



Town of Waynesville

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL - 9 SOUTH MAIN STREET
OCTOBER 25, 2011
TUESDAY - 7:00 P.M.

Call to Order

1. Approval of Minutes of October 11, 2011
2. Discussion of Incentives for Job Creations
3. Julie Grasty, Purchasing Supervisor
Report of Sold Assets
4. Annexation Petition - 2180 Dellwood Road - Queen's Farm
5. Agreement With Haywood County
Inspections
6. Town Manager Selection Process
7. Closed Session
8. Adjournment

Additional information regarding this agenda is available at www.townofwaynesville.org

Draft

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ALDERMEN
TOWN HALL – 9 SOUTH MAIN STREET
OCTOBER 11, 2011
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, October 11, 2011. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter and J. Wells Greeley. Absent was Alderman LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Assistant Town Manager Alison Melnikova, 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 September 13, 2011

Alderman Caldwell moved, seconded by Alderman Feichter, to approve the minutes of the September 13, 2011 meeting as presented. The motion carried unanimously.

Presentation by Lynn Collins Tourism Development Authority

Ms. Lynn Collins attended the meeting to discuss the Special 1% Net Occupancy Tax that was collected during the 2010-2011 fiscal year. When the additional Occupancy Tax was approved, it was to be divided by Zip Code areas and a special committee was appointed to evaluate requests for funding projects or events from within those specific districts. In most cases, the actual revenues were a little bit above the projected revenues in most accounts. In Haywood County a 4% occupancy tax is collected. 3% goes to the Tourism Development Authority (TDA) for marketing Haywood County as a destination and 1% goes back to communities where it is collected. Waynesville's share of the 1% is 32%; Maggie Valley's is 55%; Canton's is 8%; Lake Junaluska's is 4% and Clyde's is .03%.

Approximately \$71,000 was available to spend in Waynesville for marketing and this money has been put to good use with advertisement for events such as the Mountain Street Dances, Art After Dark, International Festival Day, Church Street Art and Craft Festival and Apple Festival. Many promotional dollars were spent on ads in publications such as Southern Living and Our State. Ms. Collins said Buffy Phillips has done a wonderful job in selecting good ad purchases and has also taken advantage of some good remnant ads, not only for Downtown Waynesville, but for other county events.

Ms. Collins said collection reports run two months behind. July was up 1%, however, the August numbers were not good. There may be a couple of reasons for this and Ms. Collins said she will be looking at this more closely. Ms. Collins stressed the importance of tourism in Haywood County, adding that without tourism, Haywood County residents would be required to pay an additional \$461.60 in taxes each year per household.

Ms. Collins thanked the Board for allowing her time on their agenda to report on how the money from the occupancy tax is being spent, adding that it is felt that this is making a difference in Waynesville.

Mayor Brown asked about the new location on Main Street for the TDA. Ms. Collins said it is wonderful. They are seeing hundreds of people in their new location. Their old location in the Annex Building made their office more difficult to find so they saw very few people. Mayor Brown said tourism in our area, including the quilt trail, can bring a lot of money into Haywood County. Ms. Collins reported about a new computer application that is being developed that will show various areas in Haywood County. Filming for this new application begins this week.

Mayor Brown, on behalf of the Board, thanked Ms. Collins for attending the meeting and for the work being done in Waynesville and Haywood County. No action was necessary.

Breast Cancer Awareness Month Proclamation

October is National Breast Cancer Awareness Month. This type of disease has become quite prevalent and the most commonly recognized cancer among women in the nation. Normally, the Mayor signs Proclamations outside of Board meetings; however, with a need to emphasize the disease and the importance of early detection, he has asked that this Proclamation be placed upon the Regular Agenda of the Town Board in hopes of drawing greater attention to dealing with Breast Cancer.

