



## Town of Waynesville, NC

### Board of Aldermen Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786

Date July 23, 2019

Time: 6:30 p.m.

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#### A. CALL TO ORDER - Mayor Gavin Brown

1. Welcome/Calendar/Announcements
2. Adoption of Minutes

**Motion: To approve the minutes of the June 25, 2019 regular meeting as presented (or as corrected).**

#### B. PRESENTATIONS

3. Drugs in Our Midst – Presentation
  - Jean Parris

#### C. CALL FOR PUBLIC HEARING

4. Call for Public Hearing on August 13, 2019 to consider zoning 187 Secret Hollow Lane, PIN # 8616-09-5980 to Dellwood Medium Density
  - Elizabeth Teague, Development Services Director

#### D. NEW BUSINESS

5. Discussion of Solid Waste Ordinance and recent enforcement efforts
  - Daryl Hannah, Streets and Sanitation Supervisor
  - Amie Owens, Assistant Town Manager

**Motion: To request board direction related to revisions to the Solid Waste Ordinance**

6. Request purchase of one (1) New Way Rear Loading Refuse Truck from Amick Equipment, Lexington, SC through NCSA contract
  - Lisa Burnett, Purchasing Manager

**Motion: To approve the purchase of one (1) New Way Rear Loading Refuse Truck from Amick Equipment, Lexington, SC through NCSA contract**

7. Request approval to apply for the Haywood Healthcare Foundation Grant

- Elizabeth Teague, Development Services Director

**Motion: To approve the application to the Haywood Healthcare Foundation Grant**

8. Request approval of Budget Amendment for Purchase of new K-9

- Ben Turnmire, Finance Director
- Interim Chief Brian Beck

**Motion: To approve budget amendment #1 of the Fiscal Year 2019/2020 for the purchase of new K-9 for use by Police Department**

9. Special Event Application – Big Brother Boards – August 31, 2019

- Assistant Town Manager Amie Owens

**Motion: To approve the special events permit application and direct Town Manager to execute special events permits, as presented.**

**E. COMMUNICATIONS FROM STAFF**

10. Manager's Report

Proposal to provide Bond Counsel for USDA Loan/Interim Construction Financing

- Rob Hites, Town Manager

**Motion: To approve the proposal of Sanford Holshouser to provide Bond Counsel for USDA Loan/Interim Construction Financing Approve the proposal of Sanford Holshouser**

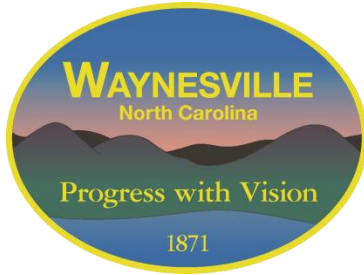
11. Attorney's Report

- Town Attorney Bill Cannon

**F. COMMUNICATIONS FROM THE MAYOR AND BOARD**

**G. CALL ON THE AUDIENCE**

**H. ADJOURN**



# TOWN OF WAYNESVILLE

PO Box 100  
16 South Main Street  
Waynesville, NC 28786  
Phone (828) 452-2491 • Fax (828) 456-2000  
[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

## CALENDAR

July 23, 2019

2019	
Thursday July 25 8:30 PM	Folkmoor Lantern Parade Hazelwood Parking Area to Folkmoor Friendship Center
Friday July 26 6:30 – 9:00pm Main Street	Mountain Street Dance Downtown Waynesville Association
Saturday July 27 10:00 AM – 5:00 PM Main Street	Folkmoor International Day
Saturday August 3 9:00 AM – 12:00 PM Haywood County Courthouse	Sarge's 14 <sup>th</sup> Annual Downtown Dog Walk Sarge's Animal Rescue Foundation Inc.
Friday August 9 6:30 – 9:00pm Main Street	Mountain Street Dance Downtown Waynesville Association
Saturday August 10 9:00 am	Antiques Extravaganza Festival Depot Street to Panacea
Saturday August 10 1:00 PM – 2:00 PM Main Street	Mountaineer Day Big T Club Parade of Tuscola Teams
Tuesday August 13 6:30 PM Board Room	Board of Aldermen Meeting – Regular Session
Sunday August 25 5:00 – 7:00 Behind the Hart Theater	Waynesville Public Art Dog Show
Sunday August 25 4:00 PM – 7:00 PM First Methodist Church	Back to School Bash First Methodist Church
Tuesday August 27 6:30 PM Board Room	Board of Aldermen Meeting – Regular Session
Monday September 2	Town Offices Closed – Labor Day
Tuesday September 10 6:30 PM Board Room	Board of Aldermen Meeting – Regular Session
Saturday September 14 6:00 – 10:00pm Main Street	Rockin Block Party Downtown Waynesville Association

<b>Tuesday September 24</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Saturday September 28</b> <b>9:00 – 10:00am</b> <b>Commerce Street in Frog Level</b>	Power of Pink 5K Haywood Healthcare Foundation
<b>Tuesday October 8</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Saturday October 12</b> <b>12:00am – 5:00pm</b> <b>Main Street</b>	Church Street Art & Craft Show Downtown Waynesville Association
<b>Saturday October 19</b> <b>10:00 – 5:00pm</b> <b>Main Street</b>	Apple Harvest Festival Downtown Waynesville Association
<b>Tuesday October 22</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Thursday October 31</b> <b>5:00 – 7:00pm</b> <b>Main Street</b>	Treats on the Street Downtown Waynesville Association
<b>Thursday October 31</b> <b>5:00 – 8:00 PM</b>	Trunk or Treat First United Methodist Church
<b>Tuesday, November 5</b>	Election Day
<b>Tuesday November 12</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Tuesday November 26</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Thursday &amp; Friday Nov 28 &amp; 29</b>	Town Offices Closed – Thanksgiving
<b>Saturday November 30</b> <b>9:00 AM – 4:00 PM</b> <b>Frog Level</b>	Holiday Market Sponsored by Frog Level Merchants Association
<b>Tuesday December 10</b> <b>6:30 PM</b> <b>Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Tues, Wed &amp; Thurs Dec 24 – 26</b>	Town Offices Closed – Christmas

## Board and Commission Meetings – July 2019

ABC Board	ABC Office – 52 Dayco Drive	<b>July 16th</b> 3 <sup>rd</sup> Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	<b>July 2nd</b> 1 <sup>st</sup> Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	<b>July 25th</b> 4 <sup>th</sup> Thursdays 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	<b>Meets as needed;</b> <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	<b>July 3rd</b> 1 <sup>st</sup> Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	<b>July 15th</b> 3 <sup>rd</sup> Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	<b>July 11th</b> 2 <sup>nd</sup> Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	<b>July 17th</b> 3 <sup>rd</sup> Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	<b>July 17th</b> 3 <sup>rd</sup> Wednesdays 3:30 PM

## BOARD/STAFF SCHEDULE

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**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REGULAR MEETING**  
**June 25, 2019**

**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting on Tuesday June 25, 2019, at 6:30 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 6:30 p.m. with the following members present:

Mayor Gavin Brown  
Mayor Pro Tem Gary Caldwell  
Alderman Jon Feichter  
Alderman LeRoy Roberson  
Alderman Julia Freeman

The following staff members were present:

Rob Hites, Town Manager  
Assistant Town Manager Amie Owens  
Bill Cannon, Town Attorney  
Eddie Ward, Town Clerk  
Eddie Caldwell, CPA  
Ben Turnmire, Finance Director  
Elizabeth Teague, Development Services Director  
Chief Bill Hollingsed  
Brian Beck, Captain Police Department  
Fireman Chris Mills  
Members of the Waynesville Fire Department  
Members of the Waynesville Police Department

1. Welcome /Calendar/Announcements

Mayor Brown reminded the Board of the following calendar events:

Monday June 28 – 6:30 – 9:00 pm – Mountain Street Dance – Main Street  
Saturday June 29 – 10:00 am – 2:00 pm - Car/Craft Show – Hazelwood Baptist Church  
Monday July 1 – 5:30 pm – Municipal Building Board Room – Joint Meeting with Planning Board and Steering Committee  
Thursday July 4 – 11:00 – 3:00 – Stars and Stripes Celebration – Main Street

2. Adoption of Minutes

***A motion was made by Alderman Gary Caldwell, seconded by Alderman LeRoy Roberson, to approve the minutes of the June 11, 2019 regular meeting, as presented. The motion passed unanimously.***

**B. PRESENTATIONS**

3. a. Recognition of Firefighter Chris Mills' retirement
- Fire Chief Joey Webb

Mayor Gavin Brown read a proclamation recognizing Fireman Chris Mills for his 24 years of service with the Waynesville Fire Department. Fire Chief Webb gave a brief history of Mr. Mills' career with the Fire Department including certifications as Medical Responder, Basic Rescue Technician, and Fire Engineer II. He stated that Mr. Mills was an accomplished Fire Fighter and would be missed by the Department. He presented Mr. Mills with his fire helmet and a plaque. The Board congratulated Mr. Mills on his retirement.

- b. Resolution Awarding Badge and Service Sidearm to retiring Police Chief William "Bill" H. Hollingsed
- Mayor Gavin Brown

Mayor Brown read and presented a resolution awarding his badge and service sidearm to retiring Police Chief to William "Bill" Hollingsed. He asked Chief Hollingsed to read a portion of a speech that he had read at his earlier retirement reception. He quoted from President Teddy Roosevelt by saying "The best executive is the one who has sense enough to pick good people to do what he wants done and self-restrained enough to step back and let them do it."

Sheriff Greg Christopher spoke stating that he and Chief Hollingsed had been friends for a long time. He said that they had dealt with many things together during his career, and it was a good relationship. He said it had been a great honor to work with him. Sheriff Christopher presented Chief Hollingsed with a plaque in appreciation for his dedication and service to the citizens of Waynesville.

Mayor Brown asked if the Board would like to say anything to the retiring chief.

*Alderman Feichter asked that his written statement be verbatim in the minutes.*

**Alderman Jon Feichter:**

Bill Hollingsed Retirement Comments  
June 25, 2019

One of the things that I've grown to appreciate during my time on the board is how actions taken by previous Boards of Aldermen have significantly influenced the wonderful place that

Waynesville is today. One notable example is the purchase of the land almost a 100 years ago that began what eventually became our treasured Waynesville watershed.

I believe, decades from now, some alderman will be sitting in this seat and will say similar things about that February day in 1999 that Bill Hollingsed was hired. If this board does 1/2 as good a job selecting Chief Hollingsed's replacement as the previous board did in selecting Chief Frank Ross' replacement, we will have done right by this town.

One final thing I'd like to note. At last night's ceremony, Chief Hollingsed's daughter, Krista, made a comment that, for me, really drove home the kind of man he is. She said, "As good as a police chief as he has been, he's been an even better father." There can be no higher praise, ladies and gentlemen, than that. In keeping with that theme, we all know Chief Hollingsed is fond of quoting Teddy Roosevelt, and since he's retiring, and I don't know when I might hear our former president quoted again, I offer this one. So, said our 26th president:

"For unflagging interest and enjoyment, a household of children, if things go reasonably well, certainly makes all other forms of success and achievement lose their importance by comparison."

Things in the Hollingsed family have obviously gone miles beyond "reasonably well".

Thank you, Chief, for your service.

**Alderman LeRoy Roberson:**

Alderman Roberson said that he had be a part of 16 budgets in the Town of Waynesville, in those budgets Chief Hollingsed always made it clear that his police men and women came first. He was there fighting for their benefits. He has set a standard for the future Police Chief in this Town, and it will be difficult for the next person to measure up to Chief Hollingsed. He thanked Chief Hollingsed for his service.

