



Town of Waynesville, NC

Town Council Regular Meeting

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

Date: June 27th, 2023 Time: 6:00 p.m.

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(828) 452-2491 cpoolton@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gary Caldwell

1. Welcome/Calendar/Announcements

B. PUBLIC COMMENT

C. ADDITIONS OR DELETIONS TO THE AGENDA

D. CONSENT AGENDA

All items below are routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion on these items unless a Board member so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.

2. a. June 13th, 2023 Regular Scheduled Meeting Minutes
- b. Lowell Street Block Party Special Event Permit

Motion: To approve the consent agenda as presented.

E. PUBLIC HEARINGS

3. Public Hearing: Social District Implementation Recommendations within the Downtown Municipal Service District.
 - Jesse Fowler, Assistant Town Manager and Beth Gilmore, Downtown Waynesville Director

Motions for consideration:

- ***Adopt a social district within the Downtown Municipal Service District as recommended by the Downtown Waynesville Commission.***

- ***Adopt a social district within the Downtown Municipal Service District as the Downtown Waynesville Commission's recommendation has been amended.***
 - ***Motion to table the topic of social districts within the Downtown Municipal Service District until a later time.***
4. A Public Hearing to consider an Application for Text Amendment to Land Development Standards Section 5.10.2, Mixed-Use/Commercial Building Design Guidelines, Façade Materials
- Byron Hickox, Land Use Administrator

Motions:

1. ***Motion to find that the proposed text amendment is consistent or inconsistent with the 2035 Comprehensive Plan.***
2. ***Motion to approve or deny the proposed text amendment (as presented or modified).***

F. OLD BUSINESS

5. Annual Paving List
- Rob Hites, Town Manager

Motion: Review the streets scheduled to be paved and make any changes necessary.

G. NEW BUSINESS

6. End of Year Budget Amendments
- Misty Hagood, Finance Director

Motions:

1. ***Motion to adopt the 2022-2023 Budget Ordinance Amendment as presented***
 2. ***Motion to approve the Resolution Amending the Internal Service Funds Financial Operating Plan for 2022-2023***
7. Lease agreement for Parking Lot at intersection of Haywood and Church Streets
- Rob Hites, Town Manager

Motion: Approve the proposed lease.

8. Rate for EV Charging Stations
- Rob Hites, Town Manager

Motion: Set an electric rate of \$.35 per kWh for the Town’s EV “Fast Charger” service and no charge for its “Level 2” Chargers.

9. Scheduling interviews for the ABC Board applicants
- Jesse Fowler, Assistant Town Manager

Motion: To schedule interviews with Jonathan Sears and Alex McKay.

10. Council vote to determine ABC Advisory Board Chair
- Jesse Fowler, Assistant Town Manager

Motion: Motion to appoint the Chair of the ABC Advisory board.

11. Appointment to the Waynesville Recreation Advisory Commission
- Jesse Fowler, Assistant Town Manager

Motion: To appoint Johnathan Sears to the Waynesville Recreation Advisory Commission.

12. Interview Logistics for Renewing Zoning Board of Adjustment and Planning Board Members
- Jesse Fowler, Assistant Town Manager

H. COMMUNICATION FROM STAFF

13. Manager’s Report
- Town Manager, Rob Hites

14. Town Attorney Report
- Town Attorney, Martha Bradley

I. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

J. 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 July 2023

2023	
Friday, June 30 th	Mountain Street Dance-on Main Street in front of the courthouse 6-8:30pm
Tuesday, July 4 TH	Stars & Stripes Kids Parade and July 4 th celebration
Tuesday, July 4 TH	Town Offices Closed – Independence Day
Friday, July 7 th	Art After Dark gallery stroll 5:30-8:30pm
Tuesday July 11 TH	Town Council Meeting – Regular Session
Friday, July 14	Mountain Street Dance-on Main Street in front of the courthouse 6-8:30pm
Saturday, July 15 th	Hazelwood Hot Summer Nights 6-9pm
Tuesday July 25 TH	Town Council Meeting – Regular Session
Friday, August 4 th	Mountain Street Dance-on Main Street in front of the courthouse 6-8:30pm and Art After Dark gallery stroll 6-9pm
Tuesday August 8 TH	Town Council Meeting – Regular Session
Saturday, August 12 th	Hazelwood Hot Summer Nights 6-9pm
Tuesday August 22 ND	Town Council Meeting – Regular Session
Friday, September 1 st	Art After Dark gallery stroll 5:30-8:30pm
Monday September 4 TH	Town Offices Closed – Labor Day
Tuesday September 12 TH	Town Council Meeting – Regular Session
Saturday, September 23 rd	Power of Pink 5K-Frog Level 9-11am
Saturday, September 23 rd	Sarges 18 th Annual Dog Walk 9am-1pm Main Street
Tuesday September 26 TH	Town Council Meeting – Regular Session
Friday, October 6 th	Art After Dark gallery stroll 5:30-8:30pm
Tuesday October 10 TH	Board of Aldermen Meeting – Regular Session
Saturday October 14 th	Church Street Art and Craft Show 40 th Anniversary
Saturday, October 21 st	Apple Harvest Festival-Main Street 10am-5pm
Tuesday October 24 TH	Town Council Meeting – Regular Session
Tuesday October 31 st	Treats on the Street
Friday, November 3 rd	Art After Dark gallery stroll 5:30-8:30pm
Friday November 10 th	Town Offices Closed- Veterans Day
Tuesday November 14 TH	Town Council Meeting – Regular Session
Tuesday November 28 TH	Town Council Meeting – Regular Session
Friday, December 1 st	Art After Dark gallery stroll 5:30-8:30pm and Christmas Tree Lighting
Monday, December 4 th	Christmas Parade
Saturday, December 9 th	Night Before Christmas
Tuesday December 12 TH	Town Council Meeting – Regular Session
December 22 nd , 26 th	Town Closed – Christmas Holidays

Board and Commission Meetings – July 2023

ABC Board	ABC Office – 52 Dayco Drive	July 18 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	Cancelled 1 st Tuesday 5:30 PM
Cemetery Commission	Public Services Building	January, March-CANCELLED, July, and October 3 rd Tuesday 2:00 PM
Downtown Waynesville Commission	Municipal Building – 16 South Main Street	July 18 3 rd Tuesday 8:30 AM
Firefighters 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	July 5 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	July 17 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	July 13 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	July 19 3 rd Wednesday 5:30 PM
Waynesville Housing Authority	Main Office-48 Chestnut Park Drive	July 19 3 rd Wednesday 9:00 AM

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL

Regular Meeting

June 13, 2023

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, May 23, 2023, at 6:00 pm. in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:03 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tempore Julia Freeman
Councilmember Chuck Dickson
Councilmember Jon Feichter
Councilmember Anthony Sutton

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Martha Bradley, Town Attorney
Police Chief, David Adams
Assistant Police Chief, Brandon Gilmore
Misty Hagood, Finance Director
Elizabeth Teague, Planning Director
Beth Gilmore, Director of DWC
Jeff Stines, Public Services Director
Julie Grasty, Asset Services Manager
Lisa Burnett, Purchasing Supervisor

Members of the media:

Cory Vaillancourt, Smoky Mountain News
Becky Johnson, The Mountaineer
Payton Renegar, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone that Saturday June 17th is Hazelwood's Hot Summer Nights car show, June 24th is the Main Street Mile, and June 27th is the regular scheduled Council meeting. Councilmember Chuck Dickson said that Saturday, June 17th, 4-7pm, First United Methodist Church is having a Juneteenth celebration.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to place item number three (Call for a Public Hearing: Social District Implementation Recommendations within the Downtown Municipal Service District) before the Public Comment section. The motion passed unanimously.

2. Call for a Public Hearing: Social District Implementation Recommendations within the Downtown Municipal Service District.

- Beth Gilmore, Director of the Downtown Waynesville Commission

Director Beth Gilmore reported that In September of 2021, Governor Cooper signed into law House Bill 280 – ABC Omnibus Legislation – giving municipalities the authority to establish “social districts” as designated areas permitting the possession and consumption of alcohol in public spaces, under certain conditions. In July of 2022, Director Gilmore stated that House Bill 211 – Social District/Common Area Clarifications – was signed into law providing more detail concerning how social districts should be regulated. Together, she said that House Bills 890 and 211 allow cities and counties to create (and eliminate) a social district by ordinance. She said that the statutes require that social districts be restricted to clearly defined boundaries and operate under certain conditions, but it affords municipalities the discretion to decide specific details such as boundary lines, hours of operation, and procedural logistics.

