



Town of Waynesville, NC Board of Aldermen – Regular Meeting

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

Date: **October 14, 2014** Time: **7:00 p.m.**

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(828) 452-2491

gowens@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gavin Brown

1. Welcome/Calendar/Announcements
2. Adoption of Minutes

Motion: *To approve the minutes of September 9, 2014 (regular meeting) as presented [or as corrected].*

3. Proclamations/Resolutions
 - National Disability Employment Awareness Month – October 2014

B. PRESENTATION

4. Tuscola High School Presentation – Travis Collins, Principal

C. NEW BUSINESS

5. Street Closure Requests
 - a. Relay for Life Event – April 2015 – request closure of Main Street from Church Street to Courthouse on Saturday, April 25, 2015 beginning at 5:00 p.m. until approximately 1:00 a.m. Sunday, April 26, as well as the Miller Street parking area.
(requested by Rick Bohleber representing Relay for Life West Haywood)

Motion: *To approve requested street closure of Main Street from Church Street to the Historic Courthouse and the Miller Street Parking Area on Saturday, April 25, 2015 from 5:00 p.m. to 1:00 a.m. Sunday, April 26, as requested.*

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

October 14, 2014

- 2 -

b. Hazelwood Baptist Church Annual Fall Festival – October 30, 2014 – request closure of Virginia Avenue between Hazelwood Avenue and the corner of Kentucky Avenue beginning at 4:00 p.m. until 9:00 p.m. (*requested by Tasha Byrd, Childrens Minister, Hazelwood Baptist Church*)

Motion: *To approve requested street closure of Virginia Avenue between Hazelwood and Kentucky Avenues on Thursday, October 30, 2014 from 4:00 p.m. until 9:00 p.m., as requested.*

c. Hazelwood Church of God and Hazelwood Presbyterian Church Trunk or Treat Event – request closure of Carolina Avenue between Camelot Drive and Brown Avenue on Friday, October 31, 2014 from 5:00 p.m. until 9:00 p.m. (*requested by Pastor Johnny Lee Cox, Hazelwood Church of God*)

Motion: *To approve requested street closure of Carolina Avenue between Camelot Drive and Brown Avenue on Friday, October 31, 2014 from 5:00 p.m. until 9:00 p.m. , as requested.*

6. Approval of Rate Modifications for current Loan Agreements

Motion: *To approve the rate modifications for outstanding loans on the Fire Station, Electric Substation and the Recreation Center offered by BB&T and Home Trust Bank, as presented.*

7. Approval of Resolution of Intent for an Alley Closure Request (*requested by Greg Edney, representing Mountain Star Development, LLC*)

Motion: *To approve the Resolution of Intent to close the un-named right-of-way (alley) extending approximately 130 feet between George Drive and Brown Avenue in accordance with NC GS 160A-299, as presented.*

8. Call for Public Hearing on November 11, 2014 for the purpose of considering the closure of the un-named right-of-way (alley) extending approximately 130 feet between George Drive and Brown Avenue in accordance with NC GS 160A-299.

Motion: *To schedule a public hearing on November 11, 2014 to be held at 7:00 p.m. or as soon thereafter as possible, in the Board Room at Town Hall, 9 South Main Street, for the purpose of considering the closure of the un-named right-of-way between George Drive and Brown Avenue, as presented.*

9. Negotiated Sale of Town Owned Property maintaining easements/rights-of-way for future greenway for parcel located on Hendrix Street (PIN# 8604-87-1966) (*Request of Dale Burris, adjacent property owner*)

Motion: *To approve the sale of Town-owned Property as outlined in N.C.G.S.160A-269, including advertising for the requisite ten day period, as presented.*

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

October 14, 2014

- 3 -

D. COMMUNICATIONS FROM STAFF

10. Town Attorney – Woody Griffin

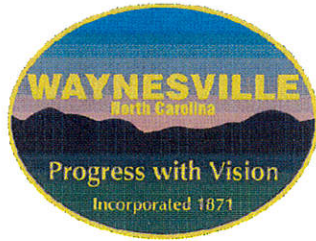
11. Town Manager – Marcy Onieal

- Employee News
- Haywood Pathways Update
- ICMA Conference Report
- TDA Group Sales Proposal
- TDA –Waynesville Appointments
- Bicycle Tourism Workshop Update
- New Brownfields Grant Guidelines to be Released
- Haywood County COG October agenda
- Policy Initiatives

F. COMMUNICATIONS FROM MAYOR & BOARD OF ALDERMEN

G. CALL ON THE AUDIENCE

H. ADJOURN



TOWN OF WAYNESVILLE

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CALENDAR October 14, 2014

2014

Tue, Oct 14 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Sat, Oct 18 10:00 AM – 5:00 PM Downtown Waynesville	Haywood County Apple Festival – Co-sponsored by Haywood Cooperative Extension Svcs, Haywood Apple Growers, Chamber, DWA and TOW Street closure from Pigeon Street to Justice Center to begin at 9:00 p.m. on Friday Oct 17 th
Su-Mo, Oct 19-20 Lake Junaluska Times/Locations TBD	211 th Military Policy Company Homecoming (from Afghanistan) Celebration
Sat, Oct 25 8:00 AM – Noon Waynesville Proper	SOAR 5K and Kids Run Rolling Closure from Montgomery Street to Eagles Nest and back
Mon, Oct 27 5:30 dinner/6:00 meeting Wells Event Center	Haywood County Council of Governments Town of Waynesville Hosting
Tue, Oct 28 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Tue, Nov 4	Elections Day
Fri, Nov 7 7:00 p.m. First UMC Christian Growth Ctr	Masquerade Ball Sponsored by Relay for Life of West Haywood
Tue, Nov 11	Veteran's Day Holiday Town Office Closed
We-Sa, Nov 19-22	National League of Cities Annual Conference Austin, TX
Mon, Nov 24 6:30 dinner/7:00 meeting Location TBD	Southwestern Commission Board Meeting
Tue, Nov 25 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Th-Fr, Nov 27-28	Thanksgiving Holiday Town Offices Closed

Mon, Dec 8 6:00 PM Downtown Waynesville	Waynesville Christmas Parade – sponsored by the Town of Waynesville, Waynesville Kiwanis Club and DWA Rolling street closure from North Main & Walnut to Bogart's Restaurant
Tue, Dec 9 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Sat, Dec 13 6:00 – 9:00 PM Downtown Waynesville	A Night Before Christmas – sponsored by Downtown Waynesville Association Street closure Pigeon Street to Depot Street beginning at 5:00 p.m.
We-Fr, Dec 24-26	Christmas Holiday Town Offices Closed

2015

Thu, Jan 1	New Year's Day Holiday Town Offices Closed
Tue, Jan 13 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Mon, Jan 19	Martin Luther King Jr. Holiday Town Offices Closed
Tue, Jan 27 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Tue, Feb 10 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Tue, Feb 24 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Tue, Mar 10 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Tue, Mar 24 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Mon, Apr 5	Easter Holiday Town Offices Closed
Tue, Apr 14 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Tue, Apr 28 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Tue, May 12 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Mon, May 25	Memorial Day Holiday Town Offices Closed

Tue, May 26 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Tue, Jun 9 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Tue, Jun 23 7:00 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Fri, Jul 3	Independence Day Holiday Town Offices Closed
Mon, Sep 7	Labor Day Holiday Town Offices Closed
Wed, Nov 11	Veterans Day Holiday Town Offices Closed
Thur – Fri, Nov 26-27	Thanksgiving Holiday Town Offices Closed
We – Fri, Dec 23-25	Christmas Holiday Town Offices Closed