**Alderman Gary Caldwell:**

Alderman Caldwell thanked Chief Hollingsed first for being his friend. He said the Chief was there for him in hard times. He said that Chief Hollingsed had brought the Police Department to the highest level that could be obtained. Alderman Caldwell said that at the time when Chief Hollingsed was hired, the Police Department was struggling. He thanked then Town Manager Lee Galloway for hiring Chief Hollingsed, and said it was one of the best decisions the Board had ever made.

**Alderman Julia Freeman:**

Alderman Freeman stated that the former Chief of Police Frank Ross set the standards for bringing multiple law enforcement departments together, and it worked very well. She said that when Chief Hollingsed was hired he stepped right into the Chief's shoes and he has filled them ten time full. She said it had been a pleasure to see the level of professionalism that he has brought to the Waynesville Police Department. Chief Hollingsed has left a legacy in this Town.



Mayor Brown gave a copy of the speech that Chief Hollingsed read at the retirement reception, signed by each Alderman, to Chief Hollingsed's youngest daughter Kinley for a keepsake.

### C. PUBLIC HEARINGS

#### 4. ADA Transition Plan

- David Foster, Public Services Director

David Foster, Public Services Director, stated that the NCDOT has been mandated by the US Department of Justice and Federal Highway Administration to ensure that all subrecipients of State and Federal funds comply with the Americans with Disabilities Act. This means that any municipality in receipt of Federal or State aid (Powell Bill funds) with over 50 employees, possess an ADA Transition Plan. This plan inventories Town assets to include: sidewalks, signals, buildings, parking lots, rest areas, mixed us trails, linkage to transit, etc. and is required for continued Powell Bill funding.

Mr. Foster said the JM Teague Engineering has completed the plan which each Alderman received in their agenda packets.

Town Attorney Bill Cannon opened the Public Hearing at 6:52 pm and asked if anyone wished to speak for or against the ADA Transition Plan.

No one spoke.

Attorney Cannon closed the Hearing at 6:53 pm.

***A motion was made by Alderman Julia Freeman, seconded by Alderman Jon Feichter, to adopt the Americans with Disabilities Act (ADA) Transition Plan for the Town of Waynesville. The motion passed unanimously.***

#### 5. Waynesville Housing Authority

- Manager Rob Hites

Town Manager Rob Hites stated that in Chapter 157-4 of the General Statutes, the procedures for the creation, expansion and dissolution of Housing Authorities was outlined. The Chapter lays out their considerable powers to construct and maintain affordable housing and undertake neighborhood redevelopment. He said that municipalities have the power to create an independent authority, assign the powers to an existing Redevelopment Authority, or undertake the powers of a Housing Authority themselves.

He explained to the Board that Housing Authorities may be administered as separate administrative units or a department of a Town. The statute permits authorities to have as few as five members and as many as eleven. He told the Board that Waynesville's authority currently

has seven members with three vacancies coming up on June 30th. With the critical need for more affordable housing in Waynesville several people have suggested that the Authority take on a more proactive role in neighborhood revitalization and construction of new housing.

To bring additional perspectives on the Authority's role in providing affordable housing. It been has suggested that the Town Board expand the size of the Housing Authority from seven to nine members. Manager Hites said that staff believes that two new additional people will bring a fresh perspective to the Housing Authority. One member of the Housing Authority must receive services from the Authority, and no more than one third of the entire body can be served by the Authority. He added that the General Statutes require that the Town Board pass a resolution and conduct a Public Hearing seeking input into the need to increase the size of the Board.

Attorney Cannon opened the Public Hearing at 6:56 pm. and asked if anyone wished to speak for or against the addition of members to the Waynesville Housing Authority.

No one spoke.

Attorney Cannon closed the Public Hearing at 6:57.

***A motion was made by Alderman Julia Freeman, seconded by Alderman Gary Caldwell, to approve the resolution R-15-19, increasing the size of the Waynesville Housing Authority Board from seven to nine members. The motion carried unanimously.***

6. Budget Ordinance 2019-2020 and Resolution on Financial Operating Plan-Internal Service Funds

- Eddie Caldwell, CPA

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to reconvene the Public Hearing that was recessed at the June 11, 2019 Board of Alderman regular meeting at 7:00 p.m. The motion carried unanimously.***

Mayor Brown asked if any of the Board had received any comments related to the Budget since the last meeting. There being none, he noted that there was one item that required some follow up – the Special Appropriations for non-profits. An updated listing of the requests was forwarded to all members to include requests that were submitted due to some organizations who historically requested funds missed the deadline. The budget amount was not impacted by these requests, but Mayor Brown requested that the amount granted to Folkmoot be reduced by \$1,000.00 and the undesignated amount be raised to \$15,000.00. Board members agreed by consensus to these changes to the special appropriations.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to approve Budget Ordinance # 09-19 for the 2019-2020 Fiscal Year. The motion carried unanimously***

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Gary Caldwell, to approve Resolution # R-14-19 on Financial Operating Plan for Two Internal Service Funds. The motion carried unanimously.***

**D. NEW BUSINESS**

7. Request approval for change to approved Special Event – September 14th Block Party
- Assistant Town Manager Amie Owens

Assistant Town Manager explained to the Board that at their March 26, 2019 regular meeting they approved the Rockin' Block Party request. A request was received from the DWA to expand the event to be an all-day event to include a car show. She said the Special Events Committee has reviewed the application, discussed the need to close the street earlier, have additional barricades in place, volunteers to help park the vehicles that will be on display, and included the Downtown Waynesville Association in the planning and discussion. This is the same weekend as the TDA's Elk Fest and will hopefully give visitors additional entertainment opportunities and places to visit around the county.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to approve the special events permit application with revised start time and direct Town Manager to execute special events permit, as presented. The motion carried unanimously.***

8. Boundary Street July 4th Block Party
- Assistant Town Manager Amie Owens

Assistant Manager Owens said she had received a request for the annual July 4<sup>th</sup> Boundary Street Block Party. She told the Board that this was a last-minute request and they would like to close the street from Mead to Walnut. This has been done for many years. The time frame for the closure is 2:00 pm – 9:00 pm, and there will be no need for a noise permit.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to close Boundary Street from Mead St to Walnut Street for the annual Block Party on the Fourth of July. The motion carried unanimously.***

9. Proposal to prepare USDA Grant/Loan Application from WR-Martin and Associates
- Town Manager Rob Hites

Manager Hites explained to the Board that WR Martin had conducted an extensive financial analysis to prepare for and justify the Town's application for a State Revolving Loan that will have a 20-year term and an interest rate of around 1.9%. The second loan application that the staff recommends is a 40-year term 2.15% USDA Grant/Loan Application that may provide lower annual payments due to its longer term and the possibility of up to \$2 million dollars in grants due to the low per household income of Waynesville's utility user customers.

WR Martin has submitted a proposal to carry out the USDA Grant/Loan process at a fixed fee of \$11,000 and an additional proposal to prepare the financial backup for the Town's "Interim Financing" of the Plant construction for a fee of \$6,500. USDA is different from the State Revolving Loan in that the Town may NOT draw down loan funds to finance the construction of the plant. The loan closes upon completion. USDA requires the "interim financing" in the same manner as a homeowner uses a "construction loan" to build a house and a "permanent loan" to secure its long-term financing.

Manager Hites added that Mr. Martin and his team have a great deal of experience with USDA and we have held face to face meetings with Pam Hysong, Western Director of USDA in preparation for our application. The USDA application is far more "bureaucratic" than the State Revolving Loan and you will find many more exhibits presented to the Board over the next couple of months.

**Seth Roberts – Senior Director W. R. Martin**

Mr. Roberts stated he was with the group that was working on the USDA applications. He said the USDA application was more difficult because there is an interim finance piece which means the Town would receive the funding from the USDA, but the funding is not provided until the construction is complete. An interim funding loan will be obtained from a bank, and at the end of the construction, the USDA will pay off that loan.

***A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman, to approve the proposal to prepare the grant/loan application for USDA funding and interim financing totaling \$17,500. The motion passed unanimously***

Manager Hites told everyone that the Town had received a grant to purchase a high-quality web cam. That Web Cam has been installed on the face of Mast General Stone on Main Street and is currently broadcasting. It will be connected to the Town's website and that link will be offered to all the weather forecasters in the state.

10. Appointments for Boards and Commissions

- Mayor Gavin Brown

The Alderman received Ballots with the number of vacancies and applicants for each Board and Commission.

**ABC Board – (1) vacancy (3-yr term ending June 30, 2022)**

2 Applicants: Danny Wingate – Currently Serving since 2018  
Margaret Erin Chandler

**Historic Preservation Commission** – (3) vacancies (3-yr term ending June 30, 2022)

5 Applicants: Jeff Childers – Currently Serving since 2017  
Rodney Conard  
Ann Melton – Currently Serving since 2010  
Sandra Owen – Currently Serving since 2008  
Lorna Sterling

**Planning Board** – (4) vacancies (3-yr term ending June 30, 2022) – (3) for Town representatives \* (1) vacancy for ETJ Representative

5 Applicants: Margaret Erin Chandler  
Ginger Hain – Currently Serving since 2016 (ETJ Representative)  
Donald J McGowan  
Marty Prevost – Currently Serving since 1992  
Anthony Sutton – Currently Serving since 2015

**Public Art Commission** – (2) vacancies (3-yr term ending June 30, 2022)

4 Applicants: Margaret Erin Chandler  
Dominick DePaolo – Currently Serving since 2013  
Ann Melton – Currently Serving since 2010  
Jessi Stone

**Recreation Commission** – (3) vacancies (3-yr term ending June 30, 2022)

3 Applicants: Margaret Erin Chandler  
Nicole Kott  
Sarah Massie – Currently Serving since 2006

**Waynesville Housing Authority** – (3) vacancies (5-yr term ending June 30, 2024)  
(potential for five vacancies if the item 5 approved)

5 Applicants: William Donald Barnette  
Margaret Erin Chandler  
H. P. “Bucky” Dykes - Currently Serving on Planning Board  
Don McGowan  
Jessi Stone

**Zoning Board of Adjustment** - (5) vacancies (3-yr term ending June 30, 2022)

\*(1) – ETJ Representative

1 Applicant: Margaret Erin Chandler  
Joshua Morgan – Currently Serving since 2016

\*ETJ representatives must be confirmed by Board of County Commissioners

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter to appoint the following people to the various Boards and Commissions for terms as indicated:***

**ABC Board** for 3-year term ending June 30, 2022

Danny Wingate

**Historic Preservation Commission** for 3-year term ending June 30, 2022

Jeff Childers

Sandra Owen

Ann Melton

Lorna Sterling

**Planning Board** for 3-year term ending June 30, 2022

Ginger Hain

Marty Prevost

Anthony Sutton

Don McGowan

**Public Art Commission** for 3-year term ending June 30, 2022

Jessi Stone

Dominick DePaolo

**Recreation Commission** for 3-year term ending June 30, 2022

Nicole Kott

Sarah Massie

Megan Hauser

**Waynesville Housing Authority** for 5-year term ending June 30, 2024 \*

*These applicants were appointed by Mayor Gavin Brown*

H. P. (Bucky) Dykes

Brian Cagle

William Donald Barnette

Don McGowan

Joan Robb

**Zoning Board of Adjustment** for 3-year term ending June 30, 2022

Margaret Erin Chandler

Joshua Morgan

***The motion carried unanimously.***

11. Manager's Report

- Town Manager Rob Hites – Chestnut Walk Water Tank

Manager Hites said the Town has been holding off bidding the Chestnut Walk Water Tank until we could resolve ownership issues among the heirs and secure a deed and title insurance. Attorney Bill Cannon and Attorney Ron Sneed have carried out a title search and discussed the title with attorneys representing different heirs. Attorney Sneed has drafted a deed and sent it to Mr. William Hatcher for execution, and Mr. Hatcher has agreed to sign it. Attorney Sneed has also secured \$200,000 in title insurance for the deed once it has been recorded.