Steve Brown, representing Med West System, has been meeting with representatives of the school system and others to gain support in helping spread awareness for National Breast Cancer Awareness Month. Mr. Brown said free mammograms are available to women between 35 – 50 years of age if they are under the care of a physician. Med West is trying to provide funds to serve underinsured individuals and have provided more than \$20,000 in the community to provide help through the Haywood County Health Department. Their goal is to eliminate any form of cancer in our lifetime. Twenty-two deaths are expected in Haywood County this year as a result of breast cancer. 98% of those women diagnosed with breast cancer in the early stages survive the disease. Women are not the only people affected by this disease. Men can also develop breast cancer. There are still women that will not have a mammogram.

Residents are being encouraged to wear pink on Friday, October 21 to help raise awareness. Mr. Brown thanked Alderman Greeley for wearing his pink tie and ribbon to the meeting.

Alderman Feichter thanked Mr. Brown for the work he is doing. She added that there is quite a bit of misinformation about mammograms, for example some people feel that a mammogram is painful, but it is not.

Alderman Greeley moved, seconded by Alderman Feichter, to adopt the proclamation for Breast Cancer Awareness Month as presented. The motion carried unanimously.

Waynesville Housing Authority Appointment

There were two positions on the Waynesville Housing Authority with terms to expire on September 30, 2011. One is the position of Chairman, which was formerly held by Dr. George

Brown, who recently resigned after many years of service. The second position was that of Eugene R. Cullin, Jr. At the Board meeting of September 13, Mr. Cullin was reappointed for another five year term on the Housing Authority.

The documents establishing the Waynesville Housing Authority indicate that it is the role of the Mayor of a community to make appointments to the Authority.

Town Clerk Phyllis McClure sent out a press release seeking Waynesville citizens who might be interested in serving on the Housing Authority. Those interested were asked to contact Mr. Jerry Cutshaw, Executive Director of the Housing Authority, and he has been in contact with Mayor Brown. The individual appointed to this position would be serving a five year term which would continue until September 30, 2016.

Mayor Brown said after discussions with Jerry Cutshaw, Waynesville Housing Authority Manager, and with the agreement of the Board, he would like to appoint Sybil Mann to serve in this vacant position. It was the consensus of the Board to support Mayor Brown's appointment of Sybil Mann to the Waynesville Housing Authority to serve a five year term until September 30, 2016.

Proposed Design for Commemorative Arch Waynesville Mini-Park

The Waynesville Public Art Commission has continued to give attention to the Mini-Park at the intersection of Depot and North Main Streets. This area was completely renovated with the help of funds provided by a foundation established by Richard Miller and labor of town employees.

The PAC has proposed the placement of an arch over the entrance to the mini-park to commemorate the arch that at one time spanned Main Street at Depot Street, very close to this location. A sample of what the PAC has been considering to go at the entryway was presented to the Board.

The Public Art Commission was involved in the location of the fence along the wall of the mini-park which emphasized the connection that Waynesville has with the Great Smoky Mountain National Park. The design in the fence was a form of art. The Public Art Commission is also looking at the placement of some panels along the back side of the mini-park that would involve artistic design and renditions.

There is some question in the mind of Town staff as to whether or not the commemorative arch is a work of art in terms of the charge given to the Public Art Commission. The Town staff has no questions about the sentimental attachment that so many people in the community have to the arch that formerly spanned Main Street and there have been a number of pictures of the various arches that were located over the street at different times. There is also some concern about so many items being concentrated in one area, in the mini-park, rather than spread throughout the Town to create what was intended to be an art trail throughout the community rather than in a three block area of the downtown.

Staff simply feels that the commemorative arch may be a project that the Town Board should consider and approve.

Request for Street Closing Hazelwood Baptist Church

The Hazelwood Baptist Church has hosted a Fall Festival for several years and would like to do so again on Monday, October 31, 2011. Out of concern for the safety and well-being of those attending the festival, the Church has typically asked that the portion of Virginia Avenue between Hazelwood Avenue and Kentucky Avenue be closed between the hours of 4:00 p.m. and 9:00 p.m.

