



Town of Waynesville, NC Board of Aldermen – Regular Meeting

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

Date: **November 10, 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 October 27, 2015 regular meeting, as presented [or as corrected].

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)

Motion: To adopt the change in land use as requested by Carolina Furniture Concepts and 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)

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

Motion: To approve the petition to rezone property at 263 Riverbend Street and 9 Camp Street from Hazelwood Urban Residential to Hazelwood Business District.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

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C. CONTINUING BUSINESS

5. Personnel Policy Revisions

- a. Conditions of Employment – Article IV, Section 4 – Employment of Relatives (Nepotism)
- b. Separation and Disciplinary Action – Article VII, Section 16 – Eligibility for Rehire

Motion: To approve revisions to the Town of Waynesville Personnel Policy Manual, as presented.

6. Budget Amendment – Hazelwood Parking Lot Improvements

Motion: 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

7. Installment Financing Agreement for Purchase of Town Vehicles

Motion: 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.

D. NEW BUSINESS

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

Motion: To approve the Cooperative Inspections Agreement between the Town of Waynesville and Haywood County, as presented.

E. COMMUNICATIONS FROM STAFF

9. Town Clerk – Amie Owens
 - Tobacco Ordinance Implementation Communications Plan
10. Town Manager – Marcy Onieal
 - Power Supply Contract Summaries

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

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- Organizational Meeting/New Board
- Board/Staff Retreats
- NCLM Legislative Round-up
- Chestnut Park Community Meeting Follow-up
- Internal Updates/News

11. Town Attorney – Woody Griffin

F. COMMUNICATIONS FROM MAYOR & BOARD OF ALDERMEN

G. CALL ON THE AUDIENCE

H. CLOSED SESSION

***Motion:** To go into closed session to discuss personnel matters, as permitted in NCGS §143-318.11(a)(6).*

I. ADJOURN



TOWN OF WAYNESVILLE

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

CALENDAR November 10, 2015

2015	
Tues, Nov 10 11:00 AM 63 Elmwood Way, Suite A	Canvass of Election – Haywood County Board of Elections
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
Sat, Nov 14 Noon Longs Chapel UMC	THS Veterans Day Luncheon
Mon, Nov 16 5:30 PM Board Room, 9 S. Main	Brownfields Grant Proposal – Public Meeting (as part of the Planning Board Meeting)
Thurs, Nov 19 5:30 PM Laurel Ridge Country Club	KARE Festival of Trees (RSVP required – please contact Manager or Clerk)
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
Th-Fr, Dec 3-11 One-Day Training Workshops Locations TBD	NCLM New Mayors' Orientation Training One Day Workshops - Various locations across the state
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 (RSVPs required – please contact Manager or Clerk)
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 – 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
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
Fr-Sa, Jan 8-9 2 full days Hickory, NC	Essentials of Municipal Government, sponsored jointly by the NC League of Municipalities & UNC School of Government Training for Newly Elected Officials – various locations
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
Mon, Jan 18	Martin Luther King Jr Holiday Town Offices Closed
We-Th, Jan 20-21 2 full days Chapel Hill, NC	Essentials of Municipal Government, sponsored jointly by the NC League of Municipalities & UNC School of Government Training for Newly Elected Officials – various locations
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
Tu-We, Feb 9-10 2 full days Sunset Beach, NC	Essentials of Municipal Government, sponsored jointly by the NC League of Municipalities & UNC School of Government Training for Newly Elected Officials – various locations
We-Th, Feb 17-18 2 full days Asheville, NC	Essentials of Municipal Government, sponsored jointly by the NC League of Municipalities & UNC School of Government Training for Newly Elected Officials – various locations

Mon, Feb 22 5:30 PM Location TBD	Haywood COG – Canton Hosting
Fr-Sa, Mar 4-5 2 full days New Bern, NC	Essentials of Municipal Government, sponsored jointly by the NC League of Municipalities & UNC School of Government Training for Newly Elected Officials – various locations
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
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 – November 2015

ABC Board	ABC Office – 52 Dayco Drive	November 16 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	November 3 1 st Tuesdays 5:30 PM
Community Action Forum	Police Department Training Room – 9 S. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Downtown Waynesville Association	UCB Board Room – 165 North Main	November 26 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	November 4 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	November 15 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	November 12 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	November 16 3 rd Tuesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	November 4 1 st Wednesdays 5:30 PM

BOARD/STAFF SCHEDULE

Mon, Jan 4	Town Manager	Vacation
Sa – Sa, Jan 16-23	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
October 27, 2015

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, October 27, 2015 at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Brown called the meeting to order at 6:30 p.m. with the following members present:

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

The following staff members were present:

Marcy Onieal, Town Manager
Woodrow Griffin, Town Attorney
Amie Owens, Town Clerk

Waynesville Public Art Commission Members:

Nick DePaolo – Chairman
Jan Griffin
Libba Feichter
Ann Melton
Charles Mills
David Blevins – ex-officio

The following media representatives were present:

Mary Ann Enloe, the Mountaineer

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting.

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

- October 29 – Community Meeting regarding Chestnut Park
- November 14 – Veteran’s Day Luncheon at Longs Chapel United Methodist Church
- November 16 – Brownfields Public Meeting as part of Planning Board meeting; there will be a lunch meeting with stakeholders that same day
- December 11 – Employee Appreciation Luncheon at the Lambuth Inn

Manager Onieal noted that additional events that had been added since the last meeting were highlighted in yellow on the calendar.

2. Presentation to the Town from the Waynesville Public Art Commission

Board members and meeting attendees were asked to go to the lobby for a presentation of the "Wall Street Quilt" to the Town by the Waynesville Public Art Commission (WPAC). Public Art Chairperson Nick DePaolo thanked the Board and Town for realizing the importance and impact of public art and for being supportive of the efforts to place public art throughout Waynesville. Mr. DePaolo added that this was the first piece of fiber art that the WPAC had dedicated.

Jane Cole was one of the quilters who participated in the project and she explained that this was an interpretation of the buildings on Wall Street. Twelve (12) members of The Shady Ladies Quilting group each completed one 15 x 15 square based on photographs taken by Elizabeth Allen, the only requirement being that each piece included some sky.

Manager Onieal added that a dedication plaque has been ordered and will be installed when received along with pictures of the buildings on Wall Street. She noted that this was a great addition to the Town Hall building and would be seen by many. Photographs of the WPAC and Board of Aldermen were taken in front of the art piece.

Mr. DePaolo presented former WPAC member David Blevins with a plaque expressing appreciation for his dedication, time, and efforts during his tenure on the Public Art Commission.

3. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Freeman, to approve the minutes of the October 13, 2015 regular meeting, as presented. The motion carried unanimously.

4. Proclamation – Red Ribbon Week – October 26 through October 30, 2015

Mayor Brown read aloud the Proclamation Observing Red Ribbon Week October 26 through October 30, 2015. The Red Ribbon Campaign was established by the US Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts.

B. NEW BUSINESS

5. Waynesville Public Art Commission Annual Report and Request

Waynesville Public Art Commission Chair Nick DePaolo commented that the WPAC has a goal of placing a new piece of public art annually. The WPAC had a vision of a piece in Hazelwood dedicated to the Plott Hound and its significance to the area. However, due to limited space available in Hazelwood

and continuing negotiations by the Town related to a parking lot, this project has been tabled until 2017. The WPAC has been in contact with Waynesville Public Services Department and learned that three benches would be placed at the Old Armory located at 44 Boundary Street. Mr. DePaolo explained that the WPAC would like to utilize these benches for potential public art that is beautiful and functional. The proposal is to have three local artists, Grace Cathey, Stefan Bonitz and Todd Frahm, each design a bench that would be placed at the Armory. The goal is to have three distinct benches highlighting the themes of: historic Frog Level, Veterans and whimsical frogs to match Frog Gig Plaza.

Mr. DePaolo noted that the WPAC would pay the artists \$1,500 each for their designs with final placement proposed for early spring 2016 in coordination with Waynesville Public Services. Manager Onieal clarified that the seating part of the benches would be uniform in nature and would be approved by Public Services for durability and maintenance. Mr. DePaolo concurred.

Mayor Brown commented that he appreciated the efforts of the WPAC to continually keep public art in the forefront of the community and for providing pieces that are not only landmarks for visitors, but become part of the fabric of the community.

Alderman Greeley made a motion, seconded by Alderman Freeman, to approve the placement of public art in the form of artist-commissioned benches at the Old Armory located at 44 Boundary Street, as presented. The motion carried unanimously.

6. Street Closure

Manager Onieal noted that a request had been received from Hazelwood Baptist Church for a street closure for their annual Fall Festival. This event has been approved by the board for the past several years and involves closing Virginia Avenue between Hazelwood Avenue and Kentucky Avenue. There are other streets that can be taken as a detour around this event. The event is from 5:30 p.m. until 8:00 p.m. with street closure requested between 5:00 p.m. and 9:00 p.m.

Alderman Caldwell made a motion, seconded by Alderman Greeley, to approve the requested street closure of Virginia Avenue between Hazelwood and Kentucky Avenues on Saturday, October 31, 2015 from 5:00 p.m. until 9:00 p.m., as presented. The motion carried unanimously.

C. **CALL FOR PUBLIC HEARINGS**

7. Call for Public Hearing to consider application from Sandeep Gupta of 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)

Manager Onieal highlighted the fact that both of the next agenda items were to set the date for two public hearings – no additional action was required at this time. She requested that members carefully study the information included in their packets in advance of the hearings next month.

Manager Onieal explained that this public hearing would be to consider a change in land use to allow for an electronic signage package at 121 Eagles Nest Road. For this particular item, the Planning Board voted 7 to 1 to deny the request.

8. Call for a Public Hearing to be held on November 10, 2015, at 6:30 pm at 9, South Main Street 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

Manager Onieal reported that the second request to call for public hearing was to rezone properties owned by Bobby and Alex McKay from Hazelwood Urban Residential to Hazelwood Business District. The properties are joined on two sides by the business district and the building on the property would be better suited for commercial rental. The planning board unanimously recommended approval of this rezoning at their October 19 meeting.

Alderman Roberson made a motion, seconded by Alderman Freeman, to call for two public hearings to be held in immediate succession on November 10, 2015 beginning at 6:30 p.m. or as soon thereafter as possible, in the Board Room of Town Hall, 9 South Main Street to consider adoption of a change in land use as requested by Carolina Furniture Concepts and to consider the petition to rezone property at 263 Riverbend Street and 9 Camp Street. The motion carried unanimously.