The updated cost estimate of \$236,655 for the project and would like to bid the project once the deed has been signed, recorded and the title policy obtained. The Board will still have a final say on the project when you consider approving the bids, and hopefully receive the bids in August, which would give the Town about ninety days before winter weather to construct the project.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to authorize the staff and McGill and Associates to bid the Chestnut Walk Tank after receiving the go-ahead from Attorney Ron Sneed that all is clear with the deed. The motion passed unanimously.***

10. Attorney's Report

- Town Attorney Bill Cannon

Attorney Cannon had nothing to report.

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

Alderman Caldwell thanked Mr. David Foster and Manager Hites for the work that was completed in Auburn. He said it had been an ongoing problem with water and everyone in Auburn Park was grateful.

**F. CALL ON THE AUDIENCE**

No one spoke.

**G. ADJOURN**

***With no further business, a motion was made by Alderman Jon Feichter, seconded by Alderman Gary Caldwell, to adjourn at 7:28 p.m. The motion carried unanimously.***

**ATTEST:**

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Gavin A. Brown, Mayor

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Robert W. Hites, Jr. Town Manager

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Eddie Ward, Town Clerk



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: July 23, 2019**

**SUBJECT:** Call for a Public Hearing to consider a map amendment to establish Dellwood Medium Density Residential Zoning on, 187 Secret Hollow Lane, PIN 8617-00-9053, which was recently annexed.

**AGENDA INFORMATION:**

<b>Agenda Location:</b>	<b>New Business</b>
<b>Item Number:</b>	<b>C4</b>
<b>Department:</b>	Development Services
<b>Contact:</b>	Elizabeth Teague, Director Development Services
<b>Presenter:</b>	Jesse Fowler, Planner Development Services

**BRIEF SUMMARY:** This public hearing would consider establishing zoning on a newly annexed lot. At their July 15 Meeting, 2019, the Planning Board voted unanimously that the request was consistent with the 2020 Land Use Plan and is reasonable and in the public interest. The Planning Board recommends that the Board of Aldermen adopt the requested map amendment.

**MOTIONS FOR CONSIDERATION:**

1. Motion to call for a public hearing on August 13, 2019.

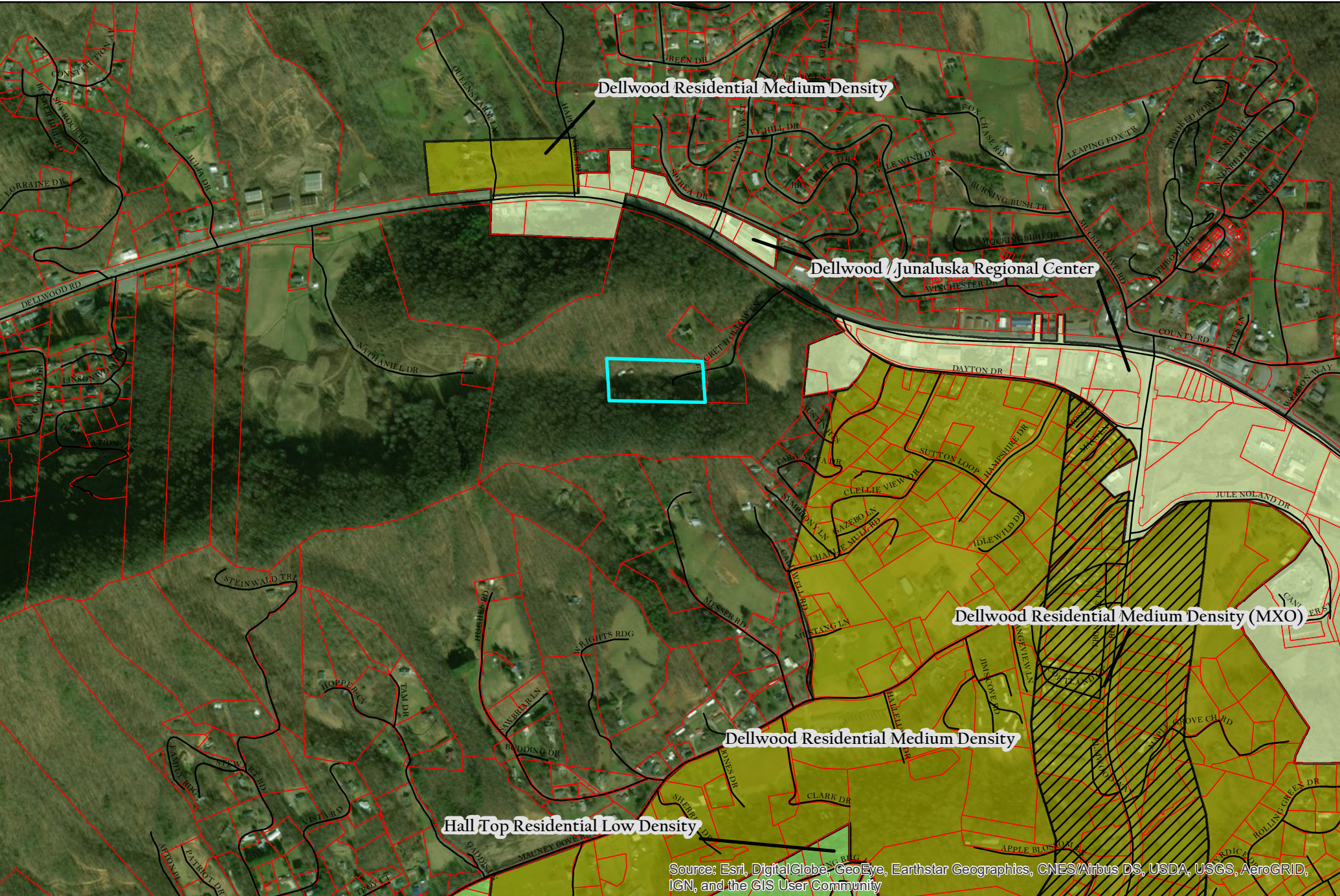
**FUNDING SOURCE/IMPACT:** N/A

**ATTACHMENTS:**

1. Application for map amendment
2. Aerial map of parcel
3. Aerial map of parcel with surrounding zoning

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** This is a Call for Public Hearing only





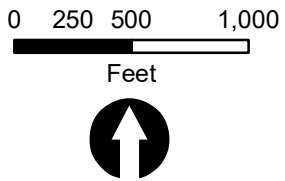
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# Map Ammendment for 187 Secret Hollow LN.

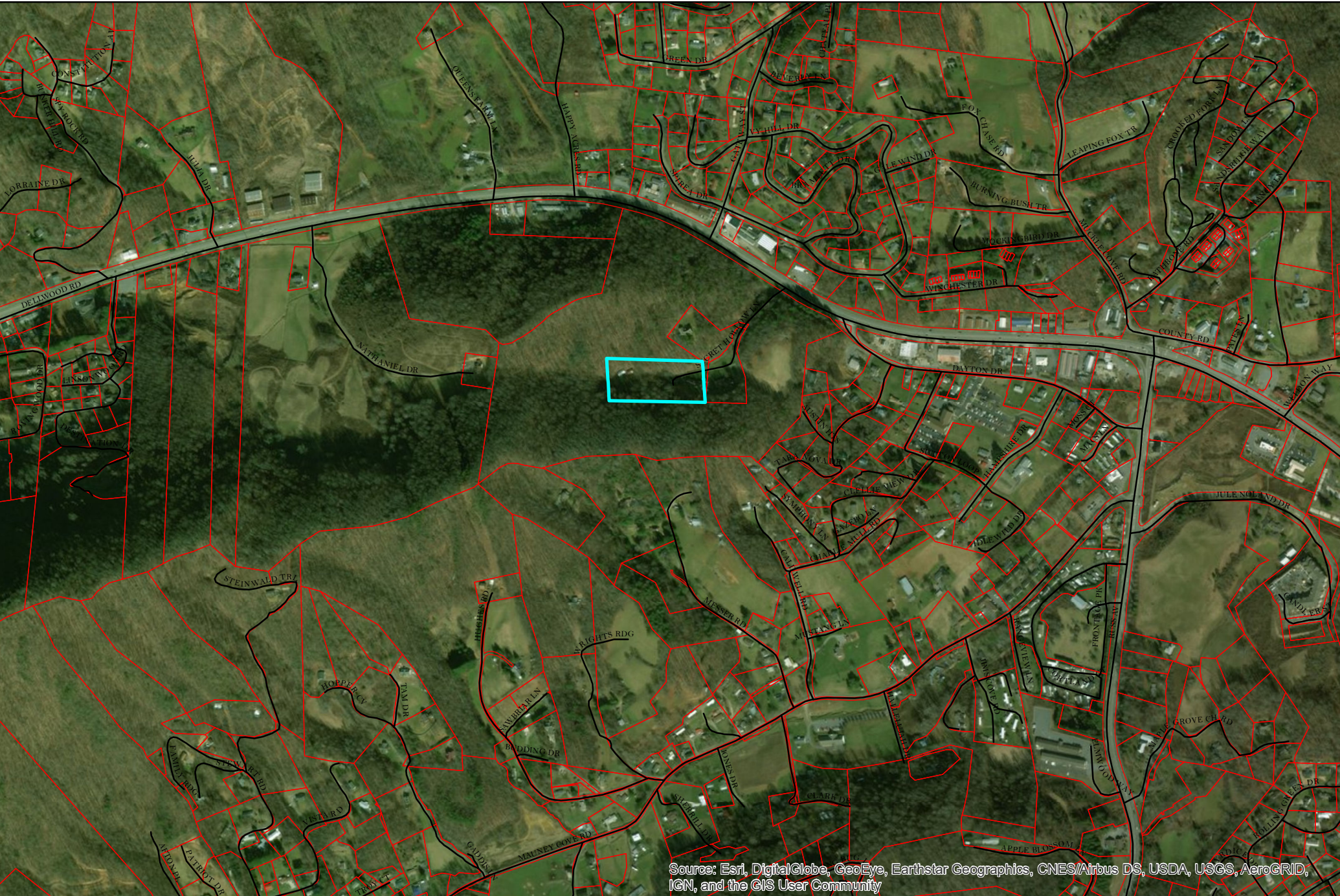
Parcel ID: 8616-09-5980  
Current District: None  
Requested District: Dellwood Residential Medium Density District

Heated Area:	3,086
Year Built:	1967
Total Acreage:	4
Township:	Town of Waynesville
Land Value:	\$45,100
Building Value:	\$247,900
Market Value:	\$293,000
Assessed Value:	\$293,000
Sale Date:	12/29/2006

- Legend**
- Regional Center (RC)
  - Residential Low Density (RL)
  - Residential Medium Density (RM)
  - Mixed Use Overlay (MXO)







Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## Map Ammendment for 187 Secret Hollow LN.

