

Town of Waynesville, NC Board of Aldermen – Regular Meeting

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

Date: **December 8, 2015** Time: **6:30 p.m.**

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(828) 452-2491

aowens@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gavin Brown

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

Motion: To approve the minutes of the November 10, 2015 regular meeting and the November 10, 2015 closed session minutes, as presented [or as corrected].

B. CONCLUSION OF UNFINISHED BUSINESS BY CURRENTLY SEATED BOARD

3. Disclosure of Payments to Board Members for the period July 1, 2015 to date

C. COMMUNICATIONS FROM STAFF – Annual/Term Reports

4. Town Manager – Marcy Onieal
5. Town Attorney – Woody Griffin

D. RECOGNITION OF SERVICE OF OUTGOING BOARD MEMBER, J. WELLS GREELEY – Mayor Brown

E. ORGANIZATION OF NEW BOARD (2015-2019 TERM)

6. Administration of Oaths of Office - June Ray, Clerk of Court, Haywood County
 - Gavin A. Brown, Mayor
 - J. Gary Caldwell, Alderman
 - Jon Feichter, Alderman
 - Julia Boyd Freeman, Alderman
 - LeRoy S. Roberson, Alderman

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7. Appointment of Mayor pro tem

***Motion:** To appoint **Gary Caldwell**, in keeping with the tradition of nominating the candidate who achieved the highest total number of votes in the last municipal election, to serve as mayor pro tem of the Waynesville Board of Aldermen.*

8. Appointments to Land of Sky Metropolitan Planning Organization (MPO) Transportation Advisory Council (TAC)

***Motion:** To appoint **LeRoy Roberson** as the Town of Waynesville's voting representative to the FBRMPO-TAC; and to appoint **[name of appointee]** as the alternate voting representative.*

9. Appointment to Haywood County Economic Development Council

***Motion:** To acknowledge **Mayor Gavin Brown** as the Town of Waynesville's voting representative to the Haywood County Economic Development Commission; and to appoint **[name of appointee]** as an alternate voting representative.*

10. Adoption of Regular Board Meeting Schedule for 2016

2nd and 4th Tuesdays of every month at **6:30 PM** in the board room of Town Hall, 9 South Main Street, except as otherwise noted (only 1 meeting in November and December)

***Motion:** To adopt the regular board meeting schedule for 2016 as presented [or as amended].*

G. NEW BUSINESS

11. Affirmation of Appointments of Town Manager and Town Attorney

***Motion:** To affirm the appointments of **Marcy Onieal** as Town Manager and **Woody Griffin** as Town Attorney in accordance with the terms of their current employment agreements with the Town of Waynesville.*

12. Appointments to Boards and Commissions

a. **Planning Board** - one (1) vacancy to serve the remainder of the unexpired term of **Jon Feichter** (term ends 06-30-2016)

- **Anthony Sutton**

***Motion:** To appoint **Anthony Sutton** to the Planning Board to fill an unexpired term ending June 30, 2016, as presented*

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b. **Historic Preservation Commission – one (1) vacancy (term ends 6-30-2018)**

- Alex McKay

Motion: To appoint **Alex McKay** to the Historic Preservation Commission to fill a three-year term ending June 30, 2018, as presented.

c. **Haywood Tourism Development Authority 1% Sub-Comm. for 28785/86 Zip Code – five (5) vacancies (term ends 12-31-2017)**

- Katie Eason Hughes (*eligible for re-appointment*)
- Deb Isenberg (*eligible for re-appointment*)
- John Keith (*eligible for re-appointment*)
- Mindy Wood (*eligible for re-appointment*)
-

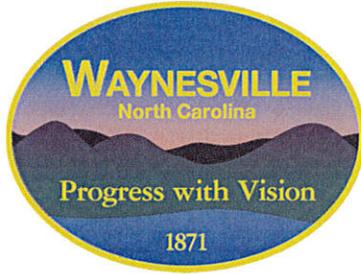
Motion: To recommend to the Haywood County TDA and Haywood County Board of Commissioners the re-appointment of **Katie Eason Hughes, Deb Isenberg, John Keith and Mindy Wood** and the appointment of **[name of nominee]** to the TDA 1% sub-committee fo the 28785/28786 Zip Code for a two-year term ending December 31, 2017

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

I. CALL ON THE AUDIENCE

J. ADJOURN

All present are cordially invited to a reception immediately following the board meeting, to honor the service of our departing and returning incumbents and newly sworn-in elected officials, in the second floor lobby of Town Hall (just outside the board room).



TOWN OF WAYNESVILLE

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

CALENDAR December 8, 2015

2015	
Fr-Mo, Dec 4-7 Downtown Waynesville	Holly Days Seasonal Events in Downtown Waynesville throughout the weekend, beginning with Art after Dark on Friday evening, culminating with the Holiday Parade on Monday evening
Fri, Dec 4 5:00 PM – 9:00 PM Main Street & Frog Level	Art After Dark – Waynesville Gallery Association
Mon, Dec 7 6:00 PM Main Street	Waynesville Christmas Parade – Downtown Waynesville Association sponsored event Street Closure – Main Street
Tues, Dec 8 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting – ORGANIZATIONAL MEETING
Thur, Dec 10 5:00 PM Laurel Ridge Country Club	2015 Holiday Cheer – sponsored by the Haywood Chamber
Thur, Dec 10 6:00 PM Lambuth Inn, Lake Junaluska	Haywood Waterways Annual Membership Meeting
Fri, Dec 11 11:30 AM Lambuth Inn, LJA	Town of Waynesville Employee Appreciation Luncheon
Sat, Dec 12 6:00 PM Fire Station 1	Firefighters Annual Dinner
Sat, Dec 12 6:00 PM – 9:00 PM Main Street	A Night Before Christmas – Downtown Waynesville Association sponsored event
Su-Th, Dec 13-24	Twelve Days of Christmas – Downtown Waynesville Association Holiday Sales & Event Promotions
We – Fri, Dec 23-25	Christmas Holiday Town Offices Closed
2016	
Fri, Jan 1	New Years Day Holiday Town Offices Closed
Fr-Sa, Jan 8-9 2 full days Hickory, NC	Leadership for Veteran & Newly Elected Officials, sponsored jointly by the NC League of Municipalities & UNC School of Government Topics Include: Leading Change in Your Committee; Team-Building & Budgeting for Boards; Required Ethics Training

