions you should be asking your current and future employees. **Speakers:** Beth Kellar, President/CEO, Center for State and Local Government Excellence, ICMA

1:45-5:00 Resume Review Station: Vital Tips to Making that First Contact Count! (Exhibit

Hall/Executive Board Room) Heather A. Lee, Ph.D., SPHR Industrial/ Organizational Psychologist and Partner, Developmental Associates, LLC will provide private, one-on-one resume reviews and give pointers on how to present yourself in a compelling way. It will cover the “do’s and don’ts” and provide useful information on surviving this initial phase of the recruitment process. This session should last approximately 20 minutes. Bring a hard copy of your resume or bring it on USB. Dr. Lee will also have a handout as a “take away”.

1:45-3:15 CONCURRENT SESSIONS

Session I (Imperial 4) Gauging Community Opinion and Building Citizen Engagement for Change

Speaker: Mark Weaver

Session II (Imperial 5) They Don’t Teach You This In School: Navigating The Challenges In

Council/Manager Relations Building on concepts discussed during the council-manager relationship pre-conference workshop, this interactive group discussion will discuss practical and philosophical challenges faced by managers in small and large jurisdictions. Using real-life scenarios and situational critique and assessment, this candid forum will use open-ended examples to outline ethical dilemmas and trust issues encountered between elected and appointed officials and provide possible options and solutions based on the experience and wisdom of peer managers. This session is also suitable for managers not attending the pre-conference workshop. **Moderators:** Dudley Watts, County Manager, Forsyth County; Martha Wheelock, Assistant City Manager, City of Winston-Salem

Session III (Imperial 6,7) Succession Planning:

Cultivating In-House Talent This session will focus on the impacts of losing key long time employees and how local governments have developed succession plans to cultivate in-house talent to attempt to fill those voids. This will be a panel discussion with representatives from both

City and County, as well from an academic perspective. The panelists will provide a brief overview of their efforts and the pros and cons of their programs. **Moderator:** Ron Smith, County Manager, Iredell County. **Panelists:** Tony Caudle, Deputy City Manager, City of Wilmington; Cynthia Eades, Director of Human Resources, Catawba County; Willow Jacobson, Associate Professor of Public Administration and Government, Director, LGFCU Fellows Program, School of Government

3:15-3:30 Break

3:30-5:00 CONCURRENT SESSIONS

Session I (Imperial 4) Reforming North Carolina's Tax Structure—A Legislative Conversation. Senator Bob Rucho and Representative Julia Howard, the chief Senate and House architects of the General Assembly's tax reform initiatives, will share their principles and perspectives on tax reform strategies, and what state actions might mean to county and city revenue streams. Cindy Avrette, a legislative analyst with the finance committees of the House and Senate, will review the history of tax reform in North Carolina. **Moderator:** Rebecca Troutman, Intergovernmental Relations Director, NCACC. **Panelists:** Cindy Avrette, Legislative Analyst, Research Division, NC General Assembly; The Honorable Julia C. Howard, NC House District 79; The Honorable Bob Rucho, NC Senate District 39

Session II (Imperial 5) The Pitfalls of Social Media in Local Government Social media has been heralded as an exciting opportunity for local governments, but it also has potential challenges and risks. This session will cover legal, human resources, and citizen engagement challenges that have emerged with this new form of media. **Moderator:** Ken Larking, Assistant County Manager, Moore County **Speakers:** Bill Greeves, Chief Information Officer, Wake County; Shannon Tufts, Assistant Professor and Director, Center for Public Technology, School of Government

Session III (Imperial 6,7) Encouraging Healthy, Active Lifestyles Locally... The Benefits May Surprise You. Communities across North Carolina are doing amazing things to encourage healthier

food production. In this session, you will hear about three success stories: The creation of a small town farmers market in the Town of Saw Mills; the success of the City of Lenoir's Community Garden, and Cabarrus County's farm incubator program. **Moderator:** Hank Perkins, Town Manager, Town of Lewisville **Panelists:** Lane Bailey, City Manager, City of Lenoir; Jessie Carter, Health Education Supervisor, Caldwell County Health Department; Doug Crawford, Elma C. Lomax Incubator Farm, Concord, N.C.

5:00-6:00 ICMA Credentialing Focus Group (Auditorium). Martha Perego, Ethics Director, ICMA

5:15 Public Executive Leadership Academy (PELA) Reception for Graduates and 2013 Prospective Applicants

FRIDAY, FEBRUARY 8, 2013

7:30 Late Registration

7:30 Continental Breakfast (Imperial Pre-Function Area)

9:00-10:15 Business Meeting (Imperial 4 & 5) NCCCM President Brian Hiatt will preside over the semi-annual business meeting of the association. Election of officers and directors for FY 13-14 will be considered by the membership.