Director Gilmore said that The Downtown Waynesville Commission (DWC) has taken several steps to better understand the Municipal Service District’s (MSD) desires to either create or prohibit social districts within the MSD. Social district legislation was first introduced to the MSD during a public forum on May 25, 2022, and at a second public forum on September 15, 2022, where social districts were discussed as a primary agenda item. Since these two initial public forums, she reported that the DWC has distributed surveys throughout the MSD in order to hear more direct feedback from individuals who work, live, and own property and businesses within the district and received 100 responses in return. She added that the DWC has gathered anecdotal evidence from Municipalities across North Carolina to better understand the positive and negative effects of implementing social districts within their communities. Director Gilmore said that based on their findings through two public forums, district surveys, and communications with other social district communities, the Downtown Waynesville Commission voted at a special called meeting held on May 22, 2023, to recommend that the Town Council approve the implementation of a social district within the Downtown Municipal Service District along the following parameters:

1. Time: The DWC recommends that a social district within the MSD be permitted during the hours of 10:00a.m. to 10:00 p.m., Monday through Sunday.
1. Logistics: The DWC recommends that a social district within the MSD function allowing ABC permit holders to sell alcoholic beverage in their own disposable cups with their establishment clearly identified on the cup, with the name of the social district clearly designated on the same cup with a sticker that is provided by the Town of Waynesville.
2. Location: The DWC recommends that a social district within the MSD be permitted from the intersection of Pigeon Street and Main Street to the intersection of Walnut Street and Main Street, including Church Street, Miller Street, and Depot Street from their intersections with Main Street to their intersections with Montgomery Street, further including East Street from its intersection with Main Street to its intersection with Wall Street, and further including Wall Street from its intersection with East street to its intersection with Wells Event Way.

3. State statute affords municipalities the ability to either permit or prohibit the consumption of alcohol purchased from one ABC licensed establishment within another separate ABC licensed establishment. The DWC did not vote upon a recommendation for the Town Council on this issue.

Councilmember Sutton said that all Republicans in the Senate and House of Representatives voted for Social Districts.

Councilmember Dickson asked how long the Town of Sylva's social district has been operating, and what problems, if any, have they encountered? Director Gilmore said that they established the district sometime in 2021 and have no reported issues.

Councilmember Feichter asked if Director Gilmore spoke with Sylva's Police Chief about potential issues. Director Gilmore said that there were no changes or an increase in crime associated with the social district.

Town Manager Rob Hites asked who responded to the survey that DWC provided. Director Gilmore said property and business owners, some residents, and employees that work in the proposed social district were surveyed. She added that no Town employees were surveyed.

Councilmember Feichter said he recused himself from DWC's vote and was not present during the DWC meetings discussing Social Districts because he did not want to be influenced by their discussions.

Councilmember Freeman said that Buncombe County and Hendersonville denied social districts.

Mayor Caldwell cited his Christian faith and said he cannot support a social district. He then read a letter from Sherriff Wilke that said he did not support social districts.

A motion was made by Councilmember Anthony Sutton, seconded by Councilmember Chuck Dickson, to call for a public hearing on June 27, 2023, for the purpose of hearing the Downtown Waynesville Commission's recommendations for a social district within the Municipal Service District. Councilmembers Anthony Sutton, Julia Freeman, Jon Feichter, and Chuck Dickson voted in the affirmative. Mayor Gary Caldwell voted against. The motion passed.

B. PUBLIC COMMENT

Joe Lapari- 156 Johnson Hill Drive, Waynesville: Mr. Lapari spoke against social districts, citing his experience with alcohol in the Navy.

Lois Hollis- 156 Johnson Hill Drive, Waynesville: Ms. Hollis spoke against social districts saying that Waynesville already has an issue with drugs and crime.

Sharon Walls-147 Maple Street Way, Waynesville: Ms. Walls spoke against social districts and said that drinking is a lead problem in our country.

Sherry Morgan-437 Boundary Street, Waynesville: Ms. Morgan spoke against social districts and said that this will affect the legacy of Waynesville negatively. She said she thinks vagrants will go through the trash and drink discarded alcohol and re-use the cups.

Melinda Davis-264 Stamey Cove Road, Clyde: Ms. Davis spoke against social districts and said that she lost her sister to alcoholism.

Scott Wilson-107 Bramley Drive, Waynesville: Mr. Wilson spoke against social districts and said that police do a good job, but there is already a drug issue in Waynesville.

Roy Kilby- 441 Morgan Road, Candler: Mr. Kilby spoke against social districts, said that the ten commandments are being abandon.

Paula Eachus-700 Laurel Ridge Drive, Waynesville: Ms. Eachus spoke against social districts. She asked how many businesses there are in the proposed social district are. She asked who pays for the cups, law enforcement, damages, and cleaning up vomit off the street.

David Eachus-700 Laurel Ridge Drive, Waynesville: Mr. Eachus spoke against social districts and said he is astonished to think GOP voted for social districts.

C. ADDITIONS OR DELETIONS TO THE AGENDA

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to add "Reimbursement from Governors Highway Safety for Overtime Traffic Enforcement within the Town of Waynesville" to the agenda. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to approve the agenda as amended. The motion passed unanimously.

3. Reimbursement from Governors Highway Safety for Overtime Traffic Enforcement within the Town of Waynesville
 - Brandon Gilmore, Assistant Police Chief

Assistant Police Chief Brandon Gilmore reported that the Waynesville Police Department has participated in the Governors Highway Safety Program for many years. He said that the department recently became aware of a grant opportunity that would reimburse agencies for overtime work that was directed towards traffic enforcement within their jurisdiction. He added that the Waynesville Police Department applied for this opportunity and was selected for this reimbursement program. The grant specifically will reimburse the Town of Waynesville for up to \$25,000 dollars to direct officers specifically for traffic enforcement efforts.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to approve the Resolution R-11-23 a "resolution of support of the Governor's Highway Safety Grant for Overtime Traffic Enforcement for the Town of Waynesville". The motion passed unanimously.

D. CONSENT AGENDA

All items below are routine by the Town Council and will be enacted by one motion. There will be no separate discussion on these items unless a Board member so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.

4.
 - a. Adoption of minutes of the May 23rd, 2023 Regular meeting
 - b. Folkmoot Special Event Permit
 - c. FUMC Juneteenth Special Event Permit
 - d. Stars and Stripes Special Event Permit
 - e. Christmas Tree Lighting Special Event Permit

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to approve the consent agenda as presented. The motion passed unanimously.

E. CALL FOR PUBLIC HEARINGS

5. Call for a Public Hearing to be held on June 27, 2023, to consider an Application for Text Amendment to Land Development Standards Section 5.10.2, Mixed-Use/Commercial Building Design Guidelines, Façade Materials
 - Elizabeth Teague, Development Director

Development Director Elizabeth Teague reported that an applicant has proposed a text amendment to section 5.10.2 of the Land Development Standards to add the phrase “*metal panels and siding*” to this list of permitted materials. She added that the applicant asserts that the quality and appearance of metal siding has significantly improved since the adoption of the Land Development Standards and is now widely used in high quality applications and settings.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to call for a Public Hearing to be held on June 27, 2023, to consider an Application for a Text Amendment to Land Development Standards Section 5.10.2, Mixed-Use/Commercial Building Design Guidelines, Façade Materials. The motion passed unanimously.

F. OLD BUSINESS

6. 2023-2024 Annual Budget
 - Rob Hites, Town Manager

Town Manger Rob Hites said staff is presenting the final draft of the budget for approval.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to adopt the 2023-2024 Budget Ordinance as presented. The motion passed unanimously.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve the Resolution for the Garage Internal Service Fund Financial Operating Plan for 2023- 2024. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to approve the amended ARP Grant Project Ordinance. The motion passed unanimously.

G. NEW BUSINESS

7. Police Department Budget Amendment to use Forfeiture Funds for the purchase of patrol rifles.
• Police Chief David Adams

Mayor Caldwell asked Chief Adams about an update on speed control measures for Legion Drive. Chief Adams said that officers ran radar for a few days and issued citations and warnings. Assistant Police Chief Gilmore said that as the Town installs more speed bumps, people simply avoid those roads and speed on adjacent streets. Other potential methods of speed reduction were discussed.

Police Chief Adams reported that the Police Department is requesting Federal Forfeiture funds be made accessible for the purchase of five patrol rifles. With the addition of new officers, Chief Adams said the police department needs to purchase five additional patrol rifles for duty assignment. Adams Arms Holdings, LLC, contacted the police department with a very rare opportunity to purchase these rifles at less than half the normal price. He added that the funds being used to purchase the rifles are not from taxes, but money seized from drug dealers.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to approve the budget amendment to use Federal Forfeiture funds for the purchase of the above requested rifles. The motion passed unanimously.

8. Extend Janitorial Contract for Town Facilities.
• Julie Grasty. Asset Services Manager

Asset Services Manager, Julie Grasty, reported that the Reliable Facility Group has done the cleaning for the Town since 2021, and we are pleased with their service. She said that staff is recommending extending the contract for another year with an 8% price increase.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to extend the Janitorial Contract to Reliable Facility Group with the contract ending June 30th, 2024. The motion passed unanimously.

9. Street Paving Contract
• Lisa Burnett, Purchasing Supervisor

Purchasing Supervisor, Lisa Burnett, reported that the current contract with WNC Paving ends in June 30th, 2023. After receiving three bids, WNC Paving was once again the lowest bidder. Ms. Burnett said that staff is

recommending awarding the bid to WNC Paving. Ms. Burnett said that there is \$300,000 available for the upcoming fiscal year to be used for paving.

Town Manager Rob Hites requested that Town Council reviews the list of streets that are due for paving, and to let staff know if they would like to substitute any for another street or to re-order the list due to community needs.

Councilmember Feichter asked Manager Hites to investigate repairing a section of Sulphur Springs Road. Manager Hites said that he would investigate it and report back at the next meeting. Councilmember Sutton requested that Manager Hites look at Country Club Road as well.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to award the annual paving contract beginning July1, 2023-June 30, 2024, to WNC Paving Inc. in the amount of \$267,250 with the option for an additional two-year renewal. The motion passed unanimously.