Sat, Jan 16 11:00 AM Main Street and Pigeon Street	Martin Luther King Jr Annual Prayer Walk Rolling Street Closure Main Street and Pigeon Streets
Sun, Jan 17 3:00 PM FUMC Waynesville	Martin Luther King Jr Commemorative Service
Mon, Jan 18 8:00 AM Lambuth Inn, LJA	Martin Luther King Jr Prayer Breakfast (RSVP required, please contact Town Clerk)
Mon, Jan 18	Martin Luther King Jr Holiday Town Offices Closed
Mon, Jan 25 6:30 PM Location TBD	Southwestern Commission Board Meeting
Fr-Sa, Jan 29-30 (tent) All Day Location TBD	Board of Alderman Planning Retreat – Tentative
Mon, Feb 22 5:30 PM Location TBD	Haywood COG – Canton Hosting
We-Fr, Mar 16-18	NC Main Street Conference Goldsboro, NC
Fri, Mar 25	Good Friday Holiday Town Offices Closed
Mon, Mar 28 6:30 PM Location TBD	Southwestern Commission Board Meeting
Mon, Apr 25 5:30 PM Location TBD	Haywood COG – Clyde Hosting
Wed, May 18 10:00 AM to Noon Webinar	Ethics for Local Elected Officials – required for all newly elected and re-elected officials <i>(not required if attending Jan 8-9 Leadership in Hickory)</i>
Mon, May 23 6:30 PM Location TBD	Southwestern Commission Board Meeting
Mon, May 30	Memorial Day Holiday Town Offices Closed
Mon, Jun 27 5:30 PM Location TBD	Haywood COG – Haywood County Hosting
Mon, Jul 4	Independence Day Holiday Town Offices Closed
Fri, Jul 29 6:30 PM Location TBD	Southwestern Commission Annual Dinner
Mon, Aug 22 5:30 PM Location TBD	Haywood COG – Maggie Valley Hosting
Mon, Sep 5	Labor Day Holiday Town Offices Closed

Mon, Sep 26 6:30 PM Location TBD	Southwestern Commission Board Meeting
Mon, Oct 24 5:30 PM Location TBD	Haywood COG – Waynesville Hosting
Fri, Nov 11	Veterans' Day Holiday Town Offices Closed
Th-Fr, Nov 24-25	Thanksgiving Holiday Town Offices Closed
Mon, Nov 28 6:30 PM Location TBD	Southwestern Commission Board Meeting
Fr-Tu, Dec 23, 26-27	Christmas Holiday Town Offices Closed

Board and Commission Meetings – December 2015/January 2016

ABC Board	ABC Office – 52 Dayco Drive	December 19 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	January 5 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	January 28 4 th Thursdays 12 Noon
Firefighter's Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	January 6 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	December 21 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	January 14 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	January 19 3 rd Tuesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	January 6 1 st Wednesdays 5:30 PM

BOARD/STAFF SCHEDULE

Mon, Jan 4	Town Manager	Vacation
Sa – Sa, Jan 16-23, 2016	Town Clerk	Vacation
We-Fr, Feb 3-5, 2016	Town Manager	NCCCMA Manager's Continuing Ed - Winter Seminar
Th-Sa, Jun 23-25, 2016	Town Manager	NCCCMA Manager's Continuing Ed - Summer Seminar

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
November 10, 2015

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, November 10, 2015 at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Brown called the meeting to order at 6:32 p.m. with the following members present:

Mayor Gavin Brown
Alderman Gary Caldwell
Alderman Julia Freeman
Alderman J. Wells Greeley
Alderman LeRoy Roberson

The following staff members were present:

Marcy Onieal, Town Manager
Woodrow Griffin, Town Attorney
Amie Owens, Town Clerk
Elizabeth Teague, Development Services Director
Byron Hickox, Land Use Administrator

The following media representatives were present:

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

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting and noted that tomorrow is Veterans Day and on behalf of the Board wished to thank all Veterans for their service and sacrifice.

Mayor Brown asked Manager Onieal to update regarding calendar events. Manager Onieal called attention to several upcoming events including:

- November 14 – Veteran’s Day Luncheon at Longs Chapel United Methodist Church
- November 19 - KARE Festival of Trees – Laurel Ridge CC - RSVP required
- December 3 - Canton Christmas Parade
- December 7 – Waynesville Christmas Parade
- December 10 – Haywood Chamber - Holiday Cheer – Laurel Ridge CC – RSVP required
- December 10 – Haywood Waterways Association Annual Membership Meeting – Lambuth Inn

Manager Onieal reminded members that there would be a public meeting in conjunction with the Planning Board meeting on Monday, November 16 to discuss the Brownfields Grant Application.

2. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Greeley, to approve the minutes of the November 10, 2015 regular meeting, as presented. The motion carried unanimously.