Board and Commission Meetings – October/November

ABC Board	ABC Office – 52 Dayco Drive	October 21 3 rd Tuesdays 10:00 AM
Board of Adjustment CANCELLED – Oct 7	Town Hall – 9 S. Main Street	November 4 1 st Tuesdays 5:30 PM
Community Action Forum	Police Department Training Room – 9 S. Main Street	Meets Quarterly <i>No meeting scheduled for September</i>
Downtown Waynesville Association	UCB Board Room – 165 North Main	October 23 4 th Thursdays 12 Noon
Firemen's Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting scheduled for September</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	November 6 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	October 20 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	November 13 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	October 21 3 rd Tuesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	November 5 1 st Wednesdays 5:30 PM

BOARD/STAFF SCHEDULE

Wed, Oct 15	Town Clerk	Leadership Haywood
Sa-Sa, Oct 18 - 25	Manager	Vacation
Wed, Nov 19	Town Clerk	Leadership Haywood
Wed, Dec 17	Town Clerk	Leadership Haywood
Mo-Th, Dec 28 – Dec 31	Manager	Vacation
Wed, Jan 21, 2015	Town Clerk	Leadership Haywood
Wed, Feb 18	Town Clerk	Leadership Haywood
Wed, Mar 18	Town Clerk	Leadership Haywood
Wed, Apr 15	Town Clerk	Leadership Haywood
Wed, May 20	Town Clerk	Leadership Haywood
June 2015 – TBA	Town Clerk	Leadership Haywood Graduation

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
SEPTEMBER 9, 2014

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, September 9, 2014 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 J. Wells Greeley
Alderman LeRoy Roberson

The following staff members were present:

Marcy Onieal, Town Manager
Woodrow Griffin, Town Attorney
Amie Owens, Town Clerk
Paul Benson, Interim Planning Director

Representing the Media:

Mary Ann Enloe, the Mountaineer

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting and Manager Onieal noted the following calendar events:

- September 13 – Building Bridges Mud Run
- September 25 - Guaranteed Rate/Ty Pennington volunteer day
- September 29 – Retirement Reception for Buddy Young, Public Works Director at Lake Junaluska
- September 30 - VC3 Open House and Tour – if any one is interested in attending please let Manager Onieal know. This is a good opportunity to see what services VC3 provides for the Town.
- October 5 - Prayer Walk sponsored by Drugs In Our Midst

Mayor Brown clarified some of the details regarding Guaranteed Rate/Ty Pennington Day including the fact that a resolution had been developed for this occasion. Manager Onieal was asked to update regarding this event. She noted that the Guaranteed Rate/Ty Pennington Day would be the intensive initial start to the renovation project. Mr. Pennington and six (6) executives from Guaranteed Rate would be on site on September 25. There had been 500+ volunteers who have signed up to help that day. Manager Onieal explained that due to the enormous response for volunteers, they would be scheduled in two hour shifts and while the focus was on renovation activities, there would be opportunities for continued fundraising including sale of food, CDs and T-shirts. She noted that on that

day, all of the town managers would serve as guides and provide tours of the campus. Manager Onieal added that since the Town is a sponsor of the event, the Aldermen are invited to attend and participate. The tentative schedule is below:

- 8:00 a.m. to 9:00 a.m. - Breakfast at the Open Door Kitchen with Ty Pennington and representatives from Guaranteed Rate (ticketed event)
- 9:00 a.m. - Site dedication celebration ceremony – Presentation of Proclamation; remarks from various individuals including Mayor and representatives from Guaranteed Rate
- 10:00 a.m. - Work begins; volunteers scheduled for two hour shifts (this will be throughout the weekend)
- Noon – Media and photo-op time
- Construction will be continuous until 5:00 p.m. to 6:00 p.m.
- 7:00 p.m. Benefit dinner at the Chef's Table (ticketed event)

Manager Onieal explained that the estimated renovation costs were between \$200,000 and \$500,000, and that as of the meeting date, they had raised \$285,000; \$30,000 of which was from the Gala on August 28. She acknowledged the outpouring of community support and explained that the plan is to complete Phase 1 by November 1. This is a tight time frame from a construction standpoint. Manager Onieal added that Dale Burris, Facilities and Maintenance Director for Haywood County, is serving as the contractor of record and will coordinate all of the subcontractors on the project. She noted that Haywood Helps has applied for 35 grants and is awaiting any award notifications which allows for additional funding sources. Manager Onieal concluded by informing the Board that the construction plans were completed on September 5 and that Mr. Burris and Jason Rogers, Building Inspector, met for an in-depth review on September 8. Permits will be issued on September 10, 2014.

Manager Onieal noted that there were three separate business items related to Haywood Helps on the agenda. Mayor Brown recommended completion of these items slightly out of order in an effort to streamline the agenda.

Request to Waive Construction Fees for Haywood Pathways Center

The first item for discussion was the previous item 7 under new business - request to waive construction permit fees for the Haywood Pathways Center on behalf of Haywood County, the property owner. Manager Onieal explained that the permit fees for this project would amount to approximately \$1,000 for permits, and that it has long been customary for the Town and County to waive building permit fees for each other, since both government entities represent the same constituents.

Alderman Greeley made a motion, seconded by Alderman Freeman, to waive all construction permit fees associated with the conversion of the former Department of Corrections facility in to the Haywood Pathways Center. The motion carried unanimously.

Request street closure of Hemlock Street for Construction at Haywood Pathways Center

This item was previously item 8 under new business. Hemlock Street will be closed to public traffic for three days (September 25-27) from Brown Avenue to Belle Meade Drive, with access available only for construction crews, equipment and emergency personnel. The closure will also accommodate the large number of volunteers and spectators expected at the construction site during the Ty Pennington visit, and ensure the safety of all. There will be signage and barricades in place, with access controlled by personnel from both the Waynesville Police Department and Sheriff's Department.

Alderman Greeley made a motion, seconded by Alderman Roberson, to approve the closure of a section of Hemlock Street to allow for construction at the Haywood Pathways Center beginning September 25 through September 27, 2014. The motion carried unanimously.

Proclamation – Guaranteed Rate/Ty Pennington Day – September 25, 2014

Mayor Brown read aloud a Proclamation declaring September 25, 2014 as Guaranteed Rate/Ty Pennington Day in Waynesville. He commented that the faith-based community took the lead in the project and were the first to attempt to address the issue of homelessness. They then joined with the nonprofits and consequently included others to help. Mayor Brown noted that this illustrates the cooperation between all to address community problems with community solutions and that he is pleased that the Town is part of this project.



Proclamation – National Day of Service and Remembrance – September 11, 2014

Mayor Brown requested that Alderman Greeley read aloud the Proclamation declaring September 11, 2014 as National Day of Service and Remembrance. The proclamation urged citizens to recognize the heroism of firefighters, rescue and law enforcement personnel, military service members and volunteers who responded and remember those who lost their lives to the tragic events of September 11, 2001.



2. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Freeman, to approve the closed session minutes of the August 12, 2014 (regular meeting) as presented. The motion carried unanimously.

Alderman Roberson made a motion, seconded by Alderman Greeley to approve the minutes of the August 26, 2014 (regular meeting) as presented. The motion carried unanimously.

B. PRESENTATION

4. Waynesville Public Art Commission Annual Report

Ms. Ann Melton, Chairperson, provided the annual report from the Waynesville Public Art Commission (WPAC). She began by thanking the Board for the Love Lane sign designating it as the oldest residential neighborhood in Waynesville.

