



Town of Waynesville, NC Board of Aldermen – Regular Meeting

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

Date: **May 12, 2015** Time: **6:30 p.m.**

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(828) 452-2491

gowens@waynesvillenc.gov

A. CALL TO ORDER - *Mayor Gavin Brown*

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

Motion: To approve the minutes of the April 14, 2015 (regular meeting) as presented [or as corrected].

3. Proclamation
Public Works Week – May 17 – 23, 2015

B. PRESENTATIONS

4. Historic Frog Level Merchants Association - Update
 - Tom Sheppard – Historic Frog Level Merchants Association

C. PUBLIC HEARINGS

5. Continuation of Public Hearing, opened on March 24, 2015, to consider adoption of an Ordinance regulating use of tobacco and related products in the Town of Waynesville

Motion: To adopt an ordinance regulating use of tobacco and related products in the Town of Waynesville which will be effective six (6) months from this date to allow for public education and proper signage.

D. NEW BUSINESS

6. Sarge’s Animal Rescue Foundation - street closure request for its 10th Annual Downtown Dog Walk on Saturday, August 1, 2015 beginning at 9:00 a.m. until 11:00 a.m.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

May 12, 2015

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Motion: *To approve the street closure for the 10th Annual Downtown DogWalk on Saturday, August 1, 2015 from 9:00 a.m. to 11:00 a.m., as presented*

7. Memorandum of Understanding – New Generation Leaders for countywide Greenway Branding

Motion: *To authorize the Mayor and/or Town Manager to execute to Memorandum of Understanding between the Town of Waynesville and the New Generation Leaders for the countywide greenway branding and wayfinding signage, as presented*

E. COMMUNICATIONS FROM STAFF

8. Town Manager – Marcy Onieal

9. Town Attorney – Woody Griffin

F. COMMUNICATIONS FROM MAYOR & BOARD OF ALDERMEN

G. CALL ON THE AUDIENCE

H. ADJOURN



TOWN OF WAYNESVILLE

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CALENDAR May 12, 2015

2015	
Thu, May 7 Noon Courthouse Lawn	National Day of Prayer Haywood County Ceremony – Courthouse Lawn
Fr-Mo, May 8-11	150 th Anniversary of Last Shot Fired Commemoration Weekend Sponsored by Shelton House and Haywood Historical & Genealogical Society
Sat, May 9	Letter Carriers' Food Drive Day
Sat, May 9 5:30 AM – 5:30 PM Commerce & Depot Streets	Whole Bloomin' Thing Festival Frog Level Merchants Association
Tue, May 12 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Sat, May 16 5:00 PM Laurel Ridge CC	Quick Draw – Benefit for Haywood Co Art Classes & Scholarships
Tue, May 19 6:30 PM Location TBD	Southwestern Commission Region A Regular Meeting <i>(Date changed from regular schedule)</i>
Sat, May 23 5:00 PM Main Street	Block Party – Downtown Waynesville Association sponsored event
Mon, May 25	Memorial Day Holiday Town Offices Closed
Tue, May 26 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Tue, Jun 5 5:00 PM – 9:00 PM Main Street & Frog Level	Art After Dark, Waynesville Gallery Association
Tue, Jun 9 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Thu, Jun 11 Time TBD Chestnut Park	Open Door Community Picnic

Sat, Jun 13 10:00 AM – 5:00 PM Main Street	Appalachian Lifestyle Celebration – Downtown Waynesville Association sponsored event
Mon, Jun 22 5:30 PM Maggie Valley Town Hall	Haywood County Council of Governments (COG) meeting Town of Maggie Valley Hosting
Tue, Jun 23 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting-Regular Session
Fri, Jun 26 6:30 PM – 9:00 PM Historic Courthouse Lawn	Mountain Street Dance – Downtown Waynesville Association sponsored event
Fri, Jul 3	Independence Day Holiday Town Offices Closed
Fri, Jul 3 5:00 PM – 9:00 PM Main Street & Frog Level	Art After Dark, Waynesville Gallery Association
Sat, Jul 4 10:00 AM – 4:00 PM Main Street	Stars and Stripes Celebration – Downtown Waynesville Association sponsored event
Mon, Jul 6 12 Noon	Candidate Filing Begins for Municipal Elections – Haywood County
Fri, Jul 10 6:30 PM – 9:00 PM Historic Courthouse Lawn	Mountain Street Dance – Downtown Waynesville Association sponsored event
Tue, Jul 14 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting – Regular Session
Th-Su, Jul 16-26	2015 Festival - Folkmoot USA
Thu, Jul 16 7:30 PM Stompin' Ground, Maggie Valley	Folkmoot Gala Preview
Fri, Jul 17 12 noon	Candidate Filing Ends for Municipal Elections – Haywood County
Fri, Jul 17 12:30 PM – Parade 7:30 PM – Grand Opening	Folkmoot Parade/Opening Ceremonies – Courthouse Lawn Grand Opening Performance -- HCC
Sat, Jul 18 10:00 AM – 5:00 PM Main Street	ArtFest – Haywood County Arts Council International Festival Day - Folkmoot
Fri, Jul 24 6:30 PM – 9:00 PM Historic Courthouse Lawn	Mountain Street Dance – Downtown Waynesville Association sponsored event
Sun, Jul 26 7:00 PM Stuart Auditorium, Lake Junaluska	Folkmoot USA Candlelight Closing
Tue, July 28 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting – Regular Session

