

## TOWN OF WAYNESVILLE, NC

### Board of Aldermen – Regular Meeting

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

Date: **August 13, 2013** Time: **7:00 p.m.**

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**(828) 452-2491***

*[townclerk@townofwaynesville.org](mailto:townclerk@townofwaynesville.org)*

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#### **A. CALL TO ORDER**

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

**Motion:** *To approve the minutes of July 16, 2013 and July 30, 2013 (regular sessions), as presented [or as corrected].*

#### **B. NEW BUSINESS**

3. Authorization to Solicit Request for Proposals (RFP) for Information Technology (IT) Services

**Motion:** *To authorize staff to issue a request for proposals for IT services based on findings of the Comprehensive IT Assessment Report, as presented.*

4. Call for Public Hearing to Consider Amendments to Section 14 of the Code of Ordinances, to provide for the Permitting of Street Performers on Public Property

**Motion:** *To call for a public hearing on September 10, 2013 at 7:00 pm, or as soon thereafter as possible, in the Board Room of Town Hall, 9 South Main Street, for the purpose of considering amendments to Section 14 of the Code of Ordinances to provide for the permitting of street performers on public property.*

**TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA**

**August 13, 2013**

**- 2 -**

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**C. UNFINISHED BUSINESS**

**5. Appointments to Boards & Commissions**

➤ **Historic Preservation Commission – 1 vacancy (3-yr term ending June 30, 2016)**

*8 Applicants: Glenn Duerr  
Barbara Dias  
Patricia Felmet  
Lurissia Hendrix  
Ann Melton (served 3 years; requests re-appointment)  
Richard Kent Stewart (ineligible)  
Stephanie Strickland  
Joanna Swanson*

**Motion 1:** *To acknowledge the appointment of Kent Stewart to the Historic Preservation Commission to have been made in error, due to ineligibility to serve based on residency; and to appoint instead **Ann Melton** to a three-year term ending June 30, 2016.*

➤ **Public Art Commission – (5) vacancies**

- (2) Two-yr unexpired terms ending June 30, 2015
- (3) Three-yr terms ending June 30, 2016

*12 Applicants: David Blevins (served 5 years; re-appt'd 7/30/13; no app)  
Barbara Dias (appt'd 7/30/13, but unable to accept appt)  
Dominick DePaolo (recommended by WPAC)  
Kevin Duckett (recommended by WPAC; no app)  
Patricia Felmet  
Doug Garrett (recommended by WPAC; no app)  
Diana Laursen (served 2 years; re-appt'd 7/30/13)  
Micah McClure (appt'd 7/30/13)  
Ann Melton (served 3 years; re-appt'd 7/30/13)  
Stephanie Strickland  
Janice Swanger  
Joanna Swanson*

**Motion 2:** *To appoint **Dominick DePaolo** to a three-year term on the Public Art Commission, ending June 30, 2016 (to replace Barbara Dias, who is unable to accept her appointment of 7/30/13)*

**TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA**

**August 13, 2013**

**- 3 -**

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- Recreation Commission – (3) vacancies (3-yr terms ending June 30, 2016)

5 Applicants: *Barbara Dias*

*Don Frady (served 22 years; requests re-appointment)*

*Sarah Massie (served 7 years; requests re-appointment)*

*Linda O'Neil*

*Stephanie Strickland*

**Motion 3:** *To appoint **Don Frady, Sarah Massie and Linda O'Neil** to three-year terms on the Recreation Commission, ending June 30, 2016.*

- Zoning Board of Adjustment – 4 vacancies (regular members); 2 vacancies (alternates)

7 Applicants: 1 - ETJ Term, thru 6/30/15

*Neal Ensley (ETJ) (served 11 years; requests re-appointment)*

*Boyd Medford (ETJ) (served 25 years; requests re-appointment)*

*John Richardson (ETJ) (served 20 years; requests re-appointment)*

3 - Town Terms, 1 term thru 6/30/15, 2 terms thru 6/30/16

*David Felmet (Town)*

*Ken Stahl (Town) (served 25 years; requests re-appointment)*

*Stephanie Strickland (Town) (served 8 years; requests re-appointment)*

*Jack Suddath (Town) (served 14 years; requests re-appointment)*

(2) Alternate Terms minimum, (1 Town/1 ETJ)

**Motion 4:** *To appoint the following residents of the Town of Waynesville's Extraterritorial Jurisdiction (ETJ) to the Zoning Board of Adjustment:*

*[candidate's name] to an unexpired term ending 6/30/15*

*[candidate's name] as 1<sup>st</sup> Alternate*

*[candidate's name] as 2<sup>nd</sup> Alternate*

**Motion 5:** *To appoint the following residents of the Town of Waynesville to the Zoning Board of Adjustment:*

*[candidate's name] to a three-year term ending 6/30/16*

*[candidate's name] to a three-year term ending 6/30/16*

*[candidate's name] to an unexpired term ending 6/30/15*

*[candidate's name] as 1<sup>st</sup> Alternate*

*[candidate's name] as 2<sup>nd</sup> Alternate*

## TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

August 13, 2013

- 4 -

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### D. ITEMS FOR BOARD DISCUSSION

6. Request for Easement to Install Natural Gas Service to Property Located at 34 S. Main Street  
*(request of Contractor Ron Leatherwood on behalf of Clients Libba & Jon Feichter, New Meridian Technologies)*
7. Request to designate Love Lane as a neighborhood of historic significance and designate August 23 as Love Lane Day in the Town of Waynesville *(request of Historic Preservation Commission)*

### E. COMMUNICATIONS FROM STAFF

8. Town Manager – Marcy Onieal
  - Lake Junaluska Merger Update
  - U4412 Howell Mill Road Project Property Conversion
  - Potential Cell Tower Lease
  - Voluntary Annexation Request
  - Haywood Co. Economic Development Restructuring Proposal Update
  - Fall Retreat for Board of Aldermen
  - NCLM Conference Attendance & Voting Delegate
  - Resolution Recognizing NCLM Retirement
  - US Conference of Mayors Transportation Request
  - Opt-In (7 Southwestern County Visioning/Planning Process)  
<http://www.optinswnc.org/wp-content/uploads/2013/07/Baseline-Vision-Web.pdf>
  - GroWNC (Land of Sky Regional Council Visioning/Planning Process) <ftp://landofskygis.org/GroWNC/Steering%20Committee/GroWNC%20Regional%20Plan%20Final%20Draft.pdf>
9. Town Attorney – Woody Griffin

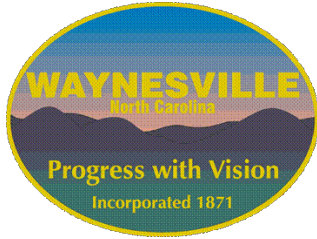
### E. COMMUNICATIONS FROM MAYOR & BOARD OF ALDERMEN

### F. CALL ON THE AUDIENCE

### G. ADJOURN

#### ACTION ITEMS ANTICIPATED AT UPCOMING REGULAR MEETINGS:

- FY13-14 Budget Amendment
- MOU with Haywood County for IT support of Police Department
- Public Hearing/Adoption of Amendments to Code-Street Performer Ordinance
- Park Master Planning Process/Tennis Court Resurfacing/Restroom Proposal
- Appointment of Voting Delegate & Alternate to NCLM
- Request by Tuscola Jr ROTC for annual program funding
- Approval of Deed Transfer-Property Conversion for U4412 Howell Mill Road Project
- Approval of Revision to Town Purchasing Policy
- Adoption of Boards & Commissions Manual
- Award of IT Services Contract



# TOWN OF WAYNESVILLE

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 16 South Main Street  
 Waynesville, NC 28786  
 Phone (828) 452-2491 • Fax (828) 456-2000  
[www.townofwaynesville.org](http://www.townofwaynesville.org)

## CALENDAR August 13, 2013

<b>Tue, Aug 13</b> 7:00 PM Town Hall Board Room	Board of Aldermen, Regular Meeting
<b>Fri, Aug 16</b> 6:30 – 9:00 PM Courthouse/Main Street	Hispanic Street Dance - <b>CANCELLED</b>
<b>Sat, Aug 20</b> Bell Auditorium Haywood Community College	U.S. Rep. Mark Meadows (NC-11) Town Hall Meeting
<b>Wed, Aug 21</b> 6:00 PM Haywood County Fairgrounds	Haywood County Fair Opening Ceremonies (Recognition of Elected Officials)
<b>Sat, Aug 23</b> 6:30 – 9:00 PM Main Street	Main Street Mile – Race & Block Party
<b>Mon, Aug 26</b> 5:30-Dinner/6:00-Meeting DSS Training Room, 157 Paragon Parkway, Clyde	Haywood County Council of Governments Haywood County Hosting (followed by joint mtg of HCC/TOW/EDC)
<b>Tue, Aug 27</b> 7:00 PM Town Hall Board Room	Board of Aldermen, Regular Meeting
<b>Thu, Aug 29</b> 10:00AM – 12:30 PM Municipal Bldg Conf Rm	UNC-SOG Local Government Legislative Review Webinar Impact of legislation from 2013 NC General Assembly (Topics: Health & Social Services, Elections, Community Planning & Development, Environment, Public Employment)
<b>Fri, Aug 30</b>	GroWNC Public Comment Deadline Last Day for Public Comment on Draft Planning Document (Public Comment Open August 9-30)
<b>Sat, Aug 31</b> 1:00 – 5:00 PM American Legion Ball Field	1 <sup>st</sup> Annual Waynesville Craft Beer Festival
<b>Sat, Aug 31</b> 7:00 – 10:00 PM Main Street	DWA Block Party/Street Dance

<b>Mon, Sep 2</b>	Labor Day Holiday Town Offices Closed
<b>Thu, Sep 5</b> 10:00AM – 12:30 PM Municipal Bldg Conf Rm	UNC-SOG Local Government Legislative Review Webinar Impact of legislation from 2013 NC General Assembly <i>(Topics: Local Govt Authority &amp; Finance, Purchasing &amp; Contracting, Emergency Mgmt, Ethics, Economic Development, Property Tax, Criminal Law)</i>
<b>Fri, Sep 6</b> 5:30 PM Downtown Minipark Corner of Depot & Main	“Wildflowers of the Smokies” by Grace Cathey Dedication Ceremony & Reception for Public Art Piece Waynesville Public Art Commission
<b>Fri, Sep 6</b> 6:00 – 9:00 PM Downtown	Art After Dark, Gallery Stroll Haywood County Arts Council
<b>Tue, Sep 10</b> 7:00 PM Town Hall Board Room	Board of Aldermen, Regular Meeting <i>(Town Manager absent due to ICMA conference)</i>
<b>Wed, Sep 11</b> 10:30AM – 1:30PM Courthouse Lawn	9/11 Prayers of Remembrance Haywood County Courthouse Lawn
<b>Tue, Sep 24</b> 7:00 PM Town Hall Board Room	Board of Aldermen, Regular Meeting
<b>Wed, Sep 25</b>	GroWNC Final Report Presentation Land of Sky Board & French Broad MPO
<b>Fri, Oct 4</b> 6:00 – 9:00 PM Downtown	Art After Dark, Gallery Stroll Haywood County Arts Council
<b>Tue, Oct 8</b> 7:00 PM Town Hall Board Room	Board of Aldermen, Regular Meeting
<b>Thu, Oct 10</b> Evening Time/Location TBA	OPT-IN Workshop for Haywood County Elected Officials Southwestern Commission Regional Visioning Workshop
<b>Su-Tu, Oct 13-15</b> Hickory Metro Convention Ctr	NCLM Annual Conference Hickory, NC
<b>Tue, Oct 22</b> 7:00 PM Town Hall Board Room	Board of Aldermen, Regular Meeting
<b>Mon, Oct 28</b> 5:30-Dinner/6:00-Meeting Municipal Bldg-Old Board Rm	Haywood County Council of Governments Waynesville Hosting
<b>Fri, Nov 1</b> 6:00 – 9:00 PM Downtown	Art After Dark, Gallery Stroll Haywood County Arts Council
<b>Tue, Nov 12</b> 7:00 PM Town Hall Board Room	Board of Aldermen, Regular Meeting
<b>We-Sa, Nov 13-16</b>	National League of Cities Annual Congress of Cities Seattle, WA
<b>Tue, Nov 26</b> 7:00 PM Town Hall Board Room	Board of Aldermen, Regular Meeting

<b>Fri, Dec 6</b> 6:00 – 9:00 PM Downtown	Art After Dark, Gallery Stroll Haywood County Arts Council
<b>Tue, Dec 10</b> 7:00 PM Town Hall Board Room	Board of Aldermen, Regular Meeting
<b>Tu-We, Dec 24-25</b>	Christmas Holiday Offices Closed

#### BOARD/STAFF OUT-OF-OFFICE SCHEDULE

<b>Fr, Aug 16</b>	Town Mgr & Asst Mgr	Boone, NC WNC Managers' Meeting
<b>Mo, Aug 19</b>	Town Manager	Atlanta, GA Vacation-1 day
<b>Fr-Sa, Aug 23-24</b>	Town Manager	Chapel Hill, NC UNC MPA Board & New Student Orientation
<b>Weds, 1 per month Sep 2013 – May 2014 8:00 AM – 5:00 PM</b>	Town Manager	Leadership Haywood (10-session curriculum) Haywood County Chamber of Commerce
<b>Su-Su, Sep 22-25</b>	Town Manager	Boston, MA ICMA Annual Conference
<b>Su-Su, Oct 6-13</b>	Alderman Freeman	Out-of-Town
<b>Th-Mo, Nov 7-11</b>	Assistant Town Manager	Vacation
<b>We-Fr, Nov 15-17</b>	Assistant Town Manager	Pinehurst, NC NCLGISA Annual Conference
<b>Su-Su, Dec 29-Jan 5</b>	Town Manager	Vacation

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REGULAR SESSION MEETING  
JULY 16, 2013**

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**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting Tuesday, July 16, 2013 at 7:00 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC

**A. CALL TO ORDER**

Mayor Brown called the meeting to order at 7:00 p.m. with the following members present:

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

The following staff members were present:

Marcy Onieal, Town Manager  
Woodrow Griffin, Town Attorney  
Alison Melnikova, Assistant Town Manager/Deputy Town Clerk  
Ginny Boyer, Administrative Assistant  
Joey Webb, Fire Chief

Representing the media:

Mary Ann Enloe, The Mountaineer  
Caitlin Bowling, Smoky Mountain News

1. Welcome/Calendar/Announcements

Town Manager Onieal reported one addition to the calendar listings: an invitation from Joy Rasmus to attend the NC Association of ABC Boards regional meeting Friday, July 19<sup>th</sup>. The Board was reminded to gather at 12:30 p.m. on the courthouse lawn for Fridays Folkmoot parade on Main Street. The Southwestern Commission's Annual Meeting and dinner will be held Monday, July 22 at 5:30 p.m.