A letter was presented from Ms. Tasha Byrd, Minister to Children at Hazelwood Baptist Church, detailing the event which is planned for October 31. In the past, the Church has made the request for the street closing, the Board has always approved the request and town staff is unaware of any problems with the street closure. The Town delivers the barricades to the two closure points, members of the church set the barricades in place at 4:00 p.m. and remove them at 9:00 p.m. so that town personnel does not have to set up or dismantle the barricades in their overtime hours. Town personnel go to the site the following day and collect the barricades and return them to public works. Town staff recommended approval of the request from Hazelwood Baptist Church.

Alderman Greeley moved, seconded by Alderman Feichter, to approve the request by Hazelwood Baptist Church. The motion carried unanimously.

Rural Center Project Bids on US 19/Dellwood Road Water System Improvements

In 2010, the Town was approved for a grant from the Rural Center to complete the remaining link between the Town of Waynesville water system and that of the Maggie Valley Sanitary District. Manager Galloway said there is a connection now, but it is through a line that is quite dated and which follows the old roadbed for Route 19. Being in the old road bed, it is located under a few buildings and well behind the existing right-of-way for Route 19, and it happens to be a 4 inch line which is not sufficient to meet the demand from the Maggie Sanitary District should they have to depend upon Waynesville for assistance with their water supply.

The new main line will be located just behind the curb line along Route 19 and the old line will be abandoned. The new line will run from Gateway Street at the entrance to Ivy Hills and extend southward to the end of Queen's Farm where the Maggie Valley Sanitary District installed a pump station two years ago. There are also grant funds which will allow some six and two inch water line extensions into the Ivy Hills subdivision, which will certainly improve their water flow and fire prevention with more hydrant connections.

The bids on this work were opened on Tuesday, October 4, 2011 as follows:

Buchanan and Sons, Inc.	\$174,305.00
Carolina Specialties Construction, LLE	\$265,340.00
Freestone Construction, LLC	\$160,505.00
Payne, McGinn and Cummins, Inc.	\$199,977.63
Stillwell Enterprises	\$181,026.00
T & K Utilities, Inc.	\$167,500.00
Terry Brothers Construction Co., Inc.	\$183,612.00

The low bidder was Freestone Construction, LLC, in the amount of \$160,505. Manager Galloway said this is an excellent bid price, and the engineer was expecting a bid in the range of \$175,000. The bids were reviewed for accuracy and completeness by McGill Associates, and it was their recommendation that the bid be awarded to Freestone Construction, LLC in the amount of \$160,505.

Mayor Brown said in 2004, a study done by McGill revealed that Waynesville's water and sewer needs exceeded 32 million dollars. Since that time, Waynesville has spent approximately five million dollars on improvements to the Town's systems. Mayor Brown stressed the importance of this project, adding that it makes water available to our neighboring towns if needed. Alderman Feichter said the need to be able to help the other towns in our area became apparent several years ago during the drought.

Alderman Feichter moved, seconded by Alderman Caldwell, to award the bid to Freestone Construction, LLC in the amount of \$160,505 as recommended. The motion carried unanimously. (Cont. No. 17-11)

Manager Search Update Process

Manager Galloway said Dr. Straus attended the last meeting and spoke about the different options for the process he wanted to follow during the next several months. He wanted to commence the process after the election, beginning work on this process November 16, 17 and possibly the 18th. A meeting can be scheduled for Wednesday or Thursday evening to receive public input. Department heads will be interviewed to get a sense of what skills, talents, etc., that they would like to see in the next manager. This information helps prepare the advertisement for the position. Mayor Brown said he would like to make sure that the process is public in nature from the beginning to the end, with one meeting for the board, another for community leaders and another for open community forum. Mayor Brown requested that Board Members think about and be prepared to suggest names at the October 25 meeting of individuals they would like to have engaged in the process. Those individuals recommended should be able to offer ideas on the skills, traits and characteristics they would like to see for the next town manager.

Incentives for Industry and Industrial Recruitment

Manager Galloway said there was some discussion in the eastern part of North Carolina regarding incentives for industry and industrial recruitment. Haywood County has a policy about how incentives are distributed. It was felt that it would be good for Waynesville to have a policy regarding incentives for industry and industrial recruitment. Manager Galloway said if the Board is interested in pursuing this, Waynesville can work with Haywood County Economic Development Director Mark Clasby in developing an official policy for the Town.