D. COMMUNICATIONS FROM STAFF

9. Town Manager – Marcy Onieal

Hazelwood Parking Area

Manager Onieal reported that she has been working with Chris Forga to discuss improvements and an agreement related to the Hazelwood Parking Area. She has secured a tentative agreement and asked if the board would like to move forward with this particular area. Manager Onieal explained that staff provided three design concepts to Ms. Forga which would take the current lot from 59 to 93 spaces. This would allow for public parking in the area. The total cost for this improvement is just under \$100,000, but does include all demolition of structures, repaving and striping and putting in pedestrian scale lighting. Manager Onieal continued explaining that the arrangement discussed would be a buy-down on the lease with the town fronting the cost of the project. The terms discussed were for five years with an automatic renewal of four times; leading to a 25 year lease with an option to charge for parking in the future, if necessary and an option for the WPAC to have a piece of public art in the parking area.

Manager Onieal noted that this arrangement was agreeable to the Forga family and asked the board how they wished to proceed. She added that winter was not a good time to do this; however, if the board wished to move forward, a budget amendment could be brought forth at the next meeting.

Alderman Roberson asked if there was any change in the rental price for the parking area with these improvements. Manager Onieal answered that as there would be a gain in the number of spaces, the rental rate would increase to \$850 per month. The fee paid during the improvements would only be

\$425 per month. She added that Ms. Forga had asked for an escalator to be added for the future which has not been negotiated.

Mayor Brown asked the board if they had any other questions on this matter or if they were comfortable with Manager Onieal moving forward with negotiations. The Board agreed by consensus for Manager Onieal to continue with the negotiations and budget amendment for the cost of the improvements.

Electric Contracts

Manager Onieal noted that the team is close to finishing the electric contracts. The Duke Energy one year extension has been completed. The Santee Cooper contract has been sent back for some language changes related to billing dispute guidelines and finalizing the rate for minimum billing. It is hoped that these contracts will be brought to the board at the next meeting. If not, a special called meeting may occur.

Chestnut Park

Manager Onieal explained that the town is moving forward with the survey of Chestnut Park and a neighborhood meeting will take place on October 29 to ascertain what neighborhood would like to see the park look like in the future.

Brownfield Grant Meetings

Manager Onieal again noted that meetings would occur on November 16. She asked members to consider any potential sites in the community that may need to be assessed as part of this grant. Manager Onieal reminded members that the Town was part of the county-wide coalition to identify underdeveloped and underutilized sites which may require assessment. The grant deadline is in December.

Mayor Brown added that no one wants to call something a Brownfields site because of a negative connotation, but there are sites which may benefit from this grant. Manager Onieal provided an example of a field that has been abandoned, there was money through this grant to evaluate the site and if any contaminants are found then it can go to remediation. If nothing is found, it may provide opportunity for development. There does not have to be known contamination present in order to qualify to be assessed for potential contamination.

10. Town Attorney – Woody Griffin

Attorney Griffin had no business to discuss.

E. COMMUNICATIONS FROM MAYOR & BOARD OF ALDERMEN

Mayor Brown offered well wishes and good luck on Tuesday to those members who were running for elective office. He added that he has appreciated serving with the Board as the Mayor regardless of the election outcome.

Alderman Greeley wished to publically thank Ann Melton and the Historic Preservation Commission for an enjoyable historic recreation event in the Greenhill Cemetery. There have been many positive comments, and all who participated had a good time. Ms. Melton added that she, too, had received many compliments and plans to do another event in the Spring. There were 85 people who attended the event.

F. CALL ON THE AUDIENCE

No one addressed the board.

G. ADJOURN

There being no further business to discuss, Alderman Freeman made a motion, seconded by Alderman Greeley, to adjourn the meeting at 7:16 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: November 10, 2015

SUBJECT: Public Hearing to consider an application to rezone the property at 121 Eagles Nest Road, AKA Carolina Furniture Concepts, (PIN# 8605-64-6237), from Hazelwood Business District (HBD), to Hazelwood Business District Conditional District (HBD-CD) (*Request of Carolina Furniture Concepts CFO Brenda Reese, on behalf of property owner Sandeep Gupta*)

AGENDA INFORMATION:

Agenda Location: Public Hearings
Item Number: 3-B
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Byron Hickox, Land Use Administrator

BRIEF SUMMARY:

Carolina Furniture Concepts would like to replace their existing internally lit sign with a manually changed reader board, to an electronic changeable face sign with a digital reader board within the existing sign cabinet. This type of sign is only permitted in Regional Center Districts and the property in question is currently located in Hazelwood Business District. Additionally, the existing sign is nonconforming with the Town's dimensional sign standards in terms of height and size for either the Hazelwood Business District or the Regional Center District. At their September 21, 2015 Meeting, the Planning Board voted 7-1 to deny the request because of concern that it was inconsistent with the Town's Land Use Plan and because of the precedent this decision could set. The applicant however has requested that a hearing be held by the Board of Aldermen on the matter pursuant to Section 15.14.2 of the Town Code of Ordinances.

MOTION FOR CONSIDERATION: Upon conclusion of the public hearing, the board may approve or deny the request, or table the decision to a future meeting.

MOTION:

[To approve] OR [To deny]

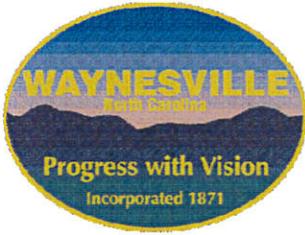
the petition to rezone property at 121 Eagles Nest Road (PIN# 8605-64-6237) from Hazelwood Business District (HBD) to Hazelwood Business District-Conditional District (HBD-CD).

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Planning Board Minutes and Staff Report
2. Application
3. Zoning Location Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: For the same reasons cited in the staff report, and consistent with the Planning Board's vote to deny the rezoning, the Manager also recommends that this petition for conditional rezoning NOT be approved.



TOWN OF WAYNESVILLE

Planning Board

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Chairman

Patrick McDowell

Planning Board Members

Danny Wingate (Vice)

John Feichter

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

Shell Isenberg

L. Brooks Hale

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD REGULAR MEETING

Town Hall – 9 South Main St., Waynesville, NC 28786
September 21, 2015

THE WAYNESVILLE PLANNING BOARD held a regular meeting on September 21, 2015 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Patrick McDowell
Danny Wingate
Shell Isenberg
Robert Herrmann
Jon Feichter
Phillip Gibbs
Marty Prevost
Brooks Hale

Absent:

Bucky Dykes

The following staff members were present:

Elizabeth Teague, Development Services Director
Byron Hickox, Land Use Administrator
Eddie Ward, Deputy Town Clerk

Also present was Ron Sneed, Attorney to the Planning Board, and Brenda Reese, CFO Carolina Furniture Concepts.

2. Adoption of Minutes

Board Member Danny Wingate made a motion, seconded by Board Member Brooks Hale, to approve the minutes of August 17, 2015 as presented. The motion passed unanimously.

B. NEW BUSINESS

3. Public Hearing for Conditional District Land Use Request for Carolina Furniture Concepts at 121 Eagles Nest Road, PIN 8605-64-6237

Chairman Patrick McDowell opened the Public Hearing and asked Byron Hickox, Land Use Administrator, to present the staff report for Carolina Furniture Concepts. Mr. Hickox gave the following presentation:

Planning Board Staff Report

Mr. Hickox explained that the subject property consists of 3.78 acres adjacent to 19/23 with a 39,000 square foot retail building that is currently occupied by Carolina Furniture Concepts. Carolina Furniture Concepts would like to replace their existing internally lit sign with a manually changed reader board, to an electronic changeable face sign with a digital reader board within the existing sign cabinet. This type of sign is only permitted in Regional Center Districts, and this property is currently located in Hazelwood Business District.

Hazelwood Business District is a small scale center for business, retail, and institutional activity. This district serves the residents of Hazelwood, Plott Creek, Eagles Nest and other surrounding neighborhoods, with a broad mixture of uses permitted. Development in the future must be sensitive in design and provide for a high level of pedestrian safety, and comfort.

Mr. Hickox stated that within the Town Code of Ordinances, internal signage is allowed in both the Business Districts and Regional Center District, but “electronic changeable face signs,” or digital reader boards, are only allowed in Regional Center Districts. The existing sign for Carolina Furniture Concepts is nonconforming for both the Regional Center District in which lighted signs are allowed, and the Hazelwood Business District in which it is located, because the sign cabinet is 80 square feet and over 8 feet tall. Excerpts from Ordinance:

11.4 Permitted Signage by District

Business District (BD) *24 sq. ft.—6 ft. tall*

- *Exceptions: Ground signs are not permitted on Main Street from Church Street to Russ Avenue;*

Ground signs shall be limited to 16 ft.—4 ft. tall along Wall Street from East Street to Howell Street 1 sq. ft. for each 1 linear ft. of wall frontage - maximum of 100 sq. ft.

Internal illumination permitted except within a National Register Historic District

Pedestrian Sign - 1 per business

Marquee Sign - 11.7.6

Regional Center (RC) *48 sq. ft.—8 ft. tall*

15% of wall

Internal illumination permitted

Pedestrian Sign - 1 per business

11.7.4 Electronic Changeable Face Signs (Permitted in RC Only).

Electronic changeable face signs are permitted as a component of otherwise permitted signage subject to the following standards.

A. No electronic changeable face sign may change its message or copy, or any pictures or images that are part of the message, more frequently than once every minute.

B. When the message of an electronic changeable face sign is changed mechanically, it shall be accomplished in three (3) seconds or less. When the message of an electronic changeable face sign is changed in an electronic manner, through the use of light emitting diodes, back lighting or other light source, the transition shall occur within two (2) seconds.

C. The portion of the sign face of an electronic changeable face sign which accommodates multiple messages shall not exceed 50 percent (50%) of the total sign face area and may not change its message or copy, or any pictures or images that are part of the message, more frequently than once every minute; the remaining portion shall be static.

D. Electronic changeable face signs which are illuminated or which use electronic lighting to display message shall be subject to the restrictions and limitation applicable to illumination in this ordinance.

E. There shall be located no more than one electronic changeable face sign per lot, and such sign shall be permitted only on a ground sign and not on any attached sign or window sign.

Mr. Hickox stated that the first Land Use Goal in Waynesville Our Heritage, Our Future, 2020 Land Development Plan is to:

“Promote orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville’s existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community.”

Under this goal, actions include:

“Develop the community core of Hazelwood into a small urban center through the use of the principles of the Main Street Program led by community infrastructure elements (curb and gutter sidewalks, streetscape elements, etc.).”

“Evaluate and implement methods for reducing ‘light pollution’ to minimize the impact of artificial lighting without sacrificing safety.”