10:15-10:30 Break

10:30-12:00 NCLM & NCACC Legislative Updates Potential issues that could impact local governments in the 2013-14 biennial sessions of the General Assembly will be discussed. **Speakers:** Ellis Hankins, Executive Director, North Carolina League of Municipalities **(Imperial 6 & 7);** David Thompson, Executive Director, North Carolina Association of County Commissioners **(Imperial 4 & 5)**

12:00-1:30 Civic Education Committee Meeting (Sandhills)

12:00-2:00 Program Conference Committee Meeting (Crystal Coast)

HCTDA

Tourism Product Development

Fact Sheet

Objective: Increase the current Haywood County Occupancy Tax from 4% to 5% for the purpose of creating a Tourism Product Development Fund. One additional cent would generate approximately \$225,000 annually. This will be paid by visitors to Haywood County renting overnight accommodations.

Purpose: The Tourism Product Development Fund would provide financial assistance for major tourism projects that increase occupancy in Haywood County accommodations thus creating a positive economic impact.

Strategy: Funds can be awarded to non-profit & for-profit entities as a grant, pledge of debt service or loan guaranty. Legislation would state that funds are to be used for tourism capital projects.

Implementation: A Committee will be appointed by the Haywood County Board of County Commissioners to review funding applications. The Committee will make funding recommendations to the HCTDA Board of Directors. The HCTDA Board has the final authority on funding allocations.

Funding Criteria: To be a qualified project, the project must demonstrate that it has the potential to significantly increase room nights in Haywood County.

Economic Impact: Bringing additional visitors to Haywood County will increase business to accommodations, restaurants, retail, gas stations, etc. which will generate both direct and indirect economic impacts in addition to increasing the sales tax for the County paid by visitors.

Benefit to Haywood County Citizens: Improves quality of life by providing additional venues for entertainment & sports. Increased awareness of Haywood County promotes pride in the community. Tourism in Haywood County currently saves each Haywood County household \$334.00 in taxes annually.

Draft Resolution

**A Resolution to the Haywood County Board of Commissioners
requesting the North Carolina General Assembly to add an additional
1% local occupancy tax designated for Tourism Product Development.**

WHEREAS, the Haywood County Tourism Development Authority was established pursuant to Part V, Chapter 908 of the 1983 Sessions Laws as amended **;AND**

WHEREAS, The Haywood County Tourism Development Authority promotes economic development in Haywood County through advertising and promotion of Haywood County’s recreation and tourism facilities, services, and amenities **;AND**

WHEREAS, All funding for this effort is generated through transient occupancy taxes paid by users of accommodations **;AND**

WHEREAS, and additional one percent (1%) occupancy tax designated for Tourism Product Development projects would fund projects demonstrated to increase economic value and significantly increase patronage of lodging facilities in Haywood County. **;AND**

WHEREAS, residents of Haywood County would also receive benefits through additional facilities and amenities with no additional local tax burden **;NOW**

THEREFORE BE IT RESOLVED by the Town of Waynesville Board of Aldermen
that:

1. The Haywood County Board of Commissioners ask the Local Delegation representing Haywood County in the North Carolina General Assembly be respectfully requested to introduce and support local legislation authorizing the levy of a one percent (1%) Occupancy Tax designated for Tourism Product Development through the Haywood County Tourism Development Authority in addition to the existing four percent (4%) Occupancy Tax currently in use.
2. All members of the North Carolina General Assembly are respectfully urged to give favorable consideration and expeditious passage of this local legislation.

GENERAL ASSEMBLY OF NORTH CAROLINA

AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY AN ADDITIONAL **TWO** PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 16.1 of Part V of Chapter 908 of the 1983 Session Laws, as enacted by Chapter 942 of the 1985 Session Laws (Regular Session 1986), is recodified as Section 10.1 of Part V of Chapter 908 of the 1983 Session Laws, as amended.

SECTION 2. Part V of Chapter 908 of the 1983 Session Laws, as amended by Chapter 942 of the 1985 Session Laws (Regular Session 1986), Chapter 48 of the 1987 Session Laws, Chapter 540 of the 1995 Session Laws,), [Chapter 337 of the 2007 Session Laws](#), and Section 1 of this act, reads as rewritten:

"Part V. Haywood Occupancy Tax.

"Sec. 10.(a) Authorization and Scope.—The Haywood County Board of Commissioners may levy a room occupancy and tourism development tax of two percent (2%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn, tourist camp, or other similar place within the county that is subject to sales tax imposed by the State under 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, benevolent, or religious organizations.