Ms. Melton thanked the Town staff for their assistance in placing Chasing Tadpoles and the work that went into preparing the site. She noted that each day she sees individuals there taking pictures and people enjoying the artwork. Ms. Melton highlighted three goals for the WPAC for the upcoming year:

1. Placing the art piece *La Femme*. It is an unusual piece that looks very theatrical and modern and the WPAC would like to see it put it on the HART Theater property possibly between the new and old stage buildings.
2. Have a piece of public art in Hazelwood. The suggestion has been to have something representative of the Plott Hound, which is the state dog and have it placed in a special location, with the view of Plott Balsam behind it.
3. Develop and publish a walking tour booklet of the art pieces in Waynesville which would include information on artist, the piece and insight into the motivation or inspiration for the piece. This item would not be completed until after placement of *La Femme* and the Hazelwood piece.

Mayor Brown noted that the piece in Frog Level was attracting many and felt it was aptly placed. Manager Onieal added that the use of property in Hazelwood for public art was tricky as there was no public property there. She has had previous discussions with a private owner related to placement of a piece, but no agreement had been reached.

Mayor Brown thanked Ms. Melton for her report and noted that no tax dollars are used to purchase or commission these pieces, all funds are via donation and through various grants obtained from the Community Fund supported by the Medford Grant.

C. PUBLIC HEARING

5. Public Hearing for the purpose of hearing an appeal of rezoning decision by the Waynesville Planning Board for property located at 668 & 746 North Main Street (PIN # 8615-59-3075 and 8615-59-6206)

Manager Onieal explained that the Planning Board had voted unanimously to deny the applicant's request and to leave zoning in this area unchanged. She called on Interim Planning Director Paul Benson for further comment. Mr. Benson provided a map of the area and parcels in question. Mr. Benson noted that the tract at 668 formerly housed A Matter of Record second-hand store and the property at 746 housed multiple tenants including a barber shop, beauty shop and food store. He explained that the Walnut Street Neighborhood District is an older neighborhood district with a

residential core of medium density; single family homes surrounded by appropriately designed service and business uses along Walnut Street and North Main Streets. The Mixed-Use Overlay District permits live/work units, animal services, ATMs and banks, business support services, day care homes, dry cleaning and laundry, government services, personal services, post offices, professional services and general commercial less than 100,000 square feet, outside sales and restaurants.

Mr. Benson recited the additional uses allowed under the North Main Street Neighborhood Center District, which include: auto parts sales, gas stations, vehicle and heavy equipment sales and rental, general commercial (greater than 100,000 square feet), recycling collection stations, neighborhood manufacturing and others that may not be in keeping with the adopted land use goals of the Town's 2020 Plan. He added that the concern expressed by the Planning Board is that allowing the change in zoning would move away from the intent of the district. Mr. Benson illustrated the clear zoning boundary on the map and indicated that the Planning Board had voted unanimously to deny the rezoning request.

Alderman Roberson inquired if all of the existing businesses were in compliance with the mixed use overlay district requirements. Mr. Benson confirmed that everything there now is conforming in mixed use overlay; the only exception is if a building is empty for one year or more, it would have to conform with the Walnut Street Neighborhood District Mixed Use Overlay requirements, rather than the general requirements. The building in question had previously been used as an automotive dealership; however, as it has been empty for more than one year, the requirement is to conform to the new standards.

Alderman Freeman clarified that if a building is empty for one year with no tenants then the owner would have to conform to the mixed use overlay district requirements. She used the example of the gas station and automotive repair shop on the corners. Mr. Benson affirmed that if a business was vacant for one year or more, it must comply with the new standards, but noted that those particular businesses used in Ms. Freeman's example are actually in another district, where their use is allowed outright or through Special Use permit.

Town Attorney Woody Griffin announced rules and procedure regarding Public Hearings and called the public hearing to order at 7:33 p.m, with the following speakers providing comment for the record:

Mr. Lamar Eberhart, indicated he was representing three residents on **Nelson Park Drive**, those who reside closest or most adjacent to the proposed rezoning properties. He indicated that the main concern was an increase in commercial noise if the zoning is changed. Having noise from heavy equipment or construction equipment is of concern to those who live near and above the properties.

Ms. Diane Kline, 129 Nelson Park Drive, lives directly above the property and expressed that the current noise is intolerable. She has owned her home for 9 years and has been awakened at 6:00 a.m. daily due to noise and trucks and is concerned about additional noise.

Ms. Paula Harrell Wilhelm, no address given, indicated that her parents own the property in question and are applicants for the rezoning. She passed out a letter to the Board written by her mother (a copy of which follows, and is attached as part of these minutes). She noted that she would be reading as the voice of her mother. Ms. Wilhelm noted that her parents are both retired and health

issues have slashed their retirement savings considerably and her father is bedridden and needs total care. Ms. Wilhelm read the letter to the Board.

September 8, 2014

Dear Mayor Brown and Aldermen,

Thank you for listening to my letter tonight. I do hope you can agree with me to rezone our property in East Waynesville.

My husband, Leroy, and I were born in Haywood County in 1924. We bought this property in 1960. Leroy had been in the car business in a rental property and he wanted to open his own car dealership. We had been in business 5 or 6 years and the town was prospering and growing. The Alderman approached Leroy wanting to buy some of our front property to widen the road. Leroy said you don't have enough money to buy the property but I will gladly give it to you. That's just the way he is.

Leroy started with a used car business and then got the Land Rover franchise. I feel like our Land Rover business not only brought revenue to the town because of the Land Rover sales and service but also provided employment. We sold Land Rovers in 27 different states and each summer had an annual Land Rover Caravan that started on our property and we drove to the Blue Ridge Parkway and then ended at the test farm for a picnic. We had customers from as far as California to attend. Some of our customers decided to stay and open businesses like the Swag. Haywood County has always been our home.

We did not have retirement accounts back then but Leroy decided to build additional rental buildings on our property for our retirement. We built 2 additional buildings and have rented them for 30 years. When Leroy was unable to work any longer, we started renting the main building and have made a decent living from the rental. Leroy always said this would pay for our retirement and now it does not. The property has served us well and we had a good business there. Now we have found that the Town of Waynesville has put restrictions on the property that makes it impossible to keep the rental income. It saddens our spirits. We always wanted our two daughters to own this property and make it a place to be proud of.

We have had to move to assisted living due to Leroy's health. I would be there in person but Leroy is bedridden and I cannot leave him. If we had been aware of this zoning, we would have been asking for a change before now. We have paid our taxes and been good citizens of the Town of Waynesville. It is difficult enough to pay for assisted living but we have managed to do so until we have been unable to rent our property. When my daughter told me that we could not rent to Meinke I was sure she must be wrong. Our insurance was also canceled because we had an empty building. I never thought the Town of Waynesville would restrict the property we have owned for over 50 years or why the zoning changes at our property. We have been there much longer than the Tool Shed but they have commercial zoning.

I appreciate you listening to my concerns and I ask for your help and support our rezoning.

Dorothy Harrell

Ms. Nina Harrell, 1962 Woodburn Road, Charlottesville, Virginia, also a daughter of the applicants, indicated that she hoped that her parents had always been good neighbors and that the goal was to continue to be good neighbors and have businesses that would be good neighbors as well. She noted that the currently zoned businesses could certainly have noise associated with them. Ms. Harrell explained that the buildings were built specifically for automotive type uses and could not be easily converted to another type of business. She noted that there was no intention of having noisy or unattractive facilities and that each of the buildings would be receiving new roofs and painting of the facades to be more up to date. Ms. Harrell explained that the goal has always been to provide retirement income for her parents and to have businesses that would help to support the economy in Waynesville. She offered her contact information to anyone who would like to have it to address any concerns outside of this arena and reiterated that the Harrell family wished to remain as good neighbors and to maintain the property in a manner that would allow for comfort for her parents in their later life.