2. Minutes of June 3, 2013, June 10, 2013, June 17, 2013 and July 1, 2013 (budget work sessions), and June 11, 2013 (regular session)



***Alderman Caldwell made a motion, seconded by Alderman Greeley, to approve the minutes of the June 3, 2013, June 10, 2013, June 17, 2013 and July 1, 2013 (budget work sessions), and June 11, 2013 (regular session) meetings as presented. The motion passed unanimously.***

## **B. NEW BUSINESS**

### **3. Automatic Mutual Aid Agreement with Maggie Valley Fire and Rescue**

Fire Chief Joey Webb reported that Maggie Valley Fire and Rescue Department is requesting an Automatic Mutual Aid Agreement be signed between the Waynesville Fire Department and the Maggie Valley Fire and Rescue Department. Fire Chief Webb reported that with the agreement, both departments will be dispatched at the same time, and will operate in essentially the same manner as the automatic aid agreement the Town of Waynesville currently has with the Saunook Fire Department, which is working well.

Chief Webb reported this agreement with Maggie Valley Fire and Rescue will potentially help both towns improve their ISO rating. The North Carolina Office of State Fire Marshal rating system gives credit for additional manpower and apparatus when using the *automatic* aid agreement, which is not the case under a routine mutual aid agreement when equipment and manpower are not automatically dispatched for each call.

Mayor Brown reiterated this agreement will authorize the Town of Waynesville Fire Department to automatically respond and would apply only to fires and alarm response for structures. If the additional aid is not needed on any given call, the response will be terminated at whatever point that additional aid is determined to be unnecessary, usually in route to the scene. At no time will emergency response in Waynesville be jeopardized. While Manager Onieal acknowledged that an automatic mutual aid agreement theoretically could increase departmental operating costs due to taking on additional calls for service, the actual number of calls to which our department would respond out of jurisdiction are anticipated to be very low and the benefits to the citizens and businesses of both communities outweighs the marginal increase in cost. She indicated that the department will carefully monitor its calls for service and the costs associated with response under the mutual aid agreements, noting that the agreement can be terminated by either party at any time.

***Alderman Wells Greeley made a motion, seconded by Julia Freeman, to approve the automatic mutual aid agreement with Maggie Valley Fire and Rescue as presented, and to authorize the mayor and fire chief to execute the agreement on behalf of the Town of Waynesville. The motion passed unanimously.***

### **4. Special Event Request—8<sup>th</sup> Annual Sarge's Downtown Dog Walk**

Sarge's Animal Rescue has requested a rolling street closure with police assistance for their 8<sup>th</sup> annual Downtown Dog Walk, which is an awareness- and fund-raising event to support the agency's mission and programs. Alderman Freeman reported that Sarge's is a fantastic organization which does so much to raise community awareness about animal rescue, fostering and adoption and the upcoming Downtown Dogwalk is a community event with a huge turnout. The streets will not technically be closed but the Waynesville Police Department is required for assistance in leading walkers and stopping traffic at intersections.

***Alderman Wells Greeley made a motion, seconded by Alderman LeRoy Roberson, to approve the temporary street closing and staff assistance as requested on August 3, 2013 for Sarge's 8<sup>th</sup> Annual Downtown Dogwalk. The motion passed unanimously.***

### **C. ITEMS FOR BOARD DISCUSSION**

#### **4. Lake Junaluska/Waynesville Merger Update**

Mayor Brown reported the Board has requested that Senator Davis have the Lake Junaluska annexation bill withdrawn from the House. It currently is sitting in the Finance Committee and could be revived in the spring of next year during which time an education process will take place.

Mayor Brown reported an exemplary job was done presenting the bill to the legislature and he is pleased with the efforts of all involved despite the fact that the bill did not achieve passage before the legislative session adjourned. He indicated that with the new political order in Raleigh, the stars simply were not aligned to make this happen on the time frame we would have desired. He reported that the opposition was intentional and somewhat successful in distorting the facts, noting that the majority of Lake Junaluska residents clearly support annexation. Mr. Brown said he finds it reprehensible that a small vocal minority tried to further their own position at the expense of what was in the best public interest of two communities, and the record has to be set straight. It was noted that in the face of repeated and deliberate distortion of the facts by opponents, the mayor and manager and officials of Lake Junaluska made weekly trips to Raleigh for two straight months setting the record straight. Although a difficult process, it is important to stick with the process long enough to see the truth and merit prevail. The request to pull the bill was made simply because we ran out of time to get the bill passed during the current legislative session, because there were not enough days left in the session for the bill to get through all the various committees and legal steps necessary before adjournment.

In the meantime, Lake Junaluska residents who are proponents need to step up and be heard, because the annexation is not a dead issue. We have come to the consensus that it is in the best interest of the citizens of Waynesville and Lake Junaluska that this merger take place. The needs haven't changed and we will continue to pursue it vigorously.

Manager Onieal reiterated the annexation was neither forced nor municipality-initiated, and that while some majority members of the legislature in Raleigh consider any annexation to be “forced” if there is even one citizen opposed, a considerable number of legislators traditionally opposed to annexation recognize the uniqueness and merits of this case, acknowledging that annexation is likely the best outcome for ensuring the long-term sustainability of the Lake Junaluska community. Despite that acknowledgement, some representatives expressed a preference for the town to pursue annexation under the statutory process rather than via legislative action.

The manager and mayor continued their reports by highlighting some of the many underlying political challenges that affected the progress of the bill through both houses of the legislature, noting that in many instances that the bill was held up for reasons that had absolutely nothing to do with the content of the bill itself. Ms. Onieal likened the process to “chasing a ghost”, or playing “whack-a-mole” because each time a challenge to the bill was successfully addressed, a totally new and unexpected challenge would surface. The mayor noted that while this experience had been both tedious and sometimes disheartening, the efforts have not been wasted and this has been a very educational and eye-opening experience into the legislative process in North Carolina.

Alderman Freeman thanked Manager Onieal and staff for their time, diligence and energy during this often frustrating and exhausting process.

#### 5. Park Restroom Bid

Manager Onieal reported the park restroom project went out to bid according to the concept plan approved by the Board just prior to her arrival, but that all the bids received were so far in excess of the adopted budget that the project cannot go forward without either an additional source of funding or a complete re-design and downsizing of the project to match available funds. She noted that the board had adopted the project budget based on cost estimates provided by original project designer LQDesigns, and that even after value-engineering the project and negotiating with the low bidder, the lowest bid still came in approximately 75% over budget. In the meantime, there are recent related developments, providing both challenge and opportunity, which should be taken into consideration before moving forward with any additional construction or improvement. The grant for tennis court resurfacing that was part of the adopted concept plan for this portion of the park did not come through; the old pool house has proven to be more of a liability than an asset with regard to its specific location and cost to renovate and is at this point, little more than a shell with a failing roof structure; the Town-owned house in the same sector of the park has recently been vacated and is slated for demolition; and inadequate and poorly designed parking and traffic flow in this section of the park continue to be a problem. Ms. Onieal noted that the town had gone without restrooms for over two years with very little comment from the public and recommended that the best course of action was to take a step back and look at master planning this entire section of the park, before taking hasty action to build something we may regret a year or two down the road. Ms. Onieal indicated staff would come back in August with specific options and recommendations for Board consideration.

## 6. Busker's Ordinance

The Town currently has an ordinance in place prohibiting panhandling or solicitation of money in association with performance. The manager has received several requests by street performers and musicians for the opportunity to play on the street downtown and passively collect money for doing so, and one musician has directly appealed to the Board of Aldermen for that permission. Since this opportunity has never been allowed in the Town of Waynesville, the manager requested input from the Board as to whether street performers would be a desirable addition, particularly to the downtown area. The current ordinance currently permits the Manager to award a permit to a performer but does not allow them to collect money for that performance, even passively. She also noted that performers already have a right of self-expression on public property without seeking a permit from the town, provided they are not breaking any other law or ordinance, e.g. violating the noise ordinance, blocking the sidewalk, or behaving in a lewd and lascivious manner. She suggested that if the Board were inclined to give individuals the opportunity to earn a living as street performers, an ordinance change would be necessary, but that it could be written broadly enough to allow for flexible procedures, so that if any unexpected problems were to arise, the procedure for permitting could be adjusted administratively without having to change the ordinance again. The manager has consulted the Downtown Waynesville Association about this topic, and they have indicated they are not opposed to the Town permitting street performers provided the Town not issue permits for street performers during scheduled festivals and formally sanctioned downtown events, since they routinely hire performers for those events and wish to avoid competition or conflict among performers.

Mayor Brown noted that the ordinance could also be written with a sunset clause, so that it would automatically expire after a certain period of time, giving the town an opportunity to experiment, say for a year, without committing to the ordinance for the long-term.

Alderman Roberson voiced concerns over performers taking up benches meant for people who have come to Waynesville to shop and rest; he would hope there would be restricted areas and no amplification.

Assistant Town Manager Alison Melnikova, who has researched how other communities handle street performers, noted that the permitting can vary widely from a year's license (calendar or fiscal) to two hour blocks and can also be regulated to specific locations in town during specific times. Many communities see street performers as a way to create a more vibrant atmosphere downtown or in a commercial district and many local musicians see performing in their town and making money at it as a goal. Ms. Melnikova offered to send the board a link to a one-hour webinar which has this issue as its topic.

Alderman Greeley thanked Ms. Melnikova, saying he would tend to want to be more judicious about this idea and would welcome the webinar link to learn more about the topic.

By consensus, the Board agreed that staff should develop and return with a proposal for board consideration at a future meeting.

#### 7. Bolin Easement Request

Manager Onieal reported that Attorney Jack Kersten, on behalf of his clients Mr. & Mrs. Clifford Bolin, has asked for an easement for ground level access to their building on Miller Street and have asked for a 10-year extension (until 2025) of a 25-year old open-ended easement which is slated to expire in 2015. The Bolins have never utilized this easement but wish to retain the right to access their building from Miller Street across public property. Ms. Onieal is advising the Board not to sign an agreement that long, since it is not in the Town's best interest to grant an open-ended unused easement for such an extended period of time, and believes that a 5-year easement agreement is adequate. Ms. Onieal indicated that both parties have reached an agreement on the specific location of the easement and an acceptable design for access to the building and are awaiting formal paperwork from Attorney Kersten's office.

#### 8. Pending Budget Amendment

Ms. Onieal reported the House and Senate have just finalized the tax reform bill within the last couple days, and reports that the impact of that bill are just beginning to be reported. Although we don't know the exact financial impact for municipalities and the Town of Waynesville in particular, there is good news that several municipal revenue streams were preserved in the compromise tax bill. Sales tax reimbursements for local governments are intact; business privilege licenses are intact; and the state is projected a small increase in revenue from expanding the sales tax base. With the final version of the State budget, we will have a better estimate of what our revenue stream will be, and staff will return with a budget amendment at that time.

#### 9. IT Master Plan Assessment & Implementation – NCLM Presentation

Manager Onieal reported that when she was hired, the Board made clear that one of its immediate and high priority goals was to make improvements related to management and use of information technology (IT) in town operations. With that in mind, she and staff have undertaken a six month formal IT assessment and have begun developing a plan for a complete overhaul of its IT systems and management processes. There are several approaches to IT management, and the manager indicated that up to this point, we have focused on understanding what we have and what options are available to us in terms of more effectively utilizing and managing information technology infrastructure for the purpose of improving operational efficiency and our service to the public. Tonight's presentation

is the final opportunity planned for self-education and the manager asked that the Board be prepared to provide direction as to whether it is ready for implementation steps or needs additional information before moving forward. The NC League of Municipalities has recently undergone a significant transition in the way it manages its technology infrastructure, which is very similar in scope and aim to what the Town of Waynesville has in mind, specifically the experience of moving to a managed service model and a cloud vs. premise-based computing solution. Ms. Onieal introduced Ryan Draughn, Chief Information Officer of the North Carolina League of Municipalities to share the League's experience.

The League provides many services to the towns of North Carolina and IT support and consulting is one way they serve their customers. He noted his goal for the evening was to help educate the Town Board and staff on the "good, bad and ugly" of cloud computing and managed services while remaining fully impartial with regard to how the Town ultimately chooses to proceed. Mr. Draughn who joined the League in 2008 reported he inherited a 2006 contract agreement with a particular vendor, using their services on a sporadic basis for special projects, but not to a large extent. The League went live with a fully managed private cloud solution with the same vendor in January 2012 and since that time can't speak highly enough of having made this change within their organization.

Mr. Draughn gave a lengthy detailed presentation and summarized by saying that for the League, which is a highly complex organization, but one with limited budget and technical expertise, the managed cloud solution is a perfect fit. He believes that even very small cities and less complex operations can enjoy the benefits of utilizing a managed cloud environment because it provides: greater technical capabilities than one could afford on their own, more memory and storage, flexibility; power to allow staff to work anywhere anytime; standardization of the data and applications environment; reduced downtime; multiple redundancies. With regard to VC3, the vendor chosen by the League to provide this service, Mr. Draughn noted the tremendous benefit of having selected a vendor who is experienced in local government-type solutions; who understands data retention laws unique to government entities in NC; who provides for the short & long-term security of the client's data, who is familiar and adept with managing typical municipal applications speed; and who has the depth and breadth of personnel and experience to provide immediate response and remedy for highly complex applications and systems. Both the experience of moving to the cloud and the process of moving from in-house managed IT to externally managed support has been nothing but a positive experience for NCLM staff, which has allowed them to focus on improved customer service. Mr. Draughn indicated that they simply wish they had made this move even earlier.

Ms. Onieal said that although she did not have a specific action item on the agenda for this meeting, having spent the better part of a year educating our staff and board, she is requesting direction from the Board as to how it wishes to proceed. Many options have been considered over the course of the year including: hiring in-house IT staff, going to a fully-managed premise-based solution, going to a fully-managed cloud-based solution, and hybrid solutions of everything in between. Manager Onieal mentioned that the Town currently has no dedicated IT staff, has multiple IT and network support

vendors and largely utilizes a break-fix model, which does not provide for preventative monitoring, long-range strategic planning, or adequate security, redundancy, flexibility or nimbleness in a changing operational environment. Ms. Onieal noted that local vendor New Meridian Technologies has been the Town's primary network support provider for over a decade and has provided outstanding service under the break-fix model of IT management. She also noted, however, that the Town's operations and IT needs have outgrown the break-fix model of support and we are now in need of a different model that will provide a more intensely managed and supported IT environment.

Mayor Brown voiced his concern over giving employees tools that they are frustrated with and unable to use. With some of Town employees not having high school degrees, or those who regularly do field work, how can a new standardized system be integrated to work across the board? Mr. Draughn said that the Town may wish to consider a slower transition with a hybrid system, which may initially seem to be more appealing and comfortable for individuals used to working within the current environment, simply because people in general are often reluctant to make change, but if there are employees who are engaging IT for the first time, going to the cloud and a fully managed system may actually be more advantageous, because anything is going to be new to them but there will be more standardization and support in the process.

