

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
October 14, 2014

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, October 14, 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

1. Welcome /Calendar/Announcements

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

- October 18 & 19 – Haywood County Apple Festival
- October 19 - 211th Military Police Company Homecoming
- October 18 – 26 – Town Manager Vacation
- October 27 – Haywood County COG Meeting

Manager Onieal noted that the Church Street Fair held October 11 was very successful. Mayor Brown added that he had spoken with several vendors who were pleased with the way that this festival was organized and run.

2. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Greeley to approve the minutes of the September 9, 2014 (regular meeting) as presented. The motion carried unanimously.

3. Proclamation – National Disability Employment Awareness Month

Mayor Brown read a proclamation declaring the month of October as National Disability Employment Awareness Month and commended local agencies such as Haywood Vocational Opportunities and the ARC of Haywood County for their provision of service. He noted that Waynesville is a community that is engaged with the employment of disabled individuals and recognizes the value and talents that these individuals bring to the workforce.



B. PRESENTATION

4. Tuscola High School

Travis Collins, Principal and Carol Fox, Assistant Principal of Tuscola High School provided a presentation regarding the current and future happenings at the school. Mr. Collins thanked the board for giving him the opportunity to share this information. He began by providing various statistics about the number of students and teachers. Mr. Collins gave an overview of the organizational structure and how decisions are made including the use of the School Improvement Team where input is gained from all levels.

Ms. Fox explained that Tuscola would be transitioning from a 7-class a day schedule to a four by four block schedule for the 2015-16 school year. This schedule provides students with the opportunity to graduate with additional credits, provides for more electives and smaller class sizes. Ms. Fox explained about the Smart Lunch period which is an extended lunch period where those students who are passing can participate in enrichment activities, projects and clubs during the school day. Those students who may be struggling or not doing well engage in required tutorials in an effort to improve

grades. This smart lunch period helps students learn about managing time and resources as a practical life skill.

Mr. Collins explained he has two primary goals for Tuscola – to increase student achievement by raising test scores to above the state average and to grow the “brand” of Tuscola. The goal is to see more black and gold in the community, as part of community events and celebrations. A first step is a spirit club; if a student is passing, they can obtain free admission to a sporting event to support their fellow students and interact with their peers. Mr. Collins noted that by growing the brand, it should help to grow the town because, as he explained, great schools equal great communities. The Cherokee word Tuscola means digging in many places and it is this view of the future that will help students and activities while focusing on success. Mr. Collins again thanked the board for the opportunity to present.

Mayor Brown asked about class size based on enrollment and number of teachers. From his calculations it came out to around 13 students per teacher. Mr. Collins explained that depending on the nature of the class, there could be from 13 to 40 or 50 in a class. Mayor Brown added that the Town supports the AFJROTC with appropriations for their annual Veterans Day Luncheon. He commented that John Sanderson, Assistant Principal had described Mr. Collins as having taken ownership of this high school, if there is anything that needs to be done – he does it. You may see him picking up trash on the campus.

Alderman Freeman inquired if students would still be able to interact with non-profit agencies under the new four by four schedule. Ms. Fox responded that there should be no reason that the smart lunch period could not be used for this purpose, and that all options are being considered during this learning and transition process.

Alderman Greeley thanked Mr. Collins and Ms. Fox for coming to the meeting and appreciates the update and the involvement of the board.

Alderman Roberson clarified that Tuscola was one of last in the state to convert to the new schedule. Mr. Collins confirmed and noted that the classes in the new format are increased to 90 minutes from 50 minutes allowing for additional instruction time and laboratory activities.

Mayor Brown thanked Mr. Collins and Ms. Fox again for their presentation and that he looks forward to hearing and seeing great things from the school.