There was discussion regarding incentives in Waynesville, with the Haywood Vocational Opportunities (HVO) project as an example. Manager Galloway explained that Waynesville expended \$110,000 and the Rural Center contributed monies to this expansion, resulting in 75 additional jobs. HVO's second project was to purchase and renovate the Wellco building. Local funds were needed for this project and Waynesville contributed a smaller amount toward this project. Alderman Feichter said both these projects were "golden" for the community. It was

the consensus of the Board that incentives are important, especially when there is 9 – 10% unemployment in the area, and the Board needs to do something to help create jobs. Mayor Brown asked that the Board think about incentives and be prepared to discuss further at the next meeting.

Mayor Brown and Manager Galloway will discuss incentives further with Mark Clasby and be prepared to bring a more definitive plan to the Board for consideration. Mayor Brown said more than 60% of municipalities in North Carolina have incentive programs in place. Waynesville has done various things in the past to work with businesses in the community. Alderman Greeley agreed that it would be good to have a policy in place for incentives. No action was necessary.

Community Food Drive Update

Manager Galloway said the Town's employees continue to work on a community food drive. Last week students at Tuscola and Pisgah brought food to school and food was collected at the Pisgah/Tuscola football games. A total of 7,047 pounds of food was collected, with 2,700 pounds delivered to the Community Kitchen in Canton and 4,300 pounds delivered to Haywood Christian Ministry. When the Town's employees began the food drive, two truck-loads of food were collected. The next year there were twelve truck loads collected and then in 2010 a total of eighteen truck loads. So far in 2011 there have been fifteen truck-loads of food collected and work continues in the community. This year Jonathan Valley Elementary School has joined with Junaluska and Hazelwood Elementary Schools. There will be a major collection day of November 18 when residents can drop food off at Ingles on Barber Boulevard and Best Buy in West Waynesville. There will also be a collection at the Annual Employee Appreciation Luncheon in early December. Buffy Phillips, Downtown Waynesville Director, will be collecting food at the pre-Christmas event and at the Night Before Christmas event on Main Street.

Hometown Hero

Alderman Greeley reported that prior to the football game on October 7, he attended a reception to announce the Hometown Hero of the Year Award. He was pleased to report that a town employee, Mr. Lewis Langston was voted Hometown Hero of the Year. It is good to have someone like Lewis Langston as an ambassador for this town.

Adjournment

With no further business, Alderman Greeley moved, seconded by Alderman Caldwell, to adjourn the meeting at 8:30 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor

ITEM 2. DISCUSSION ON INCENTIVES FOR JOB CREATIONS

At the meeting of October 11, 2011, there was a discussion about the possibility of a Town policy regarding what, if any, incentives might be offered to a firm creating jobs and making investments in facilities and equipment within the Town. At that time, the Board received a copy of the policy that Haywood County uses in their Economic Development Program. Under the County's program, certain tax rebates are provided dependent upon the amount of the investment and the number of jobs created. There are also other criteria which the County Commissioners consider when granting incentives, including the quality of jobs being created and perhaps the wages paid and the fringe benefits an employer might offer.

Mayor Brown and I suggested that it might be good to have a written policy in place that the Economic Development Director could have readily available to advise a potential industry or business of what the incentives might be for them to consider Waynesville as a location.

Following the meeting, Mayor Brown invited Tom Tveidt, President of SYNEVA Economics and a Research Economist at Garner Economics, to attend the Board meeting on October 25 and discuss incentives. Economic Development Director Mark Clasby will also be on hand to give his views and experience on the issue. It is thought that perhaps the information from these two individuals will help the Town in developing an incentive policy if the Board would like to see one in place.



Haywood County Incentive for Business & Industry

Haywood County EDC believes it is in the best interest of the county to provide economic development incentives to stimulate new and expanding businesses and industries to create new jobs and investment in our county.