B. PUBLIC HEARINGS

3. Public Hearing to consider application from Carolina Furniture Concepts to rezone the property at 121 Eagles Nest Road, Tax Parcel Identification Number 8605-64-6237, from Hazelwood Business District (HBD) to Hazelwood Business District – Conditional District (HBD-CD)

Elizabeth Teague, Development Services Director explained that an application had been submitted by Brenda Reece on behalf of Carolina Furniture Concepts to change the zoning to a conditional district zoning to allow for new signage. Land Use Administrator, Byron Hickox, provided information related to the request. He noted that this application was not for new development, but rather to permit the addition of an electronic changeable face signage to an existing non-conforming sign on the site. This type of signage is allowed currently in Regional Center districts only. Mr. Hickox explained that the property at 121 Eagles Nest Road is a 3.78 acre parcel with a 39,000 sq ft building occupied by Carolina Furniture Concepts. The maximum allowed square footage for signage under current land development standards for the site's zoning would be 24 sq ft with a maximum of 6 feet in height. Carolina Furniture Concepts' existing sign is 80 sq ft and 24 – 25 feet tall and was grandfathered in when the Land Development Standards were adopted in 2011.

Mr. Hickox added that the staff recommendation was denial of this proposal as it would expand the degree of non-conformity to an already non-conforming sign. Also, the sign would cause light to trespass on to other properties in violation of Land Development Standards due to the existing sign's location. As a side note, Mr. Hickox, questioned whether the sign would have the desired impact even with electronic changeable face, which is visibility from the bypass, due to existing tree canopy, which blocks visibility from the highway.

Mayor Brown inquired as to how the Wal-Mart sign is approved. Mr. Hickox noted that that is a large development on a parcel over 5 acres in size and is allowed under large parcel development.

The Planning Board voted to deny the request with a vote of 7 to 1 at their September 21, 2015 meeting.

Town Attorney Woody Griffin called the public hearing to order at 6:43 p.m.

Brenda Reece, representing Carolina Furniture Concepts, approached the podium and explained that the property owner wished to withdraw the application for re-zoning at this time. Mayor Brown asked if there were any time limitations related to such a withdrawal. Ms. Teague explained that an applicant can withdraw at any point in the process and could re-submit at a later time.

No one else requested to address the board.

Attorney Griffin closed the public hearing at 6:45 p.m. with no action taken by the Board of Aldermen on this matter.

4. Public Hearing to consider an application request to rezone the property at 263 Riverbend Street and 9 Camp Street, Tax Parcel Identification Numbers 8605-81-5526, 8605-81-6618, 8605-81,7716, and 8605-81-6705, from Hazelwood Urban Residential to Hazelwood Business District

Ms. Teague explained that a request had been received from the McKay family regarding rezoning of 4 properties from Hazelwood Urban Residential to Hazelwood Business District. The properties had historically been used for commercial endeavors, and that by approving the requested change in zoning, additional uses would be permitted.

Ms. Teague illustrated on the map the location of the properties. There is one additional property that is in this area that is not owned by the McKays. Ms. Teague noted that the request does allow for more uses in that area and added that there a mixed use overlay option could also be considered if the board felt that the requested rezoning was too drastic a change in zoning for this area. She noted that the owners of the abutting property did come to the Planning Board meeting and spoke regarding concerns with the possible change of rezoning.

Ms. Teague explained that the 2020 Land Development Plan addresses the desire of the Town of Waynesville to support local businesses. At Planning Board meeting on October 19, the Planning Board voted unanimously to approve the request and the staff supports the recommendation due to the following:

1. the properties are bordered on two sides by commercial businesses
2. there is a history of commercial uses on the property
3. the properties are very close to Hazelwood Business district with lots of potential for redevelopment.
4. such rezoning could help create a foundation of reinvestment and property improvements in the area

Alderman Roberson asked if there would be any kind of buffer for residential areas if a commercial business was added. Ms. Teague answered that under current zoning, no requirement for buffering between the two is in place for these historically mixed areas; however, by rezoning, a buffer requirement would in fact be required between commercial and residential uses. At present, the open roadways surrounding the property are the only buffer between commercial and residential properties. Alderman Greeley inquired as to what type of buffer could be used? Ms. Teague replied that either fencing or landscaping could be used.

Ms. Teague alluded to discussions about mixed use of the property with the owners possibly starting with the feed and seed store. She added that the Town could permit this use with a commercial overlay and still allow existing zoning. Alderman Roberson asked about any noise restrictions. Ms. Teague replied that all noise considerations would fall under the general nuisance ordinance. She added that the adjacent property owners expressed concerns if a business such as a restaurant were to be at this location.

Attorney Griffin again provided the reason for the public hearing, reminded individuals of the rules of procedure and opened the hearing at 6:51 p.m.

Alex McKay, property owner of properties in question, explained that there was a history of commercial use including a heavy equipment business, vehicle inspections, dog groomer and a laundromat. There were two mobile homes on the property and one has been removed. If rezoned, the remaining one would be removed.

If the board preferred the mixed use overlay, there would be limitations on tenants. Mr. McKay noted that his family had owned the property since the 1890s and would not want to see it changed very much but want to have the opportunity to create quality business in Hazelwood.

No one else addressed the board.

Attorney Griffin closed the public hearing at 6:53 p.m.

Mayor Brown added that it appeared that the property was inadvertently zoned as residential rather than commercial during a transition period. It makes sense to rezone the property back to what it was before. Ms. Teague reiterated the decision of the Planning Board and staff recommendation to approve the rezoning.

Mayor Brown added that this rezoning allows for new and re-development in the area. Alderman Caldwell added that this was a prime spot and one of the last developable properties left in Hazelwood.