Dr. Roberson asked if there is back-up to the cloud system. Mr. Draughn explained that if the entire national/world internet is down then the answer would be no, but that is such an unlikely and rare occurrence as to be of negligible concern. When we experience the internet being down now, it is usually a very temporary and localized phenomenon that can be resolved by simply moving location and many communities have redundant internet mains coming from multiple direction. As for data storage, the system replicates every four hours to multiple locations, in our case to Columbia and to Denver. And with massive amounts of storage capacity available, the League chooses to archive virtually everything, which will always be accessible. Dr. Roberson indicated he felt that dealing with cloud storage is actually more secure and accessible than what we do now on-site with very limited back-up and storage.

Mayor Brown mentioned that a municipality is different than a private company and Mr. Draughn has described what the experience of the League has been. Mayor Brown asked if there are any legal, technical or security issues that have not been resolved satisfactorily as a result of moving to a cloud solution. He would like to ensure the public's trust and be able to say to citizens that a move to cloud computing is a wise investment and a better system than what we had. Mr. Draughn answered that the only minor stumbling block he sees in a municipality going to the cloud is not a matter of technical capability or security but is a legal restriction related to areas of law enforcement and criminal justice. The FBI and federal government have not yet created standards or a certification system whereby cloud providers can connect to State and Federal criminal data systems, even though many experts in the field argue that a cloud solution is equally, if not more, safe and secure than the amalgam of premise-based models and networks used nationally. For that one use alone, the Town would have to continue accessing criminal data in the same manner it does now with an on-site server hooked

directly to DCI, and that would be the case until appropriate federal guidelines are in place for cloud access to criminal data.

Ms. Onieal reiterated that as we move to a more intensively managed IT environment there are multiple vendors that can provide these services and products to the town, just as with any marketplace, and that the real issues are how committed are we to making improvements, how fast do we want to get there, and where is the best value for our dollar. Ms. Onieal indicated that she and the staff are prepared to make a recommendation to move forward with next steps toward implementing IT improvements, but asked whether the Board feels it needs additional information and education, more time to reflect on options, or is ready to make a decision. Mayor Brown said the Board specifically requested the recommendation of a tried, true and tested provider, and believes we have had that all the way through our study process with the advice of VC3, the League of Municipalities, and with the various independent consultants and references with whom our staff have conferred, including our own local provider.

Mayor Brown thanked Mr. Draughn for his presentation, then recognized Jon Feichter of New Meridian Technologies, the Town's current network service provider, who relayed his reservations about cloud computing. Mr. Feichter relayed his good experience in assisting the Town move its MUNIS accounting applications to the cloud, but expressed concern about putting every egg in that basket, noting that if the basket stops working, then nobody's working. Secondly, Mr. Feichter said he has seen the VC3 presentation and is astounded at the costs to provide the services they were talking about. He hopes the Town will consider a hybrid model that would be easier to manage and not be entirely dependent on the cloud. Mr. Feichter went on to say he has begun an analysis in hopes that New Meridian may fit into a hybrid, multi-vendor context and be able to do it less expensively.

Mayor Brown thanked Mr. Feichter for his comments and what he has done for the Town for the last ten years. He said the Board would consider all the options and make the decision they feel is in the long-term best interest for the citizens of Waynesville. No action was taken.

#### **D. COMMUNICATIONS FROM STAFF**

Neither the manager nor attorney had anything else to report.

#### **E. COMMUNICATIONS FROM THE MAYOR AND BOARD**

There were no further reports from the mayor or board.

#### **F. CALL ON THE AUDIENCE**



**Jack Wadham** and **Yvonne Mazet**, owners of **Frog Pond Auctions on Commerce and Depot Streets**, came to discuss changing the town's sign ordinance. Mr. Wadham and Ms. Mazet relayed their feelings that the current sign ordinance is unfair, that small businesses get harassed and harangued and that enforcement is intimidating. They expressed concern that their business in particular had been unfairly targeted for enforcement and provided board members a list of other local merchants and agencies, which they alleged are also in violation of the sign ordinance.

Ms. Onieal said that staff responds to sign ordinance violations through complaint and random sweeps through town, but that the Town does not have the resources to respond to sign ordinance violations systematically. She said under no circumstances has the town targeted individuals, businesses, or geographic areas for selective enforcement. Ms. Onieal said that at her request, Development Services staff and the Planning Board are already engaged in undertaking a systematic review of the sign ordinance and upon conclusion will report back to the Board of Aldermen with recommendations to strengthen, relax, or sustain the current ordinance. She emphasized that whatever is adopted by the Board of Aldermen is the ordinance that staff will enforce fairly, impartially and consistently. She indicated she had met with Mr. Wadham twice before on this issue and encouraged him and others with a particular interest in the sign ordinance to be involved by offering input to the Planning Board. Mayor Brown invited Mr. Wadham to attend committee meetings in which the sign ordinance will be specifically addressed. Mr. Wadham agreed to accept the invitation.

#### **G. ADJOURN**

***There being no further business, Alderman Greeley made a motion, seconded by Alderman Caldwell, to adjourn the meeting at 9:10 p.m. The motion passed unanimously.***

ATTEST

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Gavin A. Brown, Mayor

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Marcia D. Onieal, Town Manager

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Eddie Ward, Deputy Town Clerk

Prepared by:

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Ginny Boyer, Administrative Assistant

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**SPECIAL CALLED MEETING**  
**July 30, 2013**

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**THE WAYNESVILLE BOARD OF ALDERMEN** held a special called meeting, for the purpose of conducting the regular meeting rescheduled from July 23, 2013, on Tuesday July 30, 2013 at 7:00 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

Mayor Brown called the meeting to order at 7:00 p.m. with the following members present:

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

The following staff members were present:

Marcy Onieal, Town Manager  
Woodrow Griffin, Town Attorney  
Alison Melnikova, Assistant Town Manager  
Eddie Ward, Deputy Clerk  
Eddie Caldwell, Finance Director  
Paul Benson, Planning Director  
Joey Webb, Fire Chief  
Tim Petrea, Recreation Program Specialist  
Bill Hollingsed, Police Chief  
Fred Baker, Public Works Director

Representing the media:

Mary Ann Enloe, The Mountaineer

1. Welcome /Calendar/Announcements

Mayor Brown welcomed everyone and referred everyone to the calendar of events received in the agenda packets.

2. Adoption of Minutes

Manager Onieal said that due to an employee being on vacation, the minutes of July 16, 2013 were not yet available and would be presented at the August 13, 2013 Board Meeting for approval.

## B. NEW BUSINESS

### 3. Award of Shield and Service Weapon to retired Police Captain Blaine Jones and retired Sergeant Eddie Lowe

Manager Onieal said it is customary to award the Shield and Service Side Arm to retired police officers as part of their retirement gift, and NC General Statutes require that award to be made by the Board of Aldermen.

***A motion was made by Alderman Roberson, seconded by Alderman Greeley, to approve the gift of shield and service sidearm to Police Captain Blaine Jones in commemoration of his retirement on June 1, 2013, and to Sergeant Eddie Lowe in commemoration of his retirement on July 1, 2013. The motion passed unanimously.***

## C. APPOINTMENT TO BOARD & COMMISSIONS

### 4. Re-assignment of Board and Commission Members to 3-year staggered terms

Manager Onieal had previously provided Board members current rosters of all Boards & Commissions with members' contact information and terms. She noted that over time, the staggered rotations of various boards had become skewed and some were operating without the proper number of assigned members, which has made achieving a quorum for meetings difficult in some cases. In a previous meeting the Board had approved moving all boards and commissions to three-year staggered terms running July 1 – June 30, except where specified otherwise by statute. She presented a revised roster reassigning all board members to three-year overlapping terms, with the exception of the Housing Authority, which has a 5-year term, and the Firemen's Relief Board with a 2-year term that is regulated by State Statute. This would also avoid replacement of all members of any one board at a single time and encourage the replacement of the same number of members.

***A motion was made by Alderman Greeley, seconded by Alderman Caldwell, to authorize staff to reassign terms of all board and commission members to overlapping 3-year overlapping terms, as presented, so as to avoid replacement of all members of any one board at a single time, and to encourage the replacement of the same number of members each year, except otherwise governed by general statute. The motion passed unanimously.***

### 5. Appointments to Boards & Commissions

Manager Onieal reported that vacancies for all boards and commissions were advertised simultaneously in various media outlets over the past two months, which resulted in the receipt of significantly more applications for board vacancies than the Clerk has ever received before. Ms. Onieal noted that there had been very little turnover in board memberships over the years, with some boards having members who have served 20-30 consecutive years. While there is nothing inherently wrong with members serving many multiple terms, fresh ideas and more active engagement of a diverse population in the affairs of the Town is certainly welcomed and it is gratifying to see the high level of interest in public service as evidenced by receipt of over 30 new applications from citizens. The Board proceeded to review applications for each board and commission, filling vacancies as follows:

- **ABC Board** - (1) vacancy (3-yr term ending June 30, 2016)

***A motion was made by Alderman Greeley, seconded by Alderman Caldwell, to appoint Earl Clark to the ABC Board for a 3-year term ending June 30, 2016. The motion passed unanimously.***

- **Community Action Forum** – (1) vacancy (3-yr term ending June 20, 2016)

***A motion was made by Alderman Greeley, seconded by Alderman Roberson, to appoint Lurissia Hendrix to the Community Action Forum for a 3-yr term ending June 20, 2016. The motion passed unanimously.***

- **Historic Preservation Commission** – (1) vacancy (3-yr term ending June 30, 2016)

***A motion was made by Alderman Roberson, seconded by Alderman Greeley, to appoint Richard Kent Stewart to the Historic Preservation Commission for a 3-yr term ending June 30, 2016. The motion passed unanimously.***

- **Planning Board** – (2) vacancies (3-yr terms ending June 30, 2016)

***A motion was made by Alderman Caldwell, seconded by Alderman Greeley, to appoint Jon Feichter and Marty Prevost to the Planning Board for a 3-yr term ending June 30, 2016. The motion passed unanimously.***

- **Public Art Commission** – (5) vacancies (2) Two-yr unexpired terms ending June 30, 2015  
(3) Three-yr terms ending June 30, 2016

***A motion was made by Alderman Greeley, seconded by Alderman Roberson, to appoint David Blevins and Diana Laursen to the Public Art Commission for 2-yr unexpired terms ending June 30, 2015 and Barbara Dias, Micah McClure, and Ann Melton to the Public Art Commission for 3-yr terms ending June 30, 2016. The motion passed unanimously.***

- **Waynesville Housing Authority** – (2) vacancies  
(1) One-yr unexpired term thru June 30, 2014  
(1) Five-yr term ending June 30, 2018

***A motion was made by Alderman Greeley, seconded by Alderman Freeman, to appoint Hilliard Gibbs to the Waynesville Housing Authority for 1-yr unexpired term ending June 30, 2014 and Duncan McDonald to the Waynesville Housing Authority for a 5-yr term ending June 30, 2018. The motion passed unanimously.***

Manager Onieal said there was no need for appointments to the Fireman's Relief Fund Board until January 2014, a term which is governed by statute. Action was deferred on the Recreation Commission because of uncertainty about whether that Board is supposed to have 7 or 9 members. Ms. Onieal indicated she will have staff research the enabling legislation. Action was also deferred on the Zoning Board of Adjustment because of the need for an ordinance change to match requirements

specified in the more recently adopted Land Development Standards and to provide for an orderly rotation from alternate to full member.

Manager Onieal reminded the Board of Alderman it must also appoint a chair for the ABC Board.

***A motion was made by Mayor Gavin Brown, seconded by Alderman Caldwell, to appoint Earl Clark as Chairman of the ABC Board. The motion passed unanimously.***

### **Bolin Easement**

Mayor Gavin Brown added an agenda item, indicating that the easement request brought by Mr. and Mrs. Clifford Bolin and discussed during the Board's regular meeting of July 16, 2013 is ready to be brought before the Board for approval. Mayor Brown, who had received a copy of the easement from Attorney Jack Kersten just before the meeting, distributed the easement to the board members noting that the expiration date had been hand-corrected (from 2025) to a 2020 expiration date on the copy Mr. Kersten provided. The easement refers to a survey to be recorded with the easement that specifies the location of the easement, which will allow Mr. and Mrs. Bolin to construct an accessible entrance within a seven-foot strip of land on the south side of their building involving a short section of public sidewalk, with a door opening outward across the public sidewalk.

***A motion was made by Alderman Freeman, seconded by Alderman Caldwell, to approve the plat and granting of easement as presented by Attorney Kersten, with correction of the expiration date to 2020, as approved by Town Attorney Woody Griffin; and to authorize the mayor to execute the agreement on behalf of the Town. The motion passed unanimously.***

## **D. COMMUNICATIONS FROM STAFF – DEPARTMENTAL ANNUAL REPORTS**

### **6. Department Directors**

Manager Onieal asked each Department Director to give an annual report on their department operations noting significant accomplishments in the past year. She said this had been a very busy and rewarding year despite the disappointment of spending so much time, effort and resources on an annexation that ultimately didn't happen. She is nonetheless, very proud of each department and all the Town employees who have done an outstanding job in a challenging year of transition, uncertainty and change. She expressed appreciation to all department directors for the good jobs they are doing in managing their departments and for the support they have provided the manager in this her first year in Waynesville.

### **Administrative Services – Alison Melnikova, Assistant Town Manager**

Assistant Town Manager Alison Melnikova said first of all she would like to report on the work of other employees in Administrative Services. She said many people had been working together well to fill the void left by retiring Town Clerk Phyllis McClure. She also reported on Human Resources and the projects Margaret Langston and Brittany Buchanan have worked on during the year, with more projects to be presented in the upcoming year. Ms. Melnikova talked about the progress of the skate park, the "Wildflowers in the Smokies" project by the Public Art Commission, and the work of the Town Horticulturist Jonathan Yates. Much of her and the manager's time has been devoted to Junaluska,

budget and IT Master Plan implementation. The Department hopes to hire a new Town Clerk within the next couple of months.

#### **Fire & Rescue – Joey Webb, Chief**

Fire Chief Joey Webb gave some statistics for the previous year for the calls that were answered by the Fire Department. There were 87 actual fire calls, 1417 rescue and EMS calls, 89 good intent calls, 123 false alarms, 4 weather related calls, 40 structure fires, and 51 hazardous calls. Chief Webb said one of the major goals of the fire department for the upcoming year is to reduce the ISO rating from class 9S to class 6 for residential insurance rates purposes. This would mean about a \$300.00 per year savings in insurance on an average home in Waynesville. He also spoke of fire prevention programs that are given at schools and other organizations in the county.

#### **Development services – Paul Benson, Planning Director**

Mr. Benson presented some statistics on general development activity in the Town of Waynesville. Since 2008, the yearly average of permitted construction has been around 10 million dollars. 2012 was an above average year due to the development of the Belk, Michaels, and Pet Smart stores in Waynesville Commons. He said there are several projects such as Strand Theater, Old Town Bank, ABC Store, and some new single family residences that will raise the total for next year close to 2012's. Mr. Benson also told the Board that the Planning Board sub-committee has had its first meeting and is looking at new ordinances for signs in the Town, and these should be brought before the Board soon. He highlighted some of the sign enforcement issues that have arisen recently, and said enforcement had been stepped up for these issues.

