

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REGULAR SESSION MEETING  
NOVEMBER 26, 2013**

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**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting Tuesday, November 26, 2013 at 7:00 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

Mayor Gavin Brown called the meeting to order at 7:01 p.m. with the following members present:

Alderman Gary Caldwell  
Alderman Julia Freeman  
Alderman Wells Greeley  
Alderman LeRoy Roberson

The following staff members were present:

Marcy Onieal, Town Manager  
Chase Wells, Attorney (Representing Town Attorney Woodrow Griffin in his absence)  
Phyllis Rogers, Acting Town Clerk  
Paul Benson, Planning Director

Representing the media:

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

1. Welcome/Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting. Mayor Brown commented on the inclement weather and hopes for better weather in the spring and increased public participation in public hearings. Waynesville's Christmas Parade is December 9 and the Employee Appreciation Luncheon is December 13. Board members will discuss whether to walk or ride in the parade. Haywood Waterways Annual Meeting and Dinner is December 5. Manager Onieal said the Town is a sponsor of the Haywood Waterways Banquet. The Annual Boot Drive to collect donations to help replenish the food pantry at Haywood Christian Ministry will be Friday, December 6. Board members are invited to help with the Boot Drive. The Annual Firemen's Dinner and "A Night Before Christmas" on Main Street are scheduled for December 14.

2. Approval of Minutes

Closed Session Minutes of September 16, 2013

***Alderman Caldwell moved, seconded by Alderman Roberson to approve as presented. The motion carried unanimously.***

Regular Meeting Minutes of October 22 and November 13, 2013

***Alderman Greeley moved, seconded by Alderman Roberson to approve as presented. The motion carried unanimously.***

**B. BOARDS, COMMISSIONS, OUTSIDE AGENCY REPORTS**

3. Big Brothers of WNC

Due to the inclement weather, the decision was made by the representative of Big Brothers Big Sisters of WNC to present information about their agency at a later date. Alderman Freeman said she served as president of this organization for two (2) years. Alderman Greeley has two employees, including his son-in-law, who are involved in the program by being big brothers. Mayor Brown's grandson was involved in this program and remains friends with his big brother, who attended his wedding last year. Mayor Brown added that Board Members are involved in programs in the community and the importance of this involvement.

**C. PUBLIC HEARINGS** Continued from the November 12, 2013 regular meeting

4. Public Hearing to Consider adoption of North Main Street Complete Streets Study

Last year the Town was awarded a grant through the French Broad River Metropolitan Planning Organization to undertake a study of how the intersection of North Main Street and Walnut Street could be improved for all modes of transportation including motor vehicles, bicyclists and pedestrians. The firm of J.M Teague Traffic Engineering was hired to prepare a plan; this plan is now complete. The staff is requesting that the plan be adopted by the Board of Aldermen so that the project may be added to the State Transportation Improvement Plan for funding. ***This public hearing was opened on November 12, 2013, and continued to the regular meeting of November 26, 2013. After a brief summary presentation by Mark Teague of J. M. Teague Traffic Engineering, Mayor Brown called for the public hearing to continue with the following persons speaking:***

**Mark Teague**, with J. M. Teague Traffic Engineering said his firm was asked to look at this area used by bicyclists and pedestrians, which lacks sidewalks in the Town's system. The proposed changes will affect

properties where the Muffler Shop and Duvalls Restaurant are now located, but there is opportunity for redevelopment as well.

**Alderman Roberson**, who has served on the MPO Board for the past several years, indicated this is only a conceptual plan and that while any action by NCDOT is a long way off, he would recommend it be adopted to get the process started. Part of the process includes holding public hearings to gather input from the public. Improvements to Leicester Highway have been discussed for several years now and improvements are still many years away. If we don't get the plan adopted, then there is no chance of even being eligible to be considered for possible improvements by NCDOT down the road.