Fri, Jul 31 6:30 PM McGuire's Millrace Farm, Murphy	Southwestern Commission Region A Annual Dinner <i>(Date changed from regular schedule)</i>
Sat, Aug 1 9:30 AM – 1:00 PM Historic Courthouse Lawn	Downtown Dog Walk – Sarge's Street Closure – Main Street
Fri, Aug 7 5:00 PM – 9:00 PM Main Street & Frog Level	Art After Dark – Waynesville Gallery Association
Fri, Jul 10 6:30 PM – 9:00 PM Historic Courthouse Lawn	Mountain Street Dance – Downtown Waynesville Association sponsored event
Tues, Aug 11 6:30 PM Board Room, 9 S. Main Street	Board of Aldermen Meeting – Regular Session
Sat, Aug 15 Noon – 5:00 PM American Legion Field	Waynesville Beer Faire
Fri, Aug 21 6:30 PM Main Street	5 th Annual Main Street Mile – Benefitting Shriner's Hospital for Children Street Closure – Main Street
Mon, Aug 24 5:30 PM Haywood County – location TBD	Haywood County Council of Governments (COG) meeting Haywood County Hosting
Tues, Aug 25 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting – Regular Session
Fri, Sep 4 5:00 PM – 9:00 PM Main Street & Frog Level	Art After Dark – Waynesville Gallery Association
Sat, Sep 5 5:00 PM Main Street	Block Party – Downtown Waynesville Association sponsored event
Mon, Sep 7	Labor Day Holiday Town Offices Closed
Tues, Sep 8 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting – Regular Session
Tues, Sep 22 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting – Regular Session
Fr-Sun, Sep 25-27 Waynesville Recreation Center	2015 Cycle North Carolina Mountains-to-the-Coast Ride Waynesville serving as Host Start City Cyclists depart 8:00 AM Sunday morning
Mon, Sep 28 6:30 PM Location TBD	Southwestern Commission Region A Regular Meeting
Fri, Oct 2 5:00 PM – 9:00 PM Main Street & Frog Level	Art After Dark – Waynesville Gallery Association

Sat, Oct 10 10:00 AM – 5:00 PM Church Street	32 nd Annual Church Street Art and Craft Show Street Closure – Church Street
Tues, Oct 13 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting – Regular Session
Su-Tu, Oct 11-13	NCLM Annual Conference: City Vision 2015 Winston-Salem
Sat, Oct 17 10:00 AM – 5:00 PM Main Street	27 th Annual Apple Harvest Festival – Chamber of Commerce Street Closure – Main Street
Thu, Oct 22 8:30 AM	One Stop Voting Begins – Municipal Elections, Haywood County
Tues, Oct 27 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting – Regular Session
Mon, Oct 26 5:30 PM Waynesville – location TBD	Haywood County Council of Governments (COG) meeting Town of Waynesville Hosting
Sat, Oct 31 1:00 PM	One Stop Voting Ends – Municipal Elections, Haywood County
Sat, Oct 31 5:00 PM – 7:00 PM Main Street	Treats on the Street – Downtown Waynesville Merchants
Tue, Nov 3 6:30 AM – 7:30 PM	Election Day – Haywood County Municipal Elections
Fri, Nov 6 5:00 PM – 9:00 PM Main Street & Frog Level	Art After Dark – Waynesville Gallery Association
Tue, Nov 10 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting – Regular Session
Wed, Nov 11	Veterans Day Holiday Town Offices Closed
Mon, Nov 23 6:30 PM Location TBD	Southwestern Commission Region A Regular Meeting
Tue, Nov 24 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting – Regular Session
Thur – Fri, Nov 26-27	Thanksgiving Holiday Town Offices Closed
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 – Regular Session
Sat, Dec 12 6:00 PM – 9:00 PM Main Street	A Night Before Christmas – Downtown Waynesville Association sponsored event
Tues, Dec 22 6:30 PM Board Room, 9 S. Main	Board of Aldermen Meeting – Regular Session
We – Fri, Dec 23-25	Christmas Holiday Town Offices Closed
2016	
Fri, Jan 1	New Years Day Holiday Town Offices Closed
Mon, Jan 18	Martin Luther King Jr Holiday Town Offices Closed

Board and Commission Meetings –May 2015

ABC Board	ABC Office – 52 Dayco Drive	May 19 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	May 5 1 st Tuesdays 5:30 PM
Community Action Forum	Police Department Training Room – 9 S. Main Street	Meets Quarterly or as called; <i>No meeting currently scheduled</i>
Downtown Waynesville Association	UCB Board Room – 165 North Main	May 28 4 th Thursdays 12 Noon
Firemen’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	May 6 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	May 18 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	May 14 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	May 19 3 rd Tuesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	May 6 1 st Wednesdays 5:30 PM

BOARD/STAFF SCHEDULE

Wed, May 20	Town Clerk	Leadership Haywood
Thur June 4	Town Clerk	Leadership Haywood Graduation
Th-Sa, Jun 18-20	Town Manager	NCCMA Managers Seminar Wilmington, NC
Sa-Sa, Oct 17-24	Town Manager	Vacation

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
APRIL 14, 2015**

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, April 14, 2015 at 6:00 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Brown called the meeting to order at 6:00 p.m. with the following members present:

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

The following staff members were present:

Marcy Onieal, Town Manager
Woodrow Griffin, Town Attorney
Amie Owens, Town Clerk
Paul Benson, Planning Director
David Foster, Public Services Director
Julie Grasty, Purchasing Supervisor

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 asked Manager Onieal to provide calendar updates.

Manager Onieal noted the following calendar events and invitations:

- April 16th – Ribbon Cutting for the re-opening of the Terrace Hotel - 5:00 p.m.
- April 17th – Kiwanis Club Spelling Bee – 6:00 p.m.
- April 24th – Re-opening celebration for Taylor Ford Body Shop, 11 a.m. – 1 p.m.

Alderman Caldwell reminded members that the Smoky Mountain 9-ball Tournament would take place on Friday April 24 through Sunday April 26 at the Waynesville Armory with proceeds benefitting the ARC of Haywood County. He added that the participant portion of the event sold out in 17 days.