Parcel ID: 8616-09-5980  
Current District: None  
Requested District: Dellwood Residential Medium Density District

Heated Area:	3,086
Year Built:	1967
Total Acreage:	4
Township:	Town of Waynesville
Land Value:	\$45,100
Building Value:	\$247,900
Market Value:	\$293,000
Assessed Value:	\$293,000
Sale Date:	12/29/2006

0 250 500 1,000  
Feet



July 15, 2019



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: July 23, 2019**

**SUBJECT:** Discussion of potential amendment to the Solid Waste Ordinance

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D5  
**Department:** Public Services  
**Contact:** David Foster, Public Services Director  
Daryl Hannah, Streets & Sanitation Superintendent  
**Presenter:** **Daryl Hannah, Street & Sanitation Superintendent**  
Amie Owens, Assistant Town Manager

**BRIEF SUMMARY:** The Solid Waste ordinance has been amended several times since 2003 related to the size of trash containers acceptable. The most recent revision was in 2013 and included the reduction in the maximum container size from 45 gallons to 32 gallons. The reason for the change in 2013 was noted to be related to risk management for allowable weights for containers and to prevent back injuries. Since that time staff have noticed an increase in the size of containers, especially those with wheels, and are concerned that the ordinance has not been enforced consistently since its change.

The streets and sanitation staff would like the board's direction as to whether or not to amend the ordinance once again or to discuss how to best deal with the varying size of garbage receptacles and still provide for staff safety. The Town currently only utilizes manual pick up of cans, there is no automated system in place.

**MOTION FOR CONSIDERATION:** To request Board direction related to revisions to the Solid Waste Ordinance

**FUNDING SOURCE/IMPACT:** At this point, there is no additional funding requested

**ATTACHMENTS:**

- Coversheet and ordinance 02-2013
- Ordinance 04-2009
- Ordinance 07-2008
- Ordinance 31-2003

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Public Services provides citizens refuse collection each week throughout the year. Request direction from Board.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION**

**Meeting Date: February 12, 2013**

**SUBJECT:** Amendment to Chapter 44 (Sections 1 and 41-46) of the Code of Ordinances regarding Solid Waste and Weed Management

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 4-B  
**Department:** Public Works-Streets and Sanitation Division  
**Contact:** Daryl Hannah, Streets & Sanitation Superintendant  
**Presenter:** Marcy Onieal, Town Manager

**BRIEF SUMMARY:** In response to the increasing number of violations of the existing solid waste management ordinance, particularly with regard to disposal of bulky items and large volumes of trash and debris, staff is attempting to clarify language which is ambiguous in the current ordinance and bring the ordinance into consistency with current actual collection and recycling practices. In addition, the revision reduces maximum container sizes and total allowable weights for residential containers, in an effort to reduce and prevent back injuries to town staff. The vast majority of residential customers already meets the lower size and weight limits and should not be negatively impacted by the change. The amendment also clarifies that total building/site cleanouts are not eligible for curbside service and are required to be handled commercially or by the property owner removing and disposing of the bulk materials on his/her own. The amendment also clarifies how recyclables are to be secured and deposited for curbside pick-up.

**MOTION FOR CONSIDERATION:** To adopt *Ordinance O-2-13* as presented, amending the Town of Waynesville Code of Ordinances Chapter 44, Sections 1 and 41-46, regarding Solid Waste and Weed Management.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:**

- Proposed amendments to Code of Ordinances Chapter 44, Sections 1 and 41-46 (*O-2-13*)

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Adopt as presented.

## ORDINANCE O-02-13

### AMENDMENTS TO AND RESTATEMENT OF SECTION 44 OF THE CODE OF ORDINANCES OF THE TOWN OF WAYNESVILLE

**WHEREAS**, the Board of Aldermen of the Town of Waynesville desires to amend the Code of Ordinances as it relates to Solid Waste and Weed Management.

**NOW, THEREFORE, BE IT ORDAINED** BY THE Board of Aldermen of the Town of Waynesville, North Carolina that Chapter 44: Solid Waste and Weed Management be amended as follows by deleting strike through areas and adding highlighted areas:

#### CHAPTER 44: SOLID WASTE AND WEED MANAGEMENT

##### ARTICLE I. IN GENERAL

###### Sec. 44-1 Definitions

[Add between definitions for *Building Materials* and *Bulky Items*]

***Building/Site Cleanouts* means any accumulated refuse, garbage, or debris, contained or uncontained, in excess of four (4) thirty-two (32) gallon receptacles, and/or weighing in excess of thirty (30) pounds per receptacle, or more than four (4) bulky items deposited at any one time.**

##### ARTICLE II. COLLECTION AND DISPOSAL

###### Sec. 44-41 Prohibited items

The Town shall not collect building materials, hazardous wastes ~~or~~, industrial wastes, or **building/site cleanouts**, as defined in section 44-1, tires or heavy automotive parts, and the same shall not be left at curbside or at any other location for collection by town personnel and equipment. In collecting bulky items as defined in section 44-1, items placed for removal shall be limited to what two people can lift **and no more than four bulky items at any one time.**

###### Sec 44-42 Garbage receptacles

(b) *Residential containers.* Garbage shall be stored in a container of a type approved by the director. Every container shall be constructed of metal or equally durable material in such a manner as to be strong, watertight, not easily corrodible, fly-proof, and rodent-proof; shall have a capacity of not more than 45 **32** gallons; shall have handles designed for lifting and shall

more than ~~one truckload~~ **four (4) cubic yards** or volumes which will take more than 30 minutes to load will not be collected. In any case, such limbs, cuttings, shrubbery and the like shall not be greater than six feet in length, nor more than three inches in diameter nor of such a weight that it may not be handled by one person. This debris is to be placed along the edge of the owner's or tenant's property nearest the street right-of-way, with cut ends facing the street, and shall not block any sidewalk or be in the street where vehicles might be prohibited from safe passage. Tree limbs and yard trimmings shall be free of trash, dirt, wire or anything which could damage chipping equipment. Lawn trimmings shall be placed in ~~boxes~~, cans or bags for pickup and the weight of a single container device shall not exceed 30 pounds. Machine-piled material, logs and/or stumps shall not be collected. Material addressed in this section shall not be placed in the street or in gutters or drainage ways so as to inhibit storm drainage or so that the material might wash into or block catch basins.

#### **Sec 44-46 Discarded appliances and similar objects**

It shall be the duty of the property owner who wishes to dispose of discarded appliances such as water heaters, stoves, and any other items too large to be hauled by a regular garbage truck to ~~call the street/sanitation department and request a special pickup~~ **have items placed curbside for pickup as set forth by the town pick-up schedule**. This is a service provided to residential customers in the normal replacement of home appliances, and shall not be provided to establishments, which are in the business of selling and allowing trade-ins of such appliances, **or for purposes of building/site cleanout as defined in Sec. 44-41.**

Adopted this 12<sup>th</sup> day of February, 2013.

TOWN OF WAYNESVILLE

ATTEST:

\_\_\_\_\_  
Gavin A. Brown  
Mayor

\_\_\_\_\_  
Alison Melnikova, Deputy Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Woodrow H. Griffin, Town Attorney

ORDINANCE NO. 4-09

AMENDMENT TO SECTION 44-42  
SOLID WASTE COLLECTION AND DISPOSAL - DUMPSTER CONTAINERS

WHEREAS, the Board of Aldermen of the Town of Waynesville has the authority to regulate collection and disposal of solid waste pursuant to North Carolina General Statutes 160A-317(b),; and

WHEREAS, the Board of Aldermen of the Town of Waynesville desires to amend Section 44-42 of the Code of Ordinances regarding dumpster containers.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that SOLID WASTE AND WEED MANAGEMENT, Article II. COLLECTION AND DISPOSAL Section 44-42 of the Code of Ordinances be amended as follows:

*Sec. 44-42. Garbage receptacles.*

(a) All householders and proprietors of business houses shall provide receptacles for all garbage and refuse for removal by the street/sanitation department.

(b) *Residential containers.* Garbage shall be stored in a container of a type approved by the director. Every container shall be constructed of metal or equally durable material in such manner as to be strong, watertight, not easily corrodible, fly proof, and rodent proof; shall have a capacity of not more than 45 gallons; shall have handles designed for lifting and shall have fly-tight covers which shall be kept in place at all times, except when garbage or other refuse is being deposited in or removed from the container.

(c) *Dumpster containers.* Commercial dumpster containers shall be of steel construction, normally obtained from the public works department, of a size and of such design and construction as to facilitate mechanical unloading by collection equipment operated by the town. Whether provided and serviced by the Town or a private solid waste company, each dumpster shall be equipped with a tight-fitting cover which shall be kept in place at all times when the receptacle is not being filled or emptied. These containers may be used for cold ashes or garbage, but smoldering ashes shall not be mixed with garbage. If one receptacle is not sufficient to hold the quantity of garbage or refuse accumulated between collections, a sufficient number of similar receptacles shall be provided or the director shall require more frequent collections from the establishment. The customer shall be responsible for keeping the area immediately around the dumpster clean and free of refuse.

(d) It shall be unlawful for any person to maintain boxes, bins, or any type of container located on the sidewalks within the fire district of the town inconsistent with the provisions of this chapter.

Adopted this 24th day of March, 2009.



ORDINANCE NO. 7-08

AMENDMENT TO SECTION 44-42(b)  
SOLID WASTE COLLECTION AND DISPOSAL

WHEREAS, the Board of Aldermen of the Town of Waynesville has the authority to regulate collection and disposal of solid waste pursuant to North Carolina General Statutes 160A-317(b),; and

WHEREAS, the Board of Aldermen of the Town of Waynesville desires to amend Section 44-42(b) of the Code of Ordinances regarding the size of garbage receptacles.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that SOLID WASTE AND WEED MANAGEMENT, Article II. COLLECTION AND DISPOSAL Section 44-42(b) of the Code of Ordinances be amended by removing the words ~~30 gallons~~ and replacing with : 45 gallons

(b) Garbage shall be stored in a container of a type approved by the director. Every container shall be constructed of metal or equally durable material in such manner as to be strong, watertight, not easily corrodible, fly proof, and rodent proof; shall have a capacity of not more than ~~30 gallons~~ (45 gallons); shall have handles designed for lifting and shall have fly-tight covers which shall be kept in place at all times, except when garbage or other refuse is being deposited in or removed from the container. Commercial dumpster containers shall be of steel construction, normally obtained from the public works department, of a size and of such design and construction as to facilitate mechanical unloading by collection equipment operated by the town. These containers may be used for cold ashes or garbage, but smoldering ashes shall not be mixed with garbage. If one receptacle is not sufficient to hold the quantity of garbage or refuse accumulated between collections, a sufficient number of similar receptacles shall be provided or the director shall require more frequent collections from the establishment.

Adopted this 12th day of February, 2008.

TOWN OF WAYNESVILLE

ATTEST:

\_\_\_\_\_  
Gavin A. Brown  
Mayor

\_\_\_\_\_  
Phyllis R. McClure  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Woodrow H. Griffin  
Town Attorney

## ORDINANCE NO. 31-03

### Amendment to Chapter 96 Solid Waste and ~~Weed Management~~

WHEREAS, the Board of Aldermen of the Town of Waynesville desires to amend the Code of Ordinances as they relate to solid waste and weed management.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE that the following sections be amended:

Article 1      In general, Sections 96.01 -- 96.12

#### ARTICLE I. IN GENERAL

Section 96.01.      Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Building materials. Any material such as lumber, brick, plaster, sheetrock, concrete, carpet, asphalt, shingles, wire mesh, gutters, or other items accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures. This shall include, but not be limited to, building fixtures, cabinets and shelving.

Bulky items. Inorganic items of such volume that they cannot be placed in town approved refuse container for collection, e.g. appliances, furniture and play equipment.

Director. Public Works Director.

Garbage. All solid waste capable of being rapidly decomposed by microorganisms, including but not limited to animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, excluding sewage and human wastes.

Hazardous wastes. Materials such as cleaning fluids, crankcase oils, cutting oils, paints, solvents, explosives, acids, caustics, poisons, drugs, chemical pesticides, radioactive products, infectious or infected materials, offal, fecal matter, human and animal wastes and any other material of similar nature.