Mr. Denver Stevens, 71 East Marshall Street, explained he moved to the area about a year ago and spent \$115,000 to bring his home up to the modern standards. He was happy that he and his family could walk to the park and was attracted to the neighborhood for its homey feel. Mr. Stevens commented that bringing in industry would hurt the neighborhood and suggested that areas in Frog Level area may be better suited for an industrial park area. He added that it was nice to drive through Waynesville with nice quiet and residential areas; the properties in question look run-down, but need a face lift and some tenants with no change to the zoning.

Ms. Diane Whitlock, 112 East Marshall Street, indicated she was concerned about the potential rezoning. She noted that the property has not been kept up very well and can appreciate individuals having to have retirement income, but fixing up the property would allow for better tenants and to get better rent. Ms. Whitlock added that if the neighbors are concerned and there are lots of possibilities for businesses that are covered as is, it may be better to find proper management of the property rather than rezoning.

There being no additional individuals who wished to address the board, the public hearing was closed at 7:50 p.m.

Mayor Brown inquired if the request was being made for both properties. Mr. Benson confirmed that the application covered both properties. Mayor Brown asked if it would be possible to rezone one and leave the other. While it would be possible to look at the properties separately for zoning purpose, the applicant's request was for both parcels.

Mayor Brown commented that all of the members were familiar with this and were aware of the situation. He asked each of the members to comment as it was now the Board's decision to make regarding this appeal.

Alderman Roberson commented that part of the reason for the land development standards was to consolidate areas for commercial businesses to avoid commercial creep. He indicated he supported the decision of the Planning Board.

Alderman Greeley noted that this issue represents the types of difficult decisions that at times have to be made. He commented that zoning is never easy and could appreciate the commercial use that the property has been used for previously. Alderman Greeley asked when the rezoning standards were adopted. Mayor Brown answered March 22, 2003. Alderman Greeley indicated support of the Planning Board's recommendation, noting that the Board of Aldermen should not create pockets where exceptions are made that would set a precedent and cause future problems.

Alderman Caldwell explained that he has known the Harrells for many years and always known them to be good to the community and was very sorry that this zoning change [of a decade ago] escaped their attention. He noted that the property was an auto dealership for years and felt that the Harrell's may not have been aware of the zoning requirements. Alderman Caldwell commented that he respected the Harrell's and felt they would not allow tenants in who would not be respectful to neighborhood. He acknowledged how this may lead to a hardship for the Harrells in their retirement. Alderman Caldwell would prefer that the property be allowed to be re-zoned as North Main Street Neighborhood Center.

Alderman Freeman noted that the former auto business had operated in Town for 50 years. She acknowledged that it was possible that the Harrell's did not realize that the zoning regulations had changed. Alderman Freeman noted that there were lots of automotive dealers and operations in the area and that this building was built for automotive services and would cost a great deal to upfit. She added that there are other vacant buildings that look terrible in various areas; the Harrell's are trying to modernize and make their buildings look nice. Alderman Freeman indicated support for rezoning both properties.

Mayor Brown noted that the land use standards were enacted in 2003 and that Mr. Benson had provided a recommendation in his report at the last meeting that the Planning Board consider updating the land development standards since the current plan is based on 2000 census data. Mayor Brown agreed that the data in the plan might be updated, but that many goals would likely not change in the updating process. He reminded the board that there was a great deal of neighborhood involvement over an extended period of time, in developing the land use standards in the first place and that it would make sense to review and revise the plan with a similar process from time to time as necessary. Mayor Brown stated it was a demanding process, but one he felt the community should do every 5 – 10 years.

Alderman Greeley added that there is a lengthy list of conforming uses already allowed with the current zoning and encouraged the Harrells to investigate the additional uses to seek tenants that would conform to zoning by right.

Alderman Caldwell made a motion; seconded by Alderman Freeman, to rezone the properties located at 668 & 746 North Main Street (PIN #8615-59-3075 and 8615-59-6206) from Walnut Street Neighborhood District, Mixed-Use Overlay to North Main Street Neighborhood Center, as requested by the property owner. The motion failed by a vote of 2-3 (with Mayor Brown, Alderman Greeley and Alderman Roberson opposed).

D. NEW BUSINESS

6. Request for additional on-street parking designated as Handicapped accessible in the 200 block of North Main Street (requested by Haywood County Manager Ira Dove)

Manager Onieal received a request from Haywood County to add additional handicapped accessible parking in front of the Historic Courthouse as their new security protocol prevents entering the building via the side and rear doors of the building. This change will require individuals parking in the parking deck to make a much longer trek to the main entrance in the front of the building, and renders the handicapped parking spaces reserved in the deck non-compliant according to ADA standards. Manager Onieal explained that there were several possibilities including the designation of additional handicapped spaces; exchanging one space from in front of the Mountaineer that is currently designated as handicapped for a space in front of the courthouse and/or cut down the existing sidewalk to ensure that all spaces would be considered handicapped/wheelchair accessible. The concern is that one of the critical offices in the courthouse is the Veteran's Service office and individuals visiting would require closer access. Ms. Onieal mentioned that some downtown merchants and Waynesville Downtown Association had expressed concern over designating additional on-street parking as handicapped, as many of the on-street spaces, designated as handicapped parking in the downtown area now are underutilized and remain empty much of the day,

Mayor Brown noted that it was important to try to accommodate the citizens related to access and asked if there had been complaints. Manager Onieal explained that the Town had received no

complaints but noted that the County had made the change only this week and was anticipating a need for more handicapped spaces. Discussion was held regarding various options.

Alderman Caldwell made a motion, seconded by Alderman Roberson, to make no change in designation of downtown parking at present and to revisit the issue, if and when complaints are received or a real need arises to add additional handicapped designated spaces. The motion carried unanimously.

E. COMMUNICATIONS FROM STAFF

8. Town Manager – Marcy Onieal

NCDENR Groundwater Assessment Program

Manager Onieal reported that she had received a request from NCDENR for access to Montgomery Street and surrounding areas to conduct groundwater testing due to closing of dry cleaning facilities. She noted that the Town has always participated and cooperated with DENR, but that this is the first time they have asked to drill into a public parking lot. NCDENR is checking for an underground plume of residual contaminants.. Manager Onieal indicated that staff has talked to them about haphazardly painting the sidewalks during the location process and has requested they wait until later in November (after leaf season) for this activity to occur.

IT updates

Manager Onieal explained that communications via the CodeRed messaging system regarding hydrant testing and various website communications have been going well. The VOA deployment for Police Department has been delayed due to staff vacations at VC3 and other scheduling conflicts.

Manager Onieal noted that a new tracking program - PubWorks – has been installed with new applications for public services. The system provides concrete data to use with decision making and will be used for fleet maintenance and both internal and external facility work orders. The system allows for inventory tracking and uses barcode scanners. This will make the total cost of repairs -- labor, equipment, overhead and materials readily available and provides timely and efficient reporting. Manager Onieal commended the Public Services staff for their selection of the program and for getting it set up and in use so quickly. The month of September will be used for testing, with a go- live date of October 1, 2014.

Alderman Caldwell noted that this system is a good idea especially when keeping up with vehicle information. Manager Onieal added that this will help with the budget and provide the most current and accurate data possible, and will lead to more informed decisions with regard to vehicle purchase and replacement.