Manager Onieal added that the full schedule for the Folkmoot Festival schedule was included with the calendar in the board packet. She reminded everyone that the April 28, 2015 Board of Aldermen meeting has been canceled due to anticipated lack of quorum, as a result of board members' business/vacation travel schedules and the fact that the mayor and manager will be

in attendance at a statewide Economic Development Summit on that date; the next regular board meeting will be on May 12, 2015.

2. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Greeley, to approve the minutes of the March 24, 2015 regular meeting as presented. The motion carried unanimously.

3. Proclamations

Mayor Brown read aloud three proclamations for events and/or special recognitions during the month of May 2015. The first was for A Day of Prayer in Waynesville on May 7th as part of the National Day of Prayer. The second was for the annual Letter Carriers' Food Drive Day on May 9. The final proclamation acknowledged National Police Week, May 10 – 16 and Peace Officers Memorial Day on May 15th.

B. PRESENTATIONS

4. Proposed cross-community way-finding program (NC Rural Center-New Generations Initiatives Grant)

Martha Bradley, attorney from the Cannon Law Firm, representing New Generation Leaders, presented information on the Haywood Greenways Coalition project. The goal of the project is to create a single unified brand strategy to expand the greenway network throughout the county. She explained that in 2014, a \$20,000 New Initiatives Grant was awarded to the Haywood Chamber from the NC Rural Center as a means for developing leadership within rural NC. Young professionals between 20 and 40 have been involved in the project and represent the business, government, professional and non-profit sectors.

Ms. Bradley noted that over 40 hours of large group and/or small focus sessions have been completed and a kick-off event for the greenways project will occur in June. The group is committed to increasing awareness of the greenways and identifying potential funding sources for future greenway projects in the county. Ms. Bradley shared that the first step in getting this comprehensive project underway is working with the municipalities and county to provide consistent signage for all greenways. She provided representations of the signs and noted that the signs were vinyl laminate on aluminum, so information could be changed or updated easily and they carry a five-year warranty. There are four sign designs including way-finding signs, educational signage that could be tailored to each community, connector maps that show the entire greenway system with a "you-are-here" indication and smaller directional signs.

Ms. Bradley indicated that the local governments would be provided signage via this grant, based on their needs and requests and would be responsible for installation and maintenance. Next steps for the group related to working with local government entities are to develop a Memorandum of Understanding and hold the kick-off event in June. Ms. Bradley concluded by noting the vision for the future would be to have a permanent organization which will continue to develop a unified greenway system increasing both in geographical scope and in depth of public awareness and form long-term

public-private funding partnerships. Ms. Bradley thanked the board for their time and attention and noted that the group had worked with local leaders, with special thanks to Manager Onieal for her guidance and assistance, and other community groups.

Mayor Brown commented that he remembered last summer when this was first mentioned as a project and he can see that this group is committed to moving forward based on their involvement with the bicycling community, recreation departments and local leaders.

Alderman Roberson asked how involved would the New Generations Leaders be in the placement of signage? Ms. Bradley noted that the MOU would outline the responsibilities to gain a mutual agreement, but that primarily, the local governments would indicate their preferences and each would be installing their own signs.

Manager Onieal noted that the Haywood County Council of Governments meeting would be an excellent place to share information with the all local governments. The date is May 7th beginning at 6:00 p.m. in Canton.

Mayor Brown thanked Ms. Bradley and the New Generation Leaders in the audience for their presentation and added that he looked forward to seeing their continued progress.

5. Proposal to consider Designating Waynesville as a Certified Retirement Community

Alan Schork, citizen advocate, explained that there is a desire to establish a Continuing Care Retirement Community (CCRC) in Haywood County. He noted that the CCRC lifestyle is only available as close as Asheville and seniors from Haywood County are going there rather than remaining here. Communities such as the Givens Estates and Deerfield Retirement Community are looked at as the model; this is a way to bring a much needed facility and jobs to Haywood County. As part of the discussion for CCRC, applying to be a Certified Retirement Community (CRC) through the Economic Development Partnership of NC could serve as a way to determine Waynesville's readiness to move forward with a CCRC.

Andre Nabors, Economic Development Partnership of NC, provided a presentation and information regarding the Certified Retirement Community program and explained the application process for this designation. The primary focus of the certified retirement community designation is to be able to market Waynesville nationally to those individuals who have discretionary income to travel, or have a second home or relocate here. Mr. Nabors noted that the application fee is \$10,000 for a five year period and if the application is not accepted, the money is refunded.

Mr. Nabors explained that successful programs involve not only the local government, but partnerships with tourism and economic development entities. Marketing is done via social media, flyers and at various national trade shows such as AARP and Ideal Living Expo. He added that there are currently 12 communities in the program throughout the state.

Mayor Brown commented that he has heard from citizens that they do not want a barrage of old people moving to Waynesville. Mr. Nabors answered by noting that the CRC is focused on active retirees who are interested in being able to access cultural and outdoor activities, continuing education, medical facilities, family activities, and volunteer opportunities. The target groups want to be a part of

community. Nabors added, “the folks we’re going after are active retirees—the ones who bike and hike and go out to eat. And there is still the opportunity to recruit young career professionals who do the same thing.”

Alderman Freeman asked if there had been any drawback from young professionals having their community branded as a retirement community. Mr. Nabors noted that there had been no negative impact seen at this point. The marketing is to get individuals here, there are still opportunities to go after other age groups. He reminded members that those retirees had discretionary income, no children, no infrastructure impact and typically, were engaged in the community. Mr. Nabors noted that the applications were taken twice annually in July and January.

Mayor Brown thanked Mr. Schork and Mr. Nabors for their presentations and noted that these issues would be considered during the normal budgeting process.

C. PUBLIC HEARINGS

6. Public Hearing to consider the amendment of Section 3.10.4 of the Land Development Standards regarding minimum lot size, buffering and design for Monopole Wireless Communication Towers

Paul Benson, Planning Director, explained that applicant Prime Tower had requested an amendment to waive minimum lot size for cell towers in commercial areas. This request was reviewed by the Planning Board at their February 23, 2015 meeting and passed unanimously.