The Haywood County Board of Commissioners adopted the following Industrial Development Incentive Grant Guideline Program effective May 3, 2004.

With the following table:

New or Expansion Amount	Number of New Jobs Created			
	15 but less than 50	50 but less than 75	75 but less than 100	100 and over
\$500,000 - \$3 Million	50%	55%	60%	65%
\$3 Million - \$10 Million	55%	65%	70%	75%
\$10 Million and Up	60%	70%	75%	80%

New or expanding businesses or industries may qualify to receive a financial incentive grant based upon the actual value, schedule, and payment of local property taxes for a period of up to five consecutive tax years. Each project will be evaluated on its own individual merits as to quality and quantity of jobs created. The County reserves the right to withhold the financial incentive package if, after evaluating the merits as to quality and quantity of jobs, the application of the grant is not in the best interests of the county. The county will require the business or industry to "pay in full" annual total property taxes due. If the business or industry has met specific criteria as outlined in a formal agreement, a portion of the property taxes paid by the business or industry to the county each year for five consecutive years would be returned to the industry each year in the form of a local economic development incentive grant. The incentive request would be subject to recommendation by the Economic Development Commission and approval by the Haywood County Board of Commissioners.

ITEM 3. JULIE GRASTY, PURCHASING SUPERVISOR
REPORT OF SOLD ASSESTS

The Town's Purchasing Policy requires that the Purchasing Supervisor make scheduled reports to the Town Board on the surplus equipment sold by the Town during the preceding quarter. Julie Grasty, Purchasing Supervisor, provides the Board with two different reports. One of these shows the assets which were sold on Gov-Deals, an on-line auction system used by various local governments for the disposal of equipment. The other report is for assets which were sold outright to employees, the general public, salvage companies or others, usually for smaller amounts of money which, due to their value, would make it impractical to sell on Gov-Deals.

Attached for your information and review are two reports for the first quarter of the 2012 fiscal year. One report shows that vehicles and equipment were sold on Gov-Deals bringing in bids totaling \$27,949.64. There is a second report showing that there were miscellaneous items sold otherwise, bringing in a total of \$613.20.

This is simply a report for the Board's information and requires no action.

[illegible]

First Quarter FYE 2012

[illegible]

ITEM 4. ANNEXATION PETITION
 2180 DELLWOOD ROAD – QUEENS FARM

The Town of Waynesville has received an annexation petition from the owners of the Queens Farm Property at 2180 Dellwood Road. While the Queens Farm covers an area of 131.925 acres, the amount of land requested for annexation is 7.235 acres, which includes the main home place and the rental units located close to the road frontage of U. S. Route 19.

This property was formerly owned by Richard and Lois Queen, both deceased, and the estates have not been settled. The four living descendants of the Queens, and their spouses, if applicable, have signed the petition individually and on behalf of the estate of Ms. Lois Queen, seeking the annexation of this property.

Should the Board wish to proceed with consideration of the annexation of this 7.235 acres of land into the Town of Waynesville, the first action would be the adoption of a Resolution directing Town Clerk Phyllis McClure to investigate the sufficiency of this petition for a satellite annexation of this tract. Ms. McClure would investigate the petition and then report back to the Board at the meeting of November 8, 2011.

If the Board wishes to proceed with the annexation after hearing the report from the Town Clerk, it would then pass a Resolution setting a public hearing date on the annexation, likely December 13, 2011, so that and citizen would be able to offer comment for or against the annexation.

It would be the recommendation of Town Staff that the Board proceed with the adoption of the Resolution directing the Town Clerk to investigate the sufficiency of this petition for annexation.

PETITION FOR ANNEXATION OF
NON-CONTIGUOUS "SATELLITE" AREAS

(Part 4, Article 4A, G.S. 160A-58)

October 18, 2011
(Date).