10. Designation as a “Distressed Community” to leverage grant funds to cover the \$5 million dollar gap in Waynesville’s wastewater renovation funding.
 - Rob Hites, Town Manager

Town Manager Rob Hites reported that last year the Town submitted a profile of the wastewater renovation project in order to be designated a “distressed community”. After reviewing our materials, he said that DENR stated that the Town did NOT qualify for the status. By not being designated a “Distressed Community” the Town was not eligible for grant funding directed at Towns that were designated as “Distressed”. Manager Hite said that he received a letter on Monday (6/5/23) that invites the Town to request the designation of “Distressed “ based on the score of its original submission (last year). The State has allocated a billion dollars in ARP funding for “Distressed “ communities so we would be eligible for at least the \$5 million dollar we need to cover the gap between our SRF Loan of \$25 million and total project cost of \$29 million. As a “Distressed Community”, Manager Hites said the Town will have to carry out an asset assessment and rate study, participate in a training and education program (this is directed at the governments that are under “watch” by the Local Government Commission), Develop a short- and long-term action plan (we developed this for the SRF Loan) and develop a long-term financial management plan. While these are burdensome, he said we have already developed the majority of the plans and need only place them in the format required by DENR. He added that as to the rate study, the Council has directed the staff to initial such a study for all utility funds.

Councilmember Sutton asked if there is a benefit to a town being labeled “distressed”. Manager Hites said that the Town is now eligible for at least the \$5 million gap that the Town has not gone out to the market and got a loan on. He said that last year, they went for a \$15 million grant to cover construction, engineering fees, and more. He said that he will work with DENR staff to try to get as much money as they can to help close the gap in Waynesville’s wastewater renovation funding.

A motion was made by Councilmember Dickson, seconded by Councilmember Freeman, to adopt the attached resolution requesting that the Town be designated as “Distressed” based on its first assessment score above the designation threshold. The motion passed unanimously.

11. Annual renewal of terms for Board and Commissions Members

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that several advisory board and commission members have terms ending on June 30th. For those that are eligible, he said that Town Council must approve the reappointment of individuals interested in serving another term on their respective boards and commissions. He reported that staff also requests Town Council to decide whether they would like to re-interview renewing applicants for the following statutory advisory boards: Planning Board, Zoning Board of Adjustment, ABC Board, and Waynesville Housing Authority.

Councilmember Freeman said that she does not feel that for members who have already been interviewed do not need to be interviewed again.

Councilmember Dickson offered clarification that not everyone serving on regulatory boards has been interviewed yet, because the policy was just enacted a few years ago.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton to interview members who are currently serving on regulatory boards that are up for term renewal, and have not been interviewed yet. The motion was passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to appoint all renewing applicants serving on Cemetery Commission, Recreation and Parks Advisory Commission, Downtown Waynesville Commission, Historic Preservation Commission, and the Public Arts Commission to serve another three year term. The motion was passed unanimously.

12. Appointments to the Waynesville Public Art Commission and Waynesville Recreation Advisory Commission

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that the Waynesville Public Art Commission has one vacancy, and Ms. Virginia Moe applied to fill the vacancy. Her term would begin July 1st, 2023 and end June 30th, 2026. He said that the Waynesville Recreation Advisory Commission recently had three vacancies. If appointed, Mr. Fowler said that Mr. Tongen would fill one of these vacancies. His term would begin July 1st, 2023 and end June 30th, 2026.

A motion was made by Councilmember Chuck Dickson, seconded by Councilmember Julia Freeman, to appoint Virginia S. Moe to the Waynesville Public Art Commission. The motion passed unanimously.

A motion was made by Councilmember Chuck Dickson, seconded by Councilmember Julia Freeman, to appoint Mark Tongen to the Waynesville Recreation Advisory Commission. The motion passed unanimously.

H. COMMUNICATION FROM STAFF

13. Manager's Report

- Town Manager, Rob Hites

Town Manager Rob Hites reported that David Francis wanted to remind Council that on June 22nd at Haywood Community College in the Juniper Building, the Department of Environmental Quality is holding a conference on flood hazard mitigation.

Manager Hites said that the sewer plant construction is very much underway, and the construction site is very busy.

14. Town Attorney Report

- Town Attorney, Martha Bradley

Nothing to report.

I. COMMUNICATIONS FROM THE MAYOR AND BOARD

Mayor Gary Caldwell requested an update on the bathrooms to be built on Pigeon Street. Manager Hites said staff is ready to put the bid out if Council likes the design.

J. ADJOURN

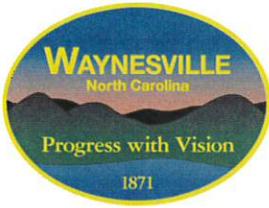
A motion was made by Councilmember Julia Freeman, seconded by Councilmember Chuck Dickson, to adjourn at 7:15pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk



Application for Special Events Permit

Return to Jesse Fowler

I. General Information

EVENT NAME: Lowell Street Block Party

EVENT DATE(S): July 4th 2023

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

LOCATION: Lowell St. Waynesville

IF THIS EVENT IS A PARADE OR ROAD RACE: Please provide a full route description and map

SET-UP TIME (START/END): 12:00pm 7:00 pm

EVENT HOURS: 12-7

DISMANTLE HOURS (START/END): _____

ESTIMATED ATTENDANCE: 30 people

BASIS ON WHICH THIS ESTIMATE IS MADE: _____

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: _____

ARE YOU A NON PROFIT CORPORATION? No Yes If yes, are you 501c(3) 501c(6) Place of Worship _____

APPLICANT NAME: Megan Smith TITLE: _____

ADDRESS: 120 Lowell St. CITY: Waynesville STATE: NC ZIP: 28786

PHONE: _____ FAX#: 828-713-7006 EMAIL: _____

ON-SITE CONTACT: _____ TITLE: _____

ADDRESS: 120 Lowell Street Waynesville, NC 28786

PHONE #: 828-713-7006 CELL PHONE #: _____ EMAIL: megdenn77@hotmail.com

III. Brief Description of Event

4th of July block party

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

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event. Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

1. Lowell Street July 4th 2023 start 12:00pm end 7:00pm

2.

V. Event Details

- YES NO
Does the event involve the sale or use of alcoholic beverages?
Does the event involve the sale of food?
Will there be musical entertainment at your event?
Do you plan to use an existing occupied building?
Do you plan to use an existing vacant building?
Will there be any tents or canopies in the proposed event site?
Does the event involve the use of pyrotechnics?
Will you provide portable toilets for the general public attending your event?
Will you require electrical hookup for the event?
Will you require access to water for the event?
Will admission fees be charged to attend this event?
Will fees be charged to vendors to participate in this event?
Will signs and/or banners be displayed as part of the event?
Will inflatable parade balloons be used for the event?

VI. Additional Questions

How will parking be accommodated for this event?

driveways on street

Notes:

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

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

personal trash cans

Volunteers: Will you require Civilian Police Volunteers for your event?

NO

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

Return to:

**Beth Gilmore, Downtown Waynesville Director &
Jesse Fowler, Assistant Town Manager
Town of Waynesville
9 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 456-3517
Fax No. : (828) 456-2000
Email Address: bethgilmore@waynesvillenc.gov
jfowler@waynesvillenc.gov**

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:

TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: June 27, 2023

SUBJECT: Public Hearing: Social District Implementation Recommendations within the Downtown Municipal Service District

AGENDA INFORMATION

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Beth Gilmore, Downtown Waynesville Director
Jesse Fowler, Assistant Town Manager
Presenter: Beth Gilmore, Downtown Waynesville Director
Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY

In September of 2021, Governor Cooper signed into law House Bill 280 – ABC Omnibus Legislation – giving municipalities the authority to establish “social districts” as designated areas permitting the possession and consumption of alcohol in public spaces, under certain conditions. In July of 2022, House Bill 211 – Social District/Common Area Clarifications – was signed into law providing more detail concerning how social districts should be regulated.

Together, House Bills 890 and 211 allow cities and counties to create (and eliminate) a social district by ordinance. The statutes require that social districts be restricted to clearly defined boundaries and operate under certain conditions, but it affords municipalities the discretion to decide specific details such as boundary lines, hours of operation, and procedural logistics.

The Downtown Waynesville Commission (DWC) has taken several steps to better understand the Municipal Service District’s (MSD) desires to either create or prohibit social districts within the MSD. Social district legislation was first introduced to the MSD during a public forum on May 25, 2022, and at a second public forum on September 15, 2022, where social districts were discussed as a primary agenda item. Since these two initial public forums, the DWC has distributed surveys throughout the MSD in order to hear more direct feedback from individuals who work, live, and own property and businesses within the district and received 100 responses in return. Furthermore, the DWC has gathered anecdotal evidence from Municipalities across North Carolina in order to better understand the positive and negative effects of implementing social districts within their communities.

Based on their findings through 2 public forums, district surveys, and communications with other social district communities, the Downtown Waynesville Commission voted at a special called meeting held on May 22, 2023, to recommend that the Town Council approve the implementation of a social district within the Downtown Municipal Service District along the following parameters:

1. **Time:** The DWC recommends that a social district within the MSD be permitted during the hours of 10:00 a.m. to 10:00 p.m., Monday through Sunday.
2. **Logistics:** The DWC recommends that a social district within the MSD function allowing ABC permit holders to sell alcoholic beverage in their own disposable cups with their establishment clearly identified on the cup, with the name of the social district clearly designated on the same cup with a sticker that is provided by the Town of Waynesville.