Staff Recommendation

Mr. Hickox explained that staff feels the requested rezoning would allow for signage normally associated with more urbanized development areas. One of the objectives of the Town is to reduce light pollution. Considering the nonconformity of height and size of the sign itself, the light and visual impacts would go beyond the property boundary. Staff is concerned that such an action would set a precedent for others who may want to transition to digital signage in other areas of the Town.

Staff recommends denial of this request as proposed. The purpose of this request for rezoning is to allow the installation of a type of sign that is not permitted in the current zoning district. Mr. Hickox stated that there will be ramifications in the future by accommodating signage that is not allowed anywhere else in Town. The applicant has mentioned the proximity to the highway as a reason for placing an electronic changeable face sign on this property. While the Town of Waynesville desires to support the local business community, and it is understandable that Carolina Furniture Concepts wants every signage advantage available to identify itself to passing traffic, this particular situation would outweigh the goals of the overall community.

Mr. Hickox that the possible motions for this request are:

1. Motion to recommend approval/denial of the request for rezoning from Hazelwood Business District to Hazelwood Business District Conditional District to the Town of Waynesville Board of Aldermen.
2. Motion to recommend modification of the application to create Conditional District standards that would allow electronic changeable face signs, but require the applicant to reduce the size of their sign to meet current maximum area and height standards for the Hazelwood (or Regional Center) District.

The Board had questions for Mr. Hickox concerning the speed of the message on an electronic changeable face versus the speed of the message when changed through the use of light emitting diodes. Mr. Hickox referred the Board to Section 11.7.4 of the Lighting Ordinance referring to Electronic Changeable Face Signs (Permitted in RC Only) which says the electronic changeable face is accomplished in three seconds, and the light emitting diodes is accomplished in two seconds.

Chairman McDowell asked if anyone would like to speak.

Brenda Reese
Chief Finance Officer
Carolina Furniture Concepts

Ms. Brenda Reese stated that Carolina Furniture Concepts is a locally owned and operated in Waynesville. She said the reason for the rezoning request is to allow the business to change its existing sign to an electronic changeable face sign. Carolina Furniture Concepts' owners feel that with a lighted electronic sign, the business will be more visible from Highway 19/23. The sign that is currently in place, even though lighted, is not visible from the highway because of trees. Ms. Reese said several nationwide revenue studies have been done, and with visible signage the revenue of the businesses have increased 20 – 30%. That increase of 20 – 30% means an increase in taxes for Haywood County and the Town of Waynesville. Ms. Reese stated that the Carolina Furniture Concepts store in Fletcher has an electronic sign, and that store does about 2/3 more business than the store in Waynesville does.

Carolina Furniture Concepts opened in Waynesville in 2007, and started with two employees. Now there are nine employees, and more people could be employed with revenue brought in from a more visible sign. Ms. Reese said Carolina Furniture Concepts is growing, and wants Waynesville to benefit from that growth.

Ms. Reese said Carolina Furniture Concepts is well aware of light pollution, and they have talked with Duke Energy concerning the amount of light that will be generated from the sign if allowed. She also stressed to the Board that this light would not be glaring, and would not in any way affect the safety of people driving in the area.

Chairman McDowell closed the Public Hearing.

The Board had several questions concerning the size of the sign compared to other businesses in the area. Mr. Hickox explained that the sign was the same one that had been in place for a Food Lion Store in previous years. It was erected before any sign standards for the Town were in place.

There was much discussion among the Board on how much better the sign could be seen from Highway 19-23 if the sign was changed to an electronic changeable face sign within the existing cabinet. Ms. Reese stated they wanted to have the sign more legible to draw attention. When asked about the nonconformity of the sign now, Ms. Elizabeth Teague, Director of Development Services, stated that this request would create a unique sign that is not allowed anywhere else in Town.

Board Member Jon Feichter stated that as a small business owner himself, he understood fully the desire of Carolina Furniture Concepts to have an electronic lighted sign, and it is a difficult issue to face. He said surrounding property owners in the area need to be taken into consideration also. He stated that he recalled the amount of work and effort that went in to developing the sign ordinance and the discussion regarding electronic signs when the ordinance was being developed. He felt that it would open a "Pandora's" box if Carolina Furniture Concepts is allowed the requested sign. He made the point that a line has to be drawn somewhere, and recommended a "no" vote for the request.

Board Member Phillip Gibbs stated he felt that at some point in time, some changes needed to be made. He feels there are more "pros" than "cons" in this issue as far as revenue and employment.

A motion was made by Board Member Jon Feichter to deny the request for a Conditional Land Use Request for Carolina Furniture Concepts at 121 Eagles Nest Road, PIN 8605-64-6237. The motion passed with seven ayes (Patrick McDowell,

Danny Wingate, Shell Isenberg, Robert Herrmann, Jon Feichter, Marty Prevost, and Brooks Hale) and one nay (Phillip Gibbs).

Chairman McDowell advised Ms. Reese that the Planning Board's decision could be appealed to the Town Board of Aldermen. If she wished to do so, the Staff would be glad to help her with the process.

Board Member Brooks Hale brought to the Staff's attention a concern about trucks being parked in front of an old convenience store across from Junaluska School. Ms. Teague stated staff would go look at the area.

C. ADJOURN

With no further business, a motion was made by Board Member Marty Prevost, seconded by Board Member Robert Herrmann, to adjourn at 6:20 pm. The motion passed unanimously.

Patrick McDowell, Chairman

Eddie Ward, Deputy Clerk

Board of Aldermen Staff Report

Subject: Rezoning of Carolina Furniture Concepts Property from Hazelwood Business District (HBD) to Hazelwood Business Conditional District (HBD-CD)
Ordinance Section: 11.7.4 and 2.1
Applicant: Sandeep Gupta, represented by Brenda Reese
Meeting Date: November 10, 2015

Summary Information:

Application Date: August 10, 2015
Proposed Location: 121 Eagles Nest Road – PIN 8605-64-6237
Property Owner: SMS Enterprise LLC
Acreage of site: 3.78 acres
Zoning District: Hazelwood Business District
Existing Development: Developed lot with large retail building (approximately 39,000 square feet) and paved parking area

Background:

The subject property consists of 3.78 acres adjacent to 19/23 with a 39,000 square foot retail building that is currently occupied by Carolina Furniture Concepts. Carolina Furniture Concepts would like to replace their existing internally lit sign with a manually changed reader board, to an electronic changeable face sign with a digital reader board within the existing sign cabinet. This type of sign is only permitted in Regional Center Districts. The property in question is currently located in Hazelwood Business District. They are not seeking any other changes or amendments to their site or the local ordinance.

Originally, Carolina Furniture Concepts discussed with staff the possibility of a text amendment, but then applied to have their property at 121 Eagles Nest Road rezoned into a Regional Center District. When staff and the Planning Board's Attorney brought up concerns about spot zoning, they amended their request to a conditional district.

Current zoning is Hazelwood Business District (H-BD). The purpose and intent of this district as established by the Land Development Standards, Section 2.3.6(B) states:

The **Hazelwood Business District (H-BD)** is a small scale center for business, retail and institutional activity serving the residents of Hazelwood, Plott Creek, Eagles Nest and other surrounding neighborhoods. A broad mixture of uses is permitted; however, development in the future must be sensitive in design and provide for a high level of pedestrian safety and comfort. The large undeveloped tracts of land in this district must be well connected both to the neighborhood and the center as they develop. On-street parking is permitted and encouraged on many streets. Articulation in this area should occur at the scale of the pedestrian with buildings built at the scale of a neighborhood center. Connections among properties within this district and to surrounding districts are very important.

Within the Town Code of Ordinances, Chapter 11.6 and 11.7.4 Permitted Signage by District, internal signage is allowed in both the Business Districts and Regional Center Districts, but “electronic changeable face signs,” or digital reader boards, are only allowed in Regional Center Districts. The existing sign cabinet is 80 square feet and over 8 feet tall, making it nonconforming for both the RC District in which lighted signs are allowed, and the Hazelwood BD District in which it is located. Excerpts from Ordinance are provided below:

11.4 Permitted Signage by District

Business District (BD)	24 sq. ft.—6 ft. tall Exceptions: Ground signs are not permitted on Main Street from Church Street to Russ Avenue; Ground signs shall be limited to 16 ft.—4 ft. tall along Wall Street from East Street to Howell Street	1 sq. ft. for each 1 linear ft. of wall frontage - maximum of 100 sq. ft.	Internal illumination permitted except within a National Register Historic District	Pedestrian Sign - 1 per business Marquee Sign - 11.7.6
Regional Center (RC)	48 sq. ft.—8 ft. tall	15% of wall	Internal illumination permitted	Pedestrian Sign - 1 per business

11.7.4 Electronic Changeable Face Signs (Permitted in RC Only).

Electronic changeable face signs are permitted as a component of otherwise permitted signage subject to the following standards.

- A. No electronic changeable face sign may change its message or copy, or any pictures or images that are part of the message, more frequently than once every minute.
- B. When the message of an electronic changeable face sign is changed mechanically, it shall be accomplished in three (3) seconds or less. When the message of an electronic changeable face sign is changed in an electronic manner, through the use of light emitting diodes, back lighting or other light source, the transition shall occur within two (2) seconds.
- C. The portion of the sign face of an electronic changeable face sign which accommodates multiple messages shall not exceed 50 percent (50%) of the total sign face area and may not change its message or copy, or any pictures or images that are part of the message, more frequently than once every minute; the remaining portion shall be static.
- D. Electronic changeable face signs which are illuminated or which use electronic lighting to display message shall be subject to the restrictions and limitation applicable to illumination in this ordinance.
- E. There shall be located no more than one electronic changeable face sign per lot, and such sign shall be permitted only on a ground sign and not on any attached sign or window sign.

Applying the Conditional District rezoning to this parcel would make this sign conforming but only at this location. Being mounted on a pole, and of this height, size and lighting, it would be unique as permitted within overall Town zoning.

The site was posted beginning on September 8, 2015 for the Planning Board hearing. It was posted again and notices mailed to owners of property within 100 feet on October 30 for this hearing and a notice was also submitted to the local media.

Consistency with 2020 Land Development Plan:

Under North Carolina law local municipal zoning is required to be based on an adopted comprehensive land development plan. In Waynesville Our Heritage, Our Future, 2020 Land Development Plan, the first Land Use Goal is to:

“Promote orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville’s existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community.” (p. 4-2)

Under this goal, actions include:

“Develop the commercial core of Hazelwood into a small urban center through the use of the principles of the Main Street Program led by community infrastructure elements (curb and gutter, sidewalks, streetscape elements, etc.).” (p. 4-5)

“Evaluate and implement methods for reducing “light pollution” to minimize the impact of artificial lighting without sacrificing safety.” (p. 4-6)

The requested rezoning would not change the uses of the area but would allow for signage normally associated with more urbanized development areas and would exceed the scale and visibility otherwise allowed.