TO: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully, request that the area described in paragraph 3 below be annexed to the Town of Waynesville.
2. Standards which the satellite area must meet:
 - a. The nearest point on the satellite area must not be more than three (3) miles from the primary limits of the annexing city.
 - b. No point on the satellite area may be closer to the primary limits of another municipality than to the annexing city.
 - c. Note: When there is any substantial question as to whether the area is closer to another city, the tax map submitted with the petition shall show the satellite area also in relation to the primary corporate limits of the other city.
 - d. The area proposed for annexation must be so situated that services provided the satellite area can be equivalent to the services provided within the primary limits.
 - e. If the area proposed for annexation, or any portion thereof, is a subdivision, as defined in G.S. 160A-376, all of the subdivision must be included.
 - f. The area within the proposed satellite limits plus the area within all other satellite corporate limits may not exceed ten percent (10%) of the total land area within the primary corporate limits of the annexing city.
3. The area to be annexed is non-contiguous to the Town of Waynesville and the boundaries of such territory are as follows:
 - a. Metes and bounds description is attached. See attached plat
4. A tax map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Waynesville. If there is substantial question as to whether the area may be closer to another city than to the annexing city, the map should show the relation to the primary corporate limits of the other town.

NAME Frank G. Queen, INDIVIDUALLY AND AS EXECUTOR OF ESTATE OF
Lois P. QUEEN


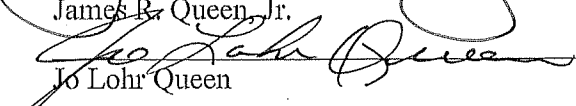
ADDRESS 154 North Main Street, Ste 2, Waynesville, NC 28786

SIGNATURE Frank G. Queen



See attachment for additional names.

(Attach additional page if necessary)


ATTACHMENT TO ANNEXATION PETITION


James R. Queen, Jr.

Jo Lohr Queen

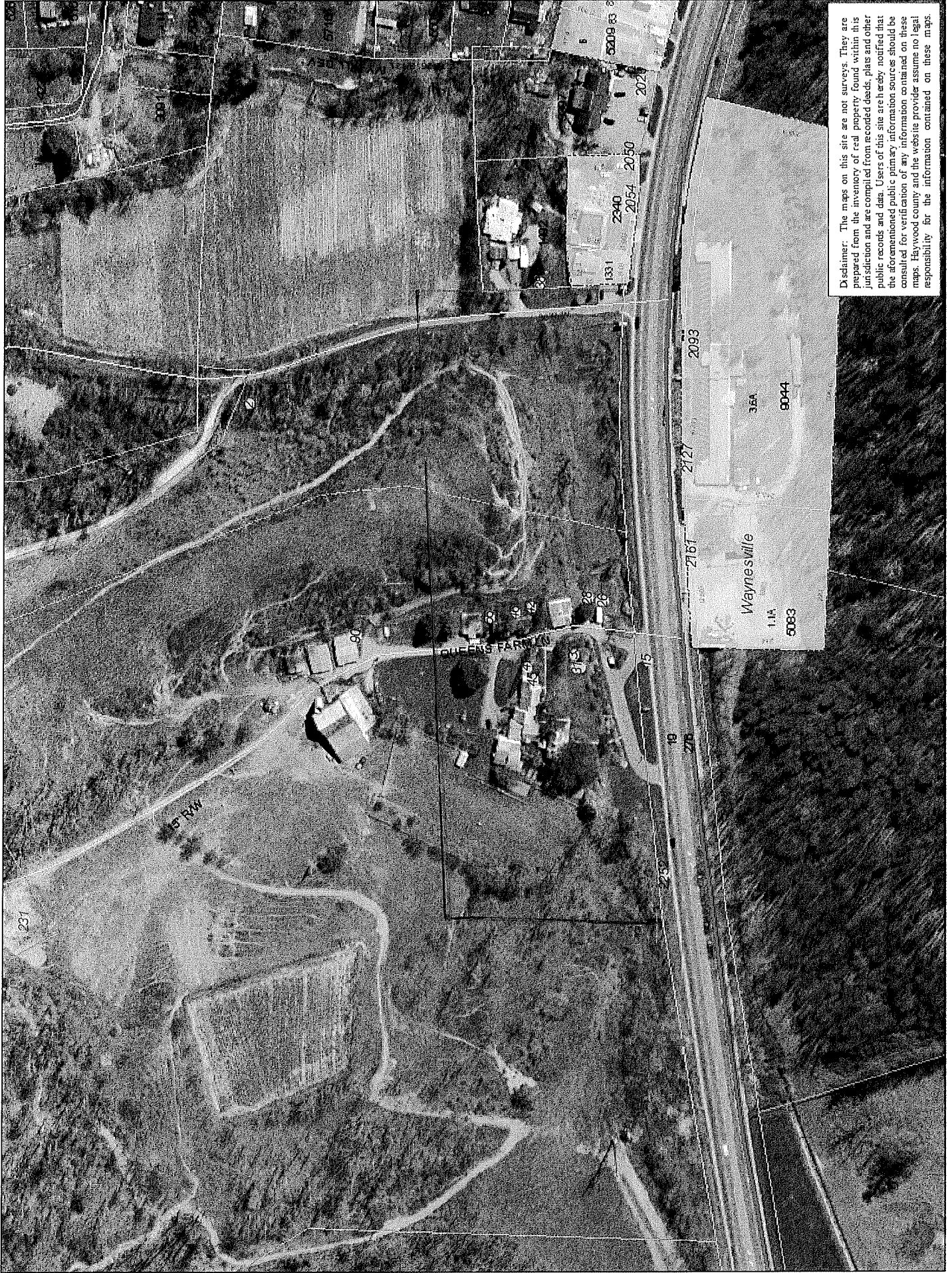
Address: 15 Queens Farm Lane, Waynesville, NC
28786


