

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
July 28, 2015

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, July 28, 2015 at 6:30 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 6:30 p.m. with the following members present:

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

Alderman J. Wells Greeley was not present due to a scheduling conflict.

The following staff members were present:

Marcy Onieal, Town Manager
Woodrow Griffin, Town Attorney
Amie Owens, Town Clerk
Joey Webb, Fire Chief
Elizabeth Teague, Development Services Director
Catherine Hughes, MPA Intern

The following media representatives were present:

Mary Ann Enloe, the Mountaineer

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting. He noted that he would be celebrating his birthday this weekend.

Mayor Brown commented that Sarge's Annual Downtown Dog Walk was scheduled for Saturday, August 1 and asked Alderman Freeman to tell about the event. Alderman Freeman explained that this is the 10th anniversary and the largest ever celebration to date. She noted that while canine flu has been a concern, there have been no cases in Haywood County. Registration for the dog walk is at 9:00 a.m. with the walk beginning at 10:00 a.m. The Mayor will be in attendance and encouraged participation by all.

Mayor Brown noted that there was an Art after Dark and Mountain Street Dance on August 7th with the Blue Ridge Break Away Cycling event on August 15th.

Manager Onieal called attention to the following events:

- July 31 - Southwestern Commission Region A Annual Dinner – noting that she, the Mayor and MPA Intern, Catherine Hughes, would be in attendance.

- August 5 – Issues and Eggs – event sponsored by the Haywood County Chamber of Commerce – speaker Joe Stewart from the NC Free Enterprise Foundation would be the keynote speaker. Manager Onieal noted that she had had the opportunity to hear Mr. Stewart speak in Raleigh and that he gives an outstanding non-partisan analysis of the national and statewide political landscape and forecast and she encouraged members to attend.
- August 18 – Boards and Commissions Overview – this event is held to recognize the outgoing board members as well as provide a brief orientation to new members. The candidates for aldermen and mayor will also be invited to attend. A reception will be held beginning at 5:30 p.m. with orientation at 6:00 p.m. She noted that the mayor and board chairs would each be invited to address the group.

2. Adoption of Minutes

There were two amendments to the minutes of the June 22, 2015 special called meeting requested by Alderman Roberson.

Original statement – page 4 paragraph 3:

Alderman Roberson noted that at the retreat that the electric division did not have a formal safety program.

Amended statement:

Alderman Roberson noted that at the retreat that UTECH said the electric division did not have a formal safety program.

Original statement – page 5 paragraph 4:

Alderman Roberson asked if the Finance Officer had to approve or co-sign contracts over a certain threshold.

Amended statement:

Alderman Roberson asked if the Finance Officer had to approve or co-sign contracts.

Alderman Roberson made a motion, seconded by Alderman Caldwell, to approve the minutes of the June 22, 2015 special called meeting, as amended, and to approve the minutes of the June 23, 2015 regular meeting, as presented. The motion carried unanimously.

B. REPORTS/PRESENTATION

3. Fiscal Year End Reports, as of June 30, 2015

a. Sale of Fixed Assets Report

Asset Services Manager Julie Grasty presented the annual report of sale of assets. She explained that all of the vehicles that were declared surplus were sold through GovDeals. The water meters and implements were through Biltmore Iron in Asheville. Ms. Grasty noted that the police dog was retired and sold to the handler. Manager Onieal added that each vehicle for

surplus comes with a full report from fleet manager as to why it is being declared surplus based on maintenance costs, mileage, age, and justification that the vehicle has exceeded its useful life or cost benefit. Alderman Roberson inquired about the F-800 vehicle. Ms. Grasty explained that it was an old flat bed truck used by the street department.

Mayor Brown inquired if there was a competitor to GovDeals. Ms. Grasty noted that there were other competitors. Manager Onieal added that there were smaller agencies that provide similar services, but that GovDeals has been used by the Town for several years with good results and is recognized nationally as the electronic auction site of choice for municipalities with arguably the largest audience of potential buyers.

Manager Onieal noted as a related item that the new explosives canine, Luke, was now on staff. Luke was paid for by all of the municipalities for use throughout the county, but will be trained, owned, maintained by the Waynesville Police Department. Alderman Roberson asked when a canine is retired, does that handler receive the canine. Manager Onieal confirmed that a canine is typically surplused for the nominal sum of \$1 and retired to its handler.