3. **Location:** The DWC recommends that a social district within the MSD be permitted from the intersection of Pigeon Street and Main Street to the intersection of Walnut Street and Main Street, including Church Street, Miller Street, and Depot Street from their intersections with Main Street to their intersections with Montgomery Street, further including East Street from its intersection with Main Street to its intersection with Wall Street, and further including Wall Street from its intersection with East street to its intersection with Wells Event Way.
4. State statute affords municipalities the ability to either permit or prohibit the consumption of alcohol purchased from one ABC licensed establishment within another separate ABC licensed establishment. The DWC did not vote upon a recommendation for the Town Council on this issue.

Following this recommendation, the Town Council has the authority to approve a social district within the Municipal Service District, approve a social district by amending the DWC's recommended parameters, table the topic of social districts within the Downtown Municipal Service District, or the Council may dismiss the topic. If the Town council chooses to implement a social district, then property owners, and business owners may choose not to participate, and they may choose to prohibit the possession or consumption of alcohol on their property or within their respective establishments.

Upon adoption of a social district, North Carolina Statutes require that the municipality develop a Social District Plan for the district. This document will outline rules for establishments permitted to sell alcoholic beverages, individuals who wish to possess and consume alcohol within the social district, the boundaries of the social district, as well as the legislative history and statutory authority of social districts within the state of North Carolina. This information will be required to exist physically as well as on our website. An example of a similar document developed by Sylva, North Carolina is attached.

MOTIONS FOR CONSIDERATION

Motion to:

1. Adopt a social district within the Downtown Municipal Service District as recommended by the Downtown Waynesville Commission.
2. Adopt a social district within the Downtown Municipal Service District as the Downtown Waynesville Commission's recommendation has been amended.
3. Motion to table the topic of social districts within the Downtown Municipal Service District until a later time.

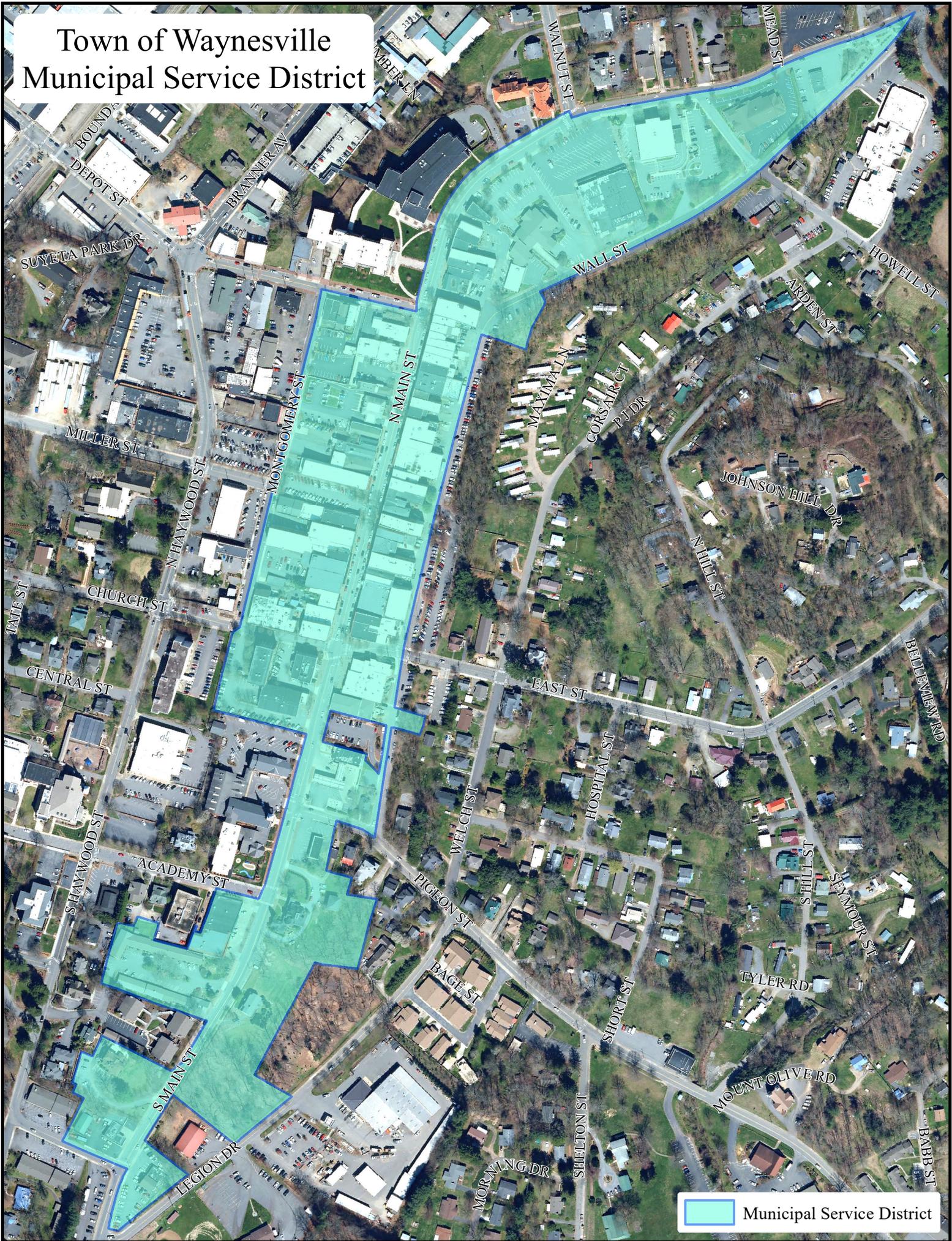
FUNDING SOURCE/IMPACT

ATTACHMENTS

1. Map: Municipal Service District
2. Map: Proposed Social District
3. Map: MSD & Proposed Social District Comparison
4. Events forum Agenda: September 15, 2022
5. Municipal Service District Survey: Example
6. Aggregate MSD Survey Results
7. NC League of Municipalities Social District Legislative Summary
8. Social District Case Studies
9. Sample Social District Plan: Sylva, North Carolina
10. House Bill 890: General Assembly Bill Summary (bill text excluded due to length)
11. House Bill 211: General Assembly Bill Summary (bill text excluded due to length)