C. NEW BUSINESS

5. Street Closure Requests

a. Relay for Life event – April 25, 2015

Rick Bohleber, representing the West Haywood Relay for Life made a request for street closure for the annual Relay for Life event on Saturday, April 25, 2015. He explained that the event would have a festival-like atmosphere and would be shortened to increase participation. This event has received approval by the Downtown Waynesville Association and the member participants. Mr. Bohleber requested that the time of the street closure be updated to begin at 4:00 p.m. rather than 5:00 p.m. Manager Onieal noted that the noise ordinance would apply and that as a courtesy,

those living in town above the Main Street shops should be informed in advance of the event. Mr. Bohleber added that the theme for the event is Happily Ever After (without cancer).

Alderman Greeley made a motion, seconded by Alderman Freeman to approve the 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 4:00 p.m. until 1:00 a.m. April 26, 2015, as requested. The motion carried unanimously.

b. Hazelwood Baptist Church Annual Fall Festival

Manager Onieal explained that a request was received from Hazelwood Baptist Church for a 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. for a Fall Festival. She noted that this was an annual event that had been approved previously by the board.

c. Hazelwood Church of God and Hazelwood Presbyterian Church Trunk or Treat Event

Manager Onieal explained that a request was received for a 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. for a Trunk or Treat Event. This is an event similar to the previous item.

As both agenda items were similar in nature, Mayor Brown requested that any motion made regarding these street closures be inclusive of both events.

Alderman Caldwell made a motion, seconded by Alderman Greeley to approve the noted street closures of Virginia Avenue between Hazelwood and Kentucky Avenues on Thursday, October 30, 2014 from 4:00 p.m. until 9:00 p.m. for a Fall Festival and Carolina Avenue between Camelot Drive and Brown Avenue on Friday, October 31, 2014 from 5:00 p.m. until 9:00 p.m. for a Trunk or Treat Event, as requested. The motion carried unanimously.

6. Approval of Rate Modifications for current Loan Agreements

Manager Onieal noted that these loan modifications were to lower interest rates on three loans. She reminded members that as part of the budget process, she and Eddie Caldwell, Finance Director were tasked with review of outstanding debt for possible consolidation. Manager Onieal commented that she appreciated Mr. Caldwell's work on these modifications. She explained that there were two existing loans with BB&T (Fire Station and Electric Substation) and one with Home Trust Bank (Recreation Center). The rate modifications are as follows:

Fire Station (BB&T): 3.77% decreasing to 2.38%

Electric Substation (BB&T): 3.52% decreasing to 2.18%

Recreation Center (Home Trust Bank): 3.99% decreasing to 3.1%

Manager Onieal added that there were no changes to the terms, life or number of payments on any of the loans and the principle would remain the same. The total net savings

for these modifications would be \$142,600 with a high savings of \$18,000 in the next fiscal year with approximately \$4,000 in other years. There are no fees incurred with these modifications and approval is not required by the Local Government Commission. Manager Onieal explained that there was no benefit to modification of any other loans and noted the number of remaining payments for each loan including:

- Fire Station – 15 remaining semi-annual payments
- Recreation Center – 8 remaining semi-annual payments
- Electric Substation - 6 remaining annual payments

Manager Onieal expressed that the action requested was to approve the three (3) resolutions for rate modification for these loans.

Alderman Greeley made a motion, seconded by Alderman Roberson to approve the three resolutions regarding rate modifications for outstanding loans for the Fire Station, Electric Substation and Recreation Center offered by BB&T and Home Trust Bank, as presented. The motion carried unanimously.

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%;

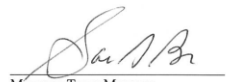
NOW, THEREFORE BE IT RESOLVED by the governing body of Town of Waynesville, North Carolina that the proposed changes to the Payment Schedule of the Original Agreement are hereby approved and the officers designated to sign financing documents are hereby authorized and directed to take such action as 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 14th 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 14th 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 14th day of October 2014.