Mr. Benson noted that the Planning Board recommendation is to keep the one acre requirement for residential districts in keeping with lot standards for other commercial uses. Other recommendations included the buffering standards for cell towers and additional language about design to make it clear the range of finish and reflectivity of the paint and architectural design options.

Town Attorney Woody Griffin called the public hearing to order at 7:29 p.m. and asked if there was anyone who wished to address the board. No one addressed the board.

Town Attorney Griffin closed the public hearing at 7:30 p.m.

Alderman Roberson made a motion, seconded by Alderman Greeley, to adopt amendments to Section 3.10.4 of the Land Development Standards regarding minimum lot size, buffering and design for Monopole Wireless Communication Towers. The motion carried unanimously.

7. Continuation of Public Hearing, opened on March 24, to consider adoption of an ordinance regulating the use of tobacco and related products in the Town of Waynesville

Manager Onieal presented the revisions to the proposed tobacco ordinance and explained that changes to the language of the original draft were made to clearly convey the intent. She consulted with the Department of Health and Human Services and UNC School of Government to clean up language and avoid unclear or inadvertent meanings. The proposed draft indicates that tobacco use is restricted on all Town-owned, leased, occupied, and maintained property including public sidewalks and

within the bounds of special events approved by the town. Manager Onieal added that this draft eliminates any measurements surrounding public entrances. The penalty of \$50.00 was left in place. She called attention to the fact that the effective date of the ordinance would be six (6) months from the approval date to allow for adequate time for public education and signage.

Town Attorney Griffin called the Public Hearing to order at 7:33 p.m. and asked if anyone wished to address the board.

Don Smart, 1440 Crabtree Road, Waynesville commented that Haywood County Farm Bureau would fall under the new ordinance and was concerned that since no one had any complaints with issues about tobacco usage on their property, that the Town would begin harassing individuals for smoking.

Manager Onieal noted that the distance requirement was eliminated from the proposed ordinance and that individuals on private property were excluded. Sidewalks would be the only area where smoking was prohibited.

Town Attorney Griffin asked if anyone else wished to address the board. No one else addressed the board.

Town Attorney Griffin closed the public hearing at 7:38 p.m.

By consensus, the Board to continue the public hearing to on Tuesday, May 12, 2015 at 6:30 p.m. or as soon thereafter as possible, in the Board Room of Town Hall, 9 S. Main Street, to consider an ordinance regulating use of tobacco and related products in the Town of Waynesville.

D. NEW BUSINESS

8. Award Purchase of Two Knuckleboom Loaders for Public Services-Street Division

Julie Grasty, Purchasing Supervisor explained that 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 in an arrangement similar to that offered under state contract for interlocal piggy-back bidding. The board approved funding for two knuckleboom trucks at the board retreat based on savings noted from other process changes and as a means to make services more efficient and automated.

David Foster, Public Services Director, noted that with the addition of these knuckleboom trucks, the number of claims from employee injuries should decrease and this will free up additional employees to cross-train to work on other projects. Mr. Foster noted that the goal is to improve service to brush collection and provide more consistent service. He added that the equipment can operate from either side of street and that crews have not found any place where they could not collect.

Alderman Roberson asked if there would still be restrictions on the amount of what is picked up. Mr. Foster answered that the current ordinance would still have the same limitations. However, with increased efficiency, there is the potential for an additional mulch sale for citizens.

Alderman Caldwell made a motion, seconded by Alderman Freeman to approve the purchase of two (2) Pac Mac Knuckleboom Loaders from Carolina Environmental Systems, Inc. of Kernersville, NC through NJPA contract in the amount of \$255,996.68 as presented. The motion carried unanimously.

9. Street Closure Requests

- a. Downtown Waynesville Association – Buffy Phillips, Executive Director, Downtown Waynesville Association, presented the full calendar of events and proposed street closures for the remainder of the year. Ms. Phillips explained that most are the same as in previous years, but noted that the Folkmoot Parade has been moved back to Friday at 1:00 p.m. to start at Academy Street and then down to the Courthouse for opening ceremonies. International Day will be on the following day with a theme of “*The World Meets on Main Street.*” Another change she highlighted was the change in the September Block Party to September 19th so as not to interfere with another annual event. Ms. Phillips added that the Apple Festival street closure on October 17th has not been finalized, but the Chamber of Commerce would be making the decision on the street locations and would be responsible for reporting back to the board.

Alderman Caldwell asked Ms. Phillips if there were any perceived issues regarding Frog Level receiving services that the DWA has to pay for. Manager Onieal asked to speak with Alderman Caldwell after the meeting if there were concerns for her to address.

Ms. Phillips noted that she has worked with the Frog Level merchants and volunteered time with in Frog Level for festivals and assisting with cleaning up the area. She noted no problem working with Frog Level in any way.

- b. STAR Ranch “Help a Horse Day” Parade – Karen Owens, Executive Director of STAR Ranch explained that the 3rd annual ASPCA “Help a Horse Day” Parade would be held on Sunday, April 26 from 2:00 p.m. to 3:00 p.m. The request is for a rolling street closure from Academy Street to Depot Street near Historic Courthouse and back via Haywood Street to the First United Methodist Church.

Ms. Owens explained that pictures that are taken during the parade would be used by the ASPCA and a crowd notice release will be posted so that individuals are aware that they are being filmed and pictures taken. All participants have to sign a release form.

Ms. Owens showed a video clip of last year’s parade that is showcased on the ASPCA website; this footage was shot by the Tourism Development Authority. She noted that Mayor Brown has agreed to be the Grand Marshal.