Employee Updates

Manager Onieal noted several employee updates including:

--Retirement: Billy Goodson-9/1/14

--Transfer: Mike Clontz from Meter Reading to Wastewater Treatment Plant

--PS Employees of the Month – Water and Sewer Maintenance crew – Dwayne

Yarborough, Crew Leader, Equipment Operator James Brown and Utility Maintenance Workers Jody Shuford and Brandon Flynn recognized for their installation of 81 radio read meters in one week.

--Leadership Haywood 2105: Amie Owens, Administration Tim Petrea, Parks & Recreation

--SOG Municipal Administration Course 2014-15: Daryl Hannah, Streets Superintendent

--Police Department Promotion Ceremony on September 18th including the retirement of K-9 officer Levi.

Manager Onieal thanked the Board for their support of training and development of staff and noted that many took time on their own for these various training and educational opportunities. She acknowledged how valuable well-trained staff are to the organization.

Crows at Laurel Ridge Country Club

Manager Onieal noted that she had received a request from Laurel Ridge Country Club regarding permission to shoot the crows that were tearing up the golf course. Manager Onieal provided pictures to the board of the damage in question. She noted that Waynesville is a bird sanctuary and that current ordinances do not allow firing of weapons inside town limits. Mayor Brown added that there is really no way to give permission to do this. He added that every golf course has to treat for grubs and other insects that crows eat, and that every course has to deal with this issue. The board declined to take action on the request.

9. Town Attorney - Woody Griffin

Attorney Griffin had no business to discuss.

E. COMMUNICATIONS FROM MAYOR AND BOARD OF ALDERMEN

Mayor Brown thanked the Board for their attention and consideration. He noted that sometimes the board has to make tough decisions and go on; these decisions are not personal but have to be made.

F. CALL ON THE AUDIENCE

No one addressed the Board.

G. ADJOURN

There being no further business to discuss, Alderman Roberson made a motion, seconded by Alderman Greeley, to adjourn the meeting at 8:22 p.m. The motion passed unanimously.

ATTEST

Gavin A. Brown, Mayor

Marcia D. Onieal, Town Manager

Amanda W. Owens, Town Clerk

Proclamation
National Disability Employment Awareness Month
October 1 – 31, 2014

WHEREAS, workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy; and

WHEREAS, in this spirit, the Town of Waynesville, North Carolina is recognizing National Disability Employment Awareness Month this October to raise awareness about disability employment issues and celebrate the many and varied contributions of people with disabilities; and

WHEREAS, activities during this month will reinforce the value and talent people with disabilities add to our workplaces and communities and affirm Waynesville, North Carolina commitment to an inclusive community.

NOW, THEREFORE, I, Gavin A. Brown, Mayor of the Town of Waynesville, do hereby proclaim October 1 through October 31, 2014 as

National Disability Employment Awareness Month

And in so doing, I call upon employers, schools and other community organizations in Waynesville North Carolina to observe this month with appropriate programs and activities, and to advance its important message that people with disabilities are equal to the task throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Waynesville to be affixed, this 23rd day of September, 2014.



TOWN OF WAYNESVILLE



Gavin A. Brown, Mayor

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 14, 2014

SUBJECT: Request approval for street closure of Main Street and the Miller Street Parking Area for the Relay for Life Event

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5C-a
Department: Administrative Services
Contact: Amie Owens, Town Clerk
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: A request was received from Rick Bohleber, Relay for Life Lead, for a street closure to hold the annual Relay for Life event. This is a change from previously held events for three reasons:

1. Holding the event downtown rather than at the Recreation Center
2. Holding the event on Saturday rather than Friday
3. Having an abbreviated event in 6 hours rather than 12

The Relay for Life team has presented this idea to the Downtown Waynesville Association who has approved the event. This event will appear on the DWA calendar for 2015.

MOTION FOR CONSIDERATION: *To approve the street closure of Belleview Road on Friday, July 25, 2014 from 7:00 p.m. to Midnight for the purpose of holding the Gibbs Family Reunion.*

FUNDING SOURCE/IMPACT: Will require placement of barricades prior to the event and pick up of barricades after. Public Services could set out the initial barricades and police could pick up.

ATTACHMENTS:

- Email request from Mr. Bohleber
- Flyer for upcoming Masquerade Ball

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve request as presented.

Amie Owens

From: Rick Bohleber <rbohleber7@gmail.com>
Sent: Monday, September 15, 2014 2:05 PM
To: Amie Owens
Subject: Downtown Relay for Life

Follow Up Flag: Follow up
Flag Status: Flagged

Amy,

Mark Scott gave me your e-mail address and said you needed some information about our desires to have our 2015 Relay for Life Downtown next year.

I'm sure you are aware by now that the Downtown Waynesville Assoc. voted enthusiastically to have the event downtown and is giving us their full support. Also, Mark and I visited all the merchants on main last week and were met with just as much enthusiasm.

In short, we plan to present the Relay for Life as a Festival type event. We will need the Main from town hall to the courthouse as well as the one block of Miller St. blocked off. Our event is from 6:00pm -Midnight and will need set-up time as well. We will have the streets cleared by midnight.

We plan to have about thirty booths (festival tents) running the length of main, live entertainment, many children's activities, and general family fun. All this coupled with the traditional Relay for Life events such as the survivor walk, luminaria ceremony, and closing ceremony.

If all goes according to plan, we expect two-three thousand people downtown that night.

The American Cancer Society is allowing us to break from thirty years of tradition on three levels.

1. Relay is usually held on a track or field. We want to have it downtown.
2. Relay for Life is a Friday event. We want to hold it on a Saturday. (April 25 2015)
3. Relay is traditionally a 12 hour event. We know our best chance at full community participation is from 6-midnight.

With all this deviation from tradition, the ACS is watching us closely to see if we indeed increase our participation and fundraising.

Also because this will be a history making event, we are inviting national media coverage. This is a Win-Win for both the City and Relay for Life.

So the main question here is; Why Downtown?

Relay for Life is the largest single community fundraising event in the world.

The key word is "Community" The event requires community involvement and we, (the Relay committee) feel that by hosting the event downtown, we can gain the greatest community involvement.

If you have any further questions or require clarification on any issues, please feel free to contact me either by e-mail or phone. i will also be happy to answer any questions at the City Commission Meeting, Oct. 14th.

Thank you for putting us on you Oct. agenda.

Rick Bohleber Relay for Life Event Lead
rbohleber7@gmail.com
828-246-4389



Relay

2015 Relay For Life of West Haywood

Invites you to help us kickoff a brand new year with a **Masquerade Ball!**

When: November 7th, 2014

Time: 7pm

Where: First United Methodist Church
Christian Growth Center

To get involved contact:

Randi Smith

Randi.smith@cancer.org

828.230.7757

Rick Bohleber

Rbohleber7@gmail.com

Come see how you can help!

- New Year
- New Location!!!!
- New Time!!!!
- New Theme



1.800.ACS.2345
www.cancer.org

Hope.Progress.Answers.®

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 14, 2014

SUBJECT: Special Event Request – Permission to Close a Portion of Virginia Avenue on October 30, 2014 *(request of Tasha Byrd, Children’s Minister, Hazelwood Baptist Church)*

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5C-b
Department: Administrative Services
Contact: Amie Owens, Town Clerk
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: The Hazelwood Baptist Church has hosted a Fall Festival for several years and would like to do so again on Thursday, October 30, 2014. In order to provide safety for those attending the festival, the Church has typically asked that the portion of Virginia Avenue (between Hazelwood Avenue and Kentucky Avenue) be closed between the hours of 4:00 p.m. and 9:00 p.m. to allow for set-up and clean-up of the festivities. The Town has previously delivered barricades to the two closure points, and members of the Church set the barricades in place so that no overtime is required by town personnel. Town personnel will return to the site and collect the barricades the following day and return them to the Public Services facility.