#### **Financial Services – Eddie Caldwell, Director**

Eddie Caldwell, Finance Director gave the Board a comparison of the last three years cash balances for the Town. At the end of the year on June 30, 2013, the Town's cash balance was \$10.8 million. Mr. Caldwell said the raw cash number has improved and he explained how these numbers are broken down into different funds.

Mr. Caldwell said this year the Finance Department has done an extensive software upgrade and is testing a new comp time tracking application for employees. A direct deposit system for payroll is in the initial phase of testing and live payroll will be rolled out for employees soon.

Among the new items financed for the Town include a bucket truck, garbage truck and a fire truck. Privilege license fees have been moved from a flat rate system to a receipt system, and this will be more profitable for the Town. Mr. Caldwell also said new debt set off software has been installed on their desk top computers.

Mr. Caldwell thanked his staff for helping him provide a "clean audit" for the Town. Mayor Brown praised Mr. Caldwell and his staff for the services they provide for the people of Waynesville.

### **Parks and Recreation – Tim Petrea, Program Specialist**

Program Specialist Tim Petrea presented on behalf of Director Rhett Langston who was out of town on vacation. Mr. Petrea is new to the Parks and Recreation, having moved here just five months ago from Athens Georgia. Mr. Petrea said last year was the second highest year for attendance in the history of the Recreation Center. He explained the different programs being held at the Recreation Center including the Special Olympics track and field day, senior picnics, summer camps for children, family fun days and major disc golf tournaments.

### **Police Department – Bill Hollingsed, Police Chief**

Bill Hollingsed, Chief of Police, reported that the department is very passionate about the drug problem in our community. He said in public education there had been approximately 75 programs presented for civic organizations, churches, and schools. Over 100 med safes have been placed in homes in our community. There have been eight prescription take back operations this year. Several legislative bills have been drafted and passed due to the diligence of the Waynesville Police Department. An expanded crime lab will be built in Edneyville within the next three years. The technology programs are now in the same CAD systems as all the other towns in the Haywood County. Detective Tamara Vandermolen has been certified as a finger print examiner and is one of a few in the state of North Carolina. In the last year, approximately 24,000 calls were answered by Waynesville Police Officers. The total index crime (rape, car theft, robbery, aggregated assault, and burglary) decreased from 487 calls to 447 calls. Overall there was a decrease in crime in the Town of Waynesville. Chief Hollingsed said he has an outstanding staff and they made him very proud because of the good work they do.

### **Public Services – Fred Baker, Director**

Fred Baker, Director of Public Services, said his departments had been doing a lot of extra work due to the large amount of rain the area had experienced. He reviewed the paving and sidewalk projects in progress for the Town. The Water Plant is running well, and they have been doing some work on the roads around the plant. The plant received an operations award for the year 2012. Several of the employees at the water department have received their B licensing.

Sales of water meters are down 2% since this time last year and there have been over 1000 automatic advance meters changed. An estimated 1750 more meters are scheduled to be changed this year. The department has replaced about 90% of the actuator valves bought earlier this year.

Mr. Baker said the Electric Department had changed approximately 60 electric poles during the year. A new record was set for the Electric Department with a percentage of 7.2 blinks or outages of electricity. Also in the Electric Department, there are over 1000 radio read meters, which is about 1/3 of the total meters.

All of Mr. Baker's departments are doing a good job with fewer employees because of holding open positions in anticipation of the the potential Lake Junaluska merger.

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

Manager Onieal thanked the Department Directors for their excellent reports noting that at times a life of public service may seem to be a thankless job. Too often public servants go unnoticed until something goes wrong; only then do we hear from the public. So it is especially nice and fitting to stop from time to time to take stock of all that this organization accomplishes with limited resources and a relatively few number of employees. Hearing these reports, seeing these accomplishments and bringing this information together in an annual report is a good reminder of the impressive body of work our 160 employees produce every day. Ms. Onieal also mentioned how appreciative all the staff are to have elected official who support and appreciates their efforts.

8. Town Attorney – Woodrow Griffin

No Comments

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

No Comments

**F. CALL ON THE AUDIENCE**

No comments

**G. ADJOURN**

***With no further business, Alderman Roberson made a motion, seconded by Alderman Greeley, to adjourn at 8:50 p.m. The motion passed unanimously.***

ATTEST

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Gavin Brown, Mayor

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Marcia Onieal, Town Manager

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Eddie Ward, Deputy Town Clerk



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: August 13, 2013**

**SUBJECT:** Authorization to Solicit Request for Qualifications (RFQ) for Information Technology (IT) Services

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** B-4  
**Department:** Administrative Services  
**Contact:** Alison Melnikova, Assistant Town Manager  
**Presenter:** Marcy Onieal, Town Manager

**BRIEF SUMMARY:**

The Town of Waynesville has no Information Technology (IT) Department, nor dedicated IT staff, and is currently using a local vendor, New Meridian Technologies, to provide maintenance and support under a “break-fix” model, on an as-needed basis for user issues and specific project planning and implementation. While the current provider has rendered outstanding service for over a decade within the very limited scope of their current contract, the increasing complexity of Town operations, and the need to employ more current technologies and intensive uses of technology in every area of public services, dictate a significantly higher level of support and management than that afforded by the Town’s current arrangement with New Meridian.

The town has 160 full-time employees and 60+ part-time employees, working through 21 unique functional service areas, in 7 operational departments, out of 9 separate facilities across town. Until now, the planning and implementation of technology-related projects has been diffused, with each department responsible for determining its own needs, evaluating solutions, and purchasing/implementing software and hardware solutions, certainly with mixed results and widely varying standards of “success”. In addition to New Meridian, the Town engages other outside IT support vendors and organizations for unique functions (such as web and email hosting, special applications support, cloud hosting, and telephony), which creates challenges for coordination and accountability where IT issues overlap.

It is the desire of the Manager’s Office to centralize IT planning, management and support to better coordinate department-specific projects and plans with the town’s overall budgetary and strategic goals and objectives, and to provide a more consistent approach and response to IT issues. The Town’s IT needs, problems and challenges within the organization have grown increasingly complex and numerous over the years, and it is imperative that we begin systematically planning for the long-term maintenance and improvement of our IT infrastructure and use of technologies to more effectively and efficiently serve our citizens, in keeping with growing public expectations and demands. The Town of Waynesville has fallen significantly behind some of its peers in the use of technologies for improving organizational efficiency and customer service, and one of the top priorities expressed by the Board of Alderman during recruitment and hiring of a new town manager in 2012 was to “bring the Town’s use and management of technology back to the cutting edge, or at least to generally accepted 21<sup>st</sup> century standards.”

Town staff has spent the better part of the year assessing where we are and identifying IT infrastructure and support needs. To that end, in late 2012, the Town coordinated with IT consultants at the North Carolina League of Municipalities to engage the services of the League’s preferred provider, VC3, to perform a comprehensive IT Inventory and Assessment. Their report highlighted the need for improvements in hardware and software standards data redundancy and security, project planning and implementation, routine support and follow-up with basic desktop needs, and ongoing employee training. The Assessment also presented two paths and comparative cost estimates to address many of these needs.

It should be understood that to make any significant improvements in the Town’s IT infrastructure, or in the way in which the Town uses, supports and manages technology, a significant increase in funding dedicated to IT is

necessary. To that end, the Board of Aldermen adopted a FY14 budget that includes increases in IT funding based on estimates provided in the Assessment report. IT improvements are not a goal in and of themselves, but are just as necessary and critical to the provision of public services as are the Town's water/sewer lines, streets and electrical system. While an IT improvement project is not likely to be perceived as an "exciting/feel good" project that has an immediate payback, the long-term goals of pursuing this and any new management initiative or infrastructure improvement are:

- Avoidance of impending system decline and failure over time
- Enhanced customer/public service through use of improved technologies
- Improved organizational efficiency & cost effectiveness over the long-term
- Reasonable return on investment
- Providing tools that help rather than hinder employee productivity, efficiency and effectiveness

Since the Assessment Report was presented publicly in February, 2013, staff has consulted with peer communities, independent IT consultants, and a variety of IT-support vendors in order to be in position to knowledgeably and effectively advise the Board. Staff has examined the following options for provision of IT services moving forward:

- 1) No change; continuing with current service provider with no change in scope of service
- 2) Enhanced as-needed service model
- 3) Self-managed model (managing all IT functions in-house through hiring of IT professionals)
- 4) Traditional (premise-based), with 24/7 fully managed support provider model
- 5) Hosted cloud (off-premise), with 24/7 fully managed support provider model
- 6) Hybrid model (some combination of any/all of the above)

Staff recommends Option 5 as the best model for managing IT for the Town of Waynesville, inasmuch as we firmly believe this model most effectively serves our unique needs while also representing the future of IT management in the public services arena, particularly for small-medium municipalities in North Carolina. We recognize the value, however, in considering hybrid models and have therefore drafted a request for proposals (RFP) for IT services that is somewhat open-ended, in order to allow for consideration of a hybrid model. Because of the likelihood that different vendors will present different models for consideration, the emphasis in evaluating proposals and awarding a contract will be based on vendor qualifications and how well the proposal addresses the Town's overall IT needs. At least six regional vendors have already expressed interest in submitting a proposal, and there may be others once the RFP is issued.

Having completed our planned assessment and educational process, we are prepared to move forward with issuing an RFQ immediately, pending board approval.

**MOTION FOR CONSIDERATION:** To authorize staff to issue a request for proposals for IT services based on findings of the Comprehensive IT Assessment Report and as included in the RFP as presented.

**FUNDING SOURCE/IMPACT:** Initial cost estimates provided by VC3 in the Comprehensive IT Assessment Report projected annual costs of approximately \$200,000 for a 24/7 fully managed & hosted solution. This amount is comparable to what it would cost for the town to hire 1 fulltime IT professional and retain some managed (but not hosted) services, which would still be necessary even with the addition of an IT professional. Regardless of the model adopted for IT management/hosting, approximately \$70K in one-time network improvements is immediately needed. The FY14 adopted budget already includes funding for network improvements and for eight months of enhanced IT management/hosting based on the above estimate. Although initially budgeted in the General Fund, these costs will be charged back to appropriate departmental budgets just as we do now for all other shared services (e.g. garage, fleet, administrative services, etc.), therefore the utilities funds will share in covering their proportionate costs.

**ATTACHMENTS:** The draft Request for Proposal is still being revised and will be presented to the Board during the meeting on August 13, 2013, and posted immediately following.

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Adopt as presented.



# **TOWN OF WAYNESVILLE, NORTH CAROLINA**

## **REQUEST FOR QUALIFICATIONS:**

## **Information Technology Services**

***Issue Date: August 14, 2013***

***Proposals Due: September 12, 2013 at 2:00 pm***

### **Table of Contents**

1.	Purpose .....	2
2.	General Bidding Requirements .....	2
3.	Background Information .....	4
4.	Scope of Services .....	5
5.	Proposal Format.....	8
6.	Selection Process .....	10
7.	Attachment A: Presentation of 2012 IT Assessment Findings.....	10

## 1. PURPOSE

The Town of Waynesville is soliciting proposals from qualified professional vendors for Information Technology support services. The qualified vendor will enable the Town to:

1. Significantly improve information technology (IT) effectiveness in all areas;
2. Enhance its quality of service to all of its employees, and ultimately the citizens;
3. Minimize downtime and technical support costs;
4. Ensure security of data and compliance with NC Records Retention requirements; and
5. Maximize return on investment in IT hardware and software.

Vendors are encouraged to provide as much detail as possible in this proposal regarding scope of services, approach to protecting and securing the technology used by Town users, and their capability and expertise. This RFP requests specific information. In responding to this RFP, vendors are encouraged to provide any additional information they believe is relevant.

### Preliminary Timeline

Task	Date
Issue RFP	August 14
Deadline for questions	4:00 pm on August 22
Questions/addendum issued	5:00 pm on September 4
Responses due	2:00 pm on September 12
Proposal evaluation	September 16 – 20
Vendor presentations (if necessary)	September 30 – October 4
Present for award	7:00 pm on October 8

The award date is subject to extension at the discretion of the Town. The effective date of the contract is tentative, and is dependent upon the length of time required for contract negotiation.

## 2. GENERAL BIDDING REQUIREMENTS

1. This solicitation is for the purchase of information technology goods and services and shall be awarded as per North Carolina General Statute 143-129.8. The contract shall be awarded to the vendor that submits the best overall proposal. No fee or cost should be submitted with the proposal.
2. **Proposals submitted shall not be subject to public inspection until a contract is awarded.** Proposals will be received by the Town at the time and place so stated in this document. At that point, the Town will close the receipt of proposals and begin the evaluation process.
3. Respondents are asked to not contact any town staff or elected official in reference to the process. As information becomes available and is relevant for release, that information will be shared with the respondents. Any and all information submitted in conjunction with this RFP and the evaluation process will not be returned to the respondent.
4. All questions concerning this Request for Proposals are to be submitted to Alison Melnikova, Assistant Town Manager, no later than **4:00 p.m. on August 22, 2013**. Responses will be issued

in written form no later than 5:00 p.m. on September 4, 2013 via email. Questions may be submitted via email to [townmanagerassistant@townofwaynesville.org](mailto:townmanagerassistant@townofwaynesville.org).

5. The Town reserves the right to reject any or all proposals and to waive any informalities as may be permitted by law. The Town reserves the right to request oral interviews or request additional written information from top ranking firms.
6. Three (3) copies of the full proposal and all supporting documentation as required in this RFP must be submitted in a sealed opaque envelope, addressed to:

Town of Waynesville  
Attn: Alison Melnikova, Assistant Town Manager  
IBR 153 – 14 IT Services Bid Enclosed  
P.O. Box 100  
Waynesville, NC 28786

Address for FedEx/UPS delivery is 16 South Main Street, Waynesville, NC 28786.

7. **Proposals should be submitted no later than 2:00 p.m., September 12, 2013. Proposal will be opened by town staff and will not be made public until after award.**
8. Proposals may also be sent on a flashdrive or CD.
9. This RFP and any contract resulting from shall be governed by and construed according to the laws of the State of North Carolina.
10. Successful bidder must be prepared to begin providing service on November 1, 2013.
11. Vendor warrants that his bid is genuine and not collusive nor sham and that he has not conspired nor agreed in any manner to fix any bid price or any element of such price: payment or agreement for commission percentage, brokerage, or any other compensation for the procurement of this contract.
12. Either party may cancel this contract by providing the other party a thirty (30) day notice of cancellation.
13. All proposals shall be signed by an authorized officer or employee of the submitting organization. The name of the company, contact person, telephone number, fax number, and address shall be included.
14. The Town shall have the right to reject or accept any Proposal or offer, or any part thereof for any reason whatsoever, at its sole discretion.
15. The RFP does not commit the Town to award, nor does it commit the Town to pay any cost incurred in the submission of the Proposal, or in making necessary studies or designs for the preparation thereof, nor procure or contract for services or supplies. Further, no reimbursable cost may be incurred in anticipation of a contract award.