Staff does not believe that an electronic changeable face sign is consistent with the small urban center objectives of the Hazelwood Business District or with the Town’s efforts to reduce light pollution. Light and visual impacts, especially considering the nonconformity of height and size of the sign itself, would go beyond the property boundary. While we understand the concerns for visibility of the applicant in this case, we are also concerned with the precedent such an action would set for others who may want to transition to digital signage in other areas of Town or to utilize the conditional district option within the ordinance to create signage of size and height not otherwise allowed.

Surrounding Land Use/Zoning Patterns:

Surrounding land use is commercial to the north and east on the properties that front Eagles Nest Road and Sulphur Springs Road. The property is bordered along its entire western edge by U.S. Highway 23/74. Across this highway are a medical office and a neighborhood of single-family homes. The properties to the south are occupied by single-family homes. All properties that are contiguous to the property in question are also located within the Hazelwood Business District.

Proposed Map Amendment:

The requested map amendment would change the zoning from Hazelwood Business District (HBD) to Hazelwood Business District Conditional District (HBD-CD). The purpose of this request is to allow Carolina Furniture Concepts to replace the face of its existing, and nonconforming, sign with an electronic changeable face sign using the same sign structure and cabinet which are nonconforming to Town ordinances in terms of height, and dimension.

An application for Conditional District Zoning normally requires submittal of an Environmental Survey and project Master Plan. Since this request only addressed the existing sign and not any new changes to the site, these were not submitted and the application was deemed to be complete by staff.

Staff Recommendations:

Staff recommends denial of this request as proposed. The expressed purpose of this rezoning is to allow the installation of a type of sign that is not permitted in the current zoning district. Further, this action will have ramifications into the future as rezoning this property will accommodate signage that is not allowed anywhere else in Town. This request would allow a nonconforming sign to be brought into conformity and be enhanced through lighting in a way that would only accentuate its variance with the Town of Waynesville's regulations as unique signage under the ordinance.

The fundamental question is whether or not the Board of Aldermen feels that a digital reader board sign of this height and scale is appropriate at this location specifically. While the property is currently being occupied by a fairly large retail operation, future uses of the site may change, and the rezoning would allow the signage to continue. The Town of Waynesville desires to support our local business community and it is understandable that Carolina Furniture Concepts would want every signage advantage it could get to identify itself to passing traffic. However, does the supposed benefit to the business in this particular situation outweigh the goals of the overall community for signage and light controls and what is allowed throughout Town in this case?

This digital type of reader board, of a smaller scale and height, is allowed within Regional Center Districts of high traffic. The applicant has mentioned the proximity to the highway as a reason for the desire to place an electronic changeable face sign on this property. This means that the digital sign would be designed to light up and be visible beyond the property boundaries and have light impacts on areas that are zoned Business District. It may even be visible from residential areas at higher elevations. Interestingly, the visibility of the existing sign from the roadway of 23/74 is limited now due to the trees that are located along the highway right-of-way. Therefore, even with a lighted sign, the business may not achieve its goal for reaching vehicles traveling that corridor except during the winter, but would still impact surrounding areas.

Planning Board Action:

At the Planning Board meeting on September 21, 2015, this matter was heard. After a presentation of the above information and a statement by Ms. Brenda Reese, the Chief Finance Officer for Carolina Furniture Concepts, the Planning Board voted 7-1 to deny the request for Conditional District Zoning

made by Carolina Furniture Concepts. Much of the Planning Board's discussion prior to the vote focused on the fact that approval of this request would establish a precedent that would encourage future applications for Conditional District Zoning solely for the purpose of allowing larger signage than is otherwise allowed in a particular district. There was also discussion regarding the work that went into the development of the Town's signage regulations and the desire to remain consistent with the long-range vision of the Town.



TOWN OF WAYNESVILLE PLANNING DEPARTMENT

Application for Land Development Standards Text Amendment

Application is hereby made on 8/10, 2015 to the Town of Waynesville for the following amendment:

Designate the specific section(s) of the Land Development Standards being requested for change:

121 Eagles Nest Road
Waynesville NC 28786

Description of the requested amendment, (attach additional sheets if necessary):

Change the ordinance for regional from business center
Paul Brown asked us to submit request in

The reasons for the requested amendments, (attach additional sheets if necessary):

Want to install bright LED digital sign which would give
prospective customers options to increase revenue for both
the company and county/town - having a unique sign helps
bring in more customers instead of a generic type sign that just
sits there

Applicant Contact Information

Name (Printed): Sandeep Gupta
Mailing Address: 2617 Hendersonville Road Arden NC 28704
Phone(s): 828-681-5011 or 828-582-2999
Email: sandeepgupta@bellsouth.net

Note: Text Amendment Requests require a fee of \$500.00. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Planning Department, 9 South Main Street, Waynesville, NC 28786.

SMS ENTERPRISE LLC
2617 HENDERSONVILLE ROAD STE 1
ARDEN, NC 28704

1327
66-113531

DATE August 10, 2015

PAY TO THE ORDER OF Town of Waynesville Planning Board
Five hundred and no/100

\$ 500⁰⁰

DOLLARS



CAROLINA

FURNITURE CONCEPTS

Your Leader In Savings

2617 Hendersonville Road
Arden, N. C. 28704
Phone: 828-681-5011
Fax: 828-681-5022

www.carolinafurnitureconcepts.com
FIN 46-0490457

121 Eagles Nest Road
Waynesville, N. C. 28786
Phone: 828-454-9293
Fax: 828-454-9294

August 20, 2015

Town of Waynesville

Re: Sign Request Page 2

According to market studies, business increase sales from 20% to 30% with a lighted digital sign as opposed to the generic type of sign. Having said this, this will also bring more revenue to Haywood County and the Town of Waynesville.

One exit down from us, both Best Buy and Walmart have lighted digital signage. We are on the same highway corridor and a locally owned business trying to get in the larger market aspect and according to studies this would be a major step in that direction.

Best Product, Best Price, Best Service

**CAROLINA
FURNITURE
CONCEPTS**

**YES OPEN
DETAILS INSIDE**





19mm Full Color Message Display

Written Consent. Colors shown are approximate and may not match actual colors due to the limitations of the printing process.



- ① Existing Sign Cabinet and Pipe, Repainted OS-199 Black
- ② L101 White Pan Formed Sign Faces with L-437 Unique Red, Embossed and Painted Copy
- ③ OS-199 Black Painted Divider Bar and Filler Panels
- ④ 19mm Red LED Electronic Message Display

Parcel Report For 8605-64-6237



SMS ENTERPRISE LLC
1652 OLMSTED DR
ASHEVILLE, NC 28803

Account Information

PIN: 8605-64-6237
Deed: 690/1899

Site Information

STORE, DISCOUNT
COMMERCIAL USE
121 EAGLES NEST RD

Heated Area:

Year Built:

Total Acreage: 3.78 AC

Township: TOWN OF WAYNESVILLE

Site Value Information

Land Value:	\$371,200
Building Value:	\$1,024,500
Market Value:	\$1,395,700
Deferred Value:	\$0
Assessed Value:	\$1,395,700
Sale Price:	\$1,475,000
Sale Date:	12/19/2006
Tax Bill 1:	\$7,554.92
Tax Bill 2:	\$7,554.92



1 inch = 400 feet
August 24, 2015

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

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 10, 2015

SUBJECT: 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.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: 4-B
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director
Bobby and Alex McKay, property owners

BRIEF SUMMARY: This rezoning request includes four lots and is adjacent to the Hazelwood Business District on two sides. The largest has street frontage on both Brown Avenue and Riverbend Street and two existing buildings. It abuts the Triangle Automotive properties which are zoned Hazelwood Business District. Mr. McKay's property immediately to the north fronts only on Brown Avenue and holds a mobile home. By changing the zoning at this location, there would be more allowable uses for this property. At their October 19, 2015 Meeting the Planning Board voted unanimously to recommend rezoning this property according to the applicant's request.

MOTION FOR CONSIDERATION: *To approve the petition to rezone property at 263 Riverbend Street and 9 Camp Street from Hazelwood Urban Residential to Hazelwood Business District, as presented.*

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Planning Board Minutes and Staff Report
2. Application
3. Location Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented and as recommended by the Planning Board.



TOWN OF WAYNESVILLE

Planning Board

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Chairman

Patrick McDowell

Planning Board Members

Danny Wingate (Vice)

John Feichter

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

Shell Isenberg

L. Brooks Hale

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD REGULAR MEETING

Town Hall – 9 South Main St., Waynesville, NC 28786
October 19, 2015

THE WAYNESVILLE PLANNING BOARD held a regular meeting on October 19, 2015 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Patrick McDowell
Danny Wingate
Bucky Dykes
Robert Herrmann
Jon Feichter
Phillip Gibbs
Marty Prevost

Absent:

Brooks Hale
Shell Isenberg

The following staff members were present:

Elizabeth Teague, Development Services Director
Byron Hickox, Land Use Administrator
Eddie Ward, Deputy Town Clerk

Also present was Ron Sneed, Attorney to the Planning Board, property owners Robert and Alex McKay, Todd Rogers representing Chick-Fil-A, John Cox, Preston Kendell representing Ingles and Craig Inabinett representing Rainbow Signs.

Representing the media were Jesse Stone from Smoky Mountain News, and Allison Olcseway from The Mountaineer.

2. Adoption of Minutes

Board Member Jon Feichter noted that on page 5 of the Minutes for September 21, 2015, the motion should read:

A motion was made by Board Member Jon Feichter, seconded by Board Member Robert Herrmann, to deny the request for a Conditional Land Use Request for Carolina Furniture Concepts at 121 Eagles Nest Road, PIN 8605-64-6237. The motion passed with seven ayes (Patrick McDowell, Dany Wingate, Shell Isenberg, Robert Herrmann, Jon Feichter, Marty Prevost, and Brooks Hale) and one nay (Phillip Gibbs).

A motion was made by Board Member Danny Wingate, seconded by Board Member Robert Herrmann, to approve the minutes of September 21, 2015 as corrected. The motion passed unanimously.

B. NEW BUSINESS

1. Public Hearing for a Map Amendment (Rezoning) Request for rezoning 4 lots at 263 Riverbend Street and 9 Camp Street; PINs 8605-81-5526, 8605-81-6618, 8605-81-7716, and 8605-81-6705.