No action was required for this agenda item as it was a year-ending report.

b. Disclosure of Payments

Manager Onieal explained that small local governments (less than 15,000 population) could contract with a member of the governing board, but only under very specific statutorily defined procedures. She noted the distribution of the statute with the agenda packet and part of the procedure being the annual disclosure of payments involving aldermen with a financial interest in business being done with the Town. Two meetings were held at the Wells Event Center in Fiscal Year 2014-15. While there was no direct payment to Alderman Greeley, as the owner of the establishment, he would have benefitted from such payment and disclosure of the payment is being provided. The total cost for the two meetings was \$650.00. Manager Onieal added that such payments are required to be updated quarterly and posted; they are to remain posted for one year.

No action was required for this agenda item as it was a year-ending report.

4. Intern Activity Report to the Board

Manager Onieal commented she was pleased to have Catherine Hughes with the Town this summer as an intern from the UNC-Chapel Hill Master of Public Administration Program. She has one more week of her internship and she will be reporting to the board regarding two specific projects she completed this summer.

Ms. Hughes noted that she worked primarily on two projects – development of emergency action plans (EAP) for each of the town-owned facilities and National Incident Management System (NIMS) training and tracking program. Ms. Hughes provided an overview of the EAP including the various sections covered and emergency scenarios for each building. She has begun providing training to all departments regarding the EAP.

Ms. Hughes explained that NIMS compliance is required for all public safety employees (fire and police) but that training is available for non-public safety areas. During her internship, Ms. Hughes developed a training plan for all departments and noted that it was suggested that board members also take the overview course. She noted that FEMA funding following a disaster hinges strongly on NIMS compliance. Ms. Hughes initiated a tracking program for NIMS training which will be used by Human Resources going forward.

Ms. Hughes added that she took part in the table top planning exercise and the full scale disaster drill in June. The simulation was a fire in the downtown area at Massie Furniture Company. Ms. Hughes played the role of the town manager and assisted with communication regarding traffic control and evacuation. In this role, she determined with others that declaration of a state of emergency was not warranted. As her chosen discipline is Emergency Management, Ms. Hughes was able to see first hand the need for collaboration and preparatory exercises when dealing with emergency response.

Ms. Hughes assisted with other projects involving communications, social media and topic specific research. She concluded her presentation by noting the various lessons learned during her time with the Town including:

- How much preparation goes into the budget process
- The different ways that the legislature can impact local processes
- Need for collaboration during emergency situations and the coordination of emergency response
- How fast-paced and quick-changing local government can be

Fire Chief Joey Webb commended Ms. Hughes noting she had been great asset to the town. She is well organized and the development of the EAP template for all buildings has ensured uniformity and ease of training. Chief Webb explained that Ms. Hughes also assisted Folkmoot in developing an EAP for the Folkmoot Center and took the time to provide training to their staff and volunteers. He added that the NIMS training program should help when applying for various grants which is a large benefit to the Town.

Ms. Hughes thanked the board and Manager Onieal for the opportunity to work with the Town. She commented that she hoped the EAP and NIMS training would be helpful for all. Mayor Brown added that he has often told others that the biggest asset for the town is the employees. He thanked Ms. Hughes and noted that he appreciated her spending summer interning with the Town.

C. NEW BUSINESS

5. Award of Three-Year Contract for Independent Financial Reporting and Auditing Services for the Town of Waynesville for Fiscal Years 2015 – 17

Manager Onieal explained that an audit proposal from Ray, Bumgarner, Kingshill and Associates had been received. She noted that if members were satisfied with the amount on the proposal, they could approve for the entire period or for a shorter period. The cost has remained the same for the previous twelve years. Manager Onieal added that the cost annually is \$27,500. Mayor Brown asked

members if they wished to obtain other quotes. Members concurred that they were happy with the terms of the quote. Mayor Brown commented that the Town was appreciative of Bruce Kingshill's service.

Alderman Roberson made a motion, seconded by Alderman Caldwell to approve the proposal to provide independent financial reporting and financial services for the Town of Waynesville for fiscal years 215 – 2017 as presented by Ray, Bumgarner, Kingshill and Associates, PA, and authorizing the mayor and/or town manager to execute the contract on behalf of the Town, as presented. The motion carried unanimously.