16. The Town reserves the right to terminate this RFP at any time prior to contract execution.

17. No prior, current, or post award verbal conversation or agreement(s) with any officer, agent, or employee of the Town shall affect or modify any terms or obligations of this RFP, or any contract resulting from this procurement.

### 3. BACKGROUND INFORMATION

The Town of Waynesville DOES NOT have an IT Department and is currently using an outside vendor service to provide maintenance and support on an as-needed basis for user issues and specific projects, as well as ongoing strategic planning and implementation assistance. The town currently has 160 full-time employees, and an additional 60 part-time employees working in nine separate facilities. The Waynesville Police Department receives additional support from the Haywood County IT Department for law-enforcement specific software and hardware. This relationship will continue, but close coordination with Haywood County will be required as much of the Police Department's technology needs will be integrated into the overall organizational support and planning initiatives.

In previous years the planning and implementation of technology-related projects has been diffused, with each department responsible for determining its own needs, evaluating solutions, and implementation of software or hardware. It is the desire of the Town Manager's Office to centralize as much as possible, while allowing departments the ability to coordinate department-specific projects and plans with the town's overall plan.

The Town had an IT Assessment conducted in winter 2012 – 2013, and the following information is primarily from this report. The presentation of the assessment is **Attachment A** of this RFP. Excel and Visio files of the detailed information are available upon request.

#### 1. Connectivity

Network devices are a mixture of consumer and commercial products. The Town currently has seven different accounts with three different vendors for internet access – Charter, AT&T, and Earthlink.

##### There is fiber optic connectivity between six facilities:

Municipal Building	16 S. Main St
Town Hall/Development Office	9 S. Main St
Public Works	129 Legion Dr.
Hazelwood Office	280 Georgia Ave.
Fire Station #1	1022 N. Main St.
Recreation Center	550 Vance St.

##### Three additional facilities utilize separate cable or DSL accounts for internet access:

Old Armory (Recreation Facility)	44 Boundary St
Water Treatment Plant	Rocky Branch Rd
Wastewater Treatment Plant	566 Walnut Trail

#### 2. Domains

The Town currently has three separate domains, as the Police and Recreation each have their own. There is a project planned for late August that will consolidate Recreation with the rest of the Town.

There is not a common email address scheme for any department; and all departments are using POP3 email services.

### **3. Servers**

The Town currently has six servers:

LOCATION	NAME	PLATFORM	OS
Municipal Building	TOWTHSBS	PowerEdge 1900	Windows Server 2003 SBS
Municipal Building	INFORMIX	PowerEdge 2800	Windows 2003 Server Std.
Police	WPDSERVER	PowerEdge 2900	Windows Server 2003 R2 Ent. x64
Police	WVPD820MT21	Custom	Windows Server 2008 R2
VoIP – Fire #1	WYNNCOM-7I1PD3G	Custom	Windows Server 2003 Enterprise
Fire #1 *	TOWFDS01	PowerEdge SC1430	n/a
Recreation Center*	WRD-2003	PowerEdge 2600	Windows Server 2003 SBS

\* Server TOWFDS01 will be replacing WRD-2003 in August 2013 in order to upgrade the RecTrac software. The Fire Department no longer needs a separate server.

### **4. Workstations**

At the time of the assessment, December 2012, the Town had 113 workstations. There is no centrally managed process for tracking, updating, or proactively managing workstations.

Windows XP	53
Windows Vista	9
Windows 7	51

### **5. Printers**

The Town consolidated print services into ten (10) leased SHARP machines in February 2013. Twelve authorized laser printers remain within the organization. Any inkjet printers that remain are personal and the Town does not provide funding for supplies or replacement. The SHARP copiers and remaining HP LaserJet printers are supplied and serviced by SHARP. The Planning Department has a plotter which is not covered by the SHARP support agreement, but the Town will provide funding for supplies and its eventual replacement.

### **6. Software**

The software applications run/accessed by each department vary significantly, but the most critical include:

Microsoft Office 2003, 2007, 2010	Munis 8.3 (hosted)	Adobe Acrobat X Pro
Windows Server 2003 and 2008	ArcGIS for Desktop 10.x	RecTrac
Pontem Cemetery Management		

## **4. SCOPE OF SERVICES**

The successful vendor will provide the Town with all of the following services. The vendor shall not

subcontract any portion of the services to be performed under the contract without the prior written agreement of the Town.

**Vendor shall perform the Scope of Services as outlined in the RFP, which will be integrated into the final contract. The Scope of Services shall not be deemed to be all-inclusive and may be changed from time to time to meet the business needs of the Town.**

### **1. Initial Assessment**

Compile/update inventory of all information technology related assets, assess system assets and make recommendations for improving the Town-wide IT system performance.

- a. An IT Assessment performed in the winter of 2012 -2013 produced the first all-inclusive inventory of assets, but is now out-of-date as there is currently no asset tracking mechanism. The presentation of the assessment is **Attachment A** of this RFP. Excel and Visio files of the detailed information are available upon request.
- b. The 2012 Assessment highlighted a number of deficiencies in the town's current IT infrastructure and management. A number of specific recommendations were made as part of the assessment, but it is the town's desire that the selected vendor will review the 2012 Assessment, combine it with its own initial assessment, and provide a recommendation of hardware, software, and employee training and policy improvements that can be implemented in fiscal year 2014.
- c. Town staff has also identified the need to replace the use of POP3 email with a system that will better enable compliance with North Carolina retention schedules, and allow each town employee to have an official Town email address. @townofwaynesville.org will be replaced with @waynesvillenc.gov

### **2. Help Desk Support**

Manage, monitor and track all support related issues and provide monthly updates to the Town of significant support patterns or issues. Online ticket submission, commenting, and tracking must be provided. Historical support data should be available by user or issue type. Remote support and on-site support must be provided during business hours as requested. 24x7x365 support must be available for significant issues.

### **3. Desktop Support**

Perform basic support functions including installing PCs, laptops, printers, and software; diagnosing and correcting desktop application problems, configuring laptops, tablets, and desktops (or equivalent) for standard applications and identifying and correcting hardware problems, performing advanced troubleshooting, and when requested by designated Town personnel, provide assistance with software and hardware purchases.



#### **4. Support, Management & Monitoring of Servers and Infrastructure**

Provide 24 X 7 X 365 monitoring and alerting, Windows patching and updates, remote and onsite remediation for all server/infrastructure related issues as necessary. Ensure scheduled preventive maintenance for equipment is promptly performed; develop back-up and disaster recovery plans and procedural documentation. Set up new users and edit or remove existing users when requested; thus managing the computer network and associated hardware, software, communications, and operating system necessary for the quality, security, performance, availability, recover-ability, and reliability of the system. Install new servers, software and hardware and transfer data when acquired.

#### **5. Support Services Response**

Support personnel need to be available to meet all the needs associated with the parameters outlined in this request. In the event a problem needs to be escalated, a prescribed escalation process must be in place along with a time frame for resolving issues. Any service issue that needs to be escalated to the Town must be started promptly and must be completed within a time discussed between the vendor and the Town to the satisfaction and approval of the Town. Statistical measures and approaches for performance evaluation should be included. The proposal must include a detailed response time for each type of service issue.

#### **6. Security**

Maintenance of virus detection programs on the Town servers, email and all other the Town computers and laptops. Review and enhance the security of the Town's network and wireless devices. Perform security audits as requested and notify the Town personnel immediately of suspected breaches of security or instruction detection. Reduce amount of spam received by Town employees.

Develop and implement a method to track and identify IT assets by location or user, and the characteristics of each device. Devices should be physically tagged to match their electronic record. This should be updated whenever a new device is added or removed.

#### **7. Software/Third-Party Applications Services**

Includes oversight, management and support of the Town's software; oversight, management and supervision of third party desktop, server, and web-based applications and act as the Town's representative when dealing with third party application support, as directed. Vendor will review invoices as requested for verification of services.

#### **8. Communications (Desk Phones, Cellular Phones, Voicemail) Support**

Prepare recommendations and provide management and coordination of the Town's communications system including but not limited to: desk phones, cellular phones, communications devices, voice mail systems, and authorized BYOD devices.

- a. The Town currently utilizes a third-party vendor for support of the VoIP telephone service.
- b. There are plans to replace the current UHF radio system utilized by Public Works with a more high-power system in fiscal year 2014. Radio expertise is not required by this RFP, but is welcomed.

- c. Currently the Town issues cell phones, and only has two department heads with town-issued iPhones. It is the desire of the Town to move to a BYOD plan and policy for cellular phones. The selected vendor should have knowledge in administering and coordinating a BYOD plan and be able to provide advice on best practices as the plan is implemented, including securing devices that store town-data.

#### **9. After Hours and Emergency Services**

Provide technical, communication, and IT support services in the event of emergency situations or outside of normal business hours, 24x7x365. The proposal should clearly outline how various levels of support are defined, and how the vendor handles a situation in which multiple customers are affected by the same emergency, whether it be geographic, technical, or something else.

#### **10. Strategic Planning and Budgeting**

Provide technical leadership for technology issues. Make recommendations for future purchasing and technology needs for the organization and specific departments as needed and during the annual budget preparation process. The Town has a Purchasing Department, but requires assistance in prioritizing and maximizing the use of funds budgeted for technology improvements. Provide recommendations for potential savings in IT related matters. Coordinate all IT and Communication related support.

#### **11. Town's IT Liaison/Representative**

The vendor should provide a primary point of contact within the organization, recognizing that other vendor employees may work on specific issues or projects. The primary point of contact will act as the Town's liaison/representative for all IT related matters with other vendors and town departments under the scope of the Agreement. The vendor will be available for any meetings as directed by the Town Manager or Finance Director.

### **5. PROPOSAL FORMAT**

The proposal shall be organized as outlined below. Responses should be complete and unequivocal. In instances where a response is not required, or is not applicable or material to the Proposal, a response such as "no response is required" or "not applicable" is acceptable.

### **No Fees or Costs should be submitted with the Proposal**

#### **1. Letter of Intent**

The Letter of Intent is to be signed by an officer of the company authorized to bind the vendor to its provisions. The Letter of Intent is to contain a statement indicating the period during which the Proposal will remain valid. A period of not less than sixty (60) calendar days is required.

## **2. Proposer's Statement of Organization**

Proposer shall provide resumes for all individuals employed in a full-time or part-time capacity who shall provide Services sought in this RFP. If resumes are not available, the Proposer shall provide information indicating the name, job title, education and years employed with the firm.

## **3. Related Experience and Qualifications**

Proposers must demonstrate considerable relevant experience (minimum of 7 years) with this type of work, and should emphasize their experience, technical qualifications, working knowledge of Information Technology Services, and capability of the particular principal and personnel who will actually be assigned to the Town.

A vendor shall demonstrate that it has at least five (5) local government clients that have contracted with it for the same or similar services within the last three years, preferably with at least one client represented within western North Carolina and shall provide the Town with contact information for those clients to allow the Town to obtain their recommendations as to the services rendered by the vendor. The vendor shall also include the type and scope of services provided for each local government client.

## **4. Description of Services.**

Proposer shall include a description and synopsis, including sample deliverables where appropriate, detailing its methodology and approach to providing the Scope of Services as described in Section 3 of this RFP. (The scope of work indicates "what" the vendor is supposed to do; the description of services should show "how" the vendor intends to perform the services).

## **5. Litigation History**

Proposers shall provide a summary of any litigation or arbitration that the Proposer, its parent company or its subsidiaries have been engaged in during the past three (3) years against or involving (1) any public entity for any amount, or (2) any private entity for an amount greater than One Hundred Thousand Dollars (\$100,000.00). The summary shall state the nature of the litigation or arbitration, a brief description of the case, the outcome or projected outcome, and the monetary amounts involved.

## **6. Insurance Requirements**

**Workers' Compensation:** Coverage to apply for all employees for statutory limits in compliance with the applicable state and federal laws. The policy must include employer's liability with a limit of \$100,000 for each accident, \$100,000 bodily injury by disease each employee and \$500,000 bodily injury by disease policy limit.

**Comprehensive General Liability:** Shall have minimum limits of \$1,000,000 per occurrence combined single limit for bodily injury liability and property damage liability. This shall include premises and/or operations, independent contractors, products and/or completed operations, broad form property damage and explosion, collapse and underground damage coverage, sudden and accidental pollution losses, and a contractual liability endorsement.

## 6. SELECTION PROCESS

### 1. Proposal Evaluation

1. Proposals will be evaluated by the Town using the criteria listed in 6.2.
2. A contract may be awarded to the vendor that submits the best overall proposal.
3. **Oral Interviews:** The Town reserves the right to request oral interviews from top ranking firms. If oral interviews are conducted, it will be in accordance to the anticipated schedule.
4. **Additional Information:** The Town reserves the right to request additional written information or clarification of the proposal from top ranking firms.

### 2. Selection Criteria

The evaluation of Proposals and the determination of conformity and acceptability shall be the responsibility of town staff. Such determination shall be based on information furnished by the Proposer, as well as other information reasonably available to the Town.

Proposals shall be evaluated and ranked based on, among additional factors, the following:

1. Technical Expertise/Qualifications	30%
2. Description of Services	30%
3. Experience	20%
4. Satisfaction of clients/end users	20%
<hr/>	
Total	100%

The Proposal ranked one (1), will be recommended to the Town Manager. The Town Manager shall review and make a recommendation to the Board of Aldermen for award.

If the Town is unable to negotiate a satisfactory Agreement with the highest ranked proposer, negotiations with that Proposer shall be terminated and the Town shall attempt to negotiate an Agreement with the next highest ranked qualified proposer and so on. If no Agreement can be reached, the Town may reject all proposals and may re-advertise for new proposals.

## 7. ATTACHMENT A: PRESENTATION OF 2012 IT ASSESSMENT FINDINGS

Following are the slides which were used for the presentation of the assessment findings to the Town of Waynesville Board of Aldermen at their annual retreat on February 22, 2013.

## **ORDINANCE 07-13**

### **AMENDMENT TO CHAPTER 14 OF THE CODE OF ORDINANCES OF THE TOWN OF WAYNESVILLE**

**WHEREAS**, the Board of Aldermen of the Town of Waynesville finds that street performers provide a public amenity that enhances the character of the town and seeks to encourage such performances in a manner consistent with the overall public interest.

The Board of Aldermen also recognizes that street performers seek to and do draw crowds to their performances, which can create serious safety problems by impacting the ability of pedestrians to move safely on sidewalks and through crosswalks and impeding the response time of safety personnel. It can also impact access to and egress from businesses.