Alderman Caldwell made a motion, seconded by Alderman Freeman, to approve the application to rezone property at 263 Riverbend Street and 9 Camp Street from Hazelwood Urban Residential (H-UR) to Hazelwood Business District (H-BD). The motion carried unanimously.

C. CONTINUING BUSINESS

5. Personnel Policy Revisions

Manager Onieal explained that the proposed personnel policy changes were touched on during previous discussions with the board during the last two budget processes when comprehensive policy revisions were addressed; however, these particular revisions were inadvertently omitted from the last set of comprehensive revisions adopted by the board in June, because they had no direct budgetary impact. Since they were not formally adopted in June, they are being brought back for formal approval tonight.

a. Conditions of Employment – Article IV, Section V - Employment of Relatives Nepotism

Manager Onieal explained that the nepotism policy had been one of the most misunderstood and inconsistently applied provisions of the Town's personnel over time and was probably one of the greatest sources of internal concern within the workplace historically, both from a supervisory standpoint and from a perception standpoint. These revisions are being made in an attempt to acknowledge a contemporary definition of "family" and broaden the limited language included in current policy, to include the close relationships of foster/adoptive children, in-laws, cohabitants, domestic partners, etc. that constitute relationships that should be considered under a workplace nepotism policy. The current policy also discriminated

between part time and full time staff which has led to disparate treatment and a sense of inequity among employees. Manager Onieal noted that clarification was added relating to the employment of immediate family members for all individuals employed in Finance and Administrative Services positions, all of which function from a unique position of trust, authority and sensitivity with regard to HR matters.

Manager Onieal added that language was added to clarify the time frame for change in employment status, whether that is movement to another department or leaving the employment of the Town should two employees become related or fall under the definition of family. She also outlined that there were exceptions to this include interns or temporary for less than 100 days each year; for example: seasonal employees.

Mayor Brown expressed concern about the definition of cohabitant and domestic partners.

Manager Onieal explained that the Town will not be the “relationship police” and that the burden of disclosure is on the employee, and is a matter of confidentiality between the employee and his/her supervisor and/or HR to ensure that a supervisory situation does not arise that creates a problem of disparate treatment based on that relationship. Alderman Freeman added that the definition is that of the SF 50 a/b utilized by the Court System.

Manager Onieal noted that the policy had not been consistently applied and that there had been a significant number of familial relationships among staff that had not previously been disclosed, that had created supervisory and performance challenges or at least the perception of unfairness for other employees over the years. The goal of this policy is to stop the problem now and create clarity for the future. The policy language and format was taken directly from the State Office of Personnel and information from the national Society For Human Resource Management (SHRM) and is language that is currently in use by many municipalities and state agencies.

b. Separation and Disciplinary Action – Article VII, Section 16 – Eligibility for Rehire

Manager Onieal noted that while it has been the practice that individuals who are dismissed for cause are not rehired, it was not clearly documented in the policy. The new language reads that individuals dismissed for cause are ineligible for rehire any capacity (full-time, part-time or seasonal).

Alderman Greeley commented that nepotism in the workforce is a difficult challenge. Sometimes when you have relatives in the same unit it can occasionally be a good thing; however, it can also cause serious problems in the workplace. He clarified that this is not done to slap anyone’s hands but is a wise policy that removes the dynamic for future problems and the perception of coercion or unfair treatment.

Alderman Greeley made a motion, seconded by Alderman Freeman, to approve revisions to the Town of Waynesville Personnel Policy Manual, as presented. The motion carried unanimously.

6. Budget Amendment – Hazelwood Parking Lot Improvements

Manager Onieal reminded members that at the previous meeting she had explained about the potential for a lease agreement with Chris Forga related to the parking lot in Hazelwood. Manager Onieal was instructed to continue negotiation to move this project forward. To ensure project moves

forward within the current fiscal year, she presented a budget amendment (Ordinance 09-15) which would allow for use of internal service fund transfers to cover these improvements. A total of \$100,000 is being added to the public facilities fund for capital outlay in the spring.

Alderman Caldwell made a motion, seconded by Alderman Greeley, to approve a budget amendment to the Financial Operating Plan for Internal Service Funds transferring a total of \$100,000 in charges to other funds to the Public Facilities Fund for the purpose of covering expenditures needed for planned improvements at the Hazelwood Public Parking Lot, as presented. The motion carried unanimously.

7. Installment Financing Agreement for Purchase of Town Vehicles

Finance Director Eddie Caldwell reported that there were a number of vehicles included in the budget process for purchase or replacement. Requests for Proposals (RFP) were sent to 12 financial institutions for financing for these vehicles; four (4) were received by the deadline. Mr. Caldwell noted that the offer from First Citizens Bank was recommended for approval with a five-year (5) term at 1.56% with no closing costs and no pre-payment penalty. This offer provided lowest total financing costs for the town, with the first payment included in next year's budget.

Mr. Caldwell explained that the project consists of the purchase of nine vehicles, and their related equipment. These purchases includes five (5) vehicles and their related equipment to be used by the police department, two (2) vehicles and their related equipment to be used by the street department, two (2) vehicles and their related equipment to be used by the water maintenance department and (3) three "Alliance Prins VSI" auto gas (propane) conversion kits.

Alderman Roberson asked whether the vehicles were all replacements. Mr. Caldwell explained that the Police vehicles were replacements. Manager Onieal added that the other vehicles are for the newly formed capital construction crews in Public Services, which were approved by the Board at their retreat last March. Manager Onieal added that the capital construction crews are just now getting started and the water/sewer construction crew started their first large project on Locust Drive in recent weeks.

Alderman Greeley made a motion, seconded by Alderman Caldwell, to approve the proposal presented by First Citizens Bank for installment financing with a term of five (5) years at 1.56% interest, and an annual payment of \$109,325.86, as the lowest total financing costs for purchase of vehicles, as presented. The motion carried unanimously.