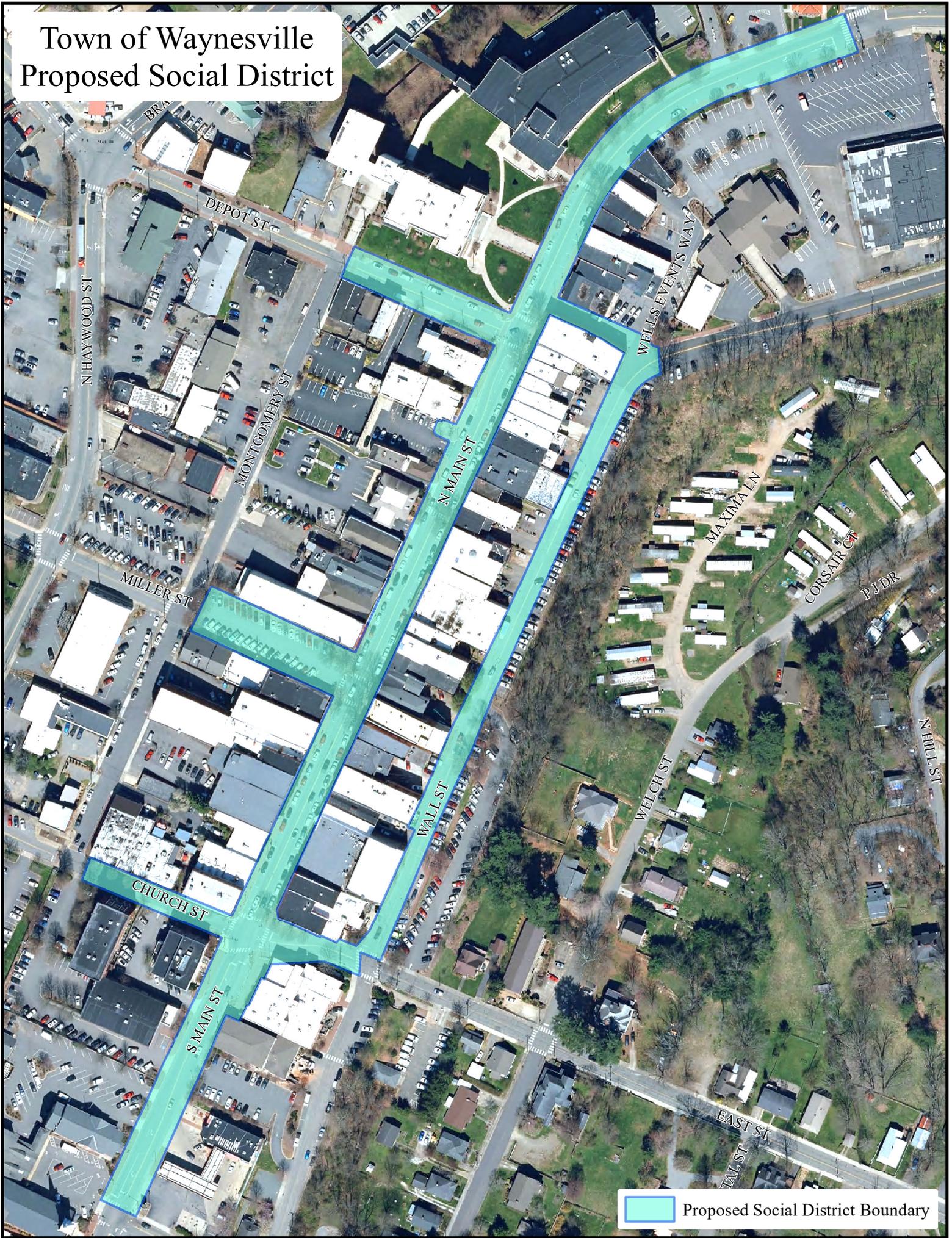
MANAGER'S COMMENTS AND RECCOMENDATIONS

Town of Waynesville Municipal Service District



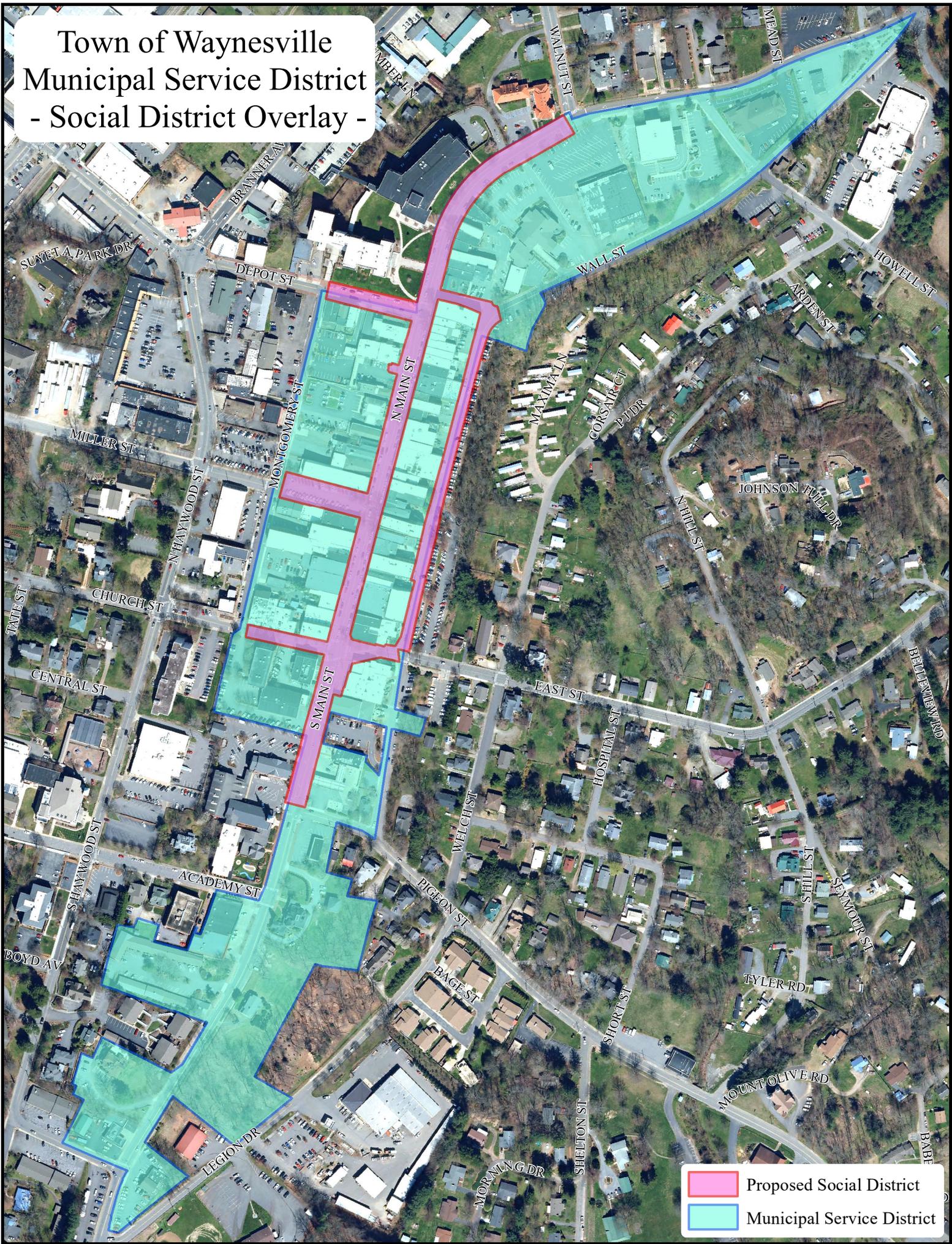
 Municipal Service District

Town of Waynesville Proposed Social District



Proposed Social District Boundary

Town of Waynesville
Municipal Service District
- Social District Overlay -



- Proposed Social District
- Municipal Service District



Downtown Waynesville MSD

EVENTS FORUM

AGENDA:
INTRODUCTIONS
2022 EVENTS
2023 EVENTS
SOCIAL DISTRICTS

SEPTEMBER 15, 2022
TOWN BOARD MEETING ROOM

5:30 TO 7 PM
9 S. MAIN STREET

hosted by the Downtown Waynesville Advisory Committee

Municipal Service District Social District Community Survey



The Downtown Waynesville Commission would like your feedback on the prospect of social districts in downtown Waynesville.

Social districts are designated public areas where alcoholic beverages may be consumed, under certain criteria. A law passed by the NC legislature in 2021 largely in response to Covid made it possible for municipalities to establish social districts. The DWC intends to bring the issue before the Waynesville Board of Aldermen in coming months and would like to include in their report feedback from the Municipal Service District community.

NC House Bill 890 gives local governments the authority to create social districts and sets forth the criteria by which they must operate.

The law states that social districts must have clearly defined and well-marked boundaries, operate during designated hours, and requires that drinks be distributed in marked containers by ABC licensed establishments. Businesses within the district who do not wish to participate are free to opt out of this program by prohibiting alcohol and alcohol consumption inside their businesses.

Specific details and logistics including times and boundaries will be decided by the Waynesville Board of Aldermen during a public hearing on the matter. This survey will be used by the DWC to present community feedback and opinion of a social district program to the Board of Aldermen at the public hearing. This public hearing will also be your opportunity to address the Board of Aldermen directly.

Please complete this short survey to let us know how you feel about establishing social districts within Downtown Waynesville.

1. How are you associated with the Municipal Service district?

- I am a property owner in Downtown Waynesville.
- I am a business owner in Downtown Waynesville.
- I am not a property owner or business owner but work for a business in Downtown Waynesville.
- I am resident of Downtown Waynesville.

2. How do you feel about establishing a social district in Historic Downtown Waynesville?

- I am IN FAVOR of social districts.
- I am NOT IN FAVOR of social districts.
- I am IN FAVOR of social districts, under certain conditions.

2. I am in favor of social districts, under the following conditions:

- All the time- whenever the law allows.
(7 a.m. to 2 p.m. Monday-Saturday, Noon to 2 a.m. on Sunday)
- Only during special events.
- Only on certain days. Suggested days: _____

- Only during certain hours. Suggested hours: _____

TOTAL SURVEYS	100	
	#	%
NOT IN FAVOR	10	10
IN FAVOR	90	90
IN FAVOR- All the time	59	65.5
IN FAVOR- Certain days/times	16	17.7
IN FAVOR- Events only	15	16.6
PARTICIPANTS	#	%
Employees	47	47
Business Owners	25	25
Property/Business Owners	9	9
Property Owners	8	8
Residents	8	8
Resident/Employee	1	1
Property Owner/Resident	3	3
NOT IN FAVOR (10)	#	%
Employees	6	60
Business Owners	3	30
Property & Business Owners	1	10
IN FAVOR ALL THE TIME (59)	#	%
Employees	29	49.1
Business Owners	14	23.7
Property Owners	6	10.1
Property & Business Owners	5	8.4
Residents	5	8.4
IN FAVOR- EVENTS ONLY (15)	#	%
Employees	6	40
Business Owners	4	26.6
Property Owners	2	13.3
Property & Business Owners	2	13.3
Residents	1	6.6
IN FAVOR- CERTAIN DAYS/TIMES (16)	#	%
Employees	6	37
Business Owners	4	25
Property & Business Owner	2	12.5
Property Owner & Resident	2	12.5
Residents	2	12.5
SUGGESTED DAYS/TIMES:		
Thursday & Friday evenings, all day Saturday & Sunday		
12 pm to 10 pm		
Monday to Sunday 10 am to 10 pm		

7 AM to 10 pm		
10 AM to 10 PM Monday to Sunday		
11 AM to 9 PM (3)		
3 pm to midnight x7 days		
11 AM to 9 PM, 7 days a week		
Not on Sunday		
11 AM to 11 PM Monday - Saturday		
5 PM TO 2 AM (2)		
COMMENTS:		
I think this would be a positive think for local and visitors!		
At least once a day a customer will ask if they can take their alcoholic beverage on Main St. It is definitely a desired idea from the tourist.		
A great way to encourage people to walk around town and support local businesses		
I think this would be a positive for our community and aid in tourism		
If hours have to be restricted for regular daily use (e.g., starting at noon Mon-Sun), please consider an exception that allows an earlier start during special events.		
I believe that if persons can take their beverages out of the establishment where they purchased them it will benefit all other businesses on the street. We will all benefit! We've seen from other municipalities that fears of the unknown are almost always overshadowed by the benefits to the town.		
The Social District should include Downtown Waynesville to Frog Level, encompassing all businesses that would benefit from it.		
Recycleable containers. Not in store.		
Would be great for the businesses and civilians to interact with each other after hours.		
In my opinion, it'd make people less inclined to be trashed in public because they could space out their drinks rather than downing as many drinks as they can get at one place. It would also help other small businesses because people can spend less time at one place and they can roam down Main Street.		
On the street only, unless the business allows it. Make sure there is adequate recycling stations.		
Non-glass recyclable containers. Allowed on the street only, not inside other businesses, unless the business allows it.		
I live in Sylva, NC, where a social district has been established for a year +/- . We have seen very little impact from this change. There are now vendors selling beverages during outdoor events. Very nice. There has NOT been additional college traffic, loitering, trash, drunkenness or urination in the streets from this districting. Again, NO ADDED NUSCIENCE to our small, quiet, quaint town,		