Date of Event:	Thursday, October 30, 2014
Time of Event:	4 PM – 9 PM
Location:	Virginia Avenue (between intersection of Hazelwood Avenue and Kentucky Avenue)

MOTION FOR CONSIDERATION: *To approve requested street closure of Virginia Avenue between Hazelwood and Kentucky Avenues on Thursday, October 30, 2014 from 4:00 p.m. until 9:00 p.m., as requested.*

ATTACHMENTS:

- Email from Hazelwood Baptist Church dated October 6, 2014

MANAGER’S COMMENTS AND RECOMMENDATIONS: Manager recommends approval of the request as presented.

Amie Owens

From: Tasha Byrd <ourbyrdhome@gmail.com>
Sent: Monday, October 06, 2014 11:36 AM
To: Amie Owens
Subject: Street closure 10/31

Hazelwood Baptist Church would like to request street closure for Thursday, October 30 from 4:00p.m. until 9:00p.m. on Virginia Ave between Hazelwood Ave. to the corner of Kentucky Ave. We will be sponsoring our Annual Fall Festival. This event has had great success in years past and the street closure allows for safe setup and children's activities to occur as well as cleanup. We would also like to have music as we have had in the past.

Thank you for your consideration.
Tasha Byrd
Children's Minister
Hazelwood Baptist Church

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



Marcia D. Onieal, Town Manager
Woody Griffin, Town Attorney

October 14, 2014

Tasha Byrd, Children's Minister
Hazelwood Baptist Church
265 Hazelwood Ave
Waynesville, NC 28786

Dear Ms. Byrd:

The Town of Waynesville has granted permission for the use of an outdoor PA system for the Hazelwood Baptist Church Annual Fall Festival scheduled for October 30, 2014 beginning at 4:00 p.m. and concluding at 9:00 p.m.

Under the terms of the Town's Noise Ordinance, this is allowed if a permit has been issued by the Town Manager. This letter will serve as the Permit to authorize the activities on this date; however, any music or announcements shall not exceed the 70 decibel level specified in the ordinance.

This permit is granted with the condition that and all others involved intend to comply with the terms of the Noise Ordinance, a copy of which is attached to this Permit. It is requested that sound speakers should not be placed more than ten (10) feet above the ground and that the speakers be directed away from any residential areas adjacent to the property to every extent possible.

Applicant Tasha Byrd, on behalf of the Hazelwood Baptist Church is expected to cooperate fully with the Waynesville Police Department in assuring that there are no violations of the ordinance.

I wish you much success with your event. Should you have any questions on this matter, please do not hesitate to contact me at 828-452-2491.

Sincerely,

Marcia D. Onieal
Town Manager

Attachment

C: via email Waynesville Police Department

16 South Main Street • P.O. Box 100 • Waynesville, NC 28786 Phone (828) 452-2491 Fax (828)456-2000

Web Address: www.waynesvillenc.gov

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 14, 2014

SUBJECT: Special Event Request – Permission to Close a Portion of Carolina Avenue between Camelot Drive and Brown Avenue *(requested by Pastor Johnny Lee Cox, Hazelwood Church of God)*

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5C-c
Department: Administrative Services
Contact: Amie Owens, Town Clerk
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: The Hazelwood Church of God and Hazelwood Presbyterian Church are hosting a Trunk or Treat event with games and entertainment on Friday, October 31, 2014. In order to provide safety for those attending this event, the Churches are requesting a portion of Carolina Avenue (between Camelot Drive and Brown Avenue) be closed between the hours of 5:00 p.m. and 9:00 p.m. to allow for set-up and clean-up of the festivities. The Town could deliver barricades to the two closure points, and members of the Churches would set the barricades in place so that no overtime is required by town personnel. Town personnel will return to the site and collect the barricades the following day and return them to the Public Services facility.

Date of Event: Friday, October 31, 2014
Time of Event: 5 PM – 9 PM
Location: Carolina Avenue (between Camelot Drive and Brown Avenue)

MOTION FOR CONSIDERATION: *To approve requested street closure of Carolina between Camelot Drive and Hazelwood Avenue on Friday, October 31, 2014 from 5:00 p.m. until 9:00 p.m., as requested.*

ATTACHMENTS:

- Email from Hazelwood Church of God dated October 8, 2014

MANAGER’S COMMENTS AND RECOMMENDATIONS: Manager recommends approval of the request as presented.

Amie Owens

From: Johnny Cox <pastorcox777@yahoo.com>
Sent: Wednesday, October 08, 2014 10:13 AM
To: Amie Owens
Subject: Event for Agenda

The Hazelwood Church of God and Presbyterian Church will hold a Trunk or Treat along with games and other extras, and would request that Carolina Ave between Camelot Dr. and Brown Rd. be blocked off for the purpose of accessibility of the two churches. Thank you for your help in this manner. Pastor Johnny Lee Cox Pastor of Hazelwood Church of God.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 14, 2014

SUBJECT: Approval of Rate Modifications for Current Loan Agreements

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 6C
Department: Finance
Contact: Eddie Caldwell, Finance
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: Over the past six months, the Finance Director has been reviewing current loan agreements to determine which loans might be eligible for refinancing at lower rates to save the Town additional funds. As part of this review, Davenport & Company LLC (a municipal finance advisor firm) provided a free review that included an estimate of costs and savings associated with the complete refunding of eligible loans. As an additional option, the Town also asked the financial institutions, through which existing loans originated, to consider rate modifications for the same purpose. Three out of sixteen current loans were determined to offer possible savings if re-funded or subjected to a rate modification: 1) Fire Station (BB&T), Electric Substation (BB&T), and the Recreation Center loan (HomeTrust Bank).

The Davenport & Company LLC proposed a complete refunding of the three loans at a possible savings (net of costs) of \$134,482. This option would require considerable time and effort to complete, since it would be akin to taking out a brand new loan – requiring the production of a bid package, conducting a public hearing, obtaining bids, going through Local Government Commission for application, review, approval, establishing escrow and closing on the new loan(s).

Rate modifications with existing financial institutions for the same three loans is estimated to save \$142,677 net of the \$200 modification costs over the life of the loans, and have been offered by BB&T and Home Trust Bank, as follows:

- 1) Fire Station (BB&T): 3.77% → 2.38%
- 2) Electric Substation (BB&T): 3.52% → 2.18%
- 3) Recreation Center (Home Trust Bank): 3.99% → 3.1%

The term and principal on these loans will not change. Due to reduction in interest rate, the annual payments will be reduced, resulting in annual savings to the general fund ranging from a high of approximately \$18,000 to a low of \$5,000, with a total savings of \$142,677 over the life of all three loans.

The banking institutions require a resolution of approval for each rate modification.

MOTION FOR CONSIDERATION: *To approve the rate modifications for outstanding loans on the Fire Station, Electric Substation, and Recreation Center, offered by BB&T and Home Trust Bank, as presented..*

FUNDING SOURCE/IMPACT: . Save an additional \$142,677 in interest payments over the life of these three loans.

ATTACHMENTS:

- Three resolutions approving rate modifications as indicated above.

MANAGER’S COMMENTS AND RECOMMENDATIONS: Approve as presented.