D. **NEW BUSINESS**

8. Cooperative Inspections Agreement between the Town of Waynesville and Haywood County

Manager Onieal reported that Jason Rogers had left his position with the Town for a similar position in a much larger department with Buncombe County. The position has been advertised and during the interim the Town has hired Ron Evans as a temporary employee. Mr. Evans has a level 3 certification in all 5 disciplines and has served as a statewide for code enforcement certification. He is well-known and respected across the state and especially appreciated for his approach to customer

service. Manager Onieal explained that during the times when Mr. Evans may not be available, the Town has arranged for a reciprocal agreement with Haywood County for inspections services. A Joint Resolution would authorize each board to approve this agreement. A draft of the agreement was included in the board packet and the joint resolution will be presented at the Board of County Commissioner's meeting on November 16th.

Alderman Roberson made a motion, seconded by Alderman Freeman, to approve the Cooperative Inspections Agreement between the Town of Waynesville and Haywood County, as presented. The motion carried unanimously.

E. COMMUNICATIONS FROM STAFF

9. Town Clerk – Amie Owens

Tobacco Ordinance Implementation Communications Plan

Town Clerk Amie Owens reminded members that the Tobacco Ordinance that was approved in May 2015 and would go into effect on Friday, November 13. She noted that the focus of the communications plan will be on education rather than on penalizing individuals. Meetings will be held one-on-one with merchants to ensure the friendliest approach and discuss why this ordinance was enacted and what the merchants and town could do to work together to better inform the public. Ms. Owens will be providing information to the Downtown Waynesville Association on November 19 as well as meeting with other organizations and merchants to ensure compliance. The initial concentration will be on town-owned facilities and town staff will work with merchants over the winter to ensure that all are aware of what will occur. Copies of the "Waynesville Cares About Your Air" brochure will be provided to merchants, town staff and available in kiosks. Permanent signage indicating the prohibition of tobacco use in designated areas will be installed and information will be shared with the media.

10. Town Manager – Marcy Onieal

Power Supply Contract Summaries

Manager Onieal noted that members had a grid in their packet which was a brief summary of the nearly completed power supply contracts. Unfortunately, final drafts were not ready in time for this meeting. Attorneys from all three parties are trying to complete final provisions. Manager Onieal indicated that it may be necessary to have a special called meeting or to handle as old business at the December meeting. The board preference by consensus was a special called meeting at a date and time to be announced.

Organizational Meeting/New Board

Manager Onieal reminded members that the regular meeting on December 8th is the organizational meeting where the new board will be sworn in. She asked the board how much or how little business would they like to include at this meeting. Members concurred that a lighter meeting would be preferable. Manager Onieal noted that there would be a reception honoring the elected officials that evening following the installation of members by the Haywood County Clerk of Court June Ray.

Board/Staff Retreats

Manager Onieal reported that the Public Services staff had a departmental retreat today which was well received. Activities included team building, discussion topics of what makes for better organization and presentations by each division of their needs for consideration in the upcoming budget planning. She added that Development Services staff will have their own retreat and that the Leadership Team will also hold a retreat shortly after the first of the year. The hope is to also include staff in a portion of the Board Retreat which is tentatively set for January 29 and 30, 2016.

NCLM Legislative Round Up

Manager Onieal provided copies of the NC League of Municipalities End of Session bulletin to the board. This report is very comprehensive and includes not only the bills that were passed, but identifies where things were left such as the Lake Junaluska merger bill. She applauded the effort by the NCLM to keep elected officials informed, noting this is the first time the League has prepared such a comprehensive report at end of long session.

Chestnut Park

Manager Onieal explained that a community meeting was held on October 29 with eight (8) members of the Chestnut Park neighborhood, Alderman Caldwell and Alderman-elect Jon Feichter, and the media in attendance. Representatives from Development Services, Public Services, Police, Recreation and Fire department were also present. Several issues including future vision for the park and existing traffic issues were brought to light as well as being able to address concerns about untoward activities that had been reported. Manager Onieal remarked that this was a great start and each of the staff are working on areas mentioned. She added that the town will stay in touch with residents and update periodically regarding improvements. Mayor Brown asked about the survey of the property. Manager Onieal noted that Kevin Ensley will be doing the survey.

Internal Updates/News

Manager Onieal noted that the Public Services October Employees of the Month were Bill Litty and Jonathan Yates. They assisted a lady who had fallen downtown and got her first aid. She congratulated Mr. Caldwell for another audit completed by October 31 and added that the audit report would be presented in January.

The kick off event for the annual Food Collection Drive and Boot Drive, led by the Fire Department resulted in two trucks filled with food and over \$4,000 in monetary donations, the largest monetary collection ever received for this annual effort. The town staff also collects food and coats at their annual Employee Appreciation Luncheon.

10. Town Attorney – Woody Griffin

Attorney Griffin had no business to discuss. Mayor Brown offered condolences to Mr. Griffin on behalf of the town on the loss of his brother.

E. COMMUNICATIONS FROM MAYOR & BOARD OF ALDERMEN

Alderman Roberson highlighted a letter to the editor in the November 6 edition of the Mountaineer that praised the cemetery crew for their work and dedication. He encouraged all to read it in its entirety.

F. CALL ON THE AUDIENCE

No one addressed the board.

G. CLOSED SESSION

Alderman Greeley made a motion, seconded by Alderman Caldwell, to enter into closed session to discuss personnel matters as permitted by NC General Statute §143.318.11(a)(6). The motion carried unanimously.

The Board entered Closed Session at 7:36 p.m.