Sara Margaret Buffy Queen

Jimmy Harvey

Address: 127 Happy Acres Rd.
Waynesville NC 28785


George P. Queen

Address: 231 Queen's Farm LN
Waynesville, N.C.
28786



Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plat and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

ITEM 5. AGREEMENT WITH HAYWOOD COUNTY
 INSPECTIONS

A few months ago, you will recall that the Town of Waynesville and the Town of Canton entered an agreement under which inspections personnel would assist each other as needed. We have discovered that there may also be times when the Town would need to call upon Haywood County Inspections Department, and it is possible that the County might need assistance from us as well.

We are proposing an agreement between the Town of Waynesville and Haywood County which is similar to the one between Canton and Waynesville, authorizing us to assist each other on inspections when help is needed.

BUILDING INSPECTIONS MUTUAL ASSISTANCE AGREEMENT

THIS AGREEMENT, by and between TOWN OF WAYNESVILLE, a North Carolina Municipal Corporation and HAYWOOD COUNTY;

WHEREAS, pursuant to North Carolina General Statutes 160A-413 the parties hereto are empowered to enter into agreements and contracts for the purpose of authorizing an inspector of either of said parties to serve as a member of the inspection department of the other party; and

WHEREAS, the parties hereto desire to enter into this agreement in order to set forth the terms and conditions under which either party may provide temporary assistance to the other party in its building inspection department in the enforcement of its building and construction laws.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Waynesville and Haywood County do hereby agree as follows:

1. While working with either party, the building inspector (herein referred to as "Inspector") provided by the assisting party (hereinafter referred to as "Assisting Party") shall have the same jurisdiction, power, rights, privileges, and immunities (including those relating to the defense of civil actions and payments of judgments) as the building inspectors of the party to whom assistance is being provided (herein referred to as "Assisted Party") in addition to those that he normally possesses.
2. While on duty with the Assisted Party the Inspector shall be subject to the lawful operational commands of the Codes Administrator for the Assisted Party, but he shall, for personnel and administrative purposes, remain under the control of the Assisting Party, including purposes of pay. The Inspector shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of his duties.
3. When temporary assistance is needed under this agreement the Assisted Party shall notify the Assisting Party in writing, if possible, of the need for such assistance. The assistance shall be provided if feasible to do so and for such period of time as Assisting Party determines is possible based upon its needs. In an emergency situation, the notification of the need for temporary assistance need not be in writing, but a written notification shall be provided as soon thereafter as possible.
4. Any disciplinary actions arising out of the temporary work assignment of Inspector will remain the responsibility of the Assisting Party.
5. Each Assisted Party specifically covenants and agrees to assume all liability for any act committed by an Inspector within the course and scope of his temporary assignment, and further agrees to hold harmless and indemnify the Assisting Party for any damages, including the payment of attorney's fees, incurred by Assisting Party pursuant to such temporary assignment.