Industrial waste. All waste, including solids, semi-solids sludge and liquids resulting directly from industrial, processing or manufacturing operations.

Inspector. The person or persons designated by the town manager to perform the duties and responsibilities assigned by this chapter to the inspector.

Recyclables. Materials designated as capable of being sorted, processed, transported and sold to markets for the remanufacture of like or different products.

Refuse. Solid waste material consisting of garbage, trash, and other materials including paper, rags, cloth, boxes, cardboard, wood, rubber, leather, metal cans, metals, glass, dust and mineral matter.

Regular collection. All collection services offered recurrently which include the collection of vegetable and food wastes in a manner safe to public health.

Separate collection. All collection of specifically defined materials not associated with regular collection practices.

Town approved refuse container. A dumpster, garbage can, bin or container approved by the Town of Waynesville Inspector or defined in town regulations.

Trash. All refuse resulting from the use and maintenance of property, regardless of the nature of the activity thereon, except garbage.

Yard waste. Leaves, grass trimmings, shrubs or shrub trimmings, tree trimmings and other plant waste other than garbage.

Section 96.02.        Penalties and Remedies.

- (A) A violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in G.S. Section 14-4.
- (B) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of fifty dollars (\$50.00). If a person fails to pay this civil penalty within ten (10) days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.
- (C) The town may seek to enforce this chapter through any appropriate equitable action.
- (D) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.
- (E) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

Section 96.03.        Accumulation of Solid Wastes Prohibited.

- (A) No person may cause, suffer, or permit refuse to accumulate or remain on premises under his control except for collection by the town or some other licensed refuse hauler. It shall be the duty of all owners, proprietors, or persons in charge of every business of every kind and description, and of every office, private residences, and all other buildings or premises to keep the same free from all refuse, building materials, bulky items, hazardous waste and industrial waste. The remaining subsections of this section are not intended to limit the generality of the foregoing.

- (B) It shall be the responsibility of the general contractor to see that all construction and demolition contractors keep the site in as reasonably clean and litter free condition as possible for a construction or demolition site. All loose debris, paper, building material waste, scrap building materials and other trash produced by those working on the site shall be containerized or disposed of in any reasonable manner by the contractor. Dirt, mud, construction materials or other debris deposited upon any public or private property as a result of construction or demolition shall be immediately removed by the contractor.
- (C) All commercial establishments shall, particularly with respect to their loading and unloading areas, store their refuse in containers so as to eliminate wind driven debris and litter in and about their establishments. Approved methods of containerization include refuse receptacles, bulk containers and all town approved refuse containers. Spillage and overflow shall be immediately cleaned up by the said establishment when and as it occurs unless caused by the town when servicing approved containers.
- (D) Parking lots shall be maintained by the person in possession of the lot in a clean, litter-free manner, with all trash generated therein containerized and prevented from spreading to adjoining property. It shall be the responsibility of the person in possession of the parking lot to collect the refuse and trash deposited on the lot and place this material in containers serviced by the town or a private contractor.

### COLLECTION REGULATIONS

#### Section 96.04. Prohibited Items

The Town shall not collect Building Materials, Hazardous Wastes or Industrial Wastes, as defined in Section 96.01, tires or heavy automotive parts, and the same shall not be left at curbside or at any other location for collection by Town personnel and equipment. In collecting Bulky Items as defined in Section 96.01, items placed for removal shall be limited to what two people can lift.

#### Section 96.05. Garbage Receptacles.

- (A) All householders and proprietors of business houses shall provide receptacles for all garbage and refuse for removal by the Street/Sanitation Department. ('66 Code, § 10-18)
- (B) Garbage shall be stored in a container of a type approved by the Director. Every *container* shall be constructed of metal or equally durable material in such manner as to be strong, watertight, not easily corrodible, fly-proof, and rodent-proof; shall have a capacity of not more than 30 gallons; shall have handles designed for lifting and shall have fly-tight covers which shall be kept in place at all times, except when garbage or other refuse is being deposited in or removed from the container. *Commercial dumpster containers* shall be of steel construction, normally obtained from the public works department, of a size and of such design and construction as to facilitate mechanical unloading by collection equipment operated by the town. These containers may be used for cold ashes or garbage, but smoldering ashes shall not be mixed with garbage. If one

receptacle is not sufficient to hold the quantity of garbage or refuse accumulated between collections, a sufficient number of similar receptacles shall be provided or the Director shall require more frequent collections from the establishment. ('66 Code, § 10-20)

- (C) It shall be unlawful for any person to maintain boxes, bins, or any type of container located on the sidewalks within the fire district of the town inconsistent with the provisions of this chapter. ('66 Code, § 10-21) Penalty, see § 10.99

Section 96.06.        Preparation of Garbage.

- (A) All liquid substances shall be in watertight containers.
- (B) All garbage, trash, empty cartons, paper, and other refuse shall be placed either within boxes or bags or weighted in some proper and efficient manner to prevent the same from being scattered upon the streets by wind, animals or other causes. ('66 Code, § 10-24)

Section 96.07.        Placing Receptacles for Collection.

- (A) It shall be the duty of each householder or proprietor of a business house to see that all garbage and refuse receptacles and the contents are set out at such place and time as may be fixed by the Board of Aldermen and to remove the receptacles after collection. Garbage shall be placed in approved containers. ('66 Code, § 10-22)
- (B) It shall be unlawful for any person who is a resident of the town or any person engaged in any business of any nature in the town to deposit any boxes, cans, trash, debris, garbage, or refuse of any other nature at any point on the streets or sidewalks of the town for collection by the town trucks except immediately adjacent to the premises owned by or otherwise in the possession of the town resident or the firm or corporation engaged in business in the town. ('66 Code, § 10-23)
- (C) In the placement of garbage, trash, empty cartons, paper, and other refuse for pickup and collection by the Street/Sanitation Department, it shall be unlawful to place the same except immediately adjacent to the street right-of-way. ('66 Code, § 10-24)
- (D) It shall be the duty of the landlord, tenant, or storekeeper not to allow receptacles to remain on the street right-of-way for a period of longer than 12 hours after the same is emptied by the Street/Sanitation Department. ('66 Code, § 10-25)
- (E) No employee of the town shall assist in any way in the performance of what has herein been set out as the duty of the landlord, tenant, or storekeeper. ('66 Code, § 10-22)
- (F) Garbage, trash, empty cartons and similar refuse shall be collected in the Downtown Municipal Service District after 10:00 a.m. on days specified by the Director. Such refuse shall only be placed in sealed containers on the sidewalks at the curbside, within the Downtown Municipal Service District for collection between the hours of 6:00 a.m.

and 10:00 a.m. on the days specified for collection. Unless the Town has announced a special collection schedule due to a holiday or for some other event, it shall be unlawful for any person to place garbage, trash, empty cartons, or similar refuse on the streets or sidewalks in that portion of Main Street lying within the Downtown Municipal Service District at any other time.

- (G) It shall be unlawful for any resident, merchant, business person, or employee thereof to place garbage, trash, or similar refuse in any pole-mounted or sidewalk litter receptacles when such refuse was generated by such resident or business and is of such volume that it compromises over 10% of the capacity of such litter receptacle. (Ord. 3-88, passed 1-26-88) Penalty, see § 10.99

Section 96.08.        Frequency of Collection; Fees.

- (A) Garbage and refuse set out for collection as provided in this chapter shall be collected by the Street/Sanitation Department at such times as may be provided by the Mayor and Board of Aldermen. ('66 Code, § 10-26)
- (B) All refuse accumulated in the Town of Waynesville shall be collected, conveyed and disposed of by the town. No person shall collect or convey refuse over any of the streets or alleys of the town, or dispose of any refuse accumulated in the town, except as follows:
  - 1) Actual producers. This section shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and with any other applicable provisions of law.
  - 2) Outside collectors. Non-residential establishments, at their option, may contract with private refuse collection firms for providing dumpsters and collecting, conveying and disposing of such refuse, provided such private firms comply with the provisions of this chapter and with any other applicable provisions of law.
  - 3) Transporting Through Town: This section shall not prohibit collectors of refuse from outside the town from hauling such refuse over town streets, provided such collectors comply with the provisions of this chapter and with any other applicable provisions of the law. ('66 Code, § 10-27)
  - 4) Volunteers/Clean Up Operations: This section shall not prohibit volunteers or those who are assigned clean up duty by the courts or in the course of their work from collecting, conveying and disposing of such refuse, provided such collectors comply with the provisions of this chapter and with any other applicable provisions of the law.
- (C) The schedule of fees for collecting residential and commercial refuse or for the rental or sale of dumpsters shall be determined from time to time by the Board of Aldermen

and set forth in the official Schedule of Fees as a part of the Budget Ordinance.

Section 96.09.

Tree Limbs, Cuttings, Shrubbery: Leaves: Removal of Tree Stumps.

- (A) The Town shall attempt to collect tree limbs, cuttings, shrubbery, and the like from each residence of the Town on a weekly basis; however, during leaf season, this service will likely be curtailed to allow the collection of leaves. This service shall be limited to the amount of tree limbs, cuttings, shrubbery, and the like that a typical resident shall produce in normal yard work and is not a service provided to a landscaping firm or to a private tree company or to individuals who are paid to trim trees, redo landscaping or perform major yard work. Such debris produced by these firms shall not be collected by the Town, and property owner or tenant shall be responsible for the cost of removal and disposal of such material. Volumes of more than one truck load or volumes which will take more than 30 minutes to load will not be collected. In any case, such limbs, cuttings, shrubbery and the like shall not be greater than six feet in length, nor more than three inches in diameter nor of such a weight that it may not be handled by one person. This debris is to be placed along the edge of the owner's or tenant's property nearest the street right-of-way, with cut ends facing the street, and shall not block any sidewalk or be in the street where vehicles might be prohibited from safe passage. Tree limbs and yard trimmings shall be free of trash, dirt, wire or anything which could damage chipping equipment. Lawn trimmings shall be placed in boxes, cans or bags for pickup and the weight of a single container device shall not exceed thirty pounds. Machine piled material, logs and/or stumps shall not be collected. Material addressed in this section shall not be placed in the street or in gutters or drainageways so as to inhibit storm drainage or so that the material might wash into or block catch basins.
- (B) The Town shall attempt to collect leaves from each residence once weekly on a seasonal basis from mid-October until mid-January. Outside of this time frame, leaves must be bagged for collection. Leaves should be placed to the back of the curb or paved street for collection by the vacuum machine and should be free of limbs, sticks or other debris. Leaves shall not be placed in the street or in gutters or drainageways so as to inhibit storm drainage or so that the leaves might wash into or block catch basins.
- (C) The town shall at no time remove or assist in the removal of stumps resulting from the clearing of property of any kind. It shall be unlawful for any person to place or deposit or to otherwise cause to be placed or deposited any tree stump in the town landfill at any time. ('66 Code, § 10-28)
- (D) In situations where there is danger for town employees or concern for the safety of the motoring public, the Director, at his discretion, may authorize the collection of any permitted materials from a point off the street rights-of-way and out of the path of vehicular traffic.

Section 96.10. Discarded Appliances and Similar Objects.

It shall be the duty of the property owner who wishes to dispose of discarded appliances such as water heaters, stoves, and any other items too large to be hauled by a regular garbage truck to call the Street/Sanitation Department and request a special pickup. This is a service provided to residential customers in the normal replacement of home appliances, and shall not be provided to establishments which are in the business of selling and allowing trade ins of such appliances.

Section 96.11. Nonresident Use of Collection Services Prohibited.

