

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ALDERMEN
TOWN HALL – 9 SOUTH MAIN STREET
MAY 22, 2012
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, May 22, 2012. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Julia Freeman, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager Marcy Onieal, Assistant Town Manager Alison Melnikova, Management Advisor A. Lee Galloway, Town Clerk Phyllis McClure and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of March 1 and April 24, 2012

Alderman Caldwell moved, seconded by Alderman Greeley to approve the minutes of the March 1 and April 24, 2012 meetings as presented. The motion carried unanimously.

Solid Waste 2012 Updated Ten-Year Solid Waste Plan for Haywood County

Town Manager Marcy Onieal presented the request from the Haywood County Commissioners for a resolution to adopt the 2012 updated Ten-Year Solid Waste Plan for Haywood County. State Law requires every unit of local government to prepare and adopt this plan for the purpose of meeting local solid waste management needs and protecting health and the environment. The plan must be updated, adopted and submitted to NCDENR by June 30 of each year. All municipalities within Haywood County must adopt a resolution accepting and endorsing the revised plan no later than June 9, 2012 in order for the required resolutions to be incorporated into the final document which will be presented at the June 18th Board of Commissioners' meeting. If the Town of Waynesville should ever choose not to participate in adopting Haywood County's Solid Waste Plan, they would be required to prepare and adopt their own. The current plan was prepared and updated by County staff with review by Town of Waynesville Public Works staff. A county-wide public hearing on the plan was held on May 7, 2012.

Alderman Freeman moved, seconded by Alderman Greeley to adopt a resolution accepting and adopting the updated Ten-Year Solid Waste Management Plan of 2012 for Haywood County as presented. The motion carried unanimously. (Res. No. 6-12)

Request for Board Resolution Supporting a Feasibility Study for Extension of Public Sewer Line Along US 23/74, to the Proposed NCDOT Rest Area at Balsam/Saunook

A request was received from the Haywood County Commissioners for support from the Waynesville Board of Aldermen in studying the feasibility of extending the Town's public sewer system along US Hwy 23/74 in order to promote commercial and economic development along the highway corridor through an unincorporated section of Haywood County. This area is outside the Town of Waynesville's corporate limits, extraterritorial jurisdiction (ETJ) and Urban Services District and lacks zoning or other enforceable development standards. The subject of extending water and sewer mains along this area has been raised by Haywood County on several occasions since 2001, in connection with the Barber's Orchard Water Project. The latest request relates to NCDOT's plans to construct a new rest area on the westbound side of the highway. Waynesville has expressed a willingness to consider alternatives that might serve the interests of the County, the EDC and the Town, however the present Town Board and previous Town Boards have consistently opposed extension of public sewer through this corridor due to the high cost of construction, lack of complementary development standards and a specific proposal from Haywood County to provide optimum siting or adequate capacity for future growth.

NCDOT has been willing to bear the cost of a feasibility study and cost of construction for extension of a private line which would exclude adjacent property owners from tying on. Haywood County is willing to bear the cost of a feasibility study for extension of public sewer, but does not wish to waste money on a feasibility study if the Town is unwilling to amend, or grant exceptions to the principles of the 2020 Comprehensive Land use Plan in order to accommodate the requested extension.

Waynesville has expressed its willingness to work directly with NCDOT for a private extension that would limit sewer service to the Rest Areas alone. The Town has communicated the terms under which it might consider extending public sewer, but the current political climate in Raleigh suggests that the Town's chances of being granted zoning authority along this corridor via a local bill are virtually impossible. NCDOT has the most pressing need to bring this issue to resolution, as the road and rest area work are already scheduled and funded for 2013.

Mayor Brown said this issue was discussed several years ago, but the Town does not have zoning authority in this area. If Waynesville's population exceeds 10,000, the Town could extend the ETJ to two (2) miles, but only with the approval of Haywood County. Without the County's approval, a special act of the legislature would be required. Haywood County does not have zoning authority. Mayor Brown said there are many commercial areas that already have sewer services and the thought of adding more commercial space is like "shooting ourselves in the foot". Haywood County only wants to run this sewer line along the By-Pass, serving only this area and none of the adjacent residential areas. This does not serve the community at large. The area is approximately five miles away from the existing corporate limits.