<p>I think that this is a great idea for downtown Waynesville, and will be a huge step in modernizing Waynesville.</p>		
<p>This is great and works in plenty of areas.</p>		
<p>I think Downtown Waynesville would benefit greatly from the establishment of an entertainment district. From a casual night out on the town to a town wide arts, music and food festival, Waynesville downtown areas is accomodating for all. Citizens of this fine community have already displayed great responsibility with alcohol consumption in public and thoughtfully obeys pedestrian traffic right of ways and laws. Upgrading Main Street and beyond to an entertainment district can only enhance tourism and commerce creating a happier, vibrant community. DO IT NOW!</p>		
<p>We need more public restrooms and parking for visitors/locals. Provide more public trash cans.</p>		
<p>With Waynesville being a tourist town, so many people are on vacation. They want to enjoy a local beer while they walk down Main Street. They want to be outside, enjoying our town. It seems like a great fit to allow for adults to enjoy a beer or a wine while they walk around town. I listed a suggested time of 10:00pm for the cutoff b/c I don't see a need for people to be walking around town when it's mostly closed. I do feel that would just be a handful of drunk people going between bars. The day time and evening hours would allow for relaxing while shopping in our great town!</p>		
<p>The best for the business around town would be for the boundaries should be between Wall St and Commerce St, and Depot St and Church St. That would include all existing restaurants and future options.</p>		
<p>I love this idea, during hours that aren't typically considered family time. After 5 pm. Will need more public trash cans along Main Street</p>		
<p>I do not think this is a good idea at all for downtown Waynesville.</p>		
<p>Events and special occasions - otherwise could get out of hand and unable to police.</p>		
<p>I prefer not to have alcohol in my two retail stores and do not want to have another thing to police. If we do social districts, I would like them to be during special events. Let's keep our town family friendly.</p>		
<p>It sounds like having a social district has already been decided whether we want it or not -the BOA just need to decide what days/hours. There are so many other things that need to be adopted in this little town. Like encouraging building owners to clean up their buildings. Some of these places are an embarrassment. How about trying to bring a farmer's market to Wall Street every weekend? Something that would actually encourage local people to come downtown. I just don't see how allowing people to walk around with a beer is doing anything to encourage actual business for the merchants.</p>		

<p>Not in favor at all. We see enough of people that are loud, rude and obnoxious from too much to drink on Art After Dark nights. We do not wish to see that time expanded. If this is going to happen please consider time limits of no later than 9PM Monday thru Saturday.</p>		
<p>As a God-fearing Christian, I am totally against the idea of having to walk down the street with people who are drinking alcohol. I choose not to go into the establishments where people are drinking alcohol. I will be highly offended if this does go into affect. It is a shame that this question even has been asked. We live in the Bible Belt. It is time for Christians to stand up for what is right!</p>		
<p>Against: 1. City license is another "tax" on small business. Must have to participate, correct? 2. What is liability for Town of Waynesville to enact social district? Liquor liability insurance? 3. Negatively impact businesses who choose not to participate. Down food sales if customer buys drink and leaves. 4. Alcoholic beverages are readily available from many restaurants and we think it encourages/makes it easier to over consume alcohol if you can purchase anywhere and take to the street. 5. Downtown Association work to get a variety of businesses to downtown district which will do more to attract tourists than being able to walk around with a drink in your hand. 6. Foolish decision by elected officials to close businesses and quarantine people is what harmed business and tourism during Covid.</p>		
<p>We are not in favor of the social districts for several reasons: 1. We don't feel this would benefit Main Street as a whole. Restaurants will benefit but will the retailers? If teh retailer doesn't want drinks in their store it puts them in the difficult position of having to exclude that customer that wants to come in with drink in hand. As it is not the customer can have drinks in a restaurant then shop wherever they want with no restriction. 2. Is this the type of message we want to send to visitors with young children or teenagers? Waynesville is considered a quanit destination in the mountains. We need to be careful to maintain that image. 3. Who is going to police this? Will ther be a need for additional police coverage during those hours? 4. Progress is a great thing but it needs to be positive for all concerned- not just a few.</p>		



North Carolina's Updated Laws on Social Districts

In September 2021, Governor Roy Cooper signed into law House Bill 890 (HB 890) – ABC Omnibus Legislation – which passed both the House and Senate with bi-partisan support. Included in HB 890 was a provision allowing local governments to create social districts in North Carolina. The North Carolina Retail Merchants Association (NCRMA) was the major interest group pushing for the passage of this important legislation to drive foot traffic to downtown businesses and level the playing field for brick-and-mortar businesses with ABC permits. In a little less than a year since the enactment of HB 890, nearly twenty municipalities have successfully created social districts in towns as small as Norwood to cities as big as Greensboro. Numerous other cities are investigating the creation of social districts based on how successful the social districts have become with customers and businesses alike.

The passage of legislation creating social districts also resulted in some legal questions posed to the North Carolina Alcoholic Control Commission, Alcohol Law Enforcement, and local city attorneys.

In June 2022, House Bill 211 (HB 211) – Social District/Common Area Clarifications - passed both the House and Senate with bi-partisan support and was subsequently signed into law by the Governor on July 7, 2022. This legislation provides some much-needed clarity to the original social district legislation and includes more detail on the inter-workings of social districts.

The sections of the North Carolina General Statutes regulating social districts contained in HB 890 were repealed and replaced with a brand-new section of Chapter 18B to regulate social districts. However, any social districts created in 2021 remain in place. The information detailed below provides context on North Carolina's initial law allowing for the creation of social districts and clarifications to this law established via the recent passage of HB 211.

What is a Social District?

A social district is a defined area in which a person may consume alcoholic beverages sold by an ABC permittee located within the social district. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours set by the local government in creating the social district. A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as well as public streets, crosswalks, or parking areas whether the streets or parking areas are closed to vehicle traffic.

This revised definition clears up any confusion as to whether a social district can cross a public street or road and whether a social district may be created in a privately owned area of a local government jurisdiction, such as a shopping center. It also clarifies that a social district may include both indoor and outdoor areas of businesses within, or contiguous to, the defined area during the days and hours set by the local government. It should be noted that it is the sole decision of a business located within the geographic area of a social district whether to participate in the activities of the social district.

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Who Can Designate a Social District?

Neither HB 890 nor HB 211 created a statewide social district, but instead allows cities and counties to “opt-in” to social districts via an ordinance.

- A city may adopt an ordinance designating an area within the municipal limits as a social district under G.S. 160A-205.4.
- A county may adopt an ordinance designating a social district from an area located outside a municipal boundary under G.S. 153A-145.9.
- Once created, a local government may also eliminate a social district by ordinance.
- HB 211 did clarify that a local government may create more than one social district within its jurisdiction.

What are the Requirements for a City or County to Create a Social District?

- Social districts must be clearly defined, and signage must be posted in conspicuous locations indicating:
 - The geographic area included in the social district.
 - The days and hours during which alcoholic beverages can be consumed in the social district.
 - The telephone number for the ALE Division and Local Law Enforcement with jurisdiction over the social district.
 - A clear statement that an alcoholic beverage purchased for consumption in a social district shall:
 - only be consumed within the social district and
 - be disposed of before the person possessing the alcoholic beverage exits the social district unless the person is reentering the licensed ABC premises where the alcoholic beverage was purchased.
- Social districts are only allowed to operate during hours defined under G.S. 18B-1004:
 - From 7:00 am until 2:00 am Monday – Saturday; and
 - From Noon until 2:00 am on Sunday
 - If the local government has allowed for earlier Sunday Sales, a social district may operate beginning at 10:00 am on Sunday
- A local government creating a social district is required to establish management and maintenance plans for the social district and post these plans, along with a drawing of the boundaries and the applicable days and hours of the social district, on the local government’s website. A social district must be maintained in a manner that protects the health and safety of the general public.
 - Under HB 211, a local government is now authorized to delegate the management and maintenance of the social district to a private entity, such as a downtown development organization, local chamber of commerce or owner of a shopping center.
 - A local government may also establish guidelines in their social district allowing for suspension of regular days and hours of alcohol consumption in all or part of a social district during events requiring special events ABC permits.
- Before a social district can become operational, a local government must submit to the North Carolina Alcoholic Beverage Control (ABC) Commission a detailed map of the social district with the boundaries clearly marked and the days and hours during which alcoholic beverages can be consumed (G.S. 18B-904.1(c)(3)).
 - The ABC Commission has created a specific form for a local government to submit this documentation and can be found here:
 - [NC ABC Commission Social District Registration Link](#)
 - A local government is only required to submit a revised map to the ABC Commission if the local government changes the geographic area of a social district. It should be noted that a local government is not required to identify the businesses or ABC permittees located within the social district or if there is a change in businesses located within the social districts that are participating in the social district.