**Cecil Yount**, Chairman of Bicycle Haywood, said he would like to echo the comments made by Alderman Roberson. This is a subject he has thought about for quite some time, especially in the area where Duvalls Restaurant is located. This area was once the location of Charlie's Place, a gathering place of many in the past, including his Dad and himself. A quote he recently saw was "change is the wall of life and those who look only to the past are certain to miss the future". Cycling and pedestrian access is something many people look at and properties along greenways tend to have higher property values, making this an economic issue as well. Transportation will change in America and as Waynesville grows we need to look at ways to decrease congestion. As an example he used the Tuscola High School intersection. When originally designed, plans did not include pedestrian access. The need to design areas for cyclists will only increase.

**Ms. Clark**, pedestrian and cyclist in town asked that the Town address the recommended improvements as an issue of health. Healthcare cost is one of the biggest expenses that falls on government. Lack of exercise and inactivity are the biggest producers of obesity and related diseases. Ms. Clark supported the need to make the area more usable for pedestrians and cyclists. She added that the Town is difficult to walk in and government needs to look at ways to make more people move and exercise, such as the Recreation Center and Skate Park. She urged the Aldermen to adopt the plan and include the full alignment recommended and by doing so to help society and save the government money on future health care.

**Buddy Young** said a few years ago he took part in a master plan for pedestrian access. The N. Main area being considered has gaps and is in need of sidewalks for pedestrians. Mr. Young asked that the Board consider adoption of the plan, adding that not planning for sidewalks would be a huge mistake.

**John Mudge**, local bicycle shop owner, said while speaking to people daily he is asked the question "where do I go to ride my bicycle"? Comments are also received from people that they can't find a place to park their bicycles when they ride downtown in Waynesville. Bicyclists reduce congestion and he encouraged the Board to consider adoption of this plan.

**George Ivey**, local resident and bicyclist, expressed appreciation to the Board for the efforts of this plan to encourage cycling. He thinks this will be a great route through Waynesville and will also be good for

tourism. The plan has a lot of economic potential and he feels that it will also help local people and tourists daily.

***Mayor Brown closed the public hearing and asked for Board discussion.***

Alderman Greeley asked for clarification about proposed street closing if the plan is adopted. Mark Teague said Marshall Street and North Main Street sections would be changed allowing open access so that vehicles will no longer back into oncoming traffic. Mayor Brown asked if a portion of North Main Street is closed if ownership of the closed portion will be divided with owners on either side. Mr. Teague said this is negotiable. Mayor Brown added that if this is a street closure, and not a condemnation, property owners are not compensated. Alderman Greeley expressed concern about the businesses discussed earlier that will be eliminated and may need to relocate. However, the appearance of the T-intersection will be better than the angled intersection. Mark Teague said the changes will create very distinct access points.

Mayor Brown said in 1920 the Town of Waynesville Board Members paid \$10 per acre for property at the Waynesville watershed and were not re-elected because of this action. This is a new project on the table for the Board, but he feels that it is appropriate to have time for this to be in the public's view. When the changes to South Main Street were approved it had been discussed in the public for quite some time and he recommended the same for North Main Street. Two of the board members have concern about the businesses that will have to close. A group has been working on Corridor K project for a number of years. This was a forced project done without including the public, but now is receiving public input through the OPT-IN program. Mayor Brown suggested that the Board sit on the idea for a while and make sure this is what the public would like to see.

Alderman Roberson said he would like to see the process begun regardless, noting that the public would have input at every step of the way. While the plan could be changed and/or eliminated, starting now would at least get the ball rolling. The safety of pedestrians, cyclists and businesses could and should all be considered. There should be a way to engage the businesses. The Board could delay it for a period of time, but he would like to see it brought to a vote again in the near future.

Alderman Greeley said the Town requested that the business community be given advance notice of the proposal being considered and what options are available. Alderman Freeman added that the business owners may not understand how the changes will affect them, but the proposal does improve the area. Town Manager Mary Onieal said all business owners have been notified.