The Board returned from Closed Session at 8:04 p.m.

Manager Onieal reported that departmental work with the HR manager on the career track program was nearing completion and that she was prepared to implement career track salary adjustments with the first pay period in January contingent upon the Finance Director completing the necessary programming to the payroll application between now and the end of the year to allow for customized adjustments within the pay plan. She noted that her proposal also included a market study to make equity adjustments for selected positions in various departments, adjustments to wages for certain part-time positions and limited market/equity/merit adjustments for members of the Leadership Team who are not participants in the Career Track progression. In addition there will need to be made some adjustments in exempt status and overtime budgets for some supervisory positions due to changes in FLSA law beginning in 2016.

Manager Onieal explained that there had been \$403,100 available in the adopted budget and that the total salary adjustments as projected effective as of January will result in a total allocation of \$400,556 by the end of the fiscal year. The equity adjustments will be retroactive to the beginning of the fiscal year as promised, and the career track adjustments will move forward beginning with the first pay period in January 2016.

Ms. Onieal noted that while there are a few employees who will get neither a career track nor equity adjustment, these are limited to the police department personnel who already went on Career Track in July and received adjustments at that time, and employees who have just recently been hired or promoted or received an adjustment due to reorganization and taking on additional duties and whose salaries are already at market or career track level .

Alderman Greeley made a motion, seconded by Alderman Freeman, to approve the salary adjustments, as presented. The motion carried unanimously.

Manager Onieal will visit all departments with department directors over the next several weeks to answer any questions that may arise about salary adjustments and to discuss changes in personnel policy, smoking ordinance and any other issues of interest to employees.

Mayor Brown reminded members that usually there is no second meeting in November and December due to the fact that these meetings usually fall during holiday weeks. He asked members if they wished to meet or to cancel the meetings during holiday weeks.

Alderman Greeley made a motion, seconded by Alderman Caldwell, to cancel the regularly scheduled meetings of the Board of Aldermen on November 24, 2015 and December 22, 2015. The motion carried unanimously.

ADJOURN

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

ATTEST:

Gavin A. Brown, Mayor

Marcia D. Onieal, Town Manager

Amanda W. Owens, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 8, 2015

SUBJECT: Term ending report - Disclosure of Payments

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 3-B
Department: Administrative Services
Contact: Amie Owens, Town Clerk
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: A unit of local government is legally able to enter into a contract with a member of its own governing board only under very limited circumstances, without violating state ethics statutes and other provision regarding self-dealing. In so doing, it must adhere to the strict procedural requirements of G.S. 14-234(d1). This statute applies to any contract, business relationship or purchase agreement, whereby an elected official stands to reap financial gain as a result of his/her decision, influence, contract, relationship, purchase, or other ownership interest.

To be able to enter into a contract with a member of its governing board, the following rules apply:

- 1) the town's population (based on the most recent federal census) may not exceed 15,000
- 2) the payment (or series of payments) may not exceed \$40,000 during any 12-month period
- 3) the town must post a list on its official notice board the following information:
 - name of the official
 - brief description of the service or undertaking for which s/he was paid
 - total amount of payments (this notice must be kept posted for 12 months)

The Town's previous 12-month disclosure of payment report for FY14, dated July 28, 2015, showed that \$650.00 had been paid to Wells Event Center, owned and operated by Alderman Wells Greeley.

The following is a report to disclose that a total of \$993.96 was paid for the use of the Wells Event Center for three meetings in FY 2015-16 as follows:

- October 26, 2015 – The Town of Waynesville hosted the Haywood County Council of Governments bi-monthly meeting at a cost of \$150.00.
- October 30, 2015 – The Town of Waynesville hosted the Western North Carolina City and County Managers Association for its quarterly meeting at a cost of \$200.00.
- November 10, 2015 – The Town of Waynesville Public Services Department held a day-long staff retreat which was attended by all division supervisors with lunch provided; the room charge and catering totaled \$643.96.

MOTION FOR CONSIDERATION: To accept the staff report disclosing payments to elected officials dated December 8, 2015 as presented, and direct that said report be publicly posted per statutory requirement.

FUNDING SOURCE/IMPACT: All meeting expenses were previously approved in the adopted FY16 budget.

ATTACHMENTS:

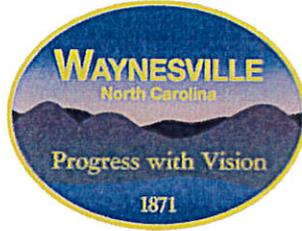
- NCGS §14-234 (d1)
- Disclosure Posting

MANAGER'S COMMENTS AND RECOMMENDATIONS: It should be noted that the Wells Event Center provided meeting space and services to the Town of Waynesville at a discounted rate during this period, and the Town is most appreciative of this in-kind allowance during FY15 and FY16.

Ordinarily, staff would make this disclosure report at the end of the fiscal year. While it is required by statute that this report remain posted for a 12-month period, any future payments by the Town for service to Wells Event Center will be exempt from reporting, upon Alderman Greeley's retirement from service as an elected official on December 8, 2015.

Should a business relationship develop in the future with other elected officials on the board, payments to those officials would, of course, need to be authorized by the board in advance and reported annually in accordance with NCGS §14-234 (d1). Until and unless that happens, there will be no additional disclosure of payment to elected officials report forthcoming, as the Town is not currently engaged in doing business with any individual or entity whereby the Town's elected officials stand personally to gain financially from a decision or transaction.