Chairman McDowell opened the Public Hearing and asked Development Services Director Elizabeth Teague to present the staff report. Ms. Teague stated the request was to rezone four lots, owned by Mr. Bobby McKay, located at 263 Riverbend Street and 9 Camp Street (PIN's 8605-81-5526, 8605-81-6618, 8605-81-7716 and 8605-81-6705) totaling 1.38 acres from Hazelwood Urban Residential to Hazelwood Business District. She referred to a 1977 Hazelwood Zoning Map indicating that the "triangle" where Riverbend Street and Brown Avenue meet was zoned commercially and the lots across the street were zoned industrially prior to when Hazelwood merged with the Town of Waynesville in 1993. Waynesville kept the zoning of the triangle lot the same and what is now Haywood Vocational Services is zoned commercially. Currently, the triangle lot where Brown Ave and Riverbend Street meet is zoned commercial with an existing business, Triangle Automotive, located there.

The four lots owned by Mr. McKay contain an apartment building, warehouse, two mobile homes, and an empty lot for storage. At the corner of Camp Street and Riverbend Street, which is zoned residential, John and Susie Fenlenson own lots and they wish to remain residentially zoned.

Ms. Teague said that by changing the zoning at this location, there would be more allowable uses for the property, and Mr. McKay indicated he would like to improve the pre-existing, non-conforming commercial structure, which is noted in tax records as warehousing and apartments. Also, rezoning to Hazelwood Business District would create more opportunity to redevelop the other properties containing mobile homes.

Chairman McDowell asked if anyone would like to speak.

Alex McKay
96 Rolling Drive
Waynesville, NC 28786

Mr. Alex McKay, speaking for his father, stated that one of the mobile homes on the property had been removed, and the remaining mobile home is occupied. He said he and his father had been discussing the possibility of opening an organic feed/gardening supply store on this property. Mr. McKay told the Board that this business opportunity will create more business and jobs for the area. He said if the rezoning request is granted, the remaining mobile home on the property will be removed.

Dustin Smith
Triangle Automotive

Mr. Smith stated his concerns with the stop sign located near his automotive shop. He indicated there have been multiple accidents at this stop. If the property is rezoned, and another business is located on the McKay's property, traffic will increase and the possibility of more accidents is a probability.

Susie Fenlenson
61 Camp Street
Waynesville, NC 28786

Ms. Fenlenson had some questions concerning what business Mr. McKay would be allowed to operate on this property if this request is granted. She stated she had read through the uses that are permitted in a Commercial District, and she would not have a problem with an organic feed/gardening supply, but would object to another automotive business.

There was discussion about what buffering would be required for a business in this area. Mr. Byron Hickox, Land Use Administrator, said that with general Commercial Zoning no extra buffering would be required.

Chairman McDowell closed the Public Hearing and asked for a motion.

Board Member Danny Wingate made a motion, seconded by Board Member Phillip Gibbs to grant the request for a Map Amendment (rezoning) for four lots at 263 Riverbend Street and 9 Camp Street (PINs 8605-81-5526, 8605-81-6618, 8605-81-7716, and 8605-81-6705) from the Hazelwood Urban Residential District to the Hazelwood Business District. The motion passed unanimously.

2. Conditional District Master Plan Additional Changes for review and possible approval for Chick-Fil-A outparcel, PIN 8616-22-7311

Chairman McDowell brought the Board's attention to the first pages in the agenda packet. He said this information is the original Conditional District Ordinance amending the zoning map of the Town of Waynesville creating the Ingles Market's Conditional District. Staff provided this information for reference concerning three of the items on the agenda for Ingles and for the outparcel that Chick Fil-A would be discussing.

Ms. Teague referred the Board to the Ingle District Conditional Master Plan. She said this is a request to amend the Master Plan for the out parcel north of Hometruster Bank. This parcel is adjacent to Russ Avenue, and is bordered on three sides by planned access roads. As part of the Master Plan, the out parcel is connected to the Ingles I-Market and parking lot by an access road as well as connected to Russ Avenue by two other access roads. This parcel was approved as a future drive thru restaurant. In August 2012, Ingles received approval from the Planning Board for changes to the Master Plan to relocate the I-Market store with gas pumps to the western corner of the property fronting Russ Avenue.

Ms. Teague explained that Chick-Fil-A is requesting changes to the revised Master Plan to develop the site to the north of the I-Market. In the existing plan, the building is located in the center of the property with a drive-thru going all the way around the building. Chick-Fil-A is requesting relocation of the building from the center of the property to the southeast side of the lot, a reduction of driveways from three to two, and also a change in the location of driveways from access roads that are perpendicular to Russ Avenue, to the access road that is parallel with and further away from Russ Avenue. Ms. Teague stated that the relocation of driveways eliminates the driveways along the access road that intersects Russ Avenue. She said this will make a safer driveway scheme and improve vehicular safety.

Staff believes that the proposed changes do not constitute substantial changes and can be approved by the Planning Board.

Todd Rogers
Roswell, Georgia

Mr. Rogers stated Chick-Fil-A's intent for moving access roads is for better circulation of the double drive thru lane. These lanes will merge into one lane, and will accommodate a larger number of vehicles. The Board asked about seating capacity. Mr. Rogers said approximately 134 for this building with an outdoor patio.

Ms. Teague said that 55 parking spaces area provided, exceeding the minimum requirement based on the number of seats. Parking for three bicycles will be provided. When asked about landscaping, Ms. Teague said the site plan for Chick-Fil-A is still evolving. Staff will be working with them as the process moves forward. Chick-Fil-A has standard landscaping, but they have a lot of flexibility in the landscaping plan based on the Conditional District Ordinance.

Mr. Rogers added that Chick-Fil-A will be adding landscaping. The building will be similar to other Chick-Fil-A buildings in which the short end of the building will be the front entrance and have landscaping.

A motion was made by Board Member Robert Herrmann, seconded by Board Member Marty Prevost to approve the site plan for Chick-Fil-A as a minor amendment to the Russ Avenue Regional Center Conditional District. The motion passed unanimously.

3. Conditional District Master Plan Additional Changes for review and possible approval for Ingles' Signage Plan, PIN 8616-22-7311.

Chairman McDowell asked Byron Hickox, Land Use Administrator, to present the staff report for this request.

Mr. Hickox stated that property consists of 19.86 acres with a large retail building that is currently occupied by Ingles Store # 23. Ingles is in the process of redeveloping their main property by expanding their store and making site alterations. Also, they are proposing to develop the adjacent property with an Ingle I-Market (gas station). Six separate sign elements are being requested for both the Ingles site and the I-Market as follows:

1. 9 individual signs to be placed on the façade of the redeveloped Ingles store
2. Attached signage on the I-Market
3. A ground sign to be located in front of the I-Market
4. A ground sign to be located at the property entrance on Howell Mill Road
5. Refacing the existing pylon sign on Russ Avenue
6. Signage to be installed on the multitenant portion of the main building

Mr. Hickox said the sign elements 2 thru 6 meet Land Development Standards requirements regarding size, placement and design. The main issue to be considered by the Planning Board is the proposal of 9 separate signs to be attached to the façade of the redeveloped Ingles store. Chapter 11, Section 7.2€ of the Land Development Standards state:

No more than three attached signs (excluding a single Pedestrian Sign where permitted) may be erected provided the total surface area permitted is not exceeded.

In the Russ Avenue Regional Center District, 15% of the wall is the maximum area permitted. Mr. Hickox said that 15% of a building as large as Ingles would be an enormous amount of signage, about 1500 square feet. The nine signs proposed by Ingles total only 397.27 square feet which is well within the 15% limit, but exceeds the allowed number of signs. Mr. Hickox stated that staff felt like even though there are more signs than allowed, this would most certainly be more preferable to what could be done if they maximized their signage. Staff recommends amending this section of the Conditional District Ordinance 2-11, as 4.d:

d. Signage. The number of signs allowed to be attached to buildings exceeding 80,000 square feet may exceed three, but not more than 10, provided that the total surface area of signage is no more than 15% of the wall surface to which the signs are attached.

Mr. Hickox referred the Board to their agenda packet for pictures of the proposed signs. He said the only sign intended to be seen from Russ Avenue is the large Ingles sign. The other signs are intended to direct patrons to the different sections of the store.

The Board asked Mr. Hickox if this amendment would only apply to the Ingles Conditional District. Mr. Hickox verified to the Board that this amendment would only apply to Ingles Conditional District Zoning. Unlike a non-substantial change to the Master Plan, this is a change to the ordinance text and so would have to go to the Board.

**Preston Kendall
West Vista Drive
Candler, NC**

Mr. Kendall stated that most of Ingles signs are directional signs so customers know what entrance to use to enter the store. He said the two smaller signs (Starbucks and Chop Sticks) are located inside the store and are visible from the outside. The existing sign that is visible from Russ Avenue will basically be the same, but in the future Ingles will have tenants in the shopping area and the sign will reflect those tenant's names.

A motion was made by Board Member Jon Feichter, seconded by Board Member Phillip Gibbs, to approve an amendment for the proposed signage as submitted by Ingles Markets, Inc., to the Conditional District Ordinance 2-11 4.d: Signage. The number of signs allowed to be attached to building exceeding 80,000 square feet may exceed three, but not more than 10, provided that the total surface area of signage is no more than 15% of the wall surface to which the signs are attached. The motion passed unanimously

4. Conditional District Master Plan Additional Changes for review and recommendation to the Board of Aldermen for Ingles' parking lot and store front PIN 8616-22-7311

Ms. Teague stated that in 2011 the Town of Waynesville rezoned property at 201 Barber Blvd. to a Conditional District, with the Master Plan showing redevelopment of the Ingles grocery store, new convenience store with gas pumps, and two areas for future restaurant development. She referred the Board to a memo from John Cox in the agenda packet outlining seven specific changes that Ingles is requesting.

1) Move landscape parking islands 19 feet away from the Ingles store front.

This move would align the islands with the island now east of the Belk building. It will relocate several light poles, and this means Ingles will have to recalculate lighting. Ms. Teague explained that the location of parking spaces relevant to planted islands is a performance standard measure in our Ordinances which says that no parking space can be forty

feet away from a planted island. Ms. Teague stated that in the plan that is approved, this performance standard is not met. Moving the islands still does not meet the performance standards. She posed the question to the Board as to if the board would consider this a substantial change to the Master Plan. If the Board decides it is a substantial change, then it will then go before the Board of Aldermen for approval. Ms. Teague said she felt staff could support the relocation of the islands from a design standpoint.

2) Changes in signage plan that will require separate action by the planning Board and Board of Aldermen which staff has placed on the agenda as a separate item.

This item has already been discussed and approved by the Planning Board.