Cognizant that street performers are engaged in First Amendment activities, this Article imposes reasonable time, place, and manner restrictions on street performers to the extent necessary to ensure the safety of performers, their audience, and the general public and to prevent unreasonable interference with residents' enjoyment of peace and quiet in their homes or the ability of businesses to operate and conduct their business.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of Waynesville, North Carolina that Chapter 14 is hereby amended to read as follows by adding Article VI:

#### **CHAPTER 14: Businesses ARTICLE VI. Street Performers**

##### **Sec. 14 – 100. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

*Street Performer* means an individual who performs in a public area, for the purpose of providing public entertainment.

*Perform or Performance* means audible or visual entertainment such as, but not limited to, reciting or singing, acting, dancing, miming, pantomiming, playing a musical instrument or performing a theatrical or literary work.

*Public Area* means sidewalks, parks, playgrounds, and all other public spaces located within the town.

**Sec 14 – 101. License required; procedure for issuance.**

- (a) A license issued by the town shall be required of all street performers working within the town. Licenses are valid from July 1 to June 30. The fee shall be set from time to time by the board of aldermen, and is nonrefundable. Every performer within a single group is required to meet the licensing requirements of this ordinance.
- (b) Application for a license to become a street performer in the town shall include, at a minimum, the following information and requirements:
  - (1) The name, permanent address, phone number, and proof of the identity of the applicant. Acceptable forms of identification shall include, but not be limited to, a driver's license, student identification card, or passport.
  - (2) A detailed description of the nature of the act to be performed;
  - (3) A detailed description of any instrument(s) or prop(s) which will be used by the performer;
  - (4) Two (2) two inch by two inch (2x2) head shot color photos of the applicant. One shall be kept with the application, and the other included on the final license.
- (c) Before any license shall be issued under this section, the applicant shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant. No applicant shall be eligible for issuance or renewal of a license under this section if the applicant has been convicted of two (2) or more offenses within a period of five (5) years preceding the application where each offense involved an assault, communicating a threat, illegal use of a weapon or other act of violence or attempted violence.
- (d) Upon receipt of a signed complete application for a performance license, the town manager or his designee shall approve the permit within five business days, unless one of the following findings is made:
  - (1) The applicant knowingly made a false, misleading or fraudulent statement of fact to the town in the application process;
  - (2) The application does not contain the information required by this Article;
  - (3) The applicant has not satisfied the requirements of this Article.
- (e) A street performer license is not assignable or transferable.
- (f) Licenses must be displayed at all times during performances.

**Sec. 14 – 102. Locations where street performers are allowed.**

- (a) Street performers may only perform at specified areas of public property within Waynesville which the town manager or his designee determines to be reasonably suitable to conduct street performances without adversely impacting the community as described herein.
- (b) Public areas for street performance are available on a first-come, first-serve basis each day. No street performer shall claim a greater right to perform at any location over a street performer who arrives first at the same location.

- (c) The town manager or his designee may solicit opinions from any party concerning the suitability of allowing street performances at any area of public property in Waynesville. The town manager shall assess such information thereby developed and may exclude or include additional sites for good cause related to public safety, public health, public peace, or the peaceful enjoyment of nearby premises. Any party may petition the board of aldermen for inclusion or exclusion of a particular public area from the list of areas where street performances are permitted.
- (d) No street performer may perform within 50 feet of another street performer; however, this provision shall not preclude street performers who are performing together from performing in close proximity to one another.
- (e) *Excluded areas.* Performances are not permitted within 50 feet of any structure which is used as a school, library, hospital, church, funeral home, or courthouse. No performance may occur within 50 feet of the property line of a cemetery. No performance shall occur within an encroachment area for dining on a public sidewalk. No performance activity shall interfere with or impede the flow of pedestrian traffic at a crosswalk, building entrance, private patio, or curb cut, or entrance into an encroachment area for dining. No performance may occur within 100 feet of any special event authorized by the town unless the performer has been approved by the event organizer. Street performers shall not perform on private property without written permission of the property owner. Street performers are required to keep the writing granting such permission on their person during any performance on private property. Notwithstanding, street performers shall not conduct any performances on property used for any residential purpose.

**Sec. 14 – 103. Cooperative performances; limit on number of street performers.**

Any street performance may be performed cooperatively by a group of no more than three (3) total performers, unless a specific public area has been determined by the town manager to be large enough to accommodate groups larger than three.

**Sec. 14 – 104. Regulations.**

- (a) Street performers shall not block, or cause the blocking of any sidewalk, passageway, street, or any ingress or egress to any building, structure, driveway or other passage. Sidewalks must maintain a minimum of four feet of pedestrian passageway during a performance.
- (b) Street performances are not permitted at any public area not presently identified on the list maintained by the town, unless a performer has been contracted by the town or the Downtown Waynesville Association to perform on a specific day in a specific location.
- (c) Street performers shall not infringe or detract from the purpose of special events, temporary gatherings or vendor activities for which a Town permit has been issued to another party.
- (d) Street performers shall not remain at one designated public area for a total duration of more than four (4) hours during any one-day period, unless contracted by the town or the Downtown Waynesville Association to perform on a specific day in a specific location.

Musicians may not repeat the same set within a single one-day period. When a street performer leaves a location, the street performer shall not return to that location for at least one (1) hour. No instruments, props, merchandise, or other items may be left unattended.

- (e) Street performances are not permitted before 11:00 a.m. nor after 9:00 p.m.
- (f) No street performer on public property shall connect to, or cause to be connected to, any source of electrical power or water on public or nearby private property as part of preparation to perform or actual performance. No performer shall use any generator or wet cell battery with removable fill caps. This provision shall not be construed to forbid use of instruments or items with self-contained and secure electrical power supply such as batteries, or the use of a container of potable water for drinking.
- (g) Street performers may accept contributions of money or property at their performance in exchange for their artistic performance as allowed in this section, and may sell audio or video recordings of their own artistic works. Street performers shall not sell any other goods, wares, works of art or conduct any other service on public property.
- (h) No performer shall solicit donations by spoken word or gesture. However, donations may be received in any receptacle, such as an open musical instrument case, box, or hat, and said action will not be in violation of Section 44-1, begging. Receptacles may only be open during the time which a performer is actively performing or setting up or taking down for a performance.
- (i) Street performers may display one (1) sign no larger than eighteen (18) inches by eighteen (18) inches advertising the sale of their own artistic work and asking for compensation in exchange for their live performance. Said sign may be placed on a prop or sandwich board-type stand in a location no closer than three (3) feet from any curb and not in any location which impedes any foot traffic, parking or persons entering or exiting any motor vehicle. Street performers shall remove such signs from any location at the conclusion of their performance. No sign, handbill, flyer or other advertisement shall be left at any location after the conclusion of a performance.
- (j) No street performer shall make any use in any way of fire, sharp instruments or objects, spray paint, aerosols, firearms (real or simulated), dangerous weapons or any form of harmful chemicals during a street performance.
- (k) Street performers shall not utilize any speaker, microphone, or mechanical amplification device. Street performers shall not commit any violation of chapter 26, article III, noise.
- (l) While conducting a street performance, street performers shall not use language or gesture, or display any matter which:
  - (1) Is obscene as prohibited by G.S. § 14-190.1;
  - (2) Incites or urges riot as prohibited by G.S. § 14-288.2; or
  - (3) Is defamatory, insulting or constitutes a communication which tends to inflict injury or incite an immediate breach of the peace.



**Sec. 14 – 105. Enforcement.**

- (a) When directed by any Town official, street performers shall promptly comply with the directions to cease or relocate street performances when the Town official determines that such action is necessary in response to a complaint by a patron or business operator that the street performance interferes with any private business.
- (b) Any person who fails or refuses to comply with the regulations contained in this section, or to produce a license issued herein upon request of a Town official, shall be guilty of a class 3 misdemeanor. Except as otherwise provided herein, a police officer shall issue a citation for a violation of this section.
  - (1) A police officer may arrest a street performer or performers for a violation of section 14-101, interference with the enforcement activities of the officer, or any other act which causes an imminent danger to the public health or safety.
- (c) *Revocation; suspension.* Additionally, the town may revoke or suspend a license upon the commission of a second violation of either this Article or of permit conditions within a six-month period. A performer's permit may be suspended for up to four (4) months. If the permit is suspended, no new permit may be issued during the period of suspension. Any revocation of a performer's permit shall be for six (6) months unless the performer previously had a permit revoked, in which case the permit shall be revoked for twelve (12) months.

**Sec. 14 – 106 Exemptions.**

This article shall not apply to:

- (a) Activities which are a part of a film or television production.
- (b) Any person engaged in a special event as that term is defined in section 14-82 who has the express authorization of the event organizer.

Adopted this 13<sup>th</sup> day of August, 2013.

TOWN OF WAYNESVILLE

ATTEST:

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Gavin A. Brown  
Mayor

---

Eddie Ward  
Deputy Town Clerk

APPROVED AS TO FORM:

---

Woodrow H. Griffin  
Town Attorney

---

Marcia D. Onieal  
Town Manager

APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS

NAME DOMINICK DEPAOLO  
STREET ADDRESS 16 GRAMM ST.  
MAILING ADDRESS \_\_\_\_\_  
PHONE 828-456-9918  
E-MAIL DOMINICKDEPAOLO@YAHOO.COM

*Please consider me for appointment to the following board(s) or commission(s):*

<input type="checkbox"/> Alcoholic Beverage Control Board	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Community Action Forum	<input checked="" type="checkbox"/> Public Art Commission
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Waynesville Housing Authority
<input type="checkbox"/> Historic Preservation Commission	

See Attached

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Dominick DePaolo 31 Jul. 2013  
Signature Date

Upon appointment to a Board/Committee, the information contained herein becomes a matter of public record per NCGS 132-1.

- Return Application to Town Clerk's Office -

APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS

NAME DOMINICK DEPAULO  
STREET ADDRESS 16 GRAHAM ST.  
MAILING ADDRESS \_\_\_\_\_  
PHONE 828-456-9918  
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<input type="checkbox"/> Community Action Forum	<input checked="" type="checkbox"/> Public Art Commission
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Waynesville Housing Authority
<input type="checkbox"/> Historic Preservation Commission	

With my background, I feel I may be able to help.

I have been an artist my whole life. I have been an art teacher at the college level for 15 years and owned my own art school in the Chicago area for over 15 years, Long Grove Art School. I am one the executive board for the Waynesville Artist Co-Op Gallery and on the board for the Waynesville Gallery Association. I am past president of the Blue Ridge Watercolor Society and have been board and president on three group in the Chicago area. I also worked with the Haywood County Arts Council and headed up the "Art in Business" program for the director, Kay Miller at the time.

Working with artists for over 35 years, I feel I may be able to help.

I did illustration in the Navy for over 15 years and taught art at the college level for 15 years. I also owned Long Grove Art School in the Chicago area for 15 years. I am currently in two galleries in Waynesville, one in Franklin and one in Bryson City. I also teach art in Waynesville and Franklin and Bryson City. I have been in several businesses as the solo feature artist both here and in the Chicago area. I have been a judge for the international festival for two years here in Waynesville and a judge in the Chicago area.

I look forward to talking with you.

Resolution to have Love Lane recognized  
as a neighborhood of historic significance

WHEREAS: The Waynesville Historic Preservation Commission seeks to have Love Lane, a major residential street, duly recognized for its prominence and historical value to the town, and

WHEREAS: Love Lane is traditionally accepted as Waynesville's oldest residential street. The first house was erected there about 1870, prior to Waynesville's incorporation in 1871, by Captain M.H. Love, grandson of Waynesville's founder, Colonel Robert Love. Captain Love further provided lots for his children to build homes on his estate with two married daughters and one son doing so, and

WHEREAS: Love Lane has since been the home of many prominent citizens who contributed to Waynesville's growth and prominence during the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Among these citizens are such names as Captain M.H. Love, Dr. J.F. Abel, Hugh Love, James Stringfield, Rev. Joseph Arnold, R.N. Barber, Judge W.L. Norwood, F.A. Burgin, C.A. Haynes, E.J. Robeson, Dr. N.M. Medford, W.A. Hyatt, Clyde H. Ray, Sr. and Kimsey Howell, and

WHEREAS: Additional verification of facts for historical eligibility of the love Lane District may be found in a recent book entitled "The Early History of Love Lane", dated 2010, authored by Ann Melton and on file for historic research at the Haywood County Library in Waynesville, NC.

NOW THEREFORE: By (unanimous) vote of the Historic Preservation Commission they hereby petition the Waynesville Governing Board to support (1) the designation of Love Lane as a local district of historic significance, (2) that prominent signs be placed near the street's intersections with Dellwood Road and Russ Avenue to enable the general public to duly recognize Love Lane's historic significance, and (3) that August 23, birthday of Colonel Robert Love, be designated Love Lane Day.

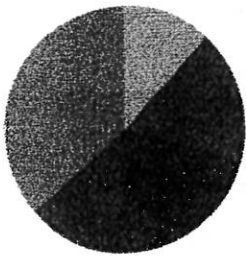
Signed: \_\_\_\_\_

Date:\_\_\_\_\_

## 2013 Budget

### Service Charges

### Monthly Utilities



Admin	\$170,400
Streets	\$247,200
Security	\$315,450
Garbage	\$176,245
Wtr Swr	<u>\$521,195</u>
	\$1,430,490

1

## Service Charge **FACTS**

- SC cover Streets, Security and Administration
- Total 2013 Service charge budget \$733,050
- Current Rate \$0.33 per \$100 property value
- 2012 budget includes pavement and equipment studies
- Currently \$2,653 surplus for Jan- June 2013
- Current reserves \$60,000
- Transition expenses \$50,000
- Proposed increase \$0.0225 to \$03525 per \$100

2

## LJA Monthly CHARGES

June 1 – July 31, 2013

	Zero Usage	5,000 gal Usage
Water base	\$8.65	\$26.53
Sewer Base	\$8.25	\$31.60
Garbage	\$13.86	\$13.86
Fire	<u>\$4.00</u>	<u>\$4.00</u>
Total	\$34.76	\$75.99

3

## Solid Waste **FACTS**

- New hauling requirements causing higher expenses for labor, fuel, and equipment
- Currently \$7,000 in deficit for 2013
- Two trucks are 13 and 14 years old
- New leaf vacuum needed; cost \$16,000
- There are no reserves for solid waste
- The APW Policy requires solid waste charges for all utility customers

4

## Solid Waste Rate Comparison

- Propose increase fee per month \$3.00
- Add approximately \$21,750 to annual budget
- Current LJA rate \$13.86
- Proposed LJA rate \$16.86
- Clyde and \*Junaluska Sanitary District
  - NO leaf or brush pickup \$15.00
- Waynesville household service \$9.00

5

## Water and Sewer **FACTS**

- Rate formula set by NC Utility Commission
- JACC recognized by NCUC as the governing body
- Base rate covers cost of system operation
- Usage covers cost of water + 30% water loss
- Water Loss is currently 36%
- Water/Sewer billing 2013 is 8.5% below 2014
- Currently \$10,000 in deficit for 2014
- \$20,000 critical repairs needed yesterday
- Currently \$54,000 in reserves
- \$50,000 emergency line of credit