"Sec. 10.1. Additional **Two** Percent (2%) Occupancy Tax. – In addition to the tax authorized by Section 10 of this Part, the Haywood County Board of Commissioners may levy a room occupancy and tourism development tax of **two** percent (2%) of the gross receipts derived from the rental of accommodations taxable under that section. The levy, collection, administration, and repeal of the tax authorized by this section, and the use of tax revenue from a tax levied under this section, shall be in accordance with this Part. Haywood County may not levy a tax under this section unless it also levies a tax under Section 10 of this Part.

"Sec. 10.2. Additional **Two** Percent (2%) Occupancy Tax. – In addition to the tax authorized by Sections 10 and 10.1 of this Part, the Haywood County Board of Commissioners may levy a room occupancy and tourism development tax of **two** percent (2%) of the gross receipts derived from the rental of accommodations taxable under Sections 10 and 10.1 of this Part. The levy, collection, administration, and repeal of the tax authorized by this section and the use of tax revenue from a tax levied under this

section shall be in accordance with this Part. Haywood County may not levy a tax under this section unless it also levies the tax authorized under Sections 10 and 10.1 of this Part.

"Sec. 12. Administration. – A tax levied under this Part shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this Part.

"Sec. 14..Distribution and Use of the First Three Percent Occupancy Tax. – Haywood County shall, on a monthly basis, remit the net proceeds of the room occupancy and tourism development tax levied under Sections 10 and 10.1 of this Part to the Haywood County Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this Part to promote travel and tourism in the county and shall use the remainder for tourism-related expenditures.

The following definitions apply in this Part:

- (1) Net proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a county or to attract tourists or business travelers to the county. The term includes tourism-related capital expenditures.

"Sec. 14.1. Distribution and Use of the Additional **Two** Percent Occupancy Tax. – Haywood County shall, on a monthly basis, remit the net proceeds of the room occupancy and tourism development tax levied under Section 10.2 of this Part to the Haywood County Tourism Development Authority **to be distributed in the following manner:**

- (a) The Authority must segregate the net proceeds **from the first one percent (1%)** received under this section into five separate accounts based on the collection area from which the proceeds were collected. Net proceeds collected under this section from accommodations located in the 28716 zip code area must be credited to the Canton Area Account. Net proceeds collected under this section from accommodations located in the 28721 zip code area must be credited to the Clyde Area Account. Net proceeds collected under this section from accommodations located in 28745 zip code area must be credited to the Lake Junaluska Area Account. Net proceeds collected under this section from accommodations located in the 28751 zip code area must be credited to the Maggie Valley Area Account.

Net proceeds collected under this section from accommodations located in the 28785 and the 28786 zip code areas must be credited to the Waynesville Area

Account. Based on recommendations from and in consultation with each of the five collection areas, the Authority shall use at least two-thirds of the funds in each account to promote travel and tourism and the remainder for tourist-related expenditures in each of the collection areas.

- (b) The Authority shall create a Tourism Product Development Fund and, in order to further economic development in the county, shall credit the additional second one percent (1%) to the Tourism Product Development Fund. The purpose of the fund shall be to provide financial assistance for major tourism projects in order to significantly increase patronage of lodging facilities in Haywood County.
- (c) The Authority shall administer and spend the funds in the Tourism Product Development Fund as follows:
 - (1) The Authority shall create a Product Development Committee to review and evaluate proposals from applicants for tourism capital projects and to make recommendations to the Authority regarding use and disposition of funds derived from the Tourism Product Development Fund. Only upon recommendation of the Product Development Committee, the Authority may award funds to qualified projects in the form of outright grants of money and may guarantee loans and participate in pledges of debt service for these projects. Projects must be located in Haywood County unless the Commissioners of Haywood County give specific approval to projects outside the county. Applicants must provide a feasibility study satisfactory to the Product Development Committee demonstrating the project's economic value to the area and the number of estimated new room nights it will generate.
 - (2) To be a qualified project, a project must be expected to significantly increase patronage of lodging facilities in Haywood County.
 - (3) The Authority is not required to exhaust all of the funds generated each year and may accumulate money in order to create a revolving fund to further the purposes of this section. The Authority may not commit for purposes of debt service in excess of thirty-three percent (33%) of net funds received in any one year for a period of time in excess of 10 years. The Authority may not commit for purposes of debt service in excess of thirty-three percent (33%) of net funds received in any one year for any single project.