3) The addition of five car charging stations (two to be installed now and three to be planned for future installations).

Ms. Teague said Ingles wanted to install a total of five car charging stations, two to be installed immediately, and three planned in the future. Ms. Teague pointed out to the Board where the stations would be located, and said that from staff's point of view, this would be a welcome addition and would not change the parking lot lay out. Mr. Kendell stated these stations have already been installed in four other locations of Ingles, and gave a brief history of how Ingles decided to place these stations in their parking lots.

4) Modification of the outdoor seating area to be on both sides of the front door instead of just one.

Mr. Kendell explained that in the approved Master Plan, there was an area that would have an ornamental fence separating patrons from the driveway. After reviewing this area, Ingles has decided to make the area with less square footage and tables and make outdoor seating on both sides of the front. He stated this change will make the area more welcoming. Ms. Teague commented that this relocates a portion of the seating area without changing the safety or function of the site and feels this is not a substantial change in the plan.

5) Reconfiguration of retail spaces to the west(left of the Ingles front), with no change in square footage from original request

Ms. Teague stated that Ingles would like to change the interior retail space to the left of the Ingles front. Mr. Kendell said that they did not know what retail business would be going into this space, but Ingles wants to be able to accommodate the needs of any tenant that might want to move there. This would change the footprint, but not the square footage which was originally approved and which will preserve that area for future development. Once there is a specific plan, Ingles will come before the Planning Board for approval.

The consensus of the Board is that this is not a substantial change and can be approved by the Planning Board.

6) Revisions to the car wash from a two bay automated carwash to a single bay tunnel that would be fully staffed.

Ms. Teague stated that before her arrival as Development Services Director for the Town of Waynesville, Ingles had been in contact with former Director Paul Benson concerning a carwash being constructed on the property. The plans that were originally approved did not include a carwash. Ingles believed they had staff level approval for the carwash. In submitting plans for this Master Plan Change request, the plans showed a carwash that Ingles wanted to decrease from two bays to one fully staffed tunnel bay.

**John Cox
Land Planning Associate
Ingles**

Mr. Cox stated that in December of 2014, he had emailed Paul Benson concerning revising the plans for a 7000 square carwash to a 2450 square foot two bay carwash. Mr. Benson conveyed staff approval for the revision. Ingles is now asking for revisions to the carwash from a two bay automated carwash to a single bay tunnel that would be staffed. The design of the original carwash is outdated and the tunnel type is a modern version. There were questions from the Board concerning the validity of the planned carwash, and the revisions approved by Mr. Benson.

Board Members Robert Herrmann and Jon Feichter stated they remembered approving the carwash for the Master Plan. Mr. Hermann and Mr. Feichter referred to Planning Board Minutes from the August 18, 2014 meeting reaffirming the Planning Board approval of the carwash. Ms. Teague said because the carwash was approved in those minutes, the revisions from a two bay to an automated two bay tunnel could be made. She felt that the reduction of the car wash footprint would not constitute a substantial change and could be approved by the Planning Board but deferred to the Boards thoughts on it. The Board was in consensus that it was not a substantial change to the Master Plan.

7) Addition of parking area to the east (right) side of the Ingles store

Ms. Teague said that Ingles determined that the tenants to the right of the store would have little or no parking in front of them. The revised site plan would add parking to that area. She stated that adding these parking spaces would require some additional landscaping and asked the Board how they wanted to handle this landscaping issue. She said the performance standard stated every parking space should be within 40 feet of a tree, but that under the Conditional District Zoning the proposed landscaping was deemed adequate. Mr. Kendell said that Ingles has full intentions of keeping the required amount of landscaping with the additional parking spaces.

The Board had questions concerning the distance the islands will be moved, and how many parking spaces will be created. Mr. Kendell said they will be moved 19 feet, and this will create 12 to 14 spaces for the tenant.

A motion was made by Board Member Bucky Dykes, seconded by Board Member Danny Wingate, to approve the requested revisions to the Master Plan for the Ingles site as a minor amendment to the Russ Avenue Regional Center Conditional District and contingent upon State permitting approval. The motion passed unanimously.

Board members asked Mr. Kendell about the Belk Building on the property. He said they had tried to find a tenant, but so far had no luck. When the Ingles project is complete, a decision will be made as to what to do with the building. Mr. Kendell estimates a fall of 2016 completion date for the Ingles project.

C. ADJOURN

With no further business, a motion was made by Board Member Marty Prevost, seconded by Board Member Phillip Gibbs, to adjourn the meeting at 7:29 pm. The motion passed unanimously.

Patrick McDowell, Chairman

Eddie Ward, Deputy Clerk

**Planning Board Staff Report
Bobby McKay Map Amendment Request
October 19, 2015**

Agenda Item: Map Amendment (Rezoning) Request
Location: 263 Riverbend Street and 9 Camp Street
PIN: 8605-81-5526, 8605-81-6618, 8605-81-7716, and 8605-81-6705.
Area: 1.38 acres total
Owner: Bobby M. McKay
Requested Rezoning: From Hazelwood Urban Residential to Hazelwood Business District

Background

This rezoning request includes four lots. The largest has street frontage on both Brown Avenue and Riverbend Street and two existing buildings. It abuts the Triangle Automotive properties which are zoned Hazelwood Business District. Mr. McKay's property immediately to the north fronts only on Brown Avenue and holds a mobile home. The property fronting Camp Street also has a mobile home. The property on the corner of Camp and Brown is undeveloped.

The current zoning is Hazelwood Urban Residential. The purpose of this district as specified in the Land Development Standards is:

“The Hazelwood Urban Residential District (H-UR) is a traditional walkable neighborhood of mostly small, well-built housing in an area where sufficient urban facilities are available. It is a self-contained community with affordable housing, smaller well-kept lots, narrow tree-lined streets and distinct edges and centers. Major public spaces including a park and the "old" Hazelwood School are located in this neighborhood. Since it is convenient to shopping and employment, the goal for Hazelwood is to encourage infill development and the rehabilitation of existing structures in keeping with the residential scale and character of the existing neighborhood. Limited non-residential uses supporting the community are permitted if contributing in scale, design and use to the area. Pedestrian amenities are to be enhanced with all new development as are the development of access points to different parts of Waynesville from the Hazelwood neighborhood. Parking on public streets is permitted and encouraged as an alternative to the development of new parking lots.” (Town Code of Ordinances Section 2.3.4.)

The requested change in zoning is to Hazelwood Business District:

“The Hazelwood Business District (H-BD) is a small scale center for business, retail and institutional activity serving the residents of Hazelwood, Plott Creek, Eagles Nest and other surrounding neighborhoods. A broad mixture of uses is permitted, however, development in the future must be sensitive in design and provide for a high level of pedestrian safety and comfort. The large undeveloped tracts of land in this district must be well connected both to the neighborhood and the center as they develop. On-street parking is permitted and encouraged on many streets. Articulation in this area should occur at the scale of the pedestrian with buildings built at the scale of a neighborhood center. Connections among properties within this district and to surrounding districts are very important.” (Town Code of Ordinances Section 2.3.6)

By changing the zoning at this location, there would be more allowable uses for this property. The newly allowable uses would include: animal services, ATMS, banks and credit unions, civic organizations, construction and maintenance services, dry cleaning and laundry, drive-thru (SUP), funeral homes,

government services, kennels, medical offices, adult establishments, ABC stores, auto parts, bars/taverns, general commercial less than 10,000 SF, outside sales and storage, restaurants, theaters, light manufacturing and distribution/warehousing. Note that government, personal and professional services, art studios and general commercial under 10,000 sf are also allowed in the Urban Residential District with a mixed-use designation.

In his meeting with staff to discuss the request, Mr. McKay indicated that he would like to rezone the property in order to improve the pre-existing, nonconforming commercial structure, noted in tax records as Warehousing and Apartments, and to create more opportunity to develop/redevelop the other properties which contain modular/mobile homes.

The owners' of the one abutting property, at the corner of Camp and Riverbend Street, met with Town staff to discuss being a part of the rezoning request, but opted to keep their property residential. Interestingly, their property was at one time a dog grooming business and so also has a history of commercial use. They did not object to this request to rezone these properties.

Notification of this hearing was mailed on October 6, and sent to the local newspapers for publication on October 9 and 16.

2020 Land Development Plan

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, the Future Land Use Map (Map 12 and Map 15) indicates the area of the subject properties to be designated for "Residential of Medium to High Density" concentration, but borders on Industrial and Mixed Use areas. Importantly, this area was once part of the Town of Hazelwood and shows in the 1977 Hazelwood Zoning Map with what is now Triangle Automotive zoned as "Business" and what is now the McKay properties shown as residential. This indicates that the current zoning map and the Proposed Land Use Map of the 2020 Plan are the same as the original zoning designation that was in place at the time of the merger with Hazelwood on July 1, 1995: Triangle Automotive was zoned business and the McKay properties were zoned residential even though the McKay properties historically had a level of commercial use in addition to residential uses.

Commercial uses and zoning districts are typically located in the vicinity of major collector intersections, and Brown Avenue and Riverbend are key north to south roadways with a history of mixed-use. The tip of "the triangle" has been zoned commercially going back to the Town of Hazelwood, while the abutting properties within the triangle have remained residential – even though they have held commercial enterprises historically. Perhaps, this area's zoning was simply adopted and carried forward with the merger of Hazelwood without much consideration for:

- the existing uses on the site or
- its location along a major transportation corridor or
- its continuance as an area accommodating residential and commercial, or
- its proximity to the rest of the Hazelwood Business District.

In the text of the 2020 Plan, the stated Land Use Goal is:

"Promote the orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community." (2020 LDP, p 4-2)

The action items are to “...revise the zoning map to reflect the Land Use Map...” and to “encourage mixed use development on adjacent properties in designated mixed-use areas.” A strict reading of the future land use map would indicate that the properties in question should not be rezoned. At the same time, the text of the plan would seem to encourage mixed-use development in an area such as this where it is bordered on two sides by Commercial Zoning and has a commercial history.

Also in the 2020 Land Use Plan it states: “apply creative zoning to allow accessory dwellings, duplexes, the mixing of residential with other uses and other affordable housing alternatives with design standards fitting the location of such dwellings” (2020LDP, p. 4-7).

Surrounding Land Use/Zoning Pattern:

Surrounding land use is primarily residential to the east and north, and commercial to the west and south. The lots are contiguous to the Hazelwood Business District immediately to the south at the property and alleyway that is part of Triangle Automotive Repair (1404 Brown Avenue). Just south of the tip of the triangle is Bonnie’s Produce Stand. Across Riverbend Street is Haywood Vocational Tech which is also part of the Hazelwood Business District.