Alderman Greeley asked if sewer lines currently extend to the rest area on the eastbound side of Hwy 23/74. Mayor Brown said yes, the line currently extends to the existing rest area and this line would extend from the existing rest area to the new rest area on the other side of the road. NCDOT would install and maintain the sewer line at their expense. Waynesville approved this extension to be a good neighbor. Alderman Caldwell agreed that the sewer line should not be extended along US 23/74 without Waynesville being able to control growth in the area. However, he feels good about extending the line to the rest area and being a good neighbor. Alderman Freeman suggested that if Haywood County continues with the feasibility study and can prove to Waynesville that this extension is good, they could present the results to the Waynesville Board at that time. No action was taken.

Special Event Request – Temporary Street Closing of Bryson Street

A request was received from Ms. Tina Bryant for a temporary street closing on Bryson Street on Friday, June 22, 2012 from 8:00 p.m. until 1:00 a.m. Ms. Bryant would like to host a private block party, with amplified (recorded) music and street dancing in the area between her residence at 184 Bryson Street and that of George Moore at 168 Bryson Street. A permit to exceed the maximum permitted sound levels will also need to be obtained from the Town. Mayor Brown pointed out that the Town does not currently have a policy to deal with street closing requests. Ms. Bryant attended the meeting to present her request. Alderman Greeley said the only concern he has is the request for music to continue until 1:00 a.m.

Manager Onieal said she has spoken with the Police Department and they do not have a problem with closing the street during this time. There are other routes through the area for emergency access if needed. Street closing requests are revised and can be granted by the Board of Aldermen. The Town Manager is authorized to issue a noise permit.

Alderman Caldwell moved, seconded by Alderman Freeman, to approve the request to close the portion of Bryson Street from 184 Bryson Street to 168 Bryson Street on Friday, June 22, 2012 from 8: 00 p.m. until 12:00 midnight. The motion carried unanimously.

Special Event Request – Permission to Sell/Serve Beer/Wine on a Public Sidewalk During Downtown Waynesville Block Party on May 26, 2012

A request was received from Mr. Jon Bowman to allow him to sell and serve beer and wine in the sidewalk area in front of his sidewalk café located at 188-190 North Main Street in Waynesville. Mr. Bowman has operated a sidewalk café in front of his business during the annual Downtown Waynesville Memorial Weekend Block Party each year, serving meals, snacks and soft drinks. Customers accustomed to ordering a beer or wine with a meal are discouraged from patronizing his business if they cannot get full service outdoors during festivals when the street is otherwise closed and most businesses are operating on the sidewalks.

Mr. Bowman has spoken with Town Manager Marcy Onieal regarding his intentions to work through the Downtown Waynesville Association to encourage a change in the Town's ordinance so that carefully controlled beer "gardens" would be allowed by ordinance during special events and festivals. Mr. Bowman would also like to see the establishment of standards for sidewalk dining that would allow routine sales of beer and wine as part of a regular food or beverage establishment.

Manager Marcy Onieal said the request before the Board at this time is for permission to sell and serve beer and wine at the tables that front The Tipping Point Tavern business during the Block Party on Saturday, May 26, 2012.

Mr. Bowman spoke to the Board and said the business sponsors and pays for a band to perform in front of their business. They have six large tables with approximately thirty chairs and would patrol this area to ensure compliance. At the last two Block Parties, parents have requested to be able to allow their children to stay out and play at the toy store next door while the parents are allowed to sit at the outside tables and have a beer while they watch their children.

Mayor Brown said the Board receives requests through the years for special events and the Board has discussed the need for a special events policy. Alderman Greeley asked about the tables blocking the sidewalks during this event. Manager Onieal said the Town's ordinance prohibits blocking sidewalks, but this is a special event with the street being closed and should not be a problem.

Alderman Greeley asked how other requests for the sale of alcohol during events have been handled in the past. Manager Onieal said there have been requests in the past from Haywood County Arts Council, Altrusa and Folkmoot. Alderman Freeman said Altrusa was approved to sell alcohol in the past, but has not done this for the past several years. Alderman Freeman added that the request by Tipping Point Tavern is from good, responsible patrons and she feels that when they give their word they will do their best to control the situation. Alderman Greeley asked if there were any guidelines at the present time that restrict the number of tables, etc., that you can have. He expressed some concern about approving a one-time event if the Board does not have some regulations in place. Mayor Brown said he has some of the same concerns, but feels better about considering the request after speaking with Manager Onieal and Mr. Bowman. Mr. Bowman said the only two events he planned to make the request for were for the two Block Parties on Main Street during Memorial Day and again in September.