Gavin Brown, Mayor
J. Wells Greeley, Mayor Pro Tem
Gary Caldwell, Alderman
Julia Freeman, Alderman
LeRoy Roberson, Alderman



Marcia D. Onieal, Town Manager
Woody Griffin, Town Attorney

Term Ending Disclosure of Payment Fiscal Year 2015-2016

J. Wells Greeley – Mayor Pro Tempore

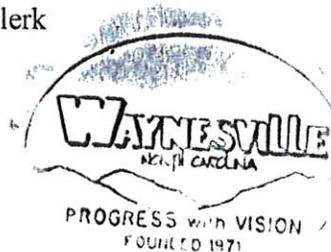
Service or Activity – Wells Event Center was paid for use of meeting space. While there was no direct payment to Alderman Greeley, as the owner of the establishment, he could have benefitted from such payment and therefore, disclosure of the payment is required in accordance with NCGS § 14-234 (d1).

- October 26, 2015 – The Haywood County Council of Governments meeting was hosted by the Town of Waynesville and the charge for the room was \$150.00.
- October 30, 2015 – the Western North Carolina City and County Managers Association held its bi-monthly meeting in Waynesville, as the host city, a charge of \$200.00 was paid by the town.
- November 10, 2015 – The Public Services Department held a staff retreat which was attended by all division supervisors and lunch was provided; the charge for the room and catering was \$643.96.

Total Amount of Payment - \$993.96

This document has been certified by Amanda W. Owens, Town Clerk

Amanda W. Owens



§ 14-234. Public officers or employees benefiting from public contracts; exceptions.

(a) (1) No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law.

(2) A public officer or employee who will derive a direct benefit from a contract with the public agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.

(3) No public officer or employee may solicit or receive any gift, reward, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.

(a1) For purposes of this section:

(1) As used in this section, the term "public officer" means an individual who is elected or appointed to serve or represent a public agency, other than an employee or independent contractor of a public agency.

(2) A public officer or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract.

(3) A public officer or employee is involved in making a contract if he or she participates in the development of specifications or terms or in the preparation or award of the contract. A public officer is also involved in making a contract if the board, commission, or other body of which he or she is a member takes action on the contract, whether or not the public officer actually participates in that action, unless the contract is approved under an exception to this section under which the public officer is allowed to benefit and is prohibited from voting.

(4) A public officer or employee derives a direct benefit from a contract if the person or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to the contract; (ii) derives any income or commission directly from the contract; or (iii) acquires property under the contract.

(5) A public officer or employee is not involved in making or administering a contract solely because of the performance of ministerial duties related to the contract.

- (b) Subdivision (a)(1) of this section does not apply to any of the following:
- (1) Any contract between a public agency and a bank, banking institution, savings and loan association, or with a public utility regulated under the provisions of Chapter 62 of the General Statutes.
 - (2) An interest in property conveyed by an officer or employee of a public agency under a judgment, including a consent judgment, entered by a superior court judge in a condemnation proceeding initiated by the public agency.
 - (3) Any employment relationship between a public agency and the spouse of a public officer of the agency.
 - (4) Remuneration from a public agency for services, facilities, or supplies furnished directly to needy individuals by a public officer or employee of the agency under any program of direct public assistance being rendered under the laws of this State or the United States to needy persons administered in whole or in part by the agency if: (i) the programs of public assistance to needy persons are open to general participation on a nondiscriminatory basis to the practitioners of any given profession, professions or occupation; (ii) neither the agency nor any of its employees or agents, have control over who, among licensed or qualified providers, shall be selected by the beneficiaries of the assistance; (iii) the remuneration for the services, facilities or supplies are in the same amount as would be paid to any other provider; and (iv) although the public officer or employee may participate in making determinations of eligibility of needy persons to receive the assistance, he or she takes no part in approving his or her own bill or claim for remuneration.
- (b1) No public officer who will derive a direct benefit from a contract entered into under subsection (b) of this section may deliberate or vote on the contract or attempt to influence any other person who is involved in making or administering the contract.
- (c) through (d) Repealed by Session Laws 2001•409, s. 1, effective July 1, 2002.
- (d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 15,000 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 15,000 according to the most recent official federal census, (iv) any elected official or

person appointed to fill an elective office as a member of a county board of education in a county within which there is located no village, town or city with a population of more than 15,000 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if all of the following apply:

- (1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed twelve thousand five hundred dollars (\$12,500) for medically related services and twenty-five thousand dollars (\$25,000) for other goods or services within a 12-month period.
- (2) The official entering into the contract with the unit or agency does not participate in any way or vote.
- (3) The total annual amount of contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county.
- (4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.

(d2) Subsection (d1) of this section does not apply to contracts that are subject to Article 8 of Chapter 143 of the General Statutes, Public Building Contracts.

(d3) Subsection (a) of this section does not apply to an application for or the receipt of a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control

created pursuant to G.S. 143•215.74 by a member of the Soil and Water Conservation Commission if the requirements of G.S. 139•4(e) are met, and does not apply to a district supervisor of a soil and water conservation district if the requirements of G.S. 139•8(b) are met.

(d4) Subsection (a) of this section does not apply to an application for, or the receipt of a grant or other financial assistance from, the Tobacco Trust Fund created under Article 75 of Chapter 143 of the General Statutes by a member of the Tobacco Trust Fund Commission or an entity in which a member of the Commission has an interest provided that the requirements of G.S. 143•717(h) are met.

(d5) This section does not apply to a public hospital subject to G.S. 131E•14.2 or a public hospital authority subject to G.S. 131E•21.

(e) Anyone violating this section shall be guilty of a Class 1 misdemeanor.

(f) A contract entered into in violation of this section is void. A contract that is void under this section may continue in effect until an alternative can be arranged when: (i) immediate termination would result in harm to the public health or welfare, and (ii) the continuation is approved as provided in this subsection. A public agency that is a party to the contract may request approval to continue contracts under this subsection as follows:

(1) Local governments, as defined in G.S. 159•7(15), public authorities, as defined in G.S. 159•7(10), local school administrative units, and community colleges may request approval from the chair of the Local Government Commission.