- c. Main Street Mile - Manager Onieal explained that a request had been received from Dr. Eric Yarrington related to the rolling street closure for the Main Street Mile. This is an annual event to raise funds for Shriner's Hospital and has previously been approved. The closure will affect portions of North and South Main Streets, including cross streets.

Alderman Greeley made a motion, seconded by Alderman Roberson, to approve the street closures for the Downtown Waynesville Association, STAR Ranch and Main Street Mile benefitting Shriners Hospital, as presented. The motion carried unanimously.

10. Street Closure and Sale of Alcohol Request

Mark Zaffrann explained that the first annual Gateway to the Smokies Half Marathon will be held on Saturday, May 2 and is requesting closure of Commerce Street from Depot Street to Panacea. An additional request was noted regarding permission to consume beer on the street as part of the post-race party and awards celebration. Mr. Zaffrann noted that since the initial request was made, Waynesville brewers have agreed to donate their beer rather than charge for it and participants would be allowed one beer.

Mr. Zaffrann asked if individuals could buy beer at Frog Level Brewery and then bring in to the street. Manager Onieal explained that it would be the responsibility of the race organizers to have the appropriate ABC permit and a specified area where alcohol consumption can occur, as well as being able to do the required age checks and control access to the area. Mr. Zaffrann noted that part of the proceeds from race entries would come back to the town to support of the greenways.

Alderman Caldwell made a motion, seconded by Alderman Greeley to approve the closure of Commerce Street from Depot Street to Panacea on Saturday, May 2, 2015 and allow the consumption of alcohol within the indicated area on the street as requested and as permitted by Section 42-4 of the Town of Waynesville Code of Ordinances. The motion carried unanimously.

F. COMMUNICATIONS FROM STAFF

9. Town Attorney

Town Attorney Griffin had no business to discuss.

10. Town Manager

Manager Onieal had no business to discuss.

G. COMMUNICATIONS FROM MAYOR AND BOARD OF ALDERMEN

Mayor Brown reminded members that there would be no regular meeting on April 28, 2015 due to lack of quorum.

H. CALL ON THE AUDIENCE

No one addressed the board.

I. ADJOURN

There being no further business to discuss, Alderman Greeley made a motion, seconded by Alderman Freeman, to adjourn the meeting at 8:15 p.m. The motion carried unanimously.

ATTEST

Gavin A. Brown, Mayor

Marcia D. Onieal, Town Manager

Amanda W. Owens, Town Clerk

PROCLAMATION

PUBLIC WORKS WEEK MAY 17-23, 2015

WHEREAS, the Town of Waynesville relies on Public Works infrastructure to ensure the safety, health, and well-being of its citizens and guests; and

WHEREAS, this year's theme "Community Begins Here" speaks to the essential nature of Public Works services in support of everyday quality of life; and

WHEREAS, Public Works professionals, managers, administrators, and other allied support in the public and private sector, plan, design, build, operate, and maintain transportation, water supplies, sewage and refuse disposal, public facilities, and other structures and facilities essential to serving Town citizens and guests; and

WHEREAS, our Town is safer and more efficient where citizens can enjoy the quality of life that makes Waynesville special because of the dedication of Public Works professionals; and

WHEREAS, the Town of Waynesville joins the American Public Works Association and other interested agencies and organizations in recognizing the contributions of Public Works professionals to the health, safety, welfare of the Town;

NOW, THEREFORE, I, Gavin A. Brown, Mayor of the Town of Waynesville, do hereby proclaim May 17-23, 2015, as "**PUBLIC WORKS WEEK**" in the Town of Waynesville, and commend its observance to all Town citizens and treasured guests.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the seal of the Town of Waynesville on this the 12th day of May, 2015.

TOWN OF WAYNESVILLE

Gavin A. Brown
Mayor

RESOLUTION TO ADOPT AN ORDINANCE PROHIBITING SMOKING AND THE USE OF E-CIGARETTES AND TOBACCO PRODUCTS ON CERTAIN TOWN PROPERTY

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation¹; and

WHEREAS, on January 2, 2010, “An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment,” Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances “that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;” and

WHEREAS, according to NCGS § 160A-174(a), a city may by ordinance prohibit acts or conditions detrimental to the health, safety, or welfare of its citizens; and

WHEREAS, in 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke and that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers²; and

WHEREAS, the CDC advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking³; and

WHEREAS, in 2009, the United States Food and Drug Administration (FDA) announced that an analysis of e-cigarette samples indicated that the e-cigarettes contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze⁴; and

WHEREAS, the CDC reports that smoking and smokeless tobacco use are frequently initiated and established during adolescence, that most people who begin smoking during adolescence are

¹ Centers for Disease Control and Prevention, Smoking and Tobacco Use Fast Facts, http://www.cdc.gov/tobacco/data_statistics/facts_sheets/fast_facts/#toll (last visited Oct. 7, 2010).

² U.S. DEP'T OF HEALTH & HUMAN SERVS., THE HEALTH CONSEQUENCES OF INVOLUNTARY EXPOSURE TO TOBACCO SMOKE: A REPORT OF THE SURGEON GENERAL 11, 14-16 (2006), <http://www.surgeongeneral.gov/library/secondhandsmoke/report/index.html>.

³ *See id.* at 15; Centers for Disease Control and Prevention, Smoking and Tobacco Use Health Effects of Secondhand Smoke, http://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm (last visited March 25, 2011).