It shall be unlawful for any person not a resident of the town to deposit or cause to be deposited for collection by the town any garbage, trash, or refuse in any container within the town, or to place any brush, limbs or debris along the street side for collection or to deposit or cause to be deposited any garbage, trash, or refuse in the town landfill area. ('66 Code, § 10-30) Penalty, see § 10.99

Section 96.12. Dumping or Littering on Public or Private Property.

As provided in G.S. 14-399 and 14-399.1, no person may place, discard, throw, drop, dump, or deposit, or cause to be placed, discarded, thrown, dropped, dumped or deposited any litter, trash or refuse on:

- 1) Any public street or sidewalk within the town or on any property owned or operated by the town or on any other public property, except in properly designated receptacles; or
- 2) Any private property, either owned by the person or owned by another person, regardless of whether or not permission is granted; or
- 3) In any stream or body of water.

Adopted this 9<sup>th</sup> day of December, 2003.

TOWN OF WAYNESVILLE

ATTEST:

Phyllis R. McClure  
Phyllis R. McClure  
Town Clerk

Henry B. Foy  
Henry B. Foy  
Mayor

APPROVED AS TO FORM:

Woodrow H. Griffin  
Woodrow H. Griffin  
Town Attorney





**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: July 23, 2019**

**SUBJECT:** Award Purchase of One (1) Rear Loading Refuse Truck for Public Services Street Division through NCSA (North Carolina Sheriff's Association).

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D6  
**Department:** Purchasing  
**Contact:** Lisa Burnett, Purchasing Supervisor  
David Foster, Public Services Director  
Daryl Hannah, Street Superintendent  
**Presenter:** Lisa Burnett, Purchasing Supervisor

**BRIEF SUMMARY:**

As provided by NCGS § 143-129 (e) (3) there exists an exception to the state's formal bidding requirements, which allows NC municipalities to participate in qualified group purchasing programs (of which NCSA is one) in an arrangement similar to that offered under state contract or interlocal piggy-back bidding.

The NCSA is a nonprofit organization formed in 1922. The NCSA engages in a bidding process which meets all requirements of NC General Statutes. Upon the award by NCSA of a group purchasing contract, the terms of that purchase can then be made available to local governments without further bidding requirements on the part of the local government. Local governments achieve a lower cost of purchase due to the economics of scale which otherwise would likely not be available to a single local government operating unilaterally.

It is the intent of our Public Services and Purchasing staff to purchase through NCSA one (1) New Way Viper 20 cubic yard refuse body mounted on a new 2020 International HV607 SBA for \$151,103.48.

**MOTION FOR CONSIDERATION:**

To approve the purchase of one (1) New Way Rear Loading Refuse Truck from Amick Equipment, Lexington, SC through NCSA contract as presented.

**FUNDING SOURCE/IMPACT:** Funding was approved in the 2020 Capital Outlay Budget for \$180,000.00.

**ATTACHMENTS:** Bid tab from cooperative contract pricing.

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

The Public Services Department provides citizens refuse collection each week throughout the year. Recommend replacement due to our aging truck fleet and expensive repair cost.

**Town of Waynesville  
Public Services Street Division**

<b>Amick Equipment</b>						
				<b>PRODUCT INFORMATION</b>	<b>UNIT PRICE</b>	<b>Extended Price</b>
<b>ITEM</b>	<b>QTY</b>	<b>ITEM DESCRIPTION</b>				
1	1	Rear Loading Refuse Body	20 yd.	New Way Viper	\$67,467.64	<b>\$67,467.64</b>
2	1	International Chassis			\$83,635.84	<b>\$83,635.84</b>
		Production Year		2020		
		Model		HV607 SBA		
		<b>NCSA Contract #19-03-0504</b>				
		Delivery		10-12 months		
					<b>Total Bid</b>	<b>\$151,103.48</b>

<b>Carolina Environmental Systems, Inc.</b>						
				<b>PRODUCT INFORMATION</b>	<b>UNIT PRICE</b>	<b>Extended Price</b>
<b>ITEM</b>	<b>QTY</b>	<b>ITEM DESCRIPTION</b>				
1	1	Rear Loading Refuse Body	20 yd.	Heil PT1000	\$78,288.00	<b>\$78,288.00</b>
2	1	International Chassis				
		Production Year		2020	\$83,635.84	<b>\$83,635.84</b>
		Model		HV607 SBA		
		<b>Sourcewell 112014-THC</b>				
		Delivery		10-12 months		
					<b>Total Bid</b>	<b>\$161,923.84</b>



UNC

SCHOOL OF GOVERNMENT

THE UNIVERSITY  
of NORTH CAROLINA  
at CHAPEL HILL

KNAPP-SANDERS BUILDING  
CAMPUS BOX 3330  
CHAPEL HILL, NC 27599-3330

T 919.966.5381  
F 919.962.0654  
www.sog.unc.edu

August 27, 2015

To: North Carolina units of local government and other interested parties

From: Norma R. Houston, *Lecturer in Public Law and Government*

Re: North Carolina Sheriffs' Association Vehicle Procurement Program

---

The UNC School of Government has been asked to render an opinion about the legality of purchasing law enforcement vehicles directly through the North Carolina Sheriffs' Association Vehicle Procurement Program ("the NCSA Program") under the group purchasing program exception to competitive bidding requirements under North Carolina General Statute 143-129(e)(3). The following opinion is not a recommendation for or endorsement of the products or services offered through the NCSA Program.

Under North Carolina law, when a local government subject to Article 8, Chapter 143 of the North Carolina General Statutes decides to purchase apparatus, supplies, materials, or equipment involving the expenditure of \$30,000 or more, that local government must follow certain statutory bidding procedures unless an exception applies. G.S. 143-129 contains several exceptions to these bidding requirements. One of these exceptions, found in G.S. 143-129(e)(3), allows local governments to purchase apparatus, supplies, materials, or equipment through a "competitive bidding group purchasing program" instead of following the bidding requirements of Article 8. G.S. 143-129(e)(3) defines a "competitive bidding group purchasing program" as "a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies." In my opinion, the NCSA Program qualifies as a competitive bidding group purchasing program under G.S. 143-129(e)(3).

Accordingly, local governments subject to Article 8, Chapter 143 of the North Carolina General Statutes have the legal authority to purchase vehicles directly from vendors under contract through the NCSA Program under the group purchasing program exception in G.S. 143-129(e)(3), unless such purchases are inconsistent with local policies or procedures. An analysis of the NCSA Program under the group purchasing program exception follows.

### ***Formally Organized Program***

In order to qualify as a group purchasing program under G.S. 143-129(e)(3), the entity offering products and services must be "formally organized." While the statute does not define this term, it suggests some level of organization beyond an ad hoc group that decides

to enter into contracts jointly. The North Carolina Sheriffs' Association is a nonprofit organization formed in 1922. According to the NCSA website ([www.ncsheriffs.org](http://www.ncsheriffs.org)), the organization is governed by a board of directors, has an office, contact information, and staff. As such, the NCSA meets the requirement of being formally organized.

### ***Competitively Obtained Purchasing Services***

Under the group purchasing exception, the items and services offered must be "competitively obtained," meaning the organization's contracts were procured through a competitive process. While this process does not have to mirror in every respect the competitive bidding requirements of G.S. 143-129 for purchase contracts in the formal bidding range, it must ensure a reasonable opportunity for interested vendors to be notified of and submit bids with fair evaluation of those bids leading to a contract award. The vehicle contracts available through the NCSA Program are entered into by the NCSA after broadly disseminated advertising (including through the North Carolina Bid Network), a pre-bid conference, and receipt of sealed bids by an advertised bid deadline. Bids were evaluated and awarded based on the lowest, responsive, responsible bidder standard of award. In my opinion, this process meets the statutory requirement that the contracts be obtained competitively. (See NCSA website for specific bid-related documents).

### ***Discount Prices***

A third element of the group purchasing program exception is that the prices offered by vendors must be discounted. Typically such discounts take the form of a price less than list price, although this is not specifically required under the group purchasing program exception. The competitive bid prices received by the NCSA and the contracts awarded contain competitive discount pricing, thus satisfying this requirement of the statute.

### ***Two or More Public Agencies***

The final requirement under the group purchasing program exception is that the items offered through the program are available to at least two public agencies (this requirement does not exclude the opportunity for private entities to purchase items from the program). According to its website, the NCSA offers the opportunity to purchase through the NCSA Program to all 100 sheriffs' offices in North Carolina, thus making the program available to at least two public agencies.

For these reasons, it is my opinion that local governments in North Carolina may purchase vehicles directly (i.e., without having to comply with the competitive bidding requirements of Article 8) from vendors through the NCSA Program under the group purchasing program exception of G.S. 143-129(e)(3).

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: July 23, 2019**

**SUBJECT:** Grant opportunities with the Haywood Healthcare Foundation.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D7  
**Department:** Development Services  
**Contact:** Elizabeth Teague, Planning Director  
**Presenter:** Elizabeth Teague, Planning Director

**BRIEF SUMMARY:** The Haywood Healthcare Foundation is offering grants to local nonprofits and government “to improve the health status of Haywood County, its individuals and families through educational programs, grants, scholarships, and leadership opportunities.” Staff would like to apply for funds in support of two projects. The first is to leverage the Town’s allocation of \$60,000 toward the development of Calvary/Craven Park in order to include a basketball court and walking trail. The second is to leverage the donation of \$100,000 from Philan Medford to help the Town install a Greenway bridge over Richland Creek to link Recreation Park with property the Town acquired last year and expand the greenway and park space available to our citizens.

**MOTION FOR CONSIDERATION:**

1. Authorize Town staff to pursue grant applications to the Foundation.

**FUNDING SOURCE/IMPACT:** If approved, grants will supplement funding already allocated toward these projects.

**ATTACHMENTS:**

**MANAGER’S COMMENTS AND RECOMMENDATIONS:** Recommend approval of the application

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: July 23, 2019**

**SUBJECT:** Request a budget amendment to use K-9 Grant Funds from 2019-20 fiscal year to purchase a new K-9 Dog.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D8  
**Department:** Police Department  
**Contact:** Brandon Gilmore, Patrol and K-9 Lieutenant  
Brian Beck, Interim Police Chief  
**Presenter:** Ben Turnmire, Finance Director

**BRIEF SUMMARY:**

The Town of Waynesville has accumulated \$13,174.52 from various grants to the K-9 program of The Town of Waynesville. These generous grants were given to purchase K-9 dogs and to continually improve the development of our K-9 program. The Police Department would like to use these available funds to purchase a new K-9 dog and a new kennel along with various other supplies needed for the purchase of the new K-9 dog.

**MOTIONS FOR CONSIDERATION:**

1. To approve the budget amendment increasing the amount available to purchase a new K-9 Dog.

**FUNDING SOURCE/IMPACT:** This project will use grant funding received by The Town of Waynesville for our K-9 program to be allocated to the General Fund.

**ATTACHMENTS:**

- Budget Amendment

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Recommend approval

Ordinance No. O-10-19

Amendment No. 1 to the 2019-2020 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2019-2020 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2019-2020 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

103350-436129 Miscellaneous Grant

(\$13,174.52 Grant Budget 2019-2020 for K-9 Dog and Kennel Purchase)

Other Financing Sources

K-9 Grant from FY 2019-20

\$13,174.52

Total General Fund revenue increase

\$13,174.52

(Town received various grants for The Town of Waynesville's K-9 Program)

Increase the following appropriations:

Police Department Miscellaneous Grant

104315-545500 Equipment – K-9

\$13,174.52

Total General Fund appropriation increase

\$13,174.52

Adopted this 23<sup>th</sup> day of July 2019.