***Alderman Roberson moved, seconded by Alderman Greeley, to accept the report as presented and take no further action at the present time, but requested that town staff develop a process and methodology to show that all business owners are aware of the proposal. The motion carried unanimously.***

Mayor Brown thanked Mark Teague for his presentation.

5. Continuation of Public Hearing to Consider Adoption of an Amendment to the Sign Ordinance (Chapter 11 of the Land Development Standards)

In response to a number of issues with the Town's sign regulations identified by staff and business owners, the Planning Board has recommend adoption of a comprehensive amendment to Chapter 11 of the Town's Land Development Standards. Significant changes proposed by this amendment include permitting small portable signs in the Central Business District and adding a provision for temporary banner signs for commercial special events or promotions. Other notable changes include permitting a larger area of temporary window signage, and increased maximum sign heights and sizes for some types of signs, including a new provision for Facsimile Signs (e.g. inflatable figures). The amendment also makes a number of more minor changes to the ordinance for the purpose of clarity and organization. ***A public hearing was opened on November 12, 2013 and continued to the regular meeting of November 26, 2013.***

In response to comments received at the November 12, 2013 hearing the draft sign ordinance was referred by to staff to add provisions for theater marquee signs and for off-premises signs on major thoroughfares. The staff prepared draft amendments and presented them for review and recommendation by the Planning Board at the November 18, 2013 meeting. The Planning Board recommended that the provision for Marquee Signs be adopted but recommended against the adoption of the Off-Premises Direction Signs. Both recommendations were unanimous.

Support for the Marquee Signs was based on the limited scope of this amendment (only permitting these signs in Business Districts for theaters, auditoriums and museums), and the provision for Historic Preservation Commission review and approval of such signs within National Register Historic Districts (as is downtown). Opposition to Off-Premises Signs was based on a concern for opening a "Pandora's Box" as it is impossible to determine how many additional signs this could lead to being placed along the Town's major thoroughfares. There was also concern expressed that the size of such signs could be quite large in the case of a number of off-site business placing signs on a single property (the draft ordinance permits any number of off-premises signs on a single property but requires them to be placed on a sign structure).

***Mayor Brown continued the public hearing. The following persons spoke:***

**Jack Wadham**, Frog Level business owner, said he has attended many Planning Board and sign ordinance subcommittee meetings. Mr. Wadham discussed several areas of the sign ordinance, but one of the biggest issues involved banners. Mr. Wadham said he understood that banners are planned to be placed at Vance Street and Marshall Street for Parks and Recreation, which is not in accordance with the Sign Ordinance since the banners are not on Parks and Recreation property. Mr. Wadham said the flags used during Folkmoot are not in compliance with the Sign Ordinance and the Haywood County Courthouse has numerous flags displayed during this time. If banners and flags are going to be allowed it must be done in a way that treats everyone the same. It is not fair to allow Churches and the Town to

display banners whenever they want to when others cannot do so, adding that he felt this to be discrimination and everyone should comply with the same rules and regulations. Mr. Wadham felt that everyone should be allowed to use sandwich boards. If their sidewalks are not at least five feet in width they should be allowed to place their signs in their flowerbeds.

Planning Director Paul Benson said there is a general exemption that allows governmental agencies to have certain signage. Mayor Brown said discrimination is defined as treating the same people differently and the public and government have historically been different.

Mr. Wadham said businesses can only have banners four times per year and that the Town is treating people differently if you allow non-profits and churches to display signage more often than other businesses.

Mayor Brown expressed appreciation to Mr. Wadham for his comments. No one else spoke; Attorney Brown closed the public hearing.

Manager Marcy Onieal said the Planning Board declined to recommend approval of the off-premise signs because of fear of proliferation and some of the concerns mentioned by Mr. Wadham. Our ordinance already allows an alternative for general wayfinding signs which could be placed by the local government to direct people to shops, dining, etc., without advertising a specific business. These signs are similar to those used by the N. C. Department of Transportation and designed with a standard similar to the Welcome to Waynesville sign.