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- A local government is required to develop or approve uniform signs indicating that a non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active and distribute the signs to non-permittee businesses that are included in the social district.
 - The signs may be in the form of a sticker, placard, or other format as deemed appropriate by the local government.
 - A non-permittee participating in the social district and allowing alcohol on their premises is required to always display the uniform sign during the times when the social district is active.
 - A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign.
 - A local government may now delegate the designing of signage, cups, and window clings to a private entity such as a downtown development authority, local chamber or property management group with the local government maintaining ultimate decision-making on these items.

Who Can Sell Alcohol in a Social District?

A business holding any of the following ABC permits may sell alcohol to be consumed in a social district:

- 1) An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).
- 2) An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
- 3) An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).
- 4) A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
- 5) A distillery permit issued pursuant to G.S. 18B-1001(5).
- 6) A wine shop permittee issued pursuant to G.S. 18B-1001(16).

Special one-time permits: The ABC Commission may issue special one-time permits pursuant to G.S. 18B-1002(a)(2) or (a)(5) for events occurring on premises located partially or entirely within the boundaries of a social district. This was an important clarification to the social district law contained in HB 211 because some local governments questioned whether they could create social district in an area where the local government conducted annual festivals where alcohol was sold.

What Additional Rules Do ABC Permittees Have to Follow to Sell Alcohol Within a Social District?

An ABC permittee must be located in or contiguous to the social district in which it is selling alcohol to be consumed.

The ABC permittee is only allowed to sell and serve alcoholic beverages on its licensed premises. In other words, the ABC permittee cannot sell alcoholic beverages in the street or down the street from its licensed premises just because the ABC permittee is located in, or contiguous to a social district.

Alcoholic beverages that are being sold to be consumed in a social district can only be sold in a container that meets all the following requirements:

- 1) The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased.
- 2) The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
- 3) The container is not made of glass.
- 4) The container displays, in no less than 12-point font, the statement, “Drink Responsibly – Be 21.”
- 5) The container cannot hold more than sixteen fluid ounces.

A local government may now create its social district ordinance so an ABC permittee or non-permittee business may allow a customer to possess and consume on the business's premises alcoholic beverages purchased from any ABC permittee located in or contiguous to the social district.

- This is a major change from HB 890 enacted in 2021 which prohibited a customer who had purchased an alcoholic beverage from one ABC permittee to enter the premises of another ABC permittee located in the social district.

In summary, an ABC permittee in a social district is no longer prohibited from allowing a patron to enter their premises with an alcoholic beverage purchased at a different ABC permittee located within the social district if the local government chooses to write its social district ordinance to allow for this activity.

Another major policy change contained in HB 211 allows ABC permittee and non-permittee businesses in multi-tenant establishments to be included and participate in a social district. This allows for a social district to be created in an area that is privately-owned such as in a mixed-used shopping center which contains residential units as well as businesses that sell or do not sell alcohol.

If I am a Business in the Social District, but I Do Not Want Customers Coming into My Store with Alcoholic Beverages, Do I Have to Participate?

No, any business without an ABC permit located in, or contiguous to, the designated social district has the option to participate, or not, in allowing customers with beverages to enter their premises. For example, Printers' Books may remain open during designated social district hours but decide to post a sign that alcoholic beverages (or any beverages) are not allowed in their store even if they are located inside of the social district.

Likewise, a business with an ABC permit located in, or contiguous to, the social district may decide to participate or not participate in allowing customers to leave their premises with an open container.

HB 211 contained several clarifying changes concerning this question, including:

- A participating non-permittee business is now required to always display the uniform sign during the times when the social district is active as to whether the business allows for patrons to enter their business with alcohol.
- All non-permittee businesses that are part of a social district and allow customers to bring alcoholic beverages onto their premises are required to clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.
 - As example, if a non-ABC permittee has two points of ingress and egress with one point entering and exiting into the social district and one entering and exiting into an area not in the defined social district the business would have to post signage warning their customers not to exit the business with alcohol into the area not contained in the social district. This is to prevent a patron from unknowingly possessing an open container of alcohol outside of the social district.
- During the days and hours when the social district is active, a non-permittee business that allows customers to bring alcoholic beverages onto its premises is required to allow law enforcement officers access to the areas of the premises accessible by customers.
- In a major policy change from HB 890, HB 211 allows an ABC permittee or a non-permittee to possess and consume on the business' premises alcoholic beverages purchased from any permittee located in the social district. HB 890 previously prohibited a local government from creating a social district that allowed an ABC permittee to allow a customer to bring an alcoholic beverage from a different ABC permittee onto their premises. G.S. 18B-300.1(f) allows an ABC permittee to allow a person to bring an alcoholic beverage purchased at a different ABC permittee onto their premises. Again, while this activity is allowed, the decision on whether to allow for this activity within a social district is up to the local government and how the local government determines to write their ordinance creating a social district.

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What Requirements Do Customers Have to Follow Within a Social District?

A person can only possess and consume alcoholic beverages purchased from an ABC permittee located in, or contiguous to, the social district. A person cannot bring their own personal beer or wine into the social district for consumption.

A person, including a customer who is in possession of an open container of an alcoholic beverage, may possess alcoholic beverages in closed containers in a social district to the extent allowed by law (ex: a person can buy a beer to drink in the required social district cup and take a four-pack to consume at home from a bottle shop).

Any alcoholic beverages consumed in the social district must be consumed from the required container described above. In other words, a person cannot pour their wine or beer into a personal solo cup or any type of container other than the one meeting all the requirements for social districts.

Alcoholic beverages shall only be possessed and consumed in the social district during the days and hours set by the city or county. If a city designates an area as a social district from 9:00 pm until midnight on Friday and Saturday, a person cannot consume alcohol in the social district at 9:00 pm on Wednesday.

The sale and delivery of alcohol in a social district is subject to the same limitations for sales and deliveries of alcohol in North Carolina:

- No more than two malt beverages or wine drinks at one time to a single patron
- No more than one mixed beverage or spiritous liquor drink at one time to a single patron

A person is required to dispose of any alcoholic beverage in the person's possession prior to exiting the social district. In other words, if a person is leaving the social district area, they must pour out or throw away their alcohol.

Can Common Area Entertainment (CAE) Permits and Social Districts Co-Exist?

In 2019, prior to the enactment of social district authorizing legislation, the General Assembly passed SB 290 – ABC Regulatory Reform Bill – that created a Common Area Entertainment (CAE) Permit. While individual tenants in multi-tenant establishments, like food halls, were already allowed to serve alcohol within their defined premises – the multi-tenant establishment did not have its own permit to allow customers to flow within the “common area” itself.

This new CAE permit allowed the property owner or property owner's association of a “multi-tenant establishment” with two or more alcohol-permitted businesses to have a designated consumption area on the property where individuals could purchase alcohol at establishments and take the open containers of this alcohol (including beer, wine, and spirituous liquor) in specially-designated cups off the designated premises of those businesses into a designated consumption area, or back onto the premises of a business, with permission of the business owner.

Fast-forward to the 2021 legislative session, when the legislature passed HB 890 authorizing local governments to pass ordinances to designate social districts whereby customers of businesses located contiguous to the social district could take open containers of alcohol (including beer, wine, and spirituous liquor) in specially-designated cups off the premises of an ABC permitted establishment and into any areas designated as part of the social district.

During the 2022 legislative session, HB 211 included clarifying provisions to answer questions that arose on the interaction of CAE permits and social districts such as:

- Could CAEs be issued to mixed-use developments that had private streets open to vehicular traffic?
- Can local governments pass ordinances designating social districts in mixed-use developments and/or privately-owned property?
- Can a social district and a special event permit work in tandem?

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Please note that while this document is intended to help you comply with North Carolina law, it is in no way intended to serve as legal advice. Please consult a licensed attorney to address more specific questions that may arise concerning this issue.

HB 211 makes the following clarifications to the existing CAE and social district laws to address those questions:

- A mixed-use development may obtain a CAE that encompasses the development, including privately owned streets, sidewalks, and courtyards and does not have to restrict or close these areas through the delineation of vertical boundaries.
- A city or county may pass a social district ordinance that encompasses a mixed-use development and/or private property and may delegate management of that social district to the property owner or property owner's association.
- Various types of special event permits may act in conjunction with social districts, and cities/counties have flexibility to implement this process. For example, street festivals in a downtown area can operate in conjunction with a social district.
- Property owners and cities/counties have flexibility to implement management and maintenance plans, which include limiting hours of consumption, creating signage, and providing security.

The CAE permit will continue to be issued to the owner or property owners' association of a multi-tenant establishment, but a common area would be defined as "an indoor or outdoor portion of a multi-tenant establishment that is open to the public" and the permit holder can designate common areas to be "designated consumption areas" where consumption of alcoholic beverages is allowed.

The designated consumption area may include:

- Any indoor or outdoor area of a permittee business that is contiguous to a designated common area or
- Any indoor or outdoor area of a non-permittee business that is contiguous to the designated common area and that chooses to allow customers to bring open containers of alcoholic beverages onto its premises.