Across Brown Avenue and Camp Street is the rest of the Hazelwood residential district. Therefore, certain business uses that generate traffic or noise at night could be detrimental to the residential properties which, except for one, are all located across a roadway.

Staff Recommendation:

The requested rezoning would not be strictly consistent with the 2020 Land Use Plan map and would add a significant number of permitted uses to these properties. However, at least one of these newly allowable uses –warehousing – is in existence. Also, the location of these properties at a crossroads and adjacent to the Hazelwood Business District lends itself to commercial use, and has been used commercially in the past.

Another consideration regarding consistency with the 2020 Plan is that it was adopted in 2002 and is due for an update. While generally the 2020 Plan is on target with its land use determinations and goals, this may be one area in which revisions are appropriate. Hazelwood is changing and growing commercially. The large industrial investment of Giles Manufacturing and the commercial investment in downtown Hazelwood such as the Soap Factory and Bourbon and Barrel are indicators of increasing economic opportunity in this area.

For these reasons staff recommends changing the zoning of this property to Hazelwood Business District to enable more improvement and economic opportunities. Short of that, staff would ask for consideration of the area as a designated mixed-use area within the Hazelwood Urban Residential District (which is not what the applicant is seeking but could be entertained as a fall back position).

Requested Action:

Motion to find/not find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of an historically mixed-use area.

Motion to recommend to the Board of Aldermen approval/ approval with conditions/ or denial of the requested rezoning of the property from the Hazelwood Urban Residential District to the Hazelwood Business District.



TOWN OF WAYNESVILLE PLANNING DEPARTMENT

Application for Land Development Standards Map Amendment

Application is hereby made on Sept. 17, 2015 to the Town of Waynesville for the following map amendment:

Property owner of record: Bobby M. McKay
Address/location of property: 263 Riverbend st. / 9 camp st.
Parcel identification number(s): 8605-81- (5526)(6618)(7716)(6705)
Deed/Plat Book/Page, (attach legal description): (468/2137)(430/1911)
The property contains 1.38 acres.
Current district: Hazelwood Residential-Urban
Requested district: Hazelwood Business District

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

Property is joined on 2 sides by the business district and is better suited for a commercial rental.

Applicant Contact Information

Applicant Name (Printed): Bobby M. McKay
Mailing Address: 389 E. Marshall st.
Phone(s): (828) 567-0060
Email: bmckay87@yahoo.com

Signature of Property Owner(s) of Record Authorizing Application:

Bobby McKay

Note: Map Amendment Requests require a fee based on the size and number of lots being requested for amendment. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Planning Department, 9 South Main Street, Waynesville, NC 28786.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 10, 2015**

SUBJECT: Amendments to Articles IV, and VII of the Town of Waynesville Personnel Policy Manual related to employment, nepotism and eligibility for rehire

AGENDA INFORMATION:

Agenda Location: Continuing Business
Item Number: 5-C
Department: Administrative Services-Human Resources
Contact: Margaret Langston, Human Resources Manager
Presenter: Amie Owens, Town Clerk/Project Specialist

BRIEF SUMMARY:

The proposed amendments to the personnel policies stem from situations that have repeatedly arisen where additional clarification in the policy has been required for clear direction and procedure. These policies 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.

- a. Conditions of Employment – Article IV, Section 4 – Employment of Relatives (Nepotism)
There has long been a policy in place prohibiting employment of relatives (nepotism), however that policy has not been consistently applied over time. The current policy does not recognize changing definitions of “family” as family is defined in a more modern context. It does not address individuals in a romantic relationship nor the requirements for change in position should the relationship status change to that of “family”, and it currently differentiates between full-time and part-time employees, which creates a sense of inequity among employees and fails to address the supervisory problems caused by family members supervising relatives regardless of their employment status. Also, 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.
- b. Separation and Disciplinary Action – Article VII, Section 16 – Eligibility for Rehire
This amendment clarifies that individuals dismissed for cause are not eligible for rehire in any capacity (full-time, part-time or seasonal)

MOTIONS FOR CONSIDERATION: *To approve the amendments to Articles IV and VII of the Town of Waynesville Personnel Policy Manual, as presented.*

FUNDING SOURCE/IMPACT: No financial impact

ATTACHMENTS: Revised policies – Articles IV and VII

MANAGER’S COMMENTS AND RECOMMENDATIONS: Approve as presented.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 10, 2015

SUBJECT: Budget Amendment – Hazelwood Parking Lot Improvements

AGENDA INFORMATION:

Agenda Location: Continuing Business
Item Number: 6-C
Department: Finance
Contact: Eddie Caldwell, Finance Director
Presenter: Marcy Onieal Town Manager

BRIEF SUMMARY: At the last regular meeting of the Board of Aldermen (October 27, 2015), the board approved the site plan, estimated cost of improvements and conditions for executing a long-term lease for the public parking facility on Hazelwood Avenue. The board also authorized the manager to finalize lease negotiations with private property owner Chris Forga (representing the Viola Forga Living Trust) and prepare to move forward with parking lot improvements within the current fiscal year. Because the FY16 adopted budget did not include funding for parking lot improvements, a budget amendment is necessary to cover the upfront costs of this capital project, even though half of the project costs will be paid back over time by the private property owner via rent abatement as part of the lease agreement.

MOTION FOR CONSIDERATION: *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 line item for the purpose of covering expenditures needed for planned improvements at the Hazelwood Public Parking Lot.*

FUNDING SOURCE/IMPACT: The total of \$100,000, charged to six separate internal service funds, will increase appropriations in the Public Facilities line item. 50% of the cost of the capital improvement will be returned to the Town over time, via a reduction in the Town's lease payments to the private property owner. Additionally, property tax revenue to the Town should increase slightly as the value of the improvements increases the valuation of the property itself.

ATTACHMENTS: Budget Amendment

MANAGER'S COMMENTS AND RECOMMENDATIONS: The action requested is approval of a budget amendment to the Financial Operating Plan for Internal Service Funds, which will allocate \$100,000 to the Public Facilities line item from existing revenues within all other funds, per the Finance Director's recommendation; the manager also recommends approval as presented.

Ordinance No. _____

Amendment No. 1 to the 2015-2016 Financial Operating Plan For Internal Service Funds

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the financial operating plans of the internal service funds.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2015-2016 financial operating plans of the internal service funds is amended as follows:

:

Increase the following revenues:

Charges to other funds

813650-453610 Charges to General Fund
813650-453661 Charges to Water Fund
813650-453662 Charges to Sewer Fund
813650-453663 Charges to Electric Fund
813650-453681 Charges to Asset Management
813650-453682 Charges to Garage

Total charges to other funds \$100,000.00

Increase the following appropriations:

Public Facilities
Capital Improvements 818100-545900 \$100,000.00

Expenditures needed for planned improvement of Hazelwood Parking Lot

Adopted this 10th day of November 2015.

Town of Waynesville

Gavin A. Brown
Mayor

Attest:

Amanda W. Owens
Town Clerk

Approved As To Form:

Woodrow H Griffin
Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION

Meeting Date: November 10, 2015

SUBJECT: Installment financing agreement on nine vehicles and related equipment \$521,950

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 7-D
Department: Police, Streets and Water Maintenance Departments / Finance Department
Contact: Eddie Caldwell, Finance Director Marcy Onieal, Town Manager
Presenter: Eddie Caldwell, Finance Director

BRIEF SUMMARY: The Town of Waynesville desires to enter into an installment financing agreement pursuant to N.C.G.S. §160A-20 in the principal amount not to exceed \$ 521,950 for the purpose of financing the cost of the project described below. The town solicited proposals to provide the necessary financing for this project from the local financial institutions.

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 conversion kits. The kit allows a vehicle to run on gasoline and or propane gas. The total estimated cost for these purchases is \$521,950 (the “Project”) The Town desires to finance the project over a five (5) year period.

5 police vehicles and related equipment (includes 3 propane conversion kits).	\$ 208,500
2 street vehicles and related equipment	101,950
2 water maintenance vehicles and related equipment.....	<u>211,500</u>
Total project costs to be finance over a five year term	<u>\$ 521,950</u>

The Town publicly opened the proposals at 3:00 pm on November 03, 2015 at the Hazelwood Municipal Building finance office conference room. See attached Summary of proposals for financing \$521,950.

MOTION FOR CONSIDERATION:

To approve the First Citizens Bank proposal (five (5) years, 1.56 % interest with an annual payment of \$109,325.86) as the lowest total financing costs that best meets the needs of the Town.

FUNDING SOURCE/IMPACT: The current 2015-2016 budget called for financing the new police and fire vehicles and their related equipment over five years with an annual payment of \$101,870. The first payment was to be scheduled during the 2016-2017 budget year. The recommended proposed installment agreement finances higher costs associated with the police, streets and water maintenance vehicles. The recommended proposal calls for an annual payment of 109,325.86. The first payment is scheduled during the 2016-2017 budget year.

ATTACHMENTS:

- Summary of proposals for financing \$521,950.
- First Citizens Quote.
- Sample Resolution.

MANAGER’S COMMENTS AND RECOMMENDATIONS: Approve as presented.

Town of Waynesville
Summary of proposals for financing \$521,950
Quotes opened November 3, 2015 at 3:00 p.m.

Police Vehicles, Street and Water Maintenance trucks and related equipment \$521,950

Financial Organizations	YRS	Interest Rate	Payment Amount	Cash Outflows	Other Costs	Total Cash Outflows
First Citizen'	5	1.560%	109,325.86	546,629.30	No closing costs / No prepayment penalty	546,629.30

Based on review of quotes and the lowest total cash outflows, I recommend First Citizen be awarded the financing.

BB&T	5	1.660%	109,645.67	548,228.35	No closing costs / No prepayment penalty	548,228.35
Wells Fargo	5	1.844%	110,237.16	551,185.80	\$1.00 but out at the end of least Prepayment = Present value of all lease payments.	551,186.80
Sun Trust	5	2.460%	112,218.77	561,093.85	\$100.00 documentation fee 1.00% Prepayment Penalty	561,193.85

The following banks or financial institutions were sent a proposal but did not return a quote.

United Community Bank						
PNC Bank						
OldTown Bank						
HomeTrust Bank						
TD Bank						
California First National Bank						



November 3, 2015

Installment Financing Agreement Proposal for:

Town of Waynesville (the "Town")
280 Georgia Ave.
Waynesville, NC 28786

Offered By:

First-Citizens Bank & Trust Company (the "Bank")
1230 Main Street
Columbia, South Carolina 29201

To: Eddie Caldwell, Finance Director

Type of Contract: A municipal installment financing agreement (the "Loan") with the Town responsible for all expenses related to the use of the equipment including taxes and maintenance. The Town shall also be responsible for selecting the equipment and the vendors.