6. Street Closure Request – Waynesville First Methodist Church

Manager Onieal noted that a request had been received regarding a street closure for Academy Street on Saturday, September 19 beginning at 2 p.m. for the Hog Wars fundraising event for the Kory Wawanaca Children's Home in Bolivia, South America. Mayor Brown noted that he was aware of this project which included building orphanages in underdeveloped nations. The event was held in Asheville last year with good results. The event begins at 4:00 p.m. but the request to close the street begins at 2:00 p.m. to allow for safe set up and pedestrian traffic.

Alderman Roberson made a motion, seconded by Alderman Freeman to approve the requested street closure of Academy Street from Haywood Street to Tate Street on Saturday, September 19 beginning at 2:00 p.m. through 7:00 p.m., as presented. The motion carried unanimously.

7. Lease Option and Agreement between Prime Tower and the Town of Waynesville (request of John Behnke, Site Acquisition Services on behalf of Prime Tower)

Manager Onieal began by reminding members that this was for a cell tower to be located on Mosaic Street. Discussions have been ongoing on this issue since the fall and that the conditional use permit has been granted with all proper zoning notices posted. She noted that in the ordinance, one requirement is that a cell tower must be located on public property. John Behnke, Site Acquisition Services, had reviewed a number of sites, but none met the needs. In an effort to continue to meet the ordinance requirements, Prime Tower has negotiated for the purchase of a private property and will donate it to the town. Manager Onieal explained that this proposed donation of property has gone before the Planning Board and received Planning Board approval. She explained that the action requested was to approve the lease and the Resolution Accepting the Proposal for Option and Lease and Authorizing Upset Bid Process. The initial lease term is for five years with a right to extend the lease for ten additional five-year terms.

Manager Onieal added that while this agreement is unique because we do not technically own the property, Prime Tower has negotiated an option for purchase that has been assigned to the Town of Waynesville which gives the Town the right to lease the property. Manager Onieal also noted that the lease terms were identical to the terms for the US Cellular contract approved in March. The **annual** payment is \$18,250 which increases by 3% annually.

Alderman Roberson asked the exact location of the property. Manager Onieal answered that it is next to the Giles Chemical warehouse, across from the urgent care center. Mr. Behnke provided a large scale plat for review.

Alderman Roberson asked if there was any liability for the town if the tower fell. Mr. Behnke addressed the board and explained that all insurances will be in place and the tower is engineered to fall within the leasehold area. Town Attorney Woody Griffin added that all insurances and indemnification language is in the agreement. Mayor Brown reminded members that the ordinance was changed to require this type of tower to mitigate risk to adjacent properties. He continued explaining that the ordinance was written with the intention to limit the number of cell towers to avoid having cell towers all over town. Currently, there are only three towers within the town limits.

Mr. Behnke explained that there were two reasons for this request. The primary reason for this request is to tie in with emergency management planning for the 9-1-1 component, and the other is to ensure robust wireless coverage for citizens and visitors. Mr. Behnke concluded by thanking everyone at the town of Waynesville for their assistance in developing this agreement.

Alderman Caldwell made a motion, seconded by Alderman Freeman to adopt the Resolution Accepting the Proposal for Option and Lease and Authorizing Upset Bid Process and approving the Lease Option and Agreement between Prime Tower and the Town of Waynesville, and authorizing the mayor and/or town manager to execute the agreement on behalf of the town, as presented. The motion carried unanimously.

8. Appointments to Waynesville Public Art Commission

Mayor Brown noted that there were two vacancies on the Waynesville Public Art Commission. Two applications were received for a three-year term ending June 30, 2018. Applicants were Elizabeth “Libba” Feichter and Teri Siewert.

Alderman Caldwell made a motion, seconded by Alderman Roberson, to appoint Elizabeth “Libba” Feichter and Teri Siewert to the Waynesville Public Art Commission for a three-year term ending on June 30, 2018. The motion carried unanimously.