⁴ Memorandum from B.J. Westenberg, Deputy Director, CDER/OPS/OTR, Division of Pharmaceutical Analysis to Michael Levy, Supervisor Regulatory Counsel, CDER, Office of Compliance Division of New Drugs and Labeling Compliance (May 4, 2009), available at <http://www.fda.gov/downloads/Drugs/ScienceResearch/UCM173250.pdf>; see also Press Release, United States Food and Drug Administration, FDA & Public Health Experts Warn About Electronic Cigarettes (July 22, 2009), available at <http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm>.

addicted by the age of 20, and that adolescent smokeless tobacco users are more likely than nonusers to become adult cigarette smokers; and

WHEREAS, children model adult behavior and benefit from positive models of non-smoking behavior and positive reinforcement of healthy lifestyle messages through exposure to smoke-free and tobacco-free public areas; and

WHEREAS, small children playing in town athletic fields and playgrounds are more likely to ingest cigarette butts if they are discarded and accessible; and in 2008, American Poison Control Centers received over 7,000 reports of children under the age of 6 being poisoned by contact with tobacco products; and

WHEREAS, the Town of Waynesville is committed to protecting the health of individuals in public places by eliminating exposure to secondhand smoke; and

WHEREAS, the Town of Waynesville provides support to employees and residents who want to quit the use of tobacco products. Employees and residents are also encouraged to talk to their health care provider about quitting ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer, and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669); and

WHEREAS, the use of e-cigarettes in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and could lead to difficulties in enforcing the smoke-free laws;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville, North Carolina, that it is in the best interests of the citizens of the Town of Waynesville to adopt an ordinance prohibiting smoking and the use of e-cigarettes and tobacco products in Town buildings, vehicles, grounds, and the town park system and prohibiting smoking and the use of e-cigarettes on sidewalks in the Town business districts.

Adopted this day of _____, 20____.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Amanda W. Owens, Town Clerk

Marcia D. Onieal, Town Manager

Prohibition of Smoking and E-Cigarette and Tobacco Use in Town Buildings, Town Vehicles, Town Grounds, and the Town Park System and Prohibition of Smoking and the Use of E-Cigarettes on Sidewalks in Town Business Districts.

Section 42.5. Authority.

This section is enacted pursuant to authority conveyed by N.C.G.S. §130A-498 and 160A-174(a).

Section 42.6. Definition of Terms.

The following definitions are applicable to this Section:

- a. *E-cigarette* – Any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor. An e-cigarette does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
- b. *Employee* – A person who is employed by the Town of Waynesville, or who contracts with the Town or a third person to perform services for the Town, or who otherwise performs services for the Town with or without compensation.
- c. *Enclosed area* – An area with a roof or other overhead covering of any kind and walls or side coverings of any kind regardless of the presences of openings for ingress and egress, on all sides or on all sides but one.
- d. *Sidewalk* – A sidewalk that is owned, leased, or occupied by the Town of Waynesville, including those that are controlled and maintained by the Town of Waynesville.
- e. *Smoking* – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.
- f. *Temporary Special Event or Activity* - Any indoor or outdoor public gathering or celebration sponsored by the Town of Waynesville, including dance, music, and dramatic productions, entertainment, amusements, festivals, carnivals, parades, bicycle rides, walks, and runs and any event that will not comply with usual traffic regulations or controls, requiring temporary closure of streets, sidewalks or alleyways and for which permission is granted by the Town of Waynesville Board of Aldermen.
- g. *Tobacco product* – Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part or accessory of a tobacco product, including but not limited to: cigarettes; cigars, little cigars, chewing tobacco, snus, and snuff. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

- h. *Town building* – A building owned, leased as lessor, or the area leased as lessee and occupied by the Town and includes, but is not limited to, offices, restrooms, indoor walkways, stairwells, entrances, passageways, break rooms, lobbies, and work areas.
- i. *Town grounds* —An unenclosed area owned, leased, or occupied by the Town of Waynesville.
- j. *Town park system* – Any tract of land or body of water comprising part of the Town of Waynesville’s parks, playgrounds, recreational areas, trails, and greenways, including but not limited to the thirty-nine acres of parks identified as: Waynesville Recreation Center, Waynesville State Park, Waynesville Disc Golf Course, Old Armory Recreation Center, East Street Park, Recreation Park, Vance Street Park, Sulphur Springs Park, Hazelwood Park, Pepsi Dog Park and any areas designated as parks or greenways in the future.
- k. *Town vehicle* – A passenger-carrying vehicle owned, leased, or otherwise controlled by the Town of Waynesville and assigned permanently or temporarily by the Town of Waynesville to Town employees, agencies, institutions, or facilities for official Town business.
- l. *Universal ‘No Smoking’ Symbol* – Symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.
- m. *Universal ‘No Smoking and Use of Tobacco Products Prohibited’ Symbol* – Symbol consisting of a pictorial representation of a burning cigarette and a tobacco product enclosed in a red circle with a red bar across it.

Section 42.7 Areas where smoking and the use of tobacco products and e-cigarettes are prohibited.

A. Smoking and the use of tobacco products and e-cigarettes are prohibited in the following locations:

- (1) Town buildings;
- (2) Town grounds;
- (3) Town vehicles;
- (4) The Town park system;
- (5) Town buildings and grounds and privately owned buildings and grounds while Temporary Special Events or Activities, as defined above, are taking place.

B. Smoking and the use of tobacco products and e-cigarettes are not prohibited within the confines of private vehicles while parked on Town grounds, in the Town park system, or anywhere where smoking and the use of tobacco products and e-cigarettes are otherwise prohibited by this section.

Section 42.8 Areas where smoking and the use of e-cigarettes are prohibited.

- (a) Smoking and the use of e-cigarettes are prohibited on sidewalks in all districts classified as business districts, including, but not limited to, the Municipal Service District (downtown), the Central Business District (CBD), Hazelwood Business District (H-BD), South Main Street Business District (SM-BD), Regional Center (RC),

Dellwood/Junaluska Regional Center (DJ-RC), Hyatt Creek Regional Center (HC-RC), and Russ Avenue Regional Center (RA-RC), as outlined by the Town of Waynesville Code of Ordinances, Appendix A – Land Development Standards, Chapter 2 – District Provisions, Sections 2.2, 2.3.6 and 2.3.7.