Description of Project: To finance the purchase of vehicles and equipment as indicated per the RFP with the total amount financed not to exceed \$521,950.00.

Financing Terms & Rate: First Citizens will provide a bank qualified tax exempt fixed rate of 1.56% for a term of five (5) years with interest on a 360-day basis. Installment payments are to be made annually in arrears, with the first payment due December 2016. There will not be an origination fee due at closing. While the Bank will provide draft closing documents, the Town will be responsible for its own legal fees to include validity and tax status opinions.

Non-Appropriation: The Town shall exercise its best efforts to obtain annual appropriations to meet fiscal year installment sale payments.

Prepayment: The Loan may be terminated early by paying principal in full at any time, together with accrued interest, without penalty. Prepayment in full may be made upon thirty (30) days advance written notice to the Bank.

North Carolina General Statute: The installment sale will conform to the requirements of North Carolina General Statute 159, Article 8 and 160A-20.

Security: Financing shall be secured by a first lien security interest on all personal property acquired with financing proceeds.

Bank Qualification: This Loan will be bank-qualified under Section 265 of the Internal Revenue Code of 1986, as amended. The Town or its advisors will be responsible for preparing and filing Form 8038G or any other IRS filing.

Funding Date: Anticipated funding date on or before December 18, 2015. If the Loan is not closed within forty-five (45) days of the Proposal Date, the quoted interest rate and payments are subject to change based on current market conditions, unless extended by the Bank.

First-Citizens Bank & Trust Company



By: Steve Groth
Director of Government & Institutional Banking

The foregoing proposal is
accepted and approval of
rate and funding is requested:

Town of Waynesville, NC

By: _____

Title: _____

Date: _____

AMORTIZATION SCHEDULE

Loan Amount	Interest Rate	Term in Months	Number of Payments	Payment Structure	Payment Frequency
\$521,950.00	1.56%	60	5	Installment	Annual
Disbursement Date	First Payment Date	Maturity Date	Pre-Paid Finance Fees	Other Fees	
12/18/2015	12/18/2016	12/18/2020	\$0.00	\$0.00	
Payment Number	Payment Date	Payment Amount	Interest Paid	Principal Paid	Remaining Balance
1	12/18/2016	\$109,325.86	\$8,142.42	\$101,183.44	\$420,766.56
2016					
TOTALS :		\$109,325.86	\$8,142.42	\$101,183.44	
2	12/18/2017	\$109,325.86	\$6,563.96	\$102,761.90	\$318,004.66
2017					
TOTALS :		\$109,325.86	\$6,563.96	\$102,761.90	
3	12/18/2018	\$109,325.86	\$4,960.87	\$104,364.99	\$213,639.67
2018					
TOTALS :		\$109,325.86	\$4,960.87	\$104,364.99	
4	12/18/2019	\$109,325.86	\$3,332.78	\$105,993.08	\$107,646.59
2019					
TOTALS :		\$109,325.86	\$3,332.78	\$105,993.08	
5	12/18/2020	\$109,325.86	\$1,679.27	\$107,646.59	\$0.00
2020					
TOTALS :		\$109,325.86	\$1,679.27	\$107,646.59	
TOTALS:		\$546,629.30	\$24,679.30	\$521,950.00	

Notice: This is an estimated loan amortization schedule. Actual amounts may vary if payments are made on different dates or in different amounts.

TOWN OF WAYNESVILLE

**RESOLUTION AUTHORIZING AN INSTALLMENT PURCHASE CONTRACT
FOR THE PURPOSE OF FINANCING THE COST OF
THE PURCHASE OF NINE (9) VEHICLES
AND THEIR RELATED EQUIPMENT**

WHEREAS , the Town of Waynesville solicited and received competitive proposals from financial institutions to purchase nine (9) vehicles and their related equipment with the total amount financed not to exceed \$521,950.00; and

WHEREAS, First Citizens Bank offers the lowest fixed interest rate of 1.56% for a 5 year term for this purchase; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Waynesville, that the Board of Aldermen authorizes the Town Manager to enter into a contract with First Citizens Bank on behalf of the Town of Waynesville to purchase:

- 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 conversion kits

with the total amount financed not to exceed \$521,950.00.

BE IT FURTHER RESOLVED that the aforesaid contracts by and between the Town of Waynesville, various State contracts and other vendors, and First Citizens Bank, together with the amounts to be paid thereunder, be and the same are hereby designated as qualified tax-exempt obligations of the Town of Waynesville for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

BE IT FURTHER RESOLVED that the Town of Waynesville Board of Aldermen does not reasonably expect that the Purchaser (and any subordinate entities) will issue more than \$10,000,000.00 in qualified tax-exempt obligations pursuant to such Sections 265(b)(3)(ii) during the current calendar year.

This resolution is effective upon its adoption this 10th Day of November, 2015. The motion to adopt this resolution was made by _____, seconded by _____, and was passed by a vote of ____ to ____.

ATTEST:

Signed:

Marcia D. Onieal
Town Manager

This is to certify that this is a true and accurate copy of a Resolution, adopted by the Board of Aldermen of the Town of Waynesville on the 10th day of November, 2015.

Amanda W. Owens
Town Clerk

Date

(SEAL)

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
FOR BOARD INFORMATION
Meeting Date: November 10, 2015**

SUBJECT: Update Tobacco Ordinance- Communication Plan

AGENDA INFORMATION:

Agenda Location: Continuing Business
Item Number: ~~9E~~ 9E
Department: Administrative Services
Contact: Amie Owens, Town Clerk
Presenter: Amie Owens, Town Clerk

BRIEF SUMMARY:

The Town of Waynesville approved the Tobacco Ordinance on May 12, 2015 in an effort to be cognizant of health considerations and in order to provide citizens and visitors with a smoke-free environment; implementation was set for November 13, 2015.

The focus of the ordinance is not to penalize individuals, but rather to educate them about the ordinance and the motivation behind its implementation. The initial education will be related to the Town owned properties including parks and greenways. Following receipt of input from the various business owners and organizations such as the DWA, TDA and Chamber of Commerce, information will be provided to and available in the various business districts allowing individual business owners to assist the town with instructing citizens and visitors about the new ordinance.

MOTION FOR CONSIDERATION: N/A

FUNDING SOURCE/IMPACT: A small amount of funding for appropriate signage and public education materials will be required.

ATTACHMENTS:

- Resolution and Ordinance that was adopted May 12, 2015
- Proposed Educational Brochure – Waynesville Cares About Your Air

MANAGER'S COMMENTS AND RECOMMENDATIONS: For information and discussion only – no board action required.

**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

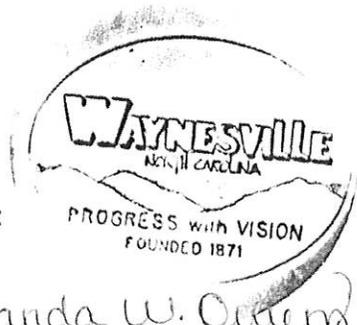
WHEREAS, the Town of Waynesville is committed to protecting the health of individuals in public places by eliminating exposure to secondhand smoke; and

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 11 day of May, 2015.



ATTEST:

Amanda W. Owens
Amanda W. Owens, Town Clerk

TOWN OF WAYNESVILLE

Gavin A. Brown
Gavin A. Brown, Mayor

Marcia D. Onical
Marcia D. Onical, 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

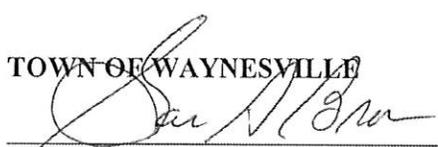
If this ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the ordinance that can be given separate effect and to that end the provisions of this 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

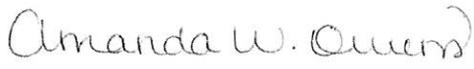
This ordinance shall be effective six months after the date adopted.

Adopted this 12 day of May, 2015.

TOWN OF WAYNESVILLE


Gavin A. Brown, Mayor

ATTEST


Town Clerk



Town of Waynesville Power Supply Contract Summary

	Duke Energy	Santee Cooper
Product	Full Requirements Power Supply	Full Requirements Power Supply
Resources Backing Product	System	System
Term	One year	Ten year
Years	2016	2017 - 2026
Capacity and Energy		
Firmness	Equivalent to Native Load	Equivalent to Native Load
Delivery Point	Generation Bus Bar	Santee / Duke Interface
Capacity Price Basis	Fixed	Fixed
Capacity Price	\$ [REDACTED] / kW- Mth	\$ [REDACTED] / kW-mth escalating @ \$ [REDACTED] / kW-mth annually
Capacity Amounts	Measured Monthly on a CP Basis	Measured Monthly on a CP Basis
Capacity Minimums	None	50% of the previous year's peak plus losses
Energy Price Basis	Formula Rate	Formula Rate
Estimated Energy Price	\$ [REDACTED] /Kwh (2016) Est Ave/	\$ [REDACTED] / Kwh (2017) Est Ave \$ [REDACTED] / Kwh(2017-2021) Est Ave
SEPA Capacity and Energy		
SEPA	Duke is Waynesville's scheduling agent	Waynesville will need to designate Santee Cooper as the new scheduling agent
Transmission		
Transmission	Losses across Duke	Losses across Duke
Network Transmission Customer	Paid by Waynesville	Paid by Santee Cooper
Early Out Provision		
Early Out Provision	None	After the first 5 years of the contract, if the Monthly Energy Rate exceeds \$0.040 per kilowatt-hour, including any and all fuel adjustments, for more than any three (3) months in a Contract Year.
Peak Shaving Capacity		
Peak Reduction Capacity Allowed	Yes	Yes
Peak Reduction Cap	1,000 kW	2,000 kW
Capacity Credit	CP – each and every month the generation is operational	CP – as experienced
Fuel	Waynesville	Waynesville
Dispatch Rights	Duke	Waynesville
Trigger	System Event	CP via Load Signal
Limitations	40 hours per year	Permit
Billing Disputes		
Billing Disputes	24 months	12 months
Default Provisions		
Default Remedy	Standard – One Year Contract	For example, if in Year 3 the MBD equals 9,000kW and the

Town of Waynesville Power Supply Contract Summary

		<p>Town defaults in Year 3 and we discontinue service, the Town would pay an MBD of 9,000kW monthly in that first year of default, 8,100 kW in the second year of default (90% of defaulting MBD), 7,200kW in the third year (80% of defaulting MBD), 6,300kW in the fourth year (70% of defaulting MBD), and so on.</p>
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