6. Each Assisted Party agrees to hold harmless the Assisting Party for any damages to the property of Assisted Party incurred in the course and scope of the Inspector's duties. The agreement shall not be construed as a bar to any other rights or claims, either direct or by subrogation, which either party shall have against any other party.

7. This agreement may be terminated unilaterally by either party at any time upon thirty days written notice to the other party.

8. The undersigned enter into this agreement pursuant to duly adopted resolutions of their respective governing body, as authorized by North Carolina General Statute 160A-413.

This ____ day of _____, 2011.

Town of Waynesville

By: _____
Gavin A. Brown – Mayor

Haywood County

By: _____
Mark Swanger - Chairman

§ 160A-413. Joint inspection department; other arrangements.

A city council may enter into and carry out contracts with another city, county, or combination thereof under which the parties agree to create and support a joint inspection department for the enforcement of State and local laws specified in the agreement. The governing boards of the contracting parties are authorized to make any necessary appropriations for this purpose.

In lieu of a joint inspection department, a city council may designate an inspector from any other city or county to serve as a member of its inspection department with the approval of the governing body of the other city or county. A city may also contract with an individual who is not a city or county employee but who holds one of the applicable certificates as provided in G.S. 160A-411.1 or G.S. 153A-351.1 or with the employer of an individual who holds one of the applicable certificates as provided in G.S. 160A-411.1 or G.S. 153A-351.1. The inspector, if designated from another city or county under this section, shall, while exercising the duties of the position, be considered a municipal employee. The city shall have the same potential liability, if any, for inspections conducted by an individual who is not an employee of the city as it does for an individual who is an employee of the city. The company or individual with whom the city contracts shall have errors and omissions and other insurance coverage acceptable to the city.

The city council of any city may request the board of county commissioners of the county in which the city is located to direct one or more county building inspectors to exercise their powers within part or all of the city's jurisdiction, and they shall thereupon be empowered to do so until the city council officially withdraws its request in the manner provided in G.S. 160A-360(g). (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 64; 1993, c. 232, s. 3; 1999-372, s. 3; 2001-278, s. 2.)

ITEM 6. TOWN MANAGER SELECTION PROCESS

At the meeting of October 11, the selection process for the next Town Manager was discussed. It was indicated that the firm retained to assist in this process, Developmental Associates, planned to come to Waynesville in the November 16-18 time frame to begin the community assessment process. At that time, the firm, headed by Stephen Straus, wants to hold focus groups when the elected officials, department heads, specifically invited individuals and the public at large, may offer input as to the type manager that would be needed for Waynesville in the future. Mr. Straus has indicated that he prefers to work with groups of people rather than have individual interviews, and he suggested that there be several sessions, perhaps 90 minutes or so each, when he could get input from those in attendance.

Mayor Brown asked Board members to begin thinking of citizens who might be good for serving on these focus groups and who could offer thoughtful and valuable ideas on the skills, traits and characteristics that might be beneficial to whomever is selected as the next Waynesville Town Manager. The individuals selected for the focus groups should also have some views and opinions on the direction the community should be taking in the future and the type manager needed to help the community reach that destination or achieve those goals.

Hopefully the Board will have developed a list of some names that can be provided to the Town Manager so that he can work with Mr. Straus in scheduling the appropriate number of focus group sessions. Then, these individuals should be contacted by the first week of November so that they might arrange their schedules to participate in one focus group session.

ITEM 7. CLOSED SESSION

The Town Board will need to go into Closed Session as permitted under the terms allowed in North Carolina General Statute 143-318.11(4).

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. — It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. — A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2.)