6

\*JSD garbage optional

## Proposed Usage Rates

5,000 gallons water 1/1/13	\$17.88
Plus 6% Waynesville 8/1/13	\$01.07
Plus 5% water loss 11/1/13	<u>\$00.95</u>
Total proposed water usage fee	\$19.90
5,000 gallons sewer 1/1/13	\$23.35
Plus 6% Waynesville 8/1/13	\$01.40
Plus 5% water loss 11/1/13	<u>\$01.24</u>
Total proposed sewer usage fee	<u>\$25.99</u>
Combined proposed usage fee	\$45.89

7

## Proposed Base Rate

Current operating budget \$133,400

Current Water Base	\$8.65
Current Sewer Base	<u>\$8.25</u>
Current Total Base	\$16.90

**Critical Needs Proposal increases funds by \$28,200**

Critical Needs Water Base	\$10.65
Critical Needs Sewer Base	<u>\$9.25</u>
Critical Needs Total Base	\$19.90

**Cavanaugh Assoc CIP increases funds by \$189,500**

Cavanaugh CIP Water Base	\$21.80
Cavanaugh CIP Sewer Base	<u>\$15.26</u>
Cavanaugh CIP Total Base	\$37.06

**Martin McGill CIP increases funds by \$563,000**

Martin McGill CIP Wtr Base	\$39.62
Martin McGill CIP Swr Base	<u>\$25.82</u>
Martin McGill CIP Tot Base	\$65.44

8

## Proposed Water and Sewer Rate Options

	Critical Needs	Cavanaugh	Martin McGill
Water Base	\$10.65	\$21.80	\$39.62
Sewer Base	<u>\$9.25</u>	<u>\$15.26</u>	<u>\$25.82</u>
Total Base	\$19.90	\$37.06	\$65.44
5,000 gallon	<u>\$45.89</u>	<u>\$45.89</u>	<u>\$45.89</u>
Total	\$65.79	\$82.95	\$111.33

7/31/13 total \$58.13

9

## Terrace Hotel

- 12 month avg usage 1/1/13 167,800 gallons

	1/1/13	Critical	Cavanaugh	Martin McGill
Water	\$437.25	\$537.82	\$1,101.87	\$2,200.61
Sewer	<u>\$369.89</u>	<u>\$414.28</u>	<u>\$684.30</u>	<u>\$1,527.65</u>
Total	\$807.14	\$952.10	\$1,786.17	\$3,728.26
Usage	<u>\$1,302.86</u>	<u>\$1,455.65</u>	<u>\$1,455.65</u>	<u>\$1,455.65</u>
Total	\$2,111.22	\$2,945.57	\$3,241.82	\$5,183.91

Waynesville 12 month avg 1/1/13 \$756.02

10

## Rate Comparison Jan 1, 2013

Zero Usage Jan 1, 2013		5,000 gallons usage Jan 1, 2013	
LJA	\$16.90	LJA	\$58.13
*JSD	\$53.06	*JSD	\$77.91
Clyde	\$38.80	Clyde	\$74.20
Waynesville	\$26.94	Waynesville	\$39.81
State avg	<u>\$27.85</u>	State avg	<u>\$62.25</u>
LJA Nov 1, 2013		LJA Nov 1, 2013	
Critical Needs	\$19.90	Critical Needs	\$65.79
Cavanaugh	\$37.06	Cavanaugh	\$82.95
Martin McGill	\$65.44	Martin McGill	\$111.33

11

## Complete Proposed Monthly Rates

	Critical Needs		Cavanaugh CIP		Martin McGill CIP	
	Zero Usage	5,000 Gallons	Zero Usage	5,000 Gallons	Zero Usage	5,000 Gallons
Water	\$10.65	\$30.55	\$21.80	\$41.70	\$39.62	\$59.52
Sewer	\$9.25	\$35.24	\$15.26	\$41.16	\$25.82	\$51.72
Grbg	\$16.86	\$16.86	\$16.86	\$16.86	\$16.86	\$16.86
Fire	<u>\$4.00</u>	<u>\$4.00</u>	<u>\$4.00</u>	<u>\$4.00</u>	<u>\$4.00</u>	<u>\$4.00</u>
Total	\$40.76	\$86.65	\$57.92	\$103.81	\$86.30	\$132.10
7/31/13						
Total	\$34.76	\$75.99				

12

\*JSD includes \$0.06 tax

Estimate based on \$200,000 home

## Community Council Authority

Our agenda today is to primarily look at the direction the Lake Junaluska Assembly should go in utilizing its responsibilities in providing for basic services for the Conference and Retreat Center and private property owners. The authority for this is centered in the Lake Junaluska Community Council, formerly called JACC, but now shortened to Community Council.

The **NC State Utilities Commission** recognized this authority in 2011 when after thoroughly reviewing the Lake Junaluska “utility,” the physical condition of the plant, its operation, financial viability, rates, including rate design, and its governance - noting specifically the constitution and bylaws and means of election to the Community Council - it ruled that the LJ Assembly meets the statutory criteria for exemption from Commission regulation. A central point in granting exemption was that all water and sewer customers of the LJ Assembly are eligible to run for the CC, and all water and sewer customers of the LJ Assembly elect the CC.

The **Constitution of the CC**, adopted in 2005, notes that same authority in Article II, Purpose, when in Section 3 it states its purpose is “to support and advise the Office of Assembly Public Works **with the authority of elected leadership**. Article IV, Jurisdiction and Authority, Section 4, states that the CC shall have authority to advise the Office of Public Works with regard to budgeting and policy.

Likewise the **Lake Junaluska Board of Directors** recognizes the CC as an advisory body to its Public Works Committee, and by precedent has

granted the CC authority to utilize paid consultants and appoint duly authorized study committees or task forces to gather information.

In addition the **North Carolina State Supreme Court** has recognized the authority of the Board of Directors to set Service Charges for police protection, street maintenance, street lighting, drainage maintenance, and administrative costs. The Board of Directors seeks the counsel of the CC in setting Service Fees.

Since its inception the CC, through its elected members, has come to be recognized as a creditable voice for the interests of the property owners and the Conference and Retreat Center of the Lake Junaluska Assembly.

We have much to celebrate with the very successful continuing programs of our Centennial Celebration and probably more to hear from Public Works than we may want in relation to the record breaking rain we have been experiencing, but our focus today is as previously stated. We will begin with a report from Buddy Young and then hear from Jack Ewing.

William E. King    Chair, Community Council

August 6, 2013







**Report For 7694-65-7119**

OLDTOWN BANK  
2045 S MAIN ST  
WAYNESVILLE, NC 28786

### Account Information:

PIN: 7694-65-7119

Deed: 842/555

### Site Information:

18769 GREAT SMOKY MTN EXPY

OFFICE, GENERAL

COMMERCIAL USE

COMMERCIAL PRIMARY, COMMERCIAL RE

Heated Area: 0

Year Built: 0

Total Acreage: 1.45

Township: WAYNESVILLE

**Site Value Information:**

Land Value: \$111,300

Building Value: \$215,900

Market Value: \$327,200

Deferred Value: (\$0)

Assessed Value: \$327,200

Sale Price: \$375,000

Sale Date: 3/5/2013

Taxes 2012: \$1,902.01

Taxes 2011: \$1,902.01



1: 963

**Disclaimer:** The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.





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1: 7700

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Register online at  
[conference.ncim.org](http://conference.ncim.org)

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**HICKORY METRO CONVENTION CENTER**  
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**NC LEAGUE**  
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Good government. Great hometowns.







# CONFERENCE HIGHLIGHTS

## 13TH ANNUAL NCLM GOLF TOURNAMENT SATURDAY, OCT. 12

The 13th Annual NCLM Golf Tournament will be Saturday, Oct. 12, at the Rock Barn Golf and Spa in Conover on the Tom Jackson Course.

- Golf Times:**  
 11:00 a.m. Range balls, putting practice, check-in (Lunch provided.)  
 1:00 p.m. Shotgun Start  
 6:00 – 7:00 p.m. Dinner and Awards
- Golf Format:**  
 Captain's Choice (A, B, C, D players), low handicap score
- Awards:**  
 1st, 2nd and 3rd place team handicap scores
- Contests:**  
 (2) Longest Drive, (4) Closest to Pin and (1) Longest Holed Putt

Join us for this year's conference as we celebrate and honor Executive Director Ellis Hankins for his service to the League.

### RESERVING YOUR HOTEL ROOM

The housing link for accessing the NCLM room blocks will be available once you register for the 2013 NCLM Annual Conference. Rates are available until Friday, Sept. 13, 2013. You must be registered to take advantage of the following hotels and rates. Please note that there are no parking fees.

HOTELS		ROOM RATES	
Courtyard by Marriott Hickory 1946 13th Avenue Drive SE Hickory, NC 28602	King	\$129 + state and local tax	
	Double (2 Double Beds)	\$129 + state and local tax	
Crown Plaza Hickory 1385 Lenior-Rhynie Blvd Hickory, NC 28602	King	\$102 + state and local tax	
	Double	\$102 + state and local tax	
Hampton Inn of Hickory 1956 13th Avenue Drive SE Hickory, NC 28602	King	\$129 + state and local tax	
	Double (2 Queen Beds)	\$129 + state and local tax	
Fairfield Inn & Suites by Marriott 1950 13th Avenue Drive SE Hickory, NC 28602	King	\$99.00 + state and local tax	
	Double (2 Double Beds)	\$99.00 + state and local tax	

Housing is processed through the Hickory Metro Convention Center's Online Housing Bureau. If you are unable to submit your housing request online, please contact Athena Banks with NCLM at 919-715-2908 or email at [abanks@nclm.org](mailto:abanks@nclm.org).

## SUNDAY EVENING HOST CITY EVENT | SALT BLOCK

Our host city will provide an evening celebrating art, science, music, delicious food and more th showcases "life well crafted" in Hickory. The Sunday night Host City Event will be at the SALT Block (Sciences, Arts & Literature Together), one of the many jewels in the Hickory Metro area beyond. SALT Block is home to the Catawba Science Center, Hickory Choral Society, Hickory Museum of Art, Patrick Beaver Memorial Library, United Arts Council, and the Western Piedm Symphony. Together, these organizations serve more than 500,000 visitors annually. SALT Block home to the second oldest art museum in the state. There will be laser shows in the planetarium along with tours of the art museum, science center, aquarium and its award-winning library. In addition, the Extraordinaires, a high-energy, interactive, party band playing Motown, Rock, R&B and Top 40 music from the 70s, 80s and 90s, will perform.

## MONDAY EVENING DINNER AND ENTERTAINMENT | THE MENTALIST

The "Mentalist," Gerry McCambridge, has been amazing audiences for more than 30 years, and will join us Monday evening. He is the creative force and inspiration behind the hit TV show "Mentalist." From the age of 9 years old, Gerry was fascinated by magic, so he started to study th art as a hobby. Years later, he took his love for magic and mixed it with the observational skills he learned from his father, a New York City detective, to create the character of "The Mentalist." Je us for a night of magic, mystery and fun!

**SCHEDULING NOTE:** Governor Pat McCrory has been invited to address annual conference attendees, and we hope he will join us as his schedule permits.

## LEAGUE BUSINESS | ELECTION OF NCLM OFFICERS AND DIRECTORS

Public hearing to receive nominations  
 Sunday, Oct. 13 | 2:00 – 3:00 p.m.  
 Annual Business Meeting  
 Tuesday, Oct. 15 | 9:00 – 9:45 a.m. Elect of officers and members of the NCLM Bo: of Directors  
 Nominations for officers and open seats on the NCLM Board of Directors may be made in writing prior to the conference.

Send nominations to:  
 NCLM Nominating Chair  
 Attn: Regan Reynolds  
 N.C. League of Municipalities  
 215 N. Dawson Street  
 Raleigh, NC 27603  
 Once someone from your town or city reg for the conference, your manager or clerk v receive information via email on how to se the authorized voting delegate who will ca votes at the business meeting on behalf of y municipality. The email will include a link an online form, and the manager or clerk w need to complete this form and provide the name of the authorized voting delegate to t League.

**ALL VOTING DELEGATES MUST PICK UP VOTING CREDENTIALS ONSITE AT THE NCLM VOTING DESK PRIOR TO THE START OF THE ANNUAL BUSINESS MEETING ON TUESDAY, OCT. 15.**



**COMPLETE CONFERENCE SCHEDULE**

Locations are in the Hickory Metro Convention Center unless noted otherwise.

**SATURDAY, OCTOBER 12**

11:00 a.m. – 7:00 p.m.

13th Annual NCLM Golf Tournament  
Rock Barn Golf and Spa (registration required)  
Conference Registration Open

2:00 – 5:00 p.m.

**SUNDAY, OCTOBER 13**

8:00 a.m. – 6:30 p.m.

8:30 a.m. – 12:30 p.m.

Conference Registration Open, NCLM Service Center Open and LINC Center & Voting Desk Open  
Local Elected Leaders Academy Pre-Conference Workshop – “Are You Ready? Emergency Management Readiness for City and County Officials” (registration required) No jurisdiction is immune from natural or manmade disasters. Response to and recovery from disasters begins and ends at the local level. This workshop will focus on emergency powers of cities and counties, how to exercise those powers, the role of state emergency management and practical tips from emergency management experts on how to be prepared for disaster when – not if! – it strikes.

Exhibit Hall Open

North Carolina Black Elected Municipal Officials Board Meeting  
NCLM Nominating Committee Public Hearing

Opening Ceremonies and General Session

Former elected municipal official Malcolm “Chap” Chapman will discuss “The Five Powers of Public Leadership.”

NCLM Exhibit Hall Reception

Host City Event at SALT Block

Join us for a night of music, art, food and fun at Hickory’s SALT Block!

1:00 – 6:00 p.m.

12:30 – 2:00 p.m.

2:00 – 3:00 p.m.

3:30 – 4:30 p.m.

4:30 – 6:00 p.m.

6:00 – 8:30 p.m.

**MONDAY, OCTOBER 14**

7:30 a.m. – 6:00 p.m.

7:30 – 9:00 a.m.

7:30 – 3:30 p.m.

7:30 – 8:45 a.m.

9:00 – 10:30 a.m.

10:45 a.m. – noon

Conference Registration Open, NCLM Service Center Open and LINC Center & Voting Desk Open

NCLM Exhibit Hall Networking Continental Breakfast

Exhibit Hall Open

N.C. Women in Municipal Government Breakfast (registration required)

N.C. Association of Municipal Clerks Breakfast Meeting (registration required)

Opening General Session

Meet the leadership of the newly established N.C. Communities & Business Alliance and hear their message – strong cities are good for business, declining cities are bad for business, so don’t let it happen.

Concurrent Sessions

**Involvement or Interference? Effectively Managing the Police Chief/ Public Official Relationship** Maintaining the appropriate balance between involvement and interference can enhance public confidence and keep you and your police chief out of court. This session will address some fatal flaws that can have long-lasting consequences on your community and career and propose remedies that can help foster a healthy and effective partnership with your police executive.