RESOLUTION 13-14

Resolution Approving Terms of Re-financing Contract 9933004136-00001

WHEREAS, Town of Waynesville, North Carolina (the "Town") has determined to change the terms of the Payment Schedule to that Financing Agreement and Deed of Trust granted to F. Louis Loyd, III (the "Deed of Trust Trustee") for the benefit of Branch Banking and Trust Company ("BB&T") dated as of February 15, 2007 (the "Original Agreement") ; and

WHEREAS, the changes to the terms of the Payment Schedule include revising the interest rate from 3.77% to 2.38%;

NOW, THEREFORE BE IT RESOLVED by the governing body of Town of Waynesville, North Carolina that the proposed changes to the Payment Schedule of the Original Agreement are hereby approved and the officers designated to sign financing documents are hereby authorized and directed to take such action as may be necessary to effectuate such changes. All other terms and conditions of the Original Agreement and the Payment Schedule thereof remain in full force and effect.

Adopted this ____ day of October 2014.

Attestation:

SEAL

Town Clerk
Town of Waynesville, North Carolina

Mayor or Town Manager
Town of Waynesville, North Carolina

RESOLUTION 14-14

Resolution Approving Terms of Re-financing Contract 9933004136-00003

WHEREAS, Town of Waynesville, North Carolina (the "Town") has determined to change the terms of the Payment Schedule to that Financing Agreement and Deed of Trust granted to F. Louis Loyd, III (the "Deed of Trust Trustee") for the benefit of Branch Banking and Trust Company ("BB&T") dated as of July 17, 2008 (the "Original Agreement") ; and

WHEREAS, the changes to the terms of the Payment Schedule include revising the interest rate from 3.52% to 2.18%;

NOW, THEREFORE BE IT RESOLVED by the governing body of Town of Waynesville, North Carolina that the proposed changes to the Payment Schedule of the Original Agreement are hereby approved and the officers designated to sign financing documents are hereby authorized and directed to take such action as may be necessary to effectuate such changes. All other terms and conditions of the Original Agreement and the Payment Schedule thereof remain in full force and effect.

Adopted this ____ day of October 2014.

Attestation:

SEAL

Town Clerk
Town of Waynesville, North Carolina

Mayor or Town Manager
Town of Waynesville, North Carolina

RESOLUTION 15-14

Resolution Approving Terms of Re-financing Contract 3655249208

WHEREAS, Town of Waynesville, North Carolina (the "Town") has determined to change the terms of the Payment Schedule to that Financing Agreement and Deed of Trust granted to Western North Carolina Service Corporation ("Trustee") for the benefit of Clyde Savings Bank a division of The Hometown Bank ("Home Trust Bank") dated as of October 19, 1998 (the "Original Agreement"); and

WHEREAS, the changes to the terms of the Payment Schedule include revising the interest rate from 3.99% to 3.10%;

NOW, THEREFORE BE IT RESOLVED by the governing body of Town of Waynesville, North Carolina that the proposed changes to the Payment Schedule of the Original Agreement are hereby approved and the officers designated to sign financing documents are hereby authorized and directed to take such action as may be necessary to effectuate such changes. All other terms and conditions of the Original Agreement and the Payment Schedule thereof remain in full force and effect.

Adopted this ____ day of October 2014.

Attestation:

Town Clerk
Town of Waynesville, North Carolina

Mayor or Town Manager
Town of Waynesville, North Carolina

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 14, 2014

SUBJECT: Request for closure of a 25' unnamed right-of-way extending approximately 130' between George Drive and Brown Avenue submitted by Greg Edney representing Mountain Star Development LLC.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 7C
Department: Development Services
Contact: Paul Benson, Interim Planning Director
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY:

Mr. Edney is developing property along both sides of this right-of-way and wishes to have the right-of-way closed to facilitate the development of the property to the east of the right-of-way. Mr. Edney's property is the only property adjacent to the right-of-way.

Town staff has reviewed this request and recommends that the right-of-way be closed as requested as this right-of-way is unnecessary for access as the adjacent properties have direct access to George Street, Brown Avenue and South Main Street.

The North Carolina General Statutes require that the first step in the closing process be adoption of a resolution declaring the Board's intent to close the right-of-way. Public notice, a public hearing and adoption of an order closing the right-of-way are the next steps.

MOTION FOR CONSIDERATION: Motion to adopt a resolution declaring the intent of the Board of Aldermen to close the unnamed right-of-way between George Street and Brown Avenue and setting a public hearing.

FUNDING SOURCE/IMPACT: No direct impact. Future development facilitated by the closing is expected to increase property tax receipts.

ATTACHMENTS:

- Location Map
- NCGS 160A-299
- Resolution

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve resolution of intent to close as requested.



1: 545

Haywood County GIS

Map generated by the Haywood County Map Server.
9/30/2014

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.

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing.

Such reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34; 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1.)

RESOLUTION 17-14

Resolution of Intent

A resolution declaring the intention of the Board of Aldermen of the Town of Waynesville to consider the closing of an unnamed right-of-way (alley) extending approximately 130 feet between George Drive and Brown Avenue.

WHEREAS, North Carolina General Statute 160A-299 authorizes the Board of Aldermen to close streets and public alleys; and

WHEREAS, the Board of Aldermen considers it to be advisable to conduct a public hearing for the purpose of giving consideration to the closing of the unnamed right-of-way (alley) between George Drive and Brown Avenue.

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

1. A meeting was held at 7:00 p.m. on October 14, 2014 in the Town Hall Board Room to consider a resolution closing the 130-foot unnamed right-of-way between George Drive and Brown Avenue.
2. The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Mountaineer or other newspaper of general circulation in the area.
3. The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by North Carolina General Statute 160A-299.

Upon motion duly made by Alderman _____, and duly seconded by Alderman _____, the above resolution was duly adopted by the Board of Aldermen of the Town of Waynesville at the meeting held on October 14, 2014 in the Town Hall Board Room located at 9 South Main Street, Waynesville, North Carolina.

Upon a call for a vote, the following Aldermen voted in the affirmative:

And the following Aldermen voted in the negative:

Adopted this the 14th Day of October 2014.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Amanda W. Owens, Town Clerk

Marcia D. Onieal, Town Manager

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 26, 2014

SUBJECT: Sale of property

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 9C
Department: Administrative Services
Contact: Marcy Onieal, Town Manager
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: The Town of Waynesville was approached by Dale Burris with a proposal to purchase a small parcel of land (PIN# 8604-87-1966) that is adjacent to his existing property. Mr. Burris has been maintaining the property for the past four years since the completion of the Hendrix Street Bridge and road widening project. Due to the fact the Mr. Burris has maintained the property for multiple years and the fact that he owns the adjacent parcel, he is offering \$500.00 to purchase the property.

The Town Manager has had conversations with Mr. Burris regarding the reservation of an easement/right-of-way for future greenway expansion on this property. Mr. Burris was amenable to this arrangement, as well as a requirement for combining of parcels to eliminate a non-conforming lot.

The Town Clerk will complete the mandatory posting and ten day advertisement period with opportunity for upset bidding per statute with the initial posting to begin on Friday, October 17, 2014.

The Town Attorney will prepare the necessary deed and it will be executed accordingly following completion of the upset bid process.

MOTION FOR CONSIDERATION: *To approve the sale of Town-owned Property as outlined in N.C.G.S.160A-269, including advertising for the requisite ten day period, as presented.*

FUNDING SOURCE/IMPACT: Increase in lot size may minimally impact tax value.

ATTACHMENTS:

- Copy of Proposal from Mr. Burris
- Map of the property
- Deed for the property
- Copy of NCGS 160A-269
- Resolution instructing Town Clerk to advertise in accordance with NCGS 160A-269

MANAGER'S COMMENTS AND RECOMMENDATIONS: Recommend approval of this sale.