Town of Waynesville

Gavin A Brown  
Mayor

Attest:

Eddie Ward  
Town Clerk

Approved As To Form:

Bill Cannon  
Town Attorney



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: July 23, 2019**

**SUBJECT:** Special Event – August 31, 2019

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D9  
**Department:** Administrative Services  
**Contact:** Amie Owens, Assistant Town Manager  
**Presenter:** Amie Owens, Assistant Town Manager

**BRIEF SUMMARY:**

Request was received for one (1) new event in the Town of Waynesville. The Special Events Committee did not review this as a committee, but the Assistant Town Manager has reviewed the application, discussed any concerns noted and spoken with event organizer. The venue for the event is available on that date.

Big Brother Boards End of Summer Bash – Saturday, August 31 from 10 a.m. until 2 p.m. – Jared Lee sponsor. This is a new event. The event would be held at the Waynesville Skatepark and would be open the public. This is a best trick competition and would allow those who had participated in the various skate camps to show off their new learned skills. All of the proper insurance is in place and participants are required to wear helmets – pads are optional - and each individual must sign a waiver releasing the town from liability as part of their participation.

**MOTION:** *To approve the special events permit application and direct Town Manager to execute special events permits, as presented.*

**FUNDING SOURCE/IMPACT:** There are direct costs to the Town associated with these events, other than labor costs.

**ATTACHMENTS:**

- Special Events Application – Big Brother Boards End of Summer Bash

**MANAGER’S COMMENTS AND RECOMMENDATIONS:** Recommend approval of this event as presented.



# Application for Special Events Permit

## I. General Information

EVENT NAME:

Big Brother Boards End of Summer Bash

EVENT DATE(S):

8/31/19

Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION

Waynesville Skatepark

IF THIS EVENT IS A PARADE  
OR ROAD RACE

Please provide a full route description and map

SET-UP TIME (START/END):

10-2

EVENT HOURS:

10-2

DISMANTLE HOURS  
(START/END):

10-2

ESTIMATED ATTENDANCE:

Not any real idea yet, possibly 50 to 75

BASIS ON WHICH THIS ESTIMATE IS  
MADE:

Past events in great amount of good response  
we have had from people.

COMPREHENSIVE GENERAL LIABILITY  
INSURANCE REQUIRED: \$1,000,000.

Please attach proof of insurance (or applicable rider).

## II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION  
NAME:

ARE YOU A NON PROFIT  
CORPORATION?

No

Yes

If yes,  
are you

501c(3)

501c(6)

Place of  
Worship

APPLICANT  
NAME:

Jared Lee

TITLE:

Big Brother Boards

ADDRESS:

100 Tugon Drive CITY: Maggie Valley STATE: NC ZIP 28751

PHONE: (828) 400-1252 FAX#:

EMAIL: redhetchet7@hotmail.com

ON-SITE  
CONTACT:

Jared Lee

TITLE:

Big Brother Boards

ADDRESS:

Skate Comp at Skatepark on Vance St

PHONE #:

CELL PHONE #:

EMAIL:

**III. Brief Description of Event**

End of Summer Skate Camp Season Celebration, Free Skate, Inviting Campers of BBS. Best Trick Competition at End open to Public.

**IV. Street Closure Request (Attach map of the Street Closure)**

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event.

Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

1.

2.

3.

**V. Event Details**

YES NO

☐
☒

Does the event involve the sale or use of alcoholic beverages?

If yes, has the ABC permit been obtained? Yes ☐ No ☐ Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)

☐
☒

Does the event involve the sale of food? \_\_\_\_\_

If "YES", has the health department been notified? \_\_\_\_\_ Have you applied for a temporary permit? \_\_\_\_\_

☐
☒

Does the event involve the sale of non-food items? If "YES" have you applied for a privilege license? \_\_\_\_\_

☒
☐

Will there be musical entertainment at your event? If "YES" provide the following information:

Number of Stages: \_\_\_\_\_

Number of Band(s): \_\_\_\_\_

Amplification? PA system

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

☒
☐

Do you plan to use an existing occupied building? Address \_\_\_\_\_

☐
☒

Do you plan to use an existing vacant building? Address \_\_\_\_\_

☒
☐

Will there be any tents or canopies in the proposed event site? Please provide the following information:

Approx. Number of Tents: 1 or 2

Will any tent exceed 400 sq. feet in area?

☒ NO

☐ YES

☐
☒

Does the event involve the use of pyrotechnics? Explain Unfortunately

☐
☒

Will you provide portable toilets for the general public attending your event? If SO, how many and where will they be located?

☐
☐

Will you require electrical hookup for the event? Generators? \_\_\_\_\_

Would be nice to have electrical But more than likely a Generator at

☐
☐

Will you require access to water for the event? Explain mostly NO

☐
☐

Will admission fees be charged to attend this event? If "YES", provide the amount(s) of all tickets. Possibly \$5.00

☐
☒

Will fees be charged to vendors to participate in this event? If "YES", please provide the amount(s).

☐
☒

Will signs and/or banners be displayed as part of the event? If "YES" have you applied for a sign permit? \_\_\_\_\_

☐
☒

Will inflatable parade balloons be used for the event? Provide details if necessary.

## VI. Additional Questions

How will **parking** be accommodated for this event?

In existing parking lot

### Notes:

1. Parking and buildings involved may be examined for ADA compliance.
2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

How will **trash** be contained and removed during and after the event?

Town trash cans if over flow we will haul off.

NO  
Volunteers: Will you require Civilian Police Volunteers for your event?

**Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing)**

### Return to:

Amie Owens, Assistant Town Manager  
Town of Waynesville  
16 S. Main Street, P.O. Box 100, Waynesville, NC 28786  
Telephone: (828) 452-2491  
Fax No.: (828) 456-2000  
Email Address: [awovens@waynesvillenc.gov](mailto:awovens@waynesvillenc.gov)

## VIII. Special Information for Applicants

- \* Do not announce, advertise or promote your event until you have an approved and signed permit.
- \* You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
- \* **Only chalk may be used on streets – no permanent paint. No permanent alterations to the street will be permitted.**
- \* The Town has an ordinance prohibiting the use of tobacco and e-cigarettes in the business districts and all parks of the Town. The Applicant is to communicate this information to all vendors and participants. Permanent signs are in place in these districts and parks.
- \* The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- \* The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- \* The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: 7-23-19**

**SUBJECT:** Proposal to provide Bond Counsel for USDA Loan/Interim Construction Financing

**AGENDA INFORMATION:**

**Agenda Location:** Manager's Report  
**Item Number:** E10  
**Department:** Administration  
**Contact:** Rob Hites, Town Manager  
**Presenter:** Rob Hites, Town Manager

**BRIEF SUMMARY:** USDA requires that the Town engage a Bond Counsel to provide legal services in securing "interim construction financing" and permanent loan closing for a loan provided by USDA. Bob Jessup of Sanford Holshouser has extensive experience providing this service to local governments. A Bond Counsel represents the Town to the financial institution that provide quotes for "interim financing" and prepares the closing documents for both the "interim and permanent" loans. Sanford Holshouser provides a lump sum quote of \$10,000 to negotiate "interim financing" and an additional \$5,000 should the "interim financing" be extended. The quote \$12,500 for closing the "permanent USDA loan".

**MOTION FOR CONSIDERATION:** Approve the proposal of Sanford Holshouser

**FUNDING SOURCE/IMPACT:** Sewer Fund Balance

**ATTACHMENTS:** Proposal of Sanford Holshouser

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** This firm carries out a great deal of municipal bond work and has a great deal of current experience with the USDA process. The fees they are quoting are in the same range as the bond attorney's fees I encountered in Statesville eight years ago. I recommend that the Town engage Sanford Holshouser as their bond counsel for waste water treatment plant renovation.

# SanfordHolshouser

209 Lloyd Street, Suite 350 | Carrboro, NC 27510  
[www.sanfordholshouserlaw.com](http://www.sanfordholshouserlaw.com)

May 30, 2019

## **Proposal to Provide Bond Counsel Services to the Town of Waynesville**

We at Sanford Holshouser LLP are delighted to have this chance to make a proposal to serve the Town of Waynesville as bond counsel. Thank you for the opportunity.

Most bond lawyers with our level of experience and breadth of practice don't spend as much time with infrequent borrowers as we do. This has allowed us to develop a particular insight into how borrowers experience the financing process—the kinds of questions they may have, the parts of the process that may be difficult to understand – so we can guide them comfortably and confidently through the financing process. We would do a great job for the Town, and we would like to work for you.

### **Our Firm**

Our firm traces its roots back to when Terry Sanford and Jim Holshouser decided to practice law together. Although our founders have passed on, we aspire to honor their commitment to improving life for all people in North Carolina.

We focus our practice on local government financing and community economic development. We work for a wide range of cities, counties, and towns across North Carolina on a full range of public finance transactions. Whether it's schools, water and



sewer systems, parks, courthouses, or convention centers, we have helped our clients get money for the things they need.

We've provided some additional information on our work with USDA borrowers on the last page of this package. You can learn more about our Firm, our practice, and our people at our website: <http://sanfordholshouserlaw.com/>.

## **Our approach to the work**

Working as bond counsel is more than drafting documents and handling efficient closings. Our goal is to establish a long-term relationship with the Town by demonstrating our professional expertise and our personal commitment to providing excellent service. We will certainly handle all the tasks that you look to bond counsel to handle, and we will help move the process along as fast as it can go.

### **But it's the way we do our work that sets us apart.**

You don't need an outside lawyer to complicate your life or your project. We won't just toss documents in front of you and then send a bill. We will actively work to make things easier for you. That's a responsibility we take seriously.

**We show up.** We believe one of the best ways to provide high levels of service is to be physically present at the client's location on a consistent basis. We want to visit you in-person at the beginning of a project to talk about the game plan, attend the key Council meetings where financing matters will be considered, and arrange meetings to sign loan closing paperwork. This is all part of our work and does not add to our fees.

**We speak your language.** We don't make things too "lawyerly" or complicated. We are accessible, responsive, and down-to-earth. We are easy to work with.

**We maintain a good attitude.** We're friendly and empathetic, and we remember that the client is in charge of the project.

**Bob Jessup will lead our project team for Waynesville.** Bob has worked as a public finance lawyer since he began to practice law in 1985. He has served as bond counsel for local governments on a full range of public finance transactions, including general obligation bonds and notes, revenue bonds and installment financings. He has spoken at events sponsored by the North Carolina School of Government and the North Carolina Government Finance Officers' Association, particularly on matters of interest to new finance officers or to finance officers for local governments that are infrequent borrowers.

**Ashley Anderson will also be part of your project team.** Ashley has worked for Sanford Holshouser for almost three years and is working closely with Bob on all of our active USDA loans -- she is the primary point of contact for several of our USDA borrowers, and between our office and the key staffer for USDA loans at the Local Government Commission. With both Bob and Ashley assigned to your project, you will always be able to reach an experienced attorney who is familiar with your file.

**Nothing can give you a better idea of what it is like to work with us as bond counsel than to talk with our clients.** We've provided you with contact information for some of our clients on page 5. We are, of course, happy to provide additional references as you might request.

### **Our proposed fee arrangements**

We understand the Town is seeking to finance **approximately \$16 million for a new wastewater treatment plant**, and that some project costs may be covered by grants. We've based our fee proposals on these understandings.

USDA generally requires you to arrange separately for private "interim" financing to pay project costs during the construction period. We work closely with the LGC staff for the approval, sale and closing of the interim financing "bond anticipation notes." We will charge the Town separately for work on interim financings and for the permanent financing with USDA. We provide fixed-fee proposals -- we're supposed to be the experienced experts, and so we should be able to tell you up front how much something is going to cost.