Paul Benson said the City of Asheville and Buncombe County spent \$1.65 million dollars for a three-year process to install signage. He also gave an example of a NCDOT signage program which may work for some businesses. Manager Onieal said in Black Mountain there was a provision that allowed a business not located on a major thoroughfare to place a single off-premise directional sign in the right-of-way with permission of another private property owner where the sign is placed. There are strict requirements for size and appearance of such off-premise signs, but such a provision might serve as a compromise in directing the public to businesses that are more off the beaten track.

Mayor Brown mentioned that businesses on Main Street may be easier to find, but those businesses located off Main Street request signs directing people to their shops. Mr. Benson said there is a wayfinding sign program currently being used in Downtown Waynesville. Manager Onieal pointed out that this type of way-finding sign is currently limited to Main Street although there are some existing non-conforming way-finding signs which have been scattered about time over time.

***It was the consensus of the Board that the issue of way finding signs be studied further by town staff.***

The ordinance being considered by the Board does contain the addition of marquee signs as recommended by the Planning Board. Mr. Benson said it would be up to the Historic Preservation Commission to come up with the lighting and design, but the sign could not exceed the maximum

lighting allowed. This would mainly be designed for the Main Street District, but limited to districts that have properties with no ground signs.

***Alderman Caldwell moved, seconded by Alderman Greeley, to adopt the amendments to Chapter 11 of the Land Development Standards, appendix A of the Code of Ordinances regarding the Sign Ordinance as recommended by the Planning Board. The motion carried unanimously.***

***Mayor Brown moved, seconded by Alderman Freeman, to remove the facsimile sign provision 11.5.14(g)(7), and to remove the exception listed under 11.8.10. The motion carried 4-1, with Alderman Caldwell voting in opposition. (Ord. No. 15-13)***

Manager Onieal clarified the adopted motions of the board stating that the adopted amendments to the sign ordinance included all but one of the changes recommended by the Planning Board. It also allows for marquee signage, but prohibits facsimile signage (e.g. inflatable figures) and does not currently provide for off-premise signs. Alderman Caldwell asked if facsimile signs could be allowed only in certain districts using a designated size on a smaller scale. Alderman Caldwell felt that automobile dealerships are the only businesses that use this type of sign. Paul Benson said he has not seen any industry standards regarding facsimile signs. Mayor Brown felt that facsimile signs are inappropriate for this community and he did not wish to pursue these signs at the present time, but requested that it be discussed further at a later time. Mayor Brown thanked the staff and the Planning Board for all the work they have done on the sign ordinance amendments.

6. Amendment to Town personnel Policy on Leaves of Absence (Article X, Sec. 1-2) Adjusting the Annual Paid Holiday Schedule

During the FY14 budget process, the manager presented several personnel-related proposals, including a proposed amendment to the Town's holiday schedule, which was approved by board consensus during budget work sessions. A formal change in the paid holiday schedule requires an amendment to the Town Personnel Policy (Article X, Sec 1-2). The proposed amendment would exchange the "floating holiday" for a holiday on Veteran's Day and would provide for three paid holidays at Christmas, regardless of what day of the week the holiday falls on. The proposal calls for adopting an annual holiday schedule of 12 paid holidays, as published annually by the State of North Carolina, Office of State Personnel, for all full-time and permanent part-time employees, which coincides with the approved holiday schedule observed by all state employees and by the employees of Haywood County and surrounding jurisdictions. The "use it or lose it" policy associated with the town's current "floating holiday" is extremely time-consuming to administer and becomes "lost time" when an employee fails to take the leave before December 31. Syncing the Town's holiday schedule with those of the State and surrounding jurisdictions will also provide a better means of planning, and should prove less confusing to the public, since all public offices within the county would be closed at the same time.