Section 42.9 Litter from tobacco products and e-cigarette devices

- (a) It shall be unlawful for anyone to deposit any portion of a cigarette, cigar, smoking or e-cigarette device, or any refuse related to smoking on property, sidewalks, streets, alleys, and rights-of-way owned, leased, or occupied by the Town, except in a receptacle designated for that purpose. Littering or failure to use indicated receptacles is subject to civil penalty.
- (b) It shall be unlawful for anyone to spit smokeless tobacco anywhere on Town grounds or in the Town park system. Spitting of smokeless tobacco on Town grounds is subject to civil penalty.

Section 42.10 Implementation Requirements

- (a) The Town shall post signs that meet all the requirements in Section 42.11 of this ordinance.
- (b) The Town shall remove all ashtrays and other smoking receptacles from Town buildings and grounds.
- (c) Town employees shall make every effort to ensure compliance with this policy, including contacting law enforcement personnel if necessary.

Section 42.11 Signage

The signs required by Section 42.10 must:

- (a) State that smoking is prohibited and include the universal “No smoking” symbol or state that smoking and the use of tobacco products are prohibited and include the universal “No Smoking and Use of Tobacco Products Prohibited” symbol, as applicable. In lieu of or in addition to stand-alone signage, smoking, e-cigarette and tobacco use restrictions can be incorporated into comprehensive rules signage in text form where feasible.
- (b) Be of sufficient size to be clearly legible to a person of normal vision and be conspicuously posted.
- (c) Be posted at entrances to Town buildings and in other locations within the buildings reasonably calculated to inform employees and the public of the prohibition.

(d) Be posted on Town grounds in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.

(e) It shall be unlawful for any person to remove or deface any placard or sign erected by or under the authority of this section.

Section 42.12 Enforcement and Penalties

(a) *Penalty for Violation.* Violation of Sections 42.7, 42.8, and 42.9 shall be punishable by a civil penalty of not more than fifty dollars (\$50.00).

(b) A citation may be issued by any Town employee acting in an enforcement capacity and within their responsibilities related to the issuing of citations. A citation issued under this section has no consequence other than as set forth in (a) above, and no court costs may be assessed.

(c) *Additional sanctions for employees.* In addition to any penalty under this section, employees of the Town who violate this ordinance shall be subject to disciplinary action consistent with the Town’s human resources policies.

Section 42.13 Severability; Conflict of Laws

If this ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the ordinance that can be given separate effect and to that end the provisions of this ordinance are declared to be severable. Whenever the provisions of this ordinance conflict with other ordinances of the Town of Waynesville, this ordinance shall govern.

Section 42.14 Effective Date

This ordinance shall be effective six months after the date adopted.

Adopted this day of _____, 20__.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 12, 2015

SUBJECT: Street Closing Request – Sarge’s Animal Rescue Foundation

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administrative Services
Contact: Marcy Onieal, Town Manager
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: The 10th Annual Downtown Dog Walk for Sarge’s Animal Rescue Foundation is scheduled for Saturday, August 1, 2015. Registration will begin at 9:00 a.m. with the walk at 10:00 a.m. The route is a loop down Main Street from the Historic Courthouse and back. This would be a rolling closure with Waynesville Police assisting at the various intersections.

MOTION: *To approve the rolling street closure of Main Street on Saturday, August 1, 2015 from 9:00 am – 11:00 am for the annual Downtown Dog Walk.*

FUNDING SOURCE/IMPACT: There are few direct costs to the Town associated with street closings, most notably for disposable cleaning supplies, limited staff overtime and electricity for light/sound/vendors/etc. However, the Town commits a significant level of resources in in-kind contributions of materials, use and storage of equipment and staff support for traffic control, event security, emergency response and sanitation.

ATTACHMENTS:

- Letter from Maria Scholtz dated 04-06-2015

MANAGER’S COMMENTS AND RECOMMENDATIONS: This event has taken place for the past nine years; recommend adoption as presented.



April 6, 2015

Mayor Gavin A. Brown
Town of Waynesville, NC
Board of Aldermen
P. O. Box 100
Waynesville, NC 28786

RE: 10th Annual Downtown Dog Walk, August 1, 2015

Dear Mayor Brown and Aldermen:

Sarge's Animal Rescue Foundation, Inc. requests permission to use the Haywood County Court House lawn and surrounding area during the 10th Annual Downtown Dog Walk on Saturday, August 1, 2015. Registration will begin at 9:00 am and the walk at 10:00 am.

Again this year, the route for the walkers and dogs will begin and end at the Court House. There will be tables set up for sponsors along the sidewalk leading to the Court House steps. The stairway into the front entrance will be used as a stage for the contest that follows the dog walk. Sarge's volunteers will be sure the area is clean at the conclusion of the event.

Sarge's has secured the approval of Haywood County and will be working with Director Dale Burris. I have attached a copy of their approval.

Sarge's has secured the help of the Waynesville Police Department who has graciously led the walkers and dogs through town in the past.

Thank you for helping in making this community event the most successful yearly fundraiser for Sarge's. Kindly return your approval in the enclosed envelope.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Marita Scholtz".

Marita Scholtz and Corrine Baker
Co-Chairs 2015 Dog Walk Committee
scholtzm@aol.com

Approved: The Town of Waynesville

SARGE'S

ANIMAL RESCUE FOUNDATION

March 3, 2015

Mr. Ira Dove
Haywood County Manager
215 N. Main Street
Waynesville, NC 28786

~~RE: 10th Annual Downtown Dog Walk, August 1, 2015~~

Dear Manager Dove:

Sarge's Animal Rescue Foundation, Inc. requests permission to use the Haywood County Court House lawn and surrounding area during the 10th Annual Downtown Dog Walk on Saturday, August 1, 2015. Registration will begin at 9:00 am and the walk starts at 10:00 am.