**General Assembly Hot Topics** Join the League’s Governmental Affairs team for a discussion on the hot topics from the long session – and a preview of what to expect in the short session.

**Health Care Reform – Are You Ready?** Health care reform has kicked into

high gear with employer mandates and insurance exchanges becoming effective Jan. 1, 2014. This session will focus on your responsibilities as an employer.

**To Vote or Not to Vote? Conflicts of Interest in Voting** You, your spouse chairs a profit board receiving grant funding from your city – can you vote on funding? son’s construction company is the winning bidder on a construction project – can you vote on the contract? You’ve been accused by the media of having a conflict of interest – what do you do? This PowerPoint-free group discussion will explore council members’ duty to vote and conflicts of interest faced when voting.

Noon – 1:00 p.m.

**NCLM Delegates’ Luncheon** (registration required)  
Hear about the National League of Cities’ efforts to protect municipalities at a federal level from Executive Director Clarence Anthony (invited). Also receive update on the current status of the League sponsored, self-funded insurance pool (health benefits, workers’ compensation and property and liability).

1:00 – 1:45 p.m.

1:45 – 4:45 p.m.

**NCLM Exhibit Hall Dessert Social**  
**Mobile Workshops** (registration required)

**Conover – Small Town Charm with Big Town Amenities** Conover Station is an active downtown Brownfield redevelopment project located in the heart of Conover that has small town charm while offering big city amenities. Since its inception, Conover Station has received resounding community and political support and become a prominent, newsworthy project that provides a sound example of successful community-based redevelopment.

**Hickory – Leveraging Funding For Adaptive Re-use** This entertaining session will travel to a number of former commercial and industrial properties at various stages in the redevelopment process. Participants will learn about innovative programs that leveraged local, state and federal funding to spur infill reinvestment and visit a sampling of buildings that have been redeveloped into office, retail and entertainment facilities.

Concurrent Sessions

**Council-Manager Form of Government: Past, Present and Future** The council-manager form of government is celebrating its 100th anniversary in the United States. North Carolina played a prominent role in the formation of this form of government with Hickory and Morganton being two of the earliest adopters. This session will look at the past, present and future of the council-manager form, what it was created, how it has changed government, best practices and what the future holds for the most popular form of local government.

**General Assembly Hot Topics** See earlier description

**Health Care Reform – Are You Ready?** See earlier description

**Integrated Hazard Risk Management – N.C. Progress, Products, Partners** The effects of natural hazards on local governments can be crippling. The key to more resilient jurisdictions is accurate identification and reduction of risk associated with these hazards. This session will present the vision, products, products, products and partners of the state’s integrated hazard risk management program and how local governments can use it to become more resilient.

Exhibit Hall Closes

Concurrent Sessions

**Cyber Liability** In today’s world, we know we need to have protections against hackers and cyber terrorism. However, what if an employee accidentally or intentionally allows social security numbers or credit card information outside your organization? Attend this session to learn what are the laws regarding a breach and how to protect your organization’s computer systems to protect sensitive data.

**Keeping It Local** In this session, you’ll hear directly from legislators what it takes to resolve local legislative issues by keeping it local. Learn how to effectively address hometown issue before it becomes statewide political fodder.



Land Use Changes – Telecom and Broadband High-speed, reliable broadband communications are an essential element of sound economic development and highly desired and expected by citizens. Smart phones have triggered the need for more cell towers and equipment that are closer together. These knowledgeable panelists will discuss how to make sound, legal land-use decisions that allow the desired services to be provided.

Don't Let Workers' Compensation Costs Break the Bank Controlling workers' compensation costs is a process that begins with the search and recruitment process and continues through employment. This session will help attendees understand how having accurate job descriptions will help mitigate workers' compensation risk. In addition, attendees will discuss how to handle returning the employee to work post-accident, how to determine what jobs may be suitable post-accident, how to move toward termination (if necessary), and other workers' compensation issues.

NCLM Networking Reception  
NCLM Dinner and Entertainment (registration required)  
Network with municipal officials from across the state while enjoying food and entertainment from "The Mentalist," **Gerry McCambridge**.

Conference Registration Open, NCLM Service Center Open and  
LINC Center & Voting Desk Open  
N.C. Black Elected Municipal Officials Breakfast Meeting  
(registration required)

NCLM Membership Buffet Breakfast (registration required)  
Annual Business Meeting  
Concurrent Sessions

General Assembly Hot Topics - Session Two Join the League's Governmental Affairs team for a discussion on the hot topics from the long session – and a preview of what to expect in the short session.

Social Media on the Personnel Front Platforms like Facebook, Twitter, LinkedIn and Foursquare present challenges to municipalities as employers, including privacy and legal concerns. This session will examine an array of issues involving how social media can impact the workplace.

Land Use Made Easy Attend this session to learn the principles of land use planning and zoning, review statutory requirements, and uncover resources to help you stay current with regulatory requirements.

Concurrent Sessions

General Assembly Hot Topics - Session Two See previous description.  
Ask the Expert: Questions and Answers on Open Meetings and Public Records Confused about the requirements of the Open Meetings Law? Facing a sticky situation under the Public Records Act? Wondering if your town is in compliance or crossing the line? You're not alone. Learn about the issues and bring your questions to this session.

Police Driver Safety Vehicle accidents are the second leading cause of injury for police officers in the League's insurance pools, but it is often an area that receives inadequate resources and attention. This session will review the primary contributors to police accidents and the resources the League provides to reduce the number of accidents.

Closing Luncheon (registration required)  
Hear from Colonel Jeannie M. Leavitt, the first female fighter pilot in the Air Force, who serves as Commander of the 4th Fighter Wing at Seymour Johnson Air Force Base in Goldsboro.

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LINC Center & Voting Desk Open  
N.C. Black Elected Municipal Officials Breakfast Meeting  
(registration required)

NCLM Membership Buffet Breakfast (registration required)  
Annual Business Meeting  
Concurrent Sessions

General Assembly Hot Topics - Session Two Join the League's Governmental Affairs team for a discussion on the hot topics from the long session – and a preview of what to expect in the short session.

Social Media on the Personnel Front Platforms like Facebook, Twitter, LinkedIn and Foursquare present challenges to municipalities as employers, including privacy and legal concerns. This session will examine an array of issues involving how social media can impact the workplace.

Land Use Made Easy Attend this session to learn the principles of land use planning and zoning, review statutory requirements, and uncover resources to help you stay current with regulatory requirements.

Concurrent Sessions

General Assembly Hot Topics - Session Two See previous description.  
Ask the Expert: Questions and Answers on Open Meetings and Public Records Confused about the requirements of the Open Meetings Law? Facing a sticky situation under the Public Records Act? Wondering if your town is in compliance or crossing the line? You're not alone. Learn about the issues and bring your questions to this session.

Police Driver Safety Vehicle accidents are the second leading cause of injury for police officers in the League's insurance pools, but it is often an area that receives inadequate resources and attention. This session will review the primary contributors to police accidents and the resources the League provides to reduce the number of accidents.

Closing Luncheon (registration required)  
Hear from Colonel Jeannie M. Leavitt, the first female fighter pilot in the Air Force, who serves as Commander of the 4th Fighter Wing at Seymour Johnson Air Force Base in Goldsboro.

Name (LAST/FIRST/MIDDLE) \_\_\_\_\_ Nickname for Badge \_\_\_\_\_  
Title \_\_\_\_\_ Municipality/Agency \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_  
Address \_\_\_\_\_

SECTION 1: Pre-Conference Activities  
Saturday Golf Tournament, Reception, Dinner & Awards \$ 55  
Handicap or average score \_\_\_\_\_  
Sunday Reception, Dinner and Awards Only (no golf) \$ 35  
Sunday Pre-Conference Workshop (8:30 a.m. – 12:30 p.m.)  
"Are You Ready?" (Emergency Management) \$ 95

SECTION 2: Registration Fees  
Municipal or COG Officials \$ 295  
Spouse/Personal Guest \$ 80  
Child, 8th grade or below no charge  
State or Federal Official \$ 295  
Commercial Representative \$ 525

SECTION 3: Meal/Event Functions (must pay registration fee)  
Sunday Exhibit Hall Reception (must check if attending) no charge  
Sunday Host City Event \$ 45  
Monday Exhibit Hall Breakfast (must check if attending) no charge  
Monday N.C. Women in Municipal Government Breakfast Meeting \$ 25  
Monday N.C. Association of Municipal Clerks Breakfast Meeting \$ 25  
Monday NCLM Delegates' Luncheon \$ 35  
Monday Exhibit Hall Dessert Social (must check if attending) no charge  
Monday NCLM Dinner and Entertainment \$ 45  
Tuesday N.C. BEMO Breakfast Meeting \$ 25  
Tuesday NCLM Membership Breakfast \$ 25  
Tuesday Closing Luncheon with Keynote Speaker \$ 35  
TOTAL DUE \$

SIGN ME UP  
I would like to participate in one of the Mobile Workshops on Monday afternoon. ☐ Conover ☐ Hickor  
PAYMENT Credit Card Type ☐ Mastercard ☐ Visa  
Credit card Number \_\_\_\_\_ Exp. date \_\_\_\_\_  
Name as it appears on card \_\_\_\_\_  
Signature \_\_\_\_\_

If you are registering by mail, complete this form and mail with full payment to: NCLM, Attn: Finance Dept., P.O. Box 742106, Atlanta, GA 30374-742106. Make checks payable to NCLM. If you need special accommodations for any meals or events, please call Diane Goldorn at 919-733-2635 or email at [ldgoldorn@nclm.org](mailto:ldgoldorn@nclm.org).

CANCELLATIONS must be made by Sept. 13 to receive a refund, less a \$150 processing fee per person. Advance Registration forms sent via U.S. mail must be postmarked by Sept. 13, or you must register on-site at the higher registration rate and higher meal/event function rates. Faxed registrations are not considered registered until payment is received and processed.

**RESOLUTION FOR THE U.S. CONFERENCE OF MAYORS  
“AMERICA FAST FORWARD TRANSPORTATION BONDS”**

**WHEREAS**, investments in transportation infrastructure generate more than \$244 billion in total annual U.S. economic activity and confer significant benefits to cities, including: building the infrastructure necessary to support economic growth and goods movement and creating high quality jobs designing, building, operating, and maintaining the infrastructure; and

**WHEREAS**, the Highway Trust Fund has insufficient resources to maintain the current level of federal spending on surface transportation, much less help fund major new investment initiatives; and

**WHEREAS**, the fiscal and budget realities confronting both the Administration and Congress require a new federal financing tools for transportation that entails smart, targeted, and innovative financing mechanisms that minimize impacts on the federal budget and maximize new job creation; and

**WHEREAS**, MAP-21 included an innovative finance title (America Fast Forward) to reform the Transportation Infrastructure Finance and Innovation Act (TIFIA) and increase its authorization to nearly \$2 billion so that cities can leverage federal funds and attract substantial private and other non-federal coinvestment; and

**WHEREAS**, local and state governments should be provided with additional incentives for innovative financing for infrastructure projects at a time when early construction of these projects can be done at the lowest possible cost and have the most profound and enduring impact on creating sustainable jobs; and

**WHEREAS**, Federal tax incentives can be a highly effective tool for encouraging private sector investment and, unlike direct federal spending, do not require growing the size of the federal government to administer them; and

**WHEREAS**, Congress has created over \$35 billion of qualified tax credit bonds with bipartisan support for a variety of sectors including: school construction, renewable energy, as well as forestry and energy conservation; and

**WHEREAS**, America Fast Forward Transportation Bonds would support the creation of a 21st century national surface transportation system by creating a new category of qualified tax credit bonds to stimulate investment in highways, transit, bridges, freight, and intermodal facilities; and

**WHEREAS**, America Fast Forward Transportation Bonds would be a \$45 billion program over 10 years where the federal government pay all or most of the annual “interest” due on the bonds in the form of an annual non-refundable tax credit against the investor’s federal tax liability; and



**WHEREAS**, the list of taxes that the credit could be offset against would be expanded to include federal withholding tax on wages and benefits retained by employers and pension plan administrators; and

**WHEREAS**, 35 percent of the volume would be allocated to all states based on their proportion of the nation's population, and 65 percent would be allocated at the discretion of the Secretary of Transportation among projects; and

**WHEREAS**, America Fast Forward Transportation Bonds should enable a project sponsor to undertake substantially greater investments within a defined revenue stream for debt service payments than other borrowing approaches, such as traditional tax-exempt bonds; and

**WHEREAS**, America Fast Forward bonds would generate at least 500,000 private sector jobs nationwide,

**NOW, THEREFORE, BE IT RESOVED**, that The U.S. Conference of Mayors urges Congress to create a new category of qualified tax credit bonds for transportation to encourage infrastructure investment without relying on increased federal spending through grants, which would include:

- \$45 billion program over 10 years; and
- Federal government pays all or most of the annual “interest” due on the bonds in the form of an annual non-refundable tax credit against the investor's federal tax liability; and
- List of taxes that the credit could be offset against would be expanded to include federal withholding tax on wages and benefits retained by employers and pension plan administrators; and
- 35 percent of the volume would be allocated to all states based on their proportion of the nation's population, and 65 percent would be allocated at the discretion of the Secretary of Transportation among projects; and
- Eligible projects would include: highways, bridges and tunnels; transit and intercity passenger bus or rail; and intermodal freight transfer facilities and private freight facilities conferring a public benefit.

Projected Cost: Approximately \$7.5B

# FACT SHEET

## WHAT:

The Southwestern North Carolina Opportunity Initiative (OPT-IN) is an ambitious collaboration to better understand and inform the choices facing local governments, businesses and families in the seven westernmost counties of North Carolina and in the Eastern Band of the Cherokee Indians (EBCI).

By the summer of 2014, we intend to produce:

- A draft Regional Vision that identifies what citizens value most and what strategies are likely to maximize opportunities in line with those values;
- Draft Comprehensive Plans for Cherokee and Graham Counties that connect with the regional vision and set broad goals for infrastructure decision-making at the county level;
- A Comprehensive Transportation Plan for Graham County that focuses even more directly on transportation priorities.

This is an opportunity exploration, not a legislative undertaking. None of the products of the process will bind the counties or the municipalities to any path forward. Our goals are, first, to identify a broad, consensus-driven vision, then to facilitate a collaborative sorting of ideas and strategies most likely to realize that vision for counties, towns and the EBCI. Local governments take it from there.

## WHO:

The Southwestern Commission, the Council of Government organization that represents the counties and municipalities of the seven-county region, is project manager. A team of expert consultants chosen by a committee from the region will facilitate community discussions that shape the Regional Vision and the three county Plans. But the real “who” is comprised of leaders and citizens of North Carolina’s seven westernmost counties and the EBCI, who’ll be participating in the information collecting and the idea sorting at every stage.

## WHERE:

The process will unfold in each of the seven counties, in the incorporated communities and in the Eastern Band of Cherokee Indians.

## WHEN:

It starts now and concludes with a Regional Summit in the summer of 2014.