***Alderman Freeman moved, seconded by Alderman Greeley to amend the Town Personnel Policy, Article X, Sections 1-2 as presented, effective November 27, 2013, in order to provide town employees***

***12 paid holidays annually on a schedule coinciding with that published by the State of North Carolina, and as observed by other Haywood County local government jurisdictions. The motion carried unanimously.***

**D. COMMUNICATIONS FROM STAFF**

7. Town Manager Marcy Onieal reported on the following items.

Sidewalk Trip Hazard Repair Program

The Town of Waynesville has made numerous sidewalk repairs, improving maneuverability for those in wheelchairs and using walkers. Sidewalks in disrepair become a liability to the community. The Town spent roughly \$20,000 for repairs, accomplishing what would have cost approximately \$80,000 using traditional replacement methods. The work done repaired several trip hazards and she is very pleased with the work that was done.

Bicycle Street Marking Program

Bike routes are being identified and this program will be continued in town. Those lanes that have been identified as bikeshare are marked with the painted bicycle marker in the middle of the lane.

Boards and Commissions Appointments

Appointments to the Board of Adjustment, representing the Town's ETJ were made by the Haywood County Board of Commissioners as recommended by the Board of Aldermen. Town staff will improve communications regarding future appointments that require county approval.

Recreation Updates

The temporary restrooms in the area near the tennis courts are now in place and have received many good comments. Tennis resurfacing has been delayed until spring because better weather conditions and higher outdoor temperatures are required. Without the proper temperature, all warranties on the work would be void. The Master Plan RFQ's have been drafted for this project. The Town is moving forward with preliminary use of the greenway. The property swap approved by the Board has been completed for this project. The Town has also been given permission to begin using the property adjacent to Dutch Fisher Park, which already contains a number of informal trails, including some used by the homeless in Haywood County. The Town will sign a lease for \$1 per year for the use of this property. This site is also being considered for a possible grant to allow the use of the property for educational space for an amphitheater to allow students access to the water for learning purposes. Three fire departments participated in a fire training this weekend in a controlled burn exercise to burn an older vacant house at Rec Park on Vance Street owned by the Town. Town staff is now in the process of clearing debris left from the fire.



### Business Privilege License Update

The Town has collected \$127,600 which is 93% of budget. A higher percentage was collected last year, but more dollars have been collected this year. Only three complaints have been received since the change in gross receipts was implemented, and there is only one significant delinquency among businesses which were switched to gross receipts formula. Delinquent notices will be mailed in early January, thereafter, a penalty for failure to pay will be assessed.

### Sweepstakes Update

There was a Superior Court Ruling that appears to make allowable the operation of sweepstakes machines in Town that were formerly considered illegal. Since that ruling, business owners have begun operating the machines again and several have come to the Town trying to pay the business privilege license fee. The manager will meet with the Police Chief, District Attorney and Tax Collector shortly after the holidays to determine how to treat these businesses locally since the intent of the state legislature was to continue the ban on all similar machines.

Hyatt Trace Update. The change in Town participation requested by the developer at the last board meeting has been changed again. The developer has an opportunity to purchase additional property and increase the number of affordable housing units being built, so there is no need for additional support from the Town. A year ago the Town approved a \$106,000 loan for the purpose of installing water and sewer infrastructure to the development, and that offer still stands.

### Howell Mill Project Update

The Howell Mill improvement project is ready to be bid. Town officials have been invited to meet with NC Department of Transportation officials regarding the bridge which is to be designed with more aesthetic appeal than is traditionally associated with the standard highway bridge. The architecture will include stone treatment and more decorative railings in keeping with the Town's design theme. Town staff has also spoken with NCDOT about joining the bridge with the greenway in that area, so that pedestrians may safely cross the new bridge.

### Watershed Forest Management Program

The Town is moving forward with the previously adopted Watershed Management Program and Manager Onieal wanted to make the Board aware of the beginning of the project to selectively thin the White Pines. This work is scheduled to begin during the last week of November.