Again this year, the route for the walkers and dogs will begin and end at the Court House. There will be tables set up for sponsors along the sidewalk leading to the Court House steps. The stairway into the front entrance will be used as a stage for the contest that follows the dog walk. Bleachers will be set up in front of the stairway for spectators for the contests. Sarge's volunteers will be sure the area is clean at the conclusion of the event. We hope to again work closely with Director Dale Burris.

Following the County's approval, Sarge's will then seek the approval of the Town of Waynesville's Mayor and Board of Aldermen.

~~Thank you for helping us in making this community event the most successful yearly fundraiser for Sarge's. Kindly return your approval in the enclosed envelope.~~

Sincerely,



Marita Scholtz and Corrine Baker
Co-Chairs 2015 Dog Walk Committee
scholtzm@aol.com


Approved: Haywood County
Facilities & Maintenance Director

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
TOWN OF WAYNESVILLE
AND THE
NEW GENERATION LEADERS GRANT ACTION TEAM
REGARDING
PERPETUAL USE OF UNIFORM BRAND AND LOGO
AND
INSTALLATION AND MAINTENANCE OF SIGNS**

Background

This Memorandum of Understanding (hereinafter “MOU”) is entered into this the ____ day of _____ 2015 by and between the TOWN OF WAYNESVILLE, 16 SOUTH MAIN STREET, POST OFFICE BOX 100, WAYNESVILLE, NORTH CAROLINA, 28786 (hereinafter “the Town”), and the NEW GENERATION LEADERS GRANT ACTION TEAM (hereinafter “the Action Team”) c/o HAYWOOD CHAMBER OF COMMERCE, 28 WALNUT STREET, WAYNESVILLE, NORTH CAROLINA 28786.

Purpose

The purpose of this MOU is to outline the responsibilities and expectations for the partnership between the Town and the Action Team for the adoption of a unified, county-wide greenways brand and logo, as well as installation and ongoing maintenance of signs to be located as shown in Exhibit A.

Memorandum of Understanding

In consideration of the mutual promises in the MOU and the mutual reliance placed by each party on the responsibilities of each part, and such other consideration as the parties agree is good and sufficient, it is agreed as follows:

1. **Purpose of the Town:** The Town has the authority and resources to create, manage, and maintain all greenways within its corporate limits.
2. **Purpose of the Action Team:** The Action Team, an unincorporated collective of interested community members, was created to develop and complete a project promoting civic involvement among youth and young adults as a result of a grant funded by the North Carolina Rural Center. The Action Team chose as its project the development of a unified, county-wide greenways branding strategy and logo design and to provide a limited number of signs to any municipality within Haywood County who adopts the unified greenways strategy.
3. **Scope of Work:** The work described within this MOU includes ongoing activities undertaken by the Action Team to develop and promote the unified greenways branding strategy, to purchase signage consistent with the unified branding strategy, and to donate

purchased signage to the Town. The work also includes installation and perpetual maintenance by the Town of any signage donated to it by the Action Team. Activities will be restricted to those outlined in this MOU. Any project or activity not included in this agreement or in the Town's maintenance plan for this site is subject to review and approval by designated representatives of the Town.

4. Responsibilities:

The Town:

- Adopt unified, county-wide branding strategy and logo design as developed by the Action Team;
- Use unified, county-wide brand and logo for any signage developed for any greenways location within its corporate limits in the future;
- Identify sites where signage can be installed no later than June 1, 2015;
- Identify the quantity and type of signage for each site no later than June 1, 2015;
- Identify unique content for educational signage, if requested, no later than June 1, 2015;
- Install all signage delivered no later than June 30, 2015 or as soon thereafter as is reasonably possible;
- Maintain, for the life of the sign or ten years, whichever is shorter, all signage delivered on a schedule and in a manner consistent with all other signage maintained by the Town.

The Action Team:

- Provide the Town with electronic copies of unified brand and logo design for use in future greenways development;
- Purchase and donate signage to the Town as specified by the Town or its designated representative(s);
- Promote and host a public event, in a location of the Action Teams choosing, to announce the unified branding strategy and signage installation to increase public awareness of existing greenways.

5. Termination: Either the Town or the Action Team may terminate this MOU at any time by notice in writing at least thirty (30) days before the effective date of termination. In the event that one provides the other with such notice, the parties will meet promptly to discuss the reasons for and terms of transitioning out of the partnership.

6. Amendment: The Town or the Action Team may, from time to time, require changes in the nature of the provisions of the MOU. Such changes which are mutually agreed upon will be incorporated in written amendments to this MOU.

7. Authority: The Town and the Action Team each hereby certify that (i) it has the full power and authority to enter into this MOU and to enter into and to carry out the transactions

contemplated by this MOU; and (ii) by proper action it has duly authorized the execution and delivery of this MOU.

8. Understanding: The parties hereto agree that this MOU serves only as an expression of their respective current understanding and good faith intentions with respect to completion of the Responsibilities delineated therein, and nothing contained herein shall be construed as a binding agreement between or among the parties.
9. No Indemnification: The Action Team and its individual members shall not be required to indemnify, hold harmless, or defend the Town or any of its officers, agents, or employees from or against any and all liability for personal injury or property damage arising out of or resulting from the negligent acts or omissions in the performance of this MOU.
10. Assignment: Neither party shall assign any interest in this MOU unless approved in writing by both parties.
11. Governing Law: The MOU shall be construed under the statutes and laws of North Carolina. It is agreed between the parties that the Action Team shall comply with and observe all application Federal, State, or local laws, ordinances, codes, rules, or regulations pertaining to this MOU and performance thereof.
12. Independent Contractor: The Action Team and its individual members shall not be deemed to be employees and/or agents of the Town. The Action Team will supervise its members and volunteers disburse all liabilities and expenses incurred by the Action in the performance of this MOU.

TOWN OF WAYNESVILLE

BY _____

TITLE _____

DATE _____

NEW GENERATION LEADERS ACTION TEAM

BY _____

TITLE _____

DATE _____