"Sec. 15. Tourism Development Authority. – (a) Appointment and Membership. – When the Haywood County Board of Commissioners adopts a resolution levying a room occupancy and tourism development tax pursuant to this Part, it shall also adopt a resolution creating a the Haywood County Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide that the Authority is composed of the following 15 members:

- (1) Three members who own or operate hotels, motels, or other accommodations with more than 20 rental units.
- (2) Three members who own or operate hotels, motels, or other accommodations with 20 or fewer rental units.
- (3) Two members who own or operate a tourism-related business, including, but not limited to, county attractions, resorts, restaurants, gift shops, and concert venues.
- (4) Four at-large members who are recommended to the Board of Commissioners by the four municipal governments. Each governing body must submit two names to the Board, and the Board must select from the names submitted.
- (5) Three ex officio, nonvoting members as follows:
 - a. A member of the Haywood County Board of Commissioners.
 - b. The Haywood County finance officer.
 - c. The Executive Director of the Haywood County Economic Development Commission.

All members of the Authority shall be appointed by the Haywood County Board of Commissioners. At least one-third of the members must be individuals affiliated with businesses that collect the tax in the county, and at least one-half of the members must be individuals currently active in the promotion of travel and tourism in the county. The Board of Commissioners shall designate four of its initial appointees to serve a one-year term, four to serve a two-year term, and four to serve a three-year term. Thereafter, all members shall serve three-year terms. All members of the Authority serve at the pleasure of the Board of Commissioners and may be removed by the Board at any time. All members of the Authority shall serve without compensation. Vacancies shall be filled by the Board of Commissioners subject to the qualifications established above for the vacating member. Members appointed to fill vacancies shall serve the remainder of the unexpired term for which they are appointed to fill.

The members of the Tourism Development Authority shall elect from its membership a chair. The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The chair shall only vote to break a tie vote. The finance officer of Haywood County shall serve ex officio as accountant for the Authority.

(b1) Duties. – The Authority shall expend the net proceeds of the tax levied under this Part for the purposes provided in this Part. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Board of Commissioners on its receipts and disbursements for the preceding quarter and for the year in such detail as the Board may require.

SECTION 3. G.S. 153A-155(g) reads as rewritten:

"(g) This section applies only to Alleghany, Anson, Brunswick, Buncombe, Cabarrus, Camden, Carteret, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Franklin, Granville, Halifax, Haywood, Madison, Martin, Montgomery, Nash,

New Hanover, New Hanover County District U, Pasquotank, Pender, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Transylvania, Tyrrell, Vance, and Washington Counties, to Watauga County District U, and to the Township of Averagesboro in Harnett County."

SECTION 4. This act is effective when it becomes law.



Rural Center study details prospects

for manufacturing resurgence, calls for statewide council

The North Carolina Rural Economic Development Center today releases the results of an expansive, yearlong study of the state of manufacturing in North Carolina.

The report cites growing reasons for optimism about the future of manufacturing -- in 2011, for example, the sector experienced the first net increase in jobs in 16 years -- and recommends establishment of the North Carolina Manufacturing Council to capitalize on this momentum. A second report, with further recommendations, is to be released in March.

Equally important, the report provides policy makers and economic developers at the state, regional and local levels with a wealth of new information to guide their work. Titled *Our Manufacturing Future: Toward a More Prosperous Rural North Carolina*, it:

- Details the 25 manufacturing clusters that employ the most people in North Carolina. These clusters are product-related industries with strong buying and selling relationships, thus representing a broader impact than individual industries.
- Analyzes the relative strengths of these clusters for the state, for the 85 counties that make up rural North Carolina and for each of the seven economic development sectors.
- Further explores the complex relationships within six rural manufacturing clusters.
- Highlights factors contributing to the successes of the most competitive businesses and cites common challenges among rural manufacturers.
- Maps the locations across the state of jobs in each of the 25 clusters.

Although manufacturing has suffered significant job losses over the past two decades, it remains the top contributor to North Carolina's gross domestic product and 84 percent of state exports.

It is especially important in rural parts of the state, where it accounts for 14 percent of total employment and \$9.3 billion in annual wages. Furthermore, at \$42,297, the average rural manufacturing wage is nearly a third higher than the average for other private, non-manufacturing jobs.

Rural areas, many of which had depended on low-skill, traditional industries, have been hit especially hard by manufacturing jobs losses. But rural areas, too, are seeing a resurgence. "Our Manufacturing Future" illuminates the reasons: as industries have become leaner, more diverse and increasingly innovative, some employers are bringing back jobs from overseas. Others are boasting more customized services, while emerging high-tech industries continue to add workers.

Download a copy of the 53-page report at www.ncruralcenter.org .

N.C. Rural Economic Development Center

North Carolina's leading resource for rural people and communities

4021 Carya Drive • Raleigh, NC 27610 • 919-250-4314