Additional requirements and clarifications involving a CAE Permit:

- A permittee can be included in the designated consumption area even if it chooses to exclude open containers of alcoholic beverages purchased from other permittees.
- Non-permittee businesses are not responsible for enforcing the alcohol laws but must allow law enforcement officers access to the areas of the premises accessible by customers.
- The designated consumption areas must be submitted to and approved by the ABC Commission and be marked in a way that clearly indicates to customers where the boundaries of the designated consumption area are located.
- Open containers sold by a permittee for consumption in a designated consumption area must be in a container meeting several criteria, and the possession of closed containers would be allowed to the extent otherwise allowed by law.

North Carolina Social District Case Studies

Here's how a few other Main Street cities are operating social districts:

SYLVA (Bernadette Peters)-

Retail outfitter orders reusable aluminum souvenir cups in bulk with just the social district logo, selling sleeves of them to participating permit holders for \$8- they in turn sell them to customers for \$10 in order to reduce waste, encourage re-use, deter neighboring college students from participating in the social district. Permit holders are responsible for their own 1"x 1x" stickers. Permit holders starting to buy their own cups. Town purchased 48 hybrid thermal coffee/social district cups branded with the logo and the 25th Greening Up the Mtns festival logo- paid \$15 and sold them for \$25.

District boundary signs and ground decals, social district logo design, merchant signage for \$3,500. Ground decals are replaced yearly.

NEWTON (Mary Yount)-

Since January 2022. City provided boundary signs and window clings for participants who register and add their info to the city website. The Town's public info office created a district logo and the specific registered business logo. Logo was provided for businesses to print their own labels on white 2" x 4" letter labels. Each business can use a cup per state guidelines. Most local restaurants and breweries have received donated cups from vendors/distributors I.E. Miller. Currently the labels are being placed over to the side of the beer logo. Some are using red solo cups. As of May 10, no additional costs incurred and no complaining. PD will not allow labels added to cans.

MOORESVILLE (Kim Atkins)-

The MDC (non-profit) paid for boundary signage, window clings to say if participating or not, a printed do's and don'ts and a web page.

Participating businesses are paying for cups- some purchased cups printed with social district logo (provided by the town) so one side of the cup is SD logo and one side is business logo. Some businesses are purchasing stickers to place on their own cups. Only stipulation is that they use clear cups and clear stickers so that they all look the same.

PILOT MOUNTAIN (Jenny Kindy)-

Adopted the Downtown Social District in Aug 2022, developed the district logo and signage with Canva.

The Town has paid for:

- Street signage – 8 street signs (the signs of handicap parking upright rights aluminum) \$40 each
- A-frame Boards & Custom Signs to be placed out for events (boards were about \$100 each, signs were \$30 each)
- ground stencils – (these did not work the way I wanted them to and so I ended up not using them) \$20 each
- About \$30-40 each for 8 anti-slip ground decals for the boundary
- Window decals for the businesses (participating, not participating, sold here) - \$.25 each I ordered extras for these so I could have on hand
- an order of imprinted cups - 100 16 oz clear cups aug 2022– in my opinion it was expensive for what it was it came out to about \$175
- an order of stickers – 1,000 stickers 3 inch diameter (circle logo) – they were \$.33 each and ordered them in Dec 2022. Stickers had the social district logo & the required 12pt font “must be 21- drink responsibly” – **we then recommended that the businesses get stickers of their logo for their cups & for them to provide the cups within the legal requirements**

North Carolina Social District Case Studies

- a note about the stickers- I did individual cut stickers- my businesses asked for them to be in roll or sheet form next time to make it easier to peel and stick – that should also reduce the cost of the stickers

Since that order we have added two more businesses to our “sold here” list and have just ran out of the 1000 this past weekend (because it is now event season!)

We moved our signs and had the district extended to include those businesses

- an order of stickers - 4000 at \$.22 each ordered May 2023

If I order stickers again I will likely use PrintRunner.com they can do stickers on that quantity for about \$.14 each

We still need to order new vinyl decals to go over the aluminum parking signs because we have changed the days and times of the district.

We also want to print table cards with a QR Code linking back to the town website.

STATESVILLE (Brittany Marlow)-

Downtown Statesville Development Corporation provided the first 1,000 stickers to each of the ABC permitted businesses that opted in. After the first 1,000 stickers- cost is on them. Stickers designed by local print shop. Each business gets the same standard sticker (“The Ville”) with their own logo inserted. Sticker orders are run through the print shop (same sticker, customized with name of respective businesses).

Decided to go with stickers so that businesses could choose their own container, within parameters of state law (under 16 oz. and not glass). This allowed businesses who sell beer in cans to put the sticker on the can or to pour into a smaller plastic cup for wine or cocktails. It also gives more flexibility in them budgeting what quality of cups they want to use.

MOUNT AIRY (Lizzie Morrison)-

Main St program does not provide cups. One brewery invested in reusable plastic cups and ask patrons to return the cups to the bar at the end of the night. Not all do, but it helps with their sustainable brand and with the cost of the cups. Philosophy of MAD board is not to invest in the cups themselves, but to invest in the district with capital improvements and programming. This looked like advocating for a streetscape project, paying for added amenities like murals, sculptures, sitting walls, landscaping, furniture, etc. and programming the district with cultural events, artists, food trucks, live music, etc.

WASHINGTON (Meg Howdy)-

Participants buy their own cups. Currently, using souvenir cups that can be recycled. Downtown alliance paid for signs and business stickers. Spent almost \$2,000 to get started, included logo creation. Has requested donations from participating businesses but has not received any.

Social District Info. for the Town of Sylva

Permit Holders Participating On Day 1

- Innovation Brewing
- Balsam Falls Brewing
- The Paper Mill Lounge
- City Lights Café
- White Moon/Dark Moon
- Nantahala Brewing (maybe)
- Lazy Hiker

RULES FOR PERMIT-HOLDERS

1. **Serve only within the DISTRICT HOURS for outside consumption.** For the test period, they are Friday & Saturday, 8am-9pm, Sundays, 1pm-9pm.

Participating permit-holders can also decide to NOT serve for consumption within the district on certain days/times for any reason. The decision is up to the business.

2. **Serve in a Sylva Social District Souvenir Cup** that permit-holders sell to the patron for \$10, or that a patron provides that he/she has already purchased. This will be a 16 oz. aluminum cup with the required verbiage printed on it.

(For festivals – Greening Up the Mountains – they may use a disposable plastic cup if the patron does not want to purchase a souvenir cup – just make sure it has the social district sticker on it at the bottom and your sticker on it near the top)

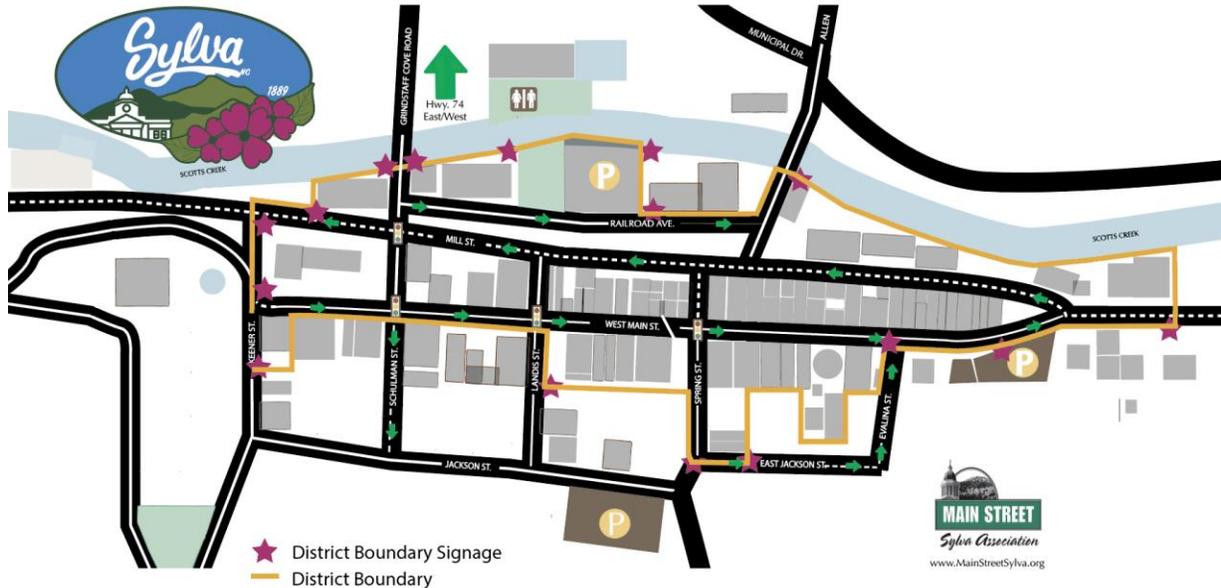
3. **Permit-holders must Afix 1” business sticker** near the top of the cup before filling.

4. **Social District Rules:**

- a. No one may enter a permit-holder establishment with an alcoholic beverage unless it is purchased from their establishment.
- b. Patrons may walk within the district boundaries with their beverage. They may ONLY enter retail establishments that allow Social District beverages.
- c. The district runs along Scott’s Creek at Bridge Park, and from Nantahala Brewing to Innovation Brewing.
- d. All info. can be found at www.MainStreetSylva.org/socialdistrict
- e. All other ABC/ALE rules still apply.



SOCIAL DISTRICT FOR THE TOWN OF SYLVA



North Carolina HB890 Rules