### Lake Junaluska Annexation Update

Manager Onieal said she had intended to provide a Lake Junaluska merger update, but noting that Ed Lafontaine, a longtime resident of lake Junaluska and President of the Lake Junaluska Property Owners Organization, was present in the audience, she was happy to defer to him to make the report. He began by noting that the Senate acted on the Annexation Initiative, but the House did not. This can be taken up in the NC General Assembly Short Session of 2014, most likely in May 2014. Residents and leadership firmly stand behind annexation with the Town of Waynesville and wish to proceed. A number of citizens support this initiative. In order to demonstrate this definitively and in order to have this information

available, two petitions have been created. One is for property owners and the other is for registered voters of Lake Junaluska. A significant response has already been received since the petitions were distributed approximately two weeks. Once the petitions are returned a personal canvas will be conducted for those who have not responded, because the overall goal is to contact 100% of property owners and voters. In mailings to this point a number of petitions have already been returned. This will provide all the powers-that-be with a definitive indication of the residents' & voters' desires and level of support for annexation.

Mayor Brown added that he has spoken with residents Jim Edwards and Clifton Metcalf. The goal is to keep Lake Junaluska referred to as Lake Junaluska and that this community will always have their voices heard. Mayor Brown expressed appreciation for the efforts of Town Manager Marcy Onieal and her initiative on this issue.

#### Cell Tower Issue

The proposed location of a cell tower by Verizon at the Dutch Fisher Park has now been changed due to constraints of the original site, and Verizon is now looking at Haywood County School property as a possible location and negotiations are continuing.

#### Wellness Program

Employee committees have been working on development of a Wellness Program for all employees. Movement meters and many other opportunities and incentives are being offered that will both improve the overall health and fitness of employees while bringing costs of employee health insurance down. Manager Onieal indicated she was one of the first guinea pigs trying out the new meters and that the committee should be ready for kicking off the new plans in January.

#### Hiring Updates

Manager Onieal said she is pleased to inform the Board that an offer has been made and accepted for a town clerk to begin work on January 16. Phyllis Rogers has agreed to stay until that time and also to continue be available when needed as backup on an indefinite basis. A background check and other formalities needed prior to employment are being done at this time. The Administrative Intern will begin working fulltime hours beginning in January and will be involved with the budget process and new IT support contract. The Town's Assistant Public Works Director plans to retire in approximately one year, and the board has indicated its support for the manager's plan to reorganize the Public Works reporting structure and overhire into this position to provide for an orderly succession upon his retirement.

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

8. Recommendations for Appointment to Haywood County Tourism Development Authority 1% Subcommittee

Mayor Brown presented five recommendations for the Board of Aldermen to consider recommending for appointment by the Haywood County Commissioners to the Haywood County Tourism Development Authority 1% Subcommittee.

Representing the 28786 Zip Code Area: John Keith, Katie Eason Hughes, Roy Gass and Deb Isenberg.

Representing the 28785 Zip Code Area: Mindy Wood.

***Alderman Freeman moved, seconded by Alderman Caldwell to recommend the five individuals for appointment by the Haywood County Board of Commissioners to serve on the Haywood County Tourism Development Authority 1% Subcommittee as presented. The motion carried unanimously.***

**F. CALL ON THE AUDIENCE**

No comments.

9. Presentation of Audit Report

Manager Onieal presented the audit for the Board to review requesting that any questions be directed to her or Finance Director Eddie Caldwell prior to the presentation of the audit by Ray, Bumgarner, Kingshill and Associates at the December 10, 2013 meeting.

**G. ADJOURN**

***There being no further business, Alderman Greeley made a motion, seconded by Alderman Caldwell, to adjourn the meeting at 9:01 p.m. The motion passed unanimously.***

ATTEST

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Gavin A. Brown, Mayor

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Marcia D. Onieal, Town Manager

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Eddie Ward, Deputy Town Clerk

Prepared by:

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Phyllis R. Rogers, Acting Town Clerk