(2) All other public agencies may request approval from the State Director of the Budget.

Approval of continuation of contracts under this subsection shall be given for the minimum period necessary to protect the public health or welfare. (1825, c. 1269, P.R.; 1826, c. 29; R.C., c. 34, s. 38; Code, s. 1011; Rev., s. 3572; C.S., s. 4388; 1929, c. 19, s. 1; 1969, c. 1027; 1975, c. 409; 1977, cc. 240, 761; 1979, c. 720; 1981, c. 103, ss. 1, 2, 5; 1983, c. 544, ss. 1, 2; 1985, c. 190; 1987, c. 570; 1989, c. 231; 1991 (Reg. Sess., 1992), c. 1030, s. 5; 1993, c. 539, s. 145; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 519, s. 4; 2000•147, s. 6; 2001•409, s. 1; 2001•487, ss. 44(a), 44(b), 45; 2002•159, s. 28.)

APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS

NAME B. Alex McKay
STREET ADDRESS 96 Rolling Dr.
MAILING ADDRESS Waynesville, NC 28786
PHONE (828) 246-8528
E-MAIL bamckay87@yahoo.com

Please consider me for appointment to the following board(s) or commission(s):

- | | |
|----------------------------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> Alcoholic Beverage Control Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Community Action Forum | <input type="checkbox"/> Public Art Commission |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Recreation & Parks Advisory Commission |
| <input type="checkbox"/> Firemen's Relief Fund Board | <input type="checkbox"/> Waynesville Housing Authority |
| <input checked="" type="checkbox"/> Historic Preservation Commission | |

I am interested in serving on this board or commission because: Answers Attached

I have experience/expertise in the following areas and/or have served on the following board or commission:

I feel that I can contribute the following to this board or commission

Tell us about yourself and your background:

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

B. Alex McKay 11-17-15
Signature Date

Upon appointment to a Board/Committee, the information contained herein becomes a matter of public record per NCGS 132-1. - Return Application to Town Clerk's Office -

1. I am interested in serving on this board or commission because:

It is of great importance and pride to me that my heritage in Haywood County goes back to 1798. My ancestors have eked out their living from these mountains since. Therefore, I have a vested interest in perpetuating this legacy in honor of them and for future generations to have this continuity.

2. I have experience/expertise in the following areas and/or have served on the following board or commission:

Research, interviews, metal-detecting, collecting & researching local artifacts and memorabilia. I have a good memory and am conversant about what I have learned. My ultimate vision is for there to be a Haywood County Historical Museum.

3. I feel that I can contribute the following to this board or commission:

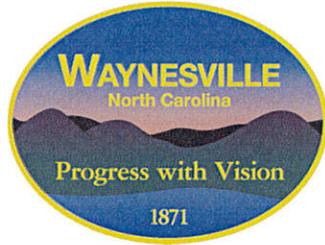
I have a natural inclination for history and genealogy and a passionate curiosity about my heritage and things around me. I am an avid and in-depth researcher and thrive on learning and keeping records of acquired knowledge especially from older people either through personal conversations or books.

4. Tell us about yourself and your background:

I am 28 years old and inherited my passion for heritage from my parents and grandparents. In doing personal research at the Library, I met like-minded people in the Historical Society, and have been with them for about 16 months. I recently have been nominated for a position on their Board of Directors opening in January 2016. For many years, I have also worked with the Downtown Waynesville Association with set-up and festivals.



A handwritten signature in black ink, appearing to read "B. A. McKay", is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping underline that extends to the right.



TOWN OF WAYNESVILLE

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

PROPOSED REGULAR MEETING SCHEDULE FOR 2016

ALL MEETINGS TO START AT 6:30 P.M. IN THE BOARD ROOM LOCATED AT
 9 SOUTH MAIN STREET UNLESS OTHERWISE NOTED

2016	
Fr-Sa, January 8-9	Board Training, Hickory, NC
Tues, January 12	Board of Aldermen Meeting – Regular Session
Tues, January 26	Board of Aldermen Meeting – Regular Session
Fr-Sa, Jan 29-30 (tent)	Board Retreat – Location TBD
Tues, February 9	Board of Aldermen Meeting – Regular Session
Tues, February 23	Board of Aldermen Meeting – Regular Session
Tues, March 8	Board of Aldermen Meeting – Regular Session
Tues, March 22	Board of Aldermen Meeting – Regular Session
Tues, April 12	Board of Aldermen Meeting – Regular Session
Tues, April 26	Board of Aldermen Meeting – Regular Session
Tues, May 10	Board of Aldermen Meeting – Regular Session
Tues, May 24	Board of Aldermen Meeting – Regular Session
Tues, June 14	Board of Aldermen Meeting – Regular Session
Tues, June 28	Board of Aldermen Meeting – Regular Session
Tues, July 12	Board of Aldermen Meeting – Regular Session
Tues, July 26	Board of Aldermen Meeting – Regular Session
Tues, August 9	Board of Aldermen Meeting – Regular Session
Tues, August 23	Board of Aldermen Meeting – Regular Session
Tues, September 13	Board of Aldermen Meeting – Regular Session
Tues, September 27	Board of Aldermen Meeting – Regular Session
Tues, October 11	Board of Aldermen Meeting – Regular Session
Tues, October 25	Board of Aldermen Meeting – Regular Session
Tues, November 8	Board of Aldermen Meeting – Regular Session
Tues, December 13	Board of Aldermen Meeting – Regular Session