Attestation:


Town Clerk
Town of Waynesville, North Carolina


Mayor or Town Manager
Town of Waynesville, North Carolina



7. Approval of Resolution of Intent for an Alley Closure Request

Manager Onieal noted that a request had been received from Greg Edney on behalf of New Mountain LLC regarding closure of the unnamed right-of-way (alley) between George Drive and Brown Avenue. Tom Morgan has purchased the properties on both sides of the right-of-way and requested that the alley be closed to allow for future development on the property; if the right-of-way is closed, the property can be consolidated. The action required by the board is a Resolution of Intent and a subsequent public hearing.

Alderman Caldwell made a motion, seconded by Alderman Roberson 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 NCGS 160A-299, as presented. The motion carried unanimously.

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 Caldwell and duly seconded by Alderman Roberson, 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:

Mayor Gavin Brown

Alderman J. Wells Greeley

Alderman Julia Freeman

Alderman Gary Caldwell

Alderman LeRoy Roberson

And the following Aldermen voted in the negative:

Adopted this the 14th Day of October 2014.



ATTEST:

Amanda W. Owens
Amanda W. Owens, Town Clerk

TOWN OF WAYNESVILLE

Gavin A. Brown
Gavin A. Brown, Mayor

Marcia D. Onieal
Marcia D. Onieal, Town Manager

8. Call for a public hearing on November 11 for the purpose of considering the closure of un-named right-of-way (alley)

In accordance with NCGS 160A-299 following the approval of a Resolution of Intent to close a street or alley way, a public hearing must be called regarding the matter to obtain public input.

Alderman Roberson made a motion, seconded by Alderman Caldwell 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. The motion carried unanimously.

Mayor Brown instructed Ms. Owens to publish the appropriate notification of the public hearing in the newspaper.

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)

Manager Onieal explained that an offer to purchase a town-owned parcel (PIN# 8604-87-1966) was received from Dale Burris, the adjacent property owner. The parcel was acquired from Dayco as a staging area for large equipment during the building of the bridge over Allen's Creek at Hendrix Street. Manager Onieal noted that the lot is undevelopable as it is too small to build on and has a protected trout buffer at the

creek. Mr. Burris has been maintaining the lot by mowing and making necessary improvements. One requirement of the Town related to the surplus property is to maintain a right-of-way easement for future greenway along Allen's Creek. Mr. Burris is willing to leave this easement in place. Manager Onieal noted that the current offer is \$500.00. The statutorily required upset bid process will be followed and if an upset bid is received, the same easement requirements would remain in place.

Mayor Brown noted that the board did not have to accept any offers if an upset bid was received. Alderman Freeman asked what the tax value to the Town would be for this sale. Manager Onieal noted that the property has very little current value but would be combined with an existing parcel if Mr. Burris is the winning bidder. The action required is a resolution to advertise for 10-day upset bid per NCGS.

Alderman Roberson made a motion, seconded by Alderman Greeley to approve the sale of Town-owned property as outlined in NCGS 160A-269 including advertising for the requisite ten day period, as presented. The motion carried unanimously.

Mayor Brown instructed Ms. Owens to publish the appropriate notification of the upset bidding process in the newspaper.

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.



ATTEST:

Amanda W. Owens
Amanda W. Owens
Town Clerk

TOWN OF WAYNESVILLE

Gavin A. Brown
Gavin A. Brown
Mayor

Marcia D. Onieal
Marcia D. Onieal
Town Manager

D. COMMUNICATIONS FROM STAFF

10. Town Attorney – Woody Griffin

Attorney Griffin had no business to discuss.

11. Town Manager – Marcy Onieal

Employee News

Manager Onieal noted the following employee news:

- Assistant Fire Chief Shannon Morgan's mother-in-law had passed away.
- Police Sergeant Heath Plemmons has moved to Vermont.
- Waynesville Public Art Commission Chair Ann Melton has had some serious health issues.
- Town Clerk, Amie Owens, received the Jake Wicker Scholarship from the NC City and County Managers' Association.
- Multiple town representatives will be participating in a SIMSOC (simulated society) exercise as part of Leadership Haywood.
- The Asset Management division is now fully functional and the reorganization complete with Robert Hyatt as the supervisor. A work order system for facilities and maintenance has been implemented and appears to be working well.