Manager Onieal said the Downtown Waynesville Association has not formally met to discuss this as a policy. However, the topic has come up at some of their meetings. They have been involved with Assistant Town Manager Alison Melnikova regarding the drafting of a policy. Manager Onieal added that the Town's ordinance has not been adjusted since liquor by the drink was passed and town staff will be reviewing this. The Board is allowed to make an exception to

the ordinance for special events. Downtown Waynesville Association has requested that the street be closed during certain hours for the Block Party and it is recommended that if the request by Mr. Bowman is approved, that it be for the same hours as the event.

Alderman Freeman moved, seconded by Alderman Caldwell to approve the request by Mr. Bowman to authorize the sale and service of Beer and Unfortified Wine, on a public sidewalk, in a controlled enclosure fronting the Tipping Point Tavern, located at 188-190 North Main Street, on May 26, 2012 from 7:00 p.m. until 10:00 p.m. and as permitted by Section 42-4 of the Town of Waynesville Code of Ordinances. The motion carried with four ayes (Brown, Caldwell, Freeman and Roberson) and one (1) nay (Greeley). (Res. No. 7-12)

Request to Purchase a Portion of Town Property on East Street (Portion of East Street Park)

A request was received from Mr. Doyle Plemmons with an offer to purchase a portion of the undeveloped section of town-owned property known as East Street Park (PIN #8615-56-3800) for a price of \$400, with buyer paying for survey and all closing costs. The Town property is situated between property Mr. Plemmons owns at 126 Arden Street and his brother's property at 118 Happy Hollow Access. He made the offer-to-purchase so that he may mow grass on both personal properties without having to maneuver the mower on public roads for four blocks to travel from one parcel to the other. The total parcel consists of 5.3 acres and is zoned East Waynesville Urban Residential, permitting primarily single and multi-family development. The property has neither been appraised nor surveyed. Mr. Plemmons has not indicated the exact area he wishes to purchase. The current assessed value on the entire parcel is \$162,800 (\$122,000 for the land and \$40,800 for a building on the property).

Manager Onieal said this request has come up once before but stopped at town staff. The recommendation from town staff on this request is not to sell this property which provides a buffer and possible future use by the town. Mayor Brown said there is a difference between surplus and unused property. This property is owned by the town but is not currently being used.

It was the consensus of the Board that this property is not surplus and the Town is not interested in selling any of the East Street property at the present time.

Resolution Updating the Corporate Resolution Designating Fiscal and Contractual Agency and Authorized Signers

Upon the retirement of outgoing Town Manager Lee Galloway, new authority certificates and signature cards will need to be prepared for each financial institution holding town funds. A resolution is needed which grants fiscal/contractual authority to Town Manager Marcy Onieal and Finance Director Eddie Caldwell and granting signing authority on all financial accounts to Town Manager Marcy Onieal, Finance Director Eddie Caldwell, Assistant Town Manager

Alison Melnikova, Assistant Finance Director Dean Trader and Town Clerk Phyllis McClure effective June 29, 2012. Manager Onieal said checks always have two signatures, with one from Administration and the other from Finance.

Alderman Greeley moved, seconded by Alderman Roberson, to adopt a resolution designating Town Manager Marcy Onieal and Finance Director Eddie Caldwell as signers of Authority Certificate(s) and as signers on signature cards; and designating Assistant Finance Director Dean Trader, Assistant Town Manager Alison Melnikova and Town Clerk Phyllis McClure as additional authorized signers on signature cards, effective June 29, 2012. The motion carried unanimously. (Res. No. 8-12)

Resolution Changing Terms of Office for Members of Standing Town Boards and Commissions

Manager Onieal said a recent review of membership rosters of town boards and commissions revealed that a more efficient and effective method of recruitment, application, screening, appointment, orientation and installation of board and commission members is needed. Staff is proposing that, except as otherwise dictated by statute, all town board and commission members be appointed for two-year renewable terms, with all terms running concurrent with the fiscal year (July 1 – June 30). It is suggested that all current terms be changed to expire June 30 of the year in which they were originally scheduled to expire, and that the class balance within each committee be adjusted with each successive appointment, so that no current term of office shall be unduly lengthened or shortened. This change in term would allow members to serve in a manner consistent with the Town's annual work plan and budget and would provide for appointments that coincide with the Board of Aldermen's four-year election cycle.