7/29/14

To: The Town of Waynesville Board of Alderman

Ref: Hendrix Street Property (PIN #8604-87-1966)

From: Dale Burris, 288 Allens Creek Road Waynesville, NC 28786

Town of Waynesville Board of Alderman,

I would like to make an offer for the above referenced property located on Hendrix Street in Waynesville North Carolina. The offer I would like for you to consider to place this property back in the {Tax Rolls} for the Town of Waynesville and Haywood County is \$500. I have based the cost for the property on the upkeep for the past four years since the completion of the Hendrix Street road widening and bridge replacement and also the cost to fill and plant grass on the property. To the best of my knowledge, I have calculated that I have spent over \$1,100 of my own funds to help keep my property looking good and maintain the Hendrix Street property. With all the improvements that I have made personally and the \$500 cash offer, the actual offer could be considered in the amount of \$1600 for the above referenced property.

I have reviewed the Haywood County website regarding the tax value and it seems a bit out of line since I own twice as much land with a mobile home located on it and the value for this land is only \$1000 more. I have spoken with the Haywood County Tax Department and it appears some of the "exempt properties" just had a value placed on them since there would be no tax revenue. It is my understanding from the Haywood County Tax Department that if the property came out of "exempt status" the value would be approximately \$500.

I have lived on Allens Creek all of my life, so it is important to me to keep the area looking nice. Even if my offer is not accepted, I would like to continue maintaining the area so the Town of Waynesville would not have an extra burden of mowing and keeping down the weed growth.

I appreciate the opportunity to make an offer and sincerely hope my offer will be accepted or at least considered.

Respectfully submitted,
Dale Burris



Report For 8604-87-1966

WAYNESVILLE TOWN OF
PO BOX C 100
WAYNESVILLE, NC 28786

Account Information:

PIN: 8604-87-1966
Deed: 762/155

Site Information:

HENDRIX ST
EXEMPT
Heated Area: 0
Year Built: 0
Total Acreage: 0.1
Township: TOWN OF WAYNESVILLE

Site Value Information:

Land Value: \$8,300
Building Value: \$0
Market Value: \$8,300
Deferred Value: (\$0)
Assessed Value: \$8,300
Sale Price: \$0
Sale Date: 6/5/2009
Taxes 2012: \$43.18
Taxes 2011: \$41.75



1: 600

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.

TRANSFER MADE ON RECORD
DATE 6/5/09 BY CRG



2009005561

HAYWOOD CO, NC FEE \$20.00

PRESENTED & RECORDED

06-05-2009 09:03:06 AM

AMY R. MURRAY

REGISTER OF DEEDS
BY: DES SCHAEFER
DEPUTY

HAYWOOD COUNTY TAX CERTIFICATION

There are no delinquent taxes due that are a lien
against parcel number(s) 8604-87-0984/1966

David B. Francis, Haywood County Tax Collector

Date: 6/5/09 By: SD NORTH CAROLINA GENERAL WARRANTY DEED

BK: RB 762

PG: 155-157

Excise Tax:

Parcel Identifier No 8604-87-0984 Verified by _____ County on the _____ day of _____,
By: 8604-87-1966

Mail/Box to: WHGThis instrument was prepared by: Woodrow H. Griffin

Brief description for the Index:

THIS DEED made this _____ day of _____, 2009, by and between

GRANTOR

DAYCO PRODUCTS, LLC (which is the
same as Dayco Products, Inc.)

GRANTEE

TOWN OF WAYNESVILLE, a municipal
corporation

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Waynesville, Waynesville Township, Haywood County, North Carolina and more particularly described as follows:

**THAT PROPERTY DESCRIBED ON THE ATTACHED EXHIBIT A WHICH IS
INCORPORATED BY REFERENCE HEREIN FOR A COMPLETE DESCRIPTION.**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 374 page 475.

A map showing the above described property is recorded in Plat Book _____ page _____.

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TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Dayco Products, LLC (SEAL)
(Entity Name)

By: Mark IV Industries, Inc. (SEAL)

Title: Member

By: [Signature] (SEAL)

Title: Vice President & Chief Financial Officer

By: _____ (SEAL)

Title: _____

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, _____.

My Commission Expires: _____

Notary Public

State of New York - County of Erie

I, the undersigned Notary Public of the County and State aforesaid, certify that Mark G. Barberio, personally came before me this day and acknowledged that he is the Vice President & CFO of Mark IV Industries, Inc., a North Carolina or Delaware corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 15 day of June, 2009.

My Commission Expires: 4/26/2009

Notary Public

Joann E. Eckert
Notary Public - State of New York
No. 01EC6066890
Qualified in Erie County
My Commission Expires 11/24/2011

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal, this _____ day of _____, _____.

My Commission Expires: _____

Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Register of Deeds for _____ County

By: _____ Deputy/Assistant - Register of Deeds

EXHIBIT A

DEED FROM DAYCO PRODUCTS, LLC

TO

TOWN OF WAYNESVILLE

FIRST: Containing 7/100 of an acre, more or less, and being the EIGHTH TRACT described in that deed from Dayco Corporation to Mark IV Industries, Inc. dated October 4, 1986, recorded in Deed Book 374, Page 475, Haywood County Registry.

SECOND: BEING a part of Lot No. 39 of the Francis and Whitner Survey, and being the TENTH TRACT described in that deed from Dayco Corporation to Mark IV industries, dated October 4, 1986, recorded in Deed Book 374, Page 475, Haywood County Registry.

EXCEPTING that tract described in that deed to Roy Swanger and wife, Malinda H. Swanger, recorded in Deed Book 179, Page 78 Haywood County Registry.

Mark IV Industries, Inc. is the sole member of Dayco Products, LLC.

§ 160A-269. Negotiated offer, advertisement, and upset bids.

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)

RESOLUTION 16-14

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO PURCHASE CERTAIN PROPERTY

WHEREAS, the Board of Aldermen of the Town of Waynesville desires to dispose of certain surplus property of the Town of Waynesville;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen that:

1. The following described property is hereby declared to be surplus to the needs of the Town of Waynesville:
Legal description of PIN # 8604-87-1966 as noted in Deed Book 762, Page 155, Haywood County Registry and included as Exhibit A to this Resolution.
2. The Board of Aldermen has received an offer to purchase for the sum of \$500.00 the property described above.
3. Included in the requirements for purchase of the property is an easement for a 50-foot right-of-way beginning at the top of the creek bank for use as a greenway reservation.
4. The Board of Aldermen proposes to accept the offer unless a qualifying upset bid shall be made. Any qualifying upset bid will also have the same restrictions applied to the property regarding the future greenway reservation.
5. The Waynesville Town Clerk shall cause a notice of such offer to be published in accordance with North Carolina General Statute §160A-269.
6. Persons wishing to upset the offer must submit a written bid to the Waynesville Town Clerk within ten (10) days after publication of the notice. The person making the bid must deposit with the Waynesville Town Clerk a sum equal to five percent (5%) of his or her offer via cash or certified check. Once a qualifying upset bid has been received, that bid will become the new offer.
7. If a qualifying bid is received, the Waynesville Town Clerk is directed to re-advertise the offer at the increased upset bid amount, and to continue with this process until a ten (10) day period has passed without receipt of a qualifying upset bid.

Adopted this 14th Day of October, 2014.

TOWN OF WAYNESVILLE

ATTEST:

Gavin A. Brown
Mayor

Amanda W. Owens
Town Clerk

Marcia D. Onieal
Town Manager