ICMA Conference Report

Manager Onieal noted that the ICMA conference was the most highly attended with over 4,000 participants. It was the 100th anniversary of the ICMA and a celebration of council management form of government. Manager Onieal will update members as necessary regarding any future initiatives.

TDA group sales proposal

Manager Onieal explained that the Tourism Development Authority (TDA) is moving forward with the hiring of a group sales professional, initially without direct support from municipalities. They would like to have someone in place after the first of the year. The TDA will approach municipalities and county during budget season to discuss future financial support

TDA representatives

Manager Onieal explained that no applications have been received for the open position to be appointed by the Town of Waynesville and asked members to provide any suggestions to her. There is an additional vacancy for a representative with lodging of 20 units or more. These appointments must be completed in November or December as they must be confirmed by the County Commissioners.

Bicycle Tourism Workshop Update

Manager Onieal reported that there is a grant available from the Southwestern Commission regarding promoting bicycle tourism. Haywood County has a very active bicycling community and many ideas were shared as to how to make Haywood County a new tourism hub for cyclists. There was much representation and Manager Onieal categorized it as a great workshop.

Haywood County COG October Agenda

Manager Onieal provided a preview of three county wide issues for discussion at the upcoming COG meeting.

- Broadband capabilities– a county-wide survey is being developed to determine where we are lacking in service. All municipalities and county are asked to advertise the survey to employees, citizens and visitors.
- Haywood Pathways – trying to get the buildings completed before the goal date of November 1.
- An opportunity to partner with municipalities and county regarding Brownfields sites – not in the traditional sense but by illustrating three or more in a multi-site setting (asbestos, lead based paint, service stations, dry cleaning facilities, etc...) Members were asked to think of areas where this may be applicable. This is a grant program.

Collaboration with Chamber of Commerce

Manager Onieal explained about an opportunity for the Town to work with the Chamber of Commerce using left over rural center grant funds for improvements to the Dutch Fisher Park area. The idea is to use Leadership Haywood and the Haywood County Young Professionals for project development in conjunction with Town staff.

IT Report

Manager Onieal provided a copy of an IT report from VC3 to board members. She shared with members some of the items that VC3 is working on. Manager Onieal noted that the transition is progressing and reports such as these allow for confirmation that the project is moving forward. She highlighted items such as response times, number of open and closed tickets, and provided examples of some of the issues sent for resolution.

E. COMMUNICATIONS FROM MAYOR AND BOARD OF ALDERMEN

Alderman Caldwell noted that the annual ARC-tober Fest will be held on October 31 at the Harrah's Cherokee Hotel Ballroom from 6 p.m. to 10 p.m. Tickets are \$50.00 per person. He asked members to let him know if they wished to attend.

F. CALL ON THE AUDIENCE

Dick Young addressed the board regarding a problem on Virginia Avenue and ordinance violations. He noted that he was made aware that the individual whose property is in violation is to be in court Thursday with a \$5,600 civil penalty against them. Mr. Young asked why does this take so long for any action.

Both Mayor Brown and Manager Onieal responded that while they have the power to do so, this board has never chosen to take such an aggressive approach and tries to work with individuals rather than be so restrictive as to be unyielding.

Attorney Griffin noted that due to the load of the courts, there are times when such cases are dismissed, and the Town came to the conclusion that perhaps the more effective way would be to impact attention financially. Generally, the potential of judgment is significant enough to gain the desired response. Related to this specific case, the code enforcement staff has tried to work with the property owner.

G. ADJOURN

There being no further business to discuss, Alderman Greeley made a motion, seconded by Alderman Roberson, to adjourn the meeting at 8:09 p.m. The motion passed unanimously.

ATTEST

Gavin A. Brown, Mayor

Marcia D. Onieal, Town Manager

Amanda W. Owens, Town Clerk