For each round of **interim financing**, we will charge **\$10,000**. We would hope and expect there will be only one round of interim financing. If the interim financing is extended by the modification of the existing notes with the same financial institution, our charge for that transaction will be **\$5,000**, or one-half of the fee for a completely new issue.

For the **permanent financing**, we will charge an additional **\$12,500** for each separate issue of bonds. This is not for each separate bond, but for each time you issue bonds – which should be only once, unless something very unusual comes along.

**Our quoted fees include all expenses** – that is, there are no separate charges to you for such items as travel expenses, copying charges, postage or courier fees or anything similar. You are already paying us a substantial fee; we don't need to charge you for a stamp. Our fees would be paid in connection with each closing, and we would not expect to submit any statement except in connection with a closing.

We also understand the Town is considering alternate funding sources, such as the state's revolving fund program. There will be no charge from us if the Town decides on different funding before we start working on USDA loan documents, which we would expect to be only after you have USDA permission to go to bid.

### **How to get started**

If we get a chance to work with you as bond counsel, we would suggest we come to Waynesville for a visit to meet the Town staff in person and talk in more detail about your project and the financing process. That's all included in our stated fees, and part of how we want to provide service to you.

\*\*\*\*\*

If you have any questions about our fee proposal, the scope of work or any other aspect of this proposal or our public finance business, please let us know.

Once again, let us say that we at Sanford Holshouser appreciate the chance to make this proposal. We hope we will have a chance to work with you, but in any event, we wish the Town the best of luck with its project.

## **Sanford Holshouser LLP**

Bob Jessup

[bob@sanfordholshouserlaw.com](mailto:bob@sanfordholshouserlaw.com)

Ashley Anderson

[ashley@sanfordholshouserlaw.com](mailto:ashley@sanfordholshouserlaw.com)

## **References**

Once you determine that a lawyer has sufficient expertise in the legal areas where you need representation, talking with clients will tell you more about the lawyer's qualifications -- and about whether that lawyer is the right fit for you -- than you will ever get from a multiple-page listing of completed transactions or printed biographical information.

If what you are looking for is a lawyer who is easy to talk to, responsive to your needs, available to you in-person when that's what you want, and who is respectful of you as an individual, as a customer and as a representative of your constituents, then our clients will tell you that Sanford Holshouser is the right firm for you.

Please feel free to contact any of the folks listed below, and please let us know if you'd like more or different references.

Rick French  
Alexander County Manager  
(828) 632-9332  
[rfrench@co.alexander.nc.us](mailto:rfrench@co.alexander.nc.us)

Don Adams  
Jackson County Manager  
(828) 631-2295  
[donadams@jacksonnc.org](mailto:donadams@jacksonnc.org)

Lane Bailey  
Salisbury City Manager  
(704) 638-5228  
[lbail@saliburync.gov](mailto:lbail@saliburync.gov)

Eric Peterson  
Hillsborough Town Manager  
(919) 732-1270  
[eric.peterson@hillsboroughnc.org](mailto:eric.peterson@hillsboroughnc.org)

## **USDA Projects**

Here are some USDA-funded projects that we have in process. Some of these are new clients and have barely gotten started (like Shallotte). Others have completed interim financing and are in construction (like Fallston and Rockingham). We've also listed a few that recently completed permanent USDA financing.

City of Rockingham	Richmond County
Town of Stoneville	Town of Sparta
Town of Shallotte	Town of Dobson
Town of Fallston/Cleveland County Water (joint project)	Town of Weaverville
Moore County and East Moore Water District	Town of Surf City

Our work is well known to the USDA State office and to most of the regional officers.



## MEMORANDUM

**TO:** Mayor and Town Board of Aldermen  
**FROM:** Robert W. Hites Jr.  
**DATE:** 7/23/19  
**SUBJECT:** Proposals for conducting Police Chief process

We have obtained four proposals for conducting the recruitment and evaluation of candidates for Chief of Police. Three of the four have a great deal of experience recruiting and assessing candidates for a number of local government positions and one specializes in Police background investigation and recruitment. Two of the firms have been engaged by Waynesville for various personnel related activities. You will find a great deal of similarity in their approaches to stakeholder involvement and recruitment. One firm does not include an assessment center as an element of their basic service. I will briefly describe each group, their approach and price. I will comment on them in my analysis.

### DEVELOPMENTAL ASSOCIATES:

The firm has been operating in NC for over 25 years. They provide supervisory training and position recruitment, assessment and evaluation. They conduct recruitment and assessment centers for positions in both municipal and county government. They have carried out over 20 Fire and Police Chief recruitment/assessments in North Carolina. They have worked in all sizes of local government. In Waynesville Development Associates has been engaged to recruit/assess two Town Managers and the Development Services Director.

Development Associates proposes:

Conduct job and organizational analysis by interviewing Police Command Staff, Sergeants and Officers, Town Manager, Town Board, and Citizens Groups to determine challenges awaiting the new chief and insure the job description matches the Town's current needs.

Build a candidate profile and post written job advertisements

Conduct targeted recruitment of leading candidates.

Conduct initial screening of applicants

Conduct telephone interviews and administer emotional intelligence test to semi-finalists. From this group up to six candidates will be chosen to attend the assessment center.

Page 2.

Proposals for conducting Police Chief Process

Design assessment center

Recruit assessment team

Conduct assessment Center

Present results of assessment center to Manager and facilitate personal interviews with finalists

**Proposed Fee: \$18,725 (including travel).**

#### **THE MAPS GROUP:**

The MAPS Group is a human resources company made up of former municipal human resources directors and local government professionals. They were founded over 30 years ago as a contract arm of the NCLM. When a Town contracts with MAPS they do so through the League. The MAPS Group provides a variety of HR services such as pay and classification plans, recruitment and assessment of local government professionals, group facilitation such as Board retreats, and supervisory training. The MAPS Group has conducted pay and classification work for Waynesville and is familiar with the Town and its organization.

The MAPS Group proposes:

Analysis of current position through focus groups of Town staff, Board members, and community stakeholders.

Prepare job profile and advertisement. Post job announcement.

Design draft assessment process and review with staff.

Screen applicants and review to selections with staff

Recruit assessment team and send assessor manual to team

Conduct Assessment Center and facilitate candidate analysis

Assist with references as needed.

**Proposed Fee including travel \$11,000 (including travel) \***

**\*Emotional Intelligence Test \$100 per candidate in addition to above fee.**

#### **THE MERCER GROUP**

The Mercer Group is a public executive recruitment firm located in Dunwoody Georgia that has been active in North Carolina for several years. The firm itself was founded in 1986. They have recruited professionals in all sizes of local government from the City Manager of Charlotte to the Town Manager of Emerald Isle and Clinton NC. The Mercer Group has recruited several Georgia Chiefs of Police though it appears they have not recruited one in NC.

Page 3.

## Proposals for conducting Police Chief Process

The Mercer Group proposes:

Interview manager and stakeholders to develop a position profile

Recruit applicants through predominantly electronic media, state and local websites.

The Mercer Group will personally reach out to selected candidates

Review the resumes, their background and experience

Conduct telephone interview of most promising candidates

Top candidates will be forwarded to Town Manager who will select 4-6 finalists for extensive background checks.

Interview coordination with Manager including providing a list of questions. Mercer will provide insight into candidate interviews.

**Proposed Fee: \$17,500 plus "not to exceed" \$3,900 in travel: Total \$21,400\***

**\*Proposal does not include emotional intelligence testing or assessment center**

### **US ISS (Investigative Security Service)**

ISS is a law enforcement-oriented organization that is made up of retired police executives from the City of Charlotte. They provide extensive background checks and conduct internal investigations for both the public and private sector. In addition to their investigative work the firm recruits and vets' candidates for Chief of Police positions.

ISS proposes:

Develop a Departmental Profile through interviews with Town Police officers and Administrative staff. ISS will evaluate the Police Department's budget, its organization, size, workload, organizational culture, challenges and compensation.

Develop a job description: Conduct interviews with elected officials, Manager and Human Resources staff, stakeholders,

Solicit Applications. Use both electronic and print media to advertise position. ISS will use their informal network of candidates to solicit candidates.

Review candidates. Compare resumes with job description and input received from Town to select finalists.

Detailed questionnaire will be sent to finalists

Conduct remote interviews using Skype. Results of the written questionnaire will be used to develop interviews.

Six semi-finalists will be chosen for "deep background checks".

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## Proposals for conducting Police Chief Process

### Review of Finalists.

Day 1. Three finalists will be invited to Waynesville for two days. Interviews will be conducted by interview panel to assess their presentation and interpersonal skills. The candidates will meet with Board, Town staff, and meet and greet with community.

Day 2. Candidates will participate in scenario-based exercises to evaluate candidate's ability to respond to issues face by a police chief.

Individual interviews with a community/business panel

Interviews with professional panel appointed by Town.

Review of results with Manager.

**Proposed Fee: \$24,670 (including travel).**

### Analysis:

The four proposals that we received carry out similar services. They propose to meet with stakeholders and review the duties of the Chief and the Police Department. They insure that the Town's job description meets the current duties of the Chief's position. They advertise the position in Police related media and send targeted letters to contacts they have in the profession. Three of the firms design and conduct assessment centers to determine the capabilities of the candidates in several areas. They review their findings with the Manager and he takes over the process from there. All four have the experience to carry out the recruitment and assessment of a Police Chief. The question for me is which group the experience in Western North Carolina and experience has recruiting and assessing Police Chiefs in Towns of 10,000.

### Developmental Associates:

Steve Straus has conducted three assessment centers in Waynesville and has carried out numerous centers in Western North Carolina. He has recruited over 20 Police Chiefs in NC, many of which are from medium size towns. His use of emotional intelligence testing is a plus if the Town pays attention to it. I have found that the quality of the assessment team itself is the most important element of the process. If the team isn't well balanced their evaluation may not be balanced.

### The Maps Group:

The Group's bread and butter is pay and classification analysis. They have carried out several studies for Waynesville over the years and are familiar with the Town and its organization. The Group also provides recruitment and assessment of local government employees. They have extensive local government contacts throughout the State and should be able to recruit effectively. They do not have as extensive experience with recruiting police chiefs as Developmental Associates, but they specialize in working with smaller jurisdictions. The MAPS Group is certified to conduct the "Emotional Intelligence" test. Their process should produce a good product.



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Proposals for conducting a Police Chief Process

**The Mercer Group:**

This Group is Georgian based but has had a North Carolina presence for decades. They have traditionally been involved with larger city recruitment efforts but have branched into smaller NC Towns for the past several years. Unlike the other firms The Mercer Group does not use an assessment center to evaluate the candidates. They use extensive remote interviews and personal interviews in the company of the Manager to determine the best person for the job. They have a good reputation in NC and have been engaged by several Towns our size to recruit and assess their Town Manager, but they do not appear to have recruited a Police Chief in North Carolina. They have extensive experience recruiting and evaluating Police Chiefs in Georgia, but they may not have the contacts within the NC Police profession to attract candidates.

**US ISS:**

This is a relatively new human resources company that is made up exclusively with retired Police personnel from Charlotte. They conduct very detailed background checks for both the public and private sector. They have conducted internal investigations of police personnel in Southport and Mooresville. They have used their experience in investigation and police human resources to offer police executive recruitment and assessment. They provide most of the services of Developmental Associates and the MAPS group though they do not have much experience recruiting and assessing police candidates in smaller jurisdictions or in Western North Carolina. They do not use an "emotional intelligence test" but rely very heavily on an exhaustive background check of the six final candidates.

I recommend either Developmental Associates or The MAPS Group.