D. **COMMUNICATIONS FROM STAFF**

11. Town Manager – Marcy Onieal

Parking Issue

Manager Onieal Introduced an item to the board noting that no action was being sought at this meeting. A request has been received from resident Carolyn Ray, 190 Hemlock Street. Her residence is located behind the County solid waste convenience center and is next door to a home-based lawn mower repair business. Parking has become an issue on that street. Manager Onieal explained that the request has been to eliminate parking on that side of the street. She noted that after staff has completed their review of traffic and the home-based business, an action item restricting parking on that side of the street on Hemlock may be brought back to the board.

Stipend information

Manager Onieal provided a handout of information as a follow up to a request from the board at the June 23, 2015 regular meeting regarding the stipends of other elected officials in other municipalities and counties.

Frog Level/Open Door Mediation

Manager Onieal noted that an initial meeting had been held between the Frog Level Merchants Association (FLMA), Open Door and the Town in June. No additional meetings have been held as the FLMA had recently changed officers. Mountain Mediation is engaged as part of the discussion and a meeting will be scheduled soon.

Lake Junaluska Merger

Manager Onieal reported that SB141 was pulled from the agenda at the last minute on July 20. Representative Ross (from the annexation committee) was carrying the bill for the Town. During the Republican caucus there was discussion about the bill. Unfortunately, incorrect information such as rumors of triple taxation and exaggerated lake maintenance costs were presented. Manager Onieal clarified that the lake is private property of Lake Junaluska Assembly, Inc. which has provided and intends to continue providing maintenance of the lake and dam in a responsible manner. No fees from residents are ever used to maintain the lake; no residents will have to maintain the lake. Rather than risk having the bill fail if put to a vote on the floor, Representative Ross pulled the bill.

Manager Onieal provided copies of information that was prepared in an effort to assure correct information was shared about the proposed merger. Information included a timeline of events, the number of media articles, the number of meetings held where the issue was discussed and specific materials that address the misinformation that is being circulated and set the record straight. Manager Onieal added that Senator Davis is being allowed to present to the Republican caucus of the House.

Mayor Brown noted that the time and effort to this situation individually and collectively has been great and that the board has been very open about this issue. He asked if there was a concrete deadline regarding this bill. Manager Onieal explained that time is getting short on the session, but there is still time for this to be voted on by the House. She noted that the Haywood County Board of Elections is already prepared with precinct lists prepared by legal description to be annexed, and lists of voter registrations as of June 15th. While the ballots are not printed, the question has been prepared and can be added easily. The Board of Elections is ready for this referendum.

Mayor Brown asked if McGill Associates had completed their report. Manager Onieal explained that she is awaiting the revised/updated annexation memorandum.

Development Services Director

Manager Onieal introduced Elizabeth Teague, the new Development Services Director. Ms. Teague's resume was provided to all members present and Ms. Onieal provided some of Ms. Teague's biographical information. Ms. Teague thanked the board and noted her excitement to work for the town of Waynesville and offered to answer any questions from the board.

Mayor Brown explained that the board had charged Manager Onieal to have someone in place to head the department who would be willing to work to spur economic development and show everyone that Waynesville is business friendly and not anti-development. Mayor Brown wished Ms. Teague the best of luck and added that he looked forward to working together. Manager Onieal added

that Ms. Teague has been meeting with various local agency directors, and chairs of the Planning Board and Historic Preservation Commission. The Development Services Advisory Board is going to be reactivated and Ms. Teague will be meeting with that group as well.

12. Town Attorney – Woody Griffin

Attorney Griffin had no business to discuss.

E. COMMUNICATIONS FROM MAYOR & BOARD OF ALDERMEN

F. CALL ON THE AUDIENCE

No one addressed the board.

G. CLOSED SESSION

Mayor Brown noted that the board would be going into closed session to discuss litigation matters in the case of Shuler v. Town of Waynesville under North Carolina General Statute §143.318.11 (a)(3).

Alderman Roberson made a motion, seconded by Alderman Freeman to enter into closed session. The motion carried unanimously.

The board entered closed session at 7:30 p.m.

The board returned from closed session at 7:45 p.m.

H. ADJOURN

There being no further business to discuss, Alderman Roberson made a motion, seconded by Alderman Caldwell, to adjourn the meeting at 7:46 p.m. The motion carried unanimously.

ATTEST

Gavin A. Brown, Mayor

Marcia D. Onieal, Town Manager

Amanda W. Owens, Town Clerk