If the proposal is approved, the Town Clerk will notify all board and commission members of their change in term and immediately begin advertisement for filling upcoming vacancies on all boards and commissions, with an aim toward providing the Board of Aldermen sufficient applications for appointment to all boards at the regular meeting on June 26, 2012. A major recruitment could be done once per year for filling vacancies on these boards.

Mayor Brown said a public hearing will be required in order to change terms of three of the boards in order to amend their membership requirements contained in the Land Development Standards. A boards/commission manual will be developed to serve as a directory and orientation for new members with training provided for new members regarding public meetings and other information.

Former Board Member Libba Feichter suggested that interviews with current board members be published in Waynesville's Quarterly Newsletter to let the public know what they enjoy and what is involved on serving on their board/commission. Manager Onieal said she would also like to standardize the minutes of these boards/commissions to make sure that everyone

understands what their role is. Manager Onieal also suggested that those various boards/commissions come before the Board of Alderman once per month to discuss their work.

Alderman Greeley moved, seconded by Alderman Caldwell, to adopt a resolution, changing the terms of office for members of all standing Town Boards & Commissions to June 30 of the year in which current members' terms are scheduled to expire, and to approve two-year staggered (renewable) terms for new appointments and re-appointments to boards & commissions, beginning July 1 of each year (or as soon thereafter as possible) except as otherwise required by statute, in order for all appointments and retirements to coincide with the Town's fiscal year work plan, and the four-year election cycle for members of the Board of Aldermen. The motion carried unanimously. (Res. No. 9-12)

Resolution Endorsing Legislative Priorities as Set by NC Law Enforcement Agencies Presidents' (NC-LEAP) for the 2012 Session of the General Assembly

At its regular meeting of April 24, 2012, the Board of Aldermen received and endorsed a report on legislative priorities related to law enforcement issues for the 2012 short session of the General Assembly, presented by Chief Hollingsed and staff from the District Attorney's office. A resolution as follow-up of that action, providing confirmation of the Board's position, will be communicated to our State representatives as soon as possible. The resolution requests:

- 1) Expansion of State Crime Lab in the Western Region to include DNA and toxicology testing.
- 2) Amendment of Statutes to reclassify certain drug charges related to prescription drug abuse from Class I to Class H Felony.
- 3) Granting to state and local law enforcement officers the same immunity from fraudulent and frivolous lawsuits already provided to federal law enforcement officers.

Alderman Freeman moved, seconded by Alderman Roberson, to adopt a resolution urging members of the NC General Assembly to support the priorities set by the NC Law Enforcement Presidents for the 2012 legislative session. The motion carried unanimously. (Res. No. 10-12)

Communications from Staff

Town Manager Marcy Onieal - Manager Onieal gave an update of her travel schedule, adding that in her absence Assistant Town Manager Alison Melnikova will be in charge. Manager Onieal will be back in her office on June 25. She expressed appreciation to the Board for allowing her to take this time off. Manager Onieal thanked the staff and board for the wonderful reception held earlier in the evening, adding that she has had several opportunities to meet people.

Coming up at the next meeting will be the adoption of the fee schedule so that privilege license billings can be mailed. Town staff will continue to follow up on a policy for special events.

The public hearing on Fiscal Year 2012-2013 will be held on June 12. Adoption of the budget will be at the meeting of June 26.

BBQ Fundraiser for Skateboard Park - Alderman Caldwell said a BBQ Fundraiser will be held at the Waynesville Recreation Center on June 2 for the Skateboard Park. The Roller Derby Skaters have volunteered to help serve on this day. T-shirts will be sold at the BBQ.

Memorial Day Parade - The Memorial Day parade will be held in Waynesville on Monday, May 28 at 11:00 a.m. Courthouse activities will be held immediately following the parade.

Comments by Management Consultant Lee Galloway

Management Consultant Lee Galloway said during the 1990's a considerable amount of time was spent developing sidewalk regulations. At times other than special events/festivals, restaurants wanted to have sidewalk dining for restaurants on Main Street with much discussion regarding maintaining adequate room on sidewalks of five (5) feet. One of the problems found was that some sidewalks are different widths. There was struggle with this issue and with the sale of alcohol as well when people are walking by since some people object to this and a solution was never reached. After Altrusa stopped selling alcohol, the Board passed the ordinance to allow the approval of alcohol sales for special events. International Day was the event that the exception was made for.

Budget Workshop

A Budget Workshop will be held on Friday, May 25 at 12:00 noon.

Adjournment

With no further business, Alderman Greeley moved, seconded by Alderman Roberson, to adjourn the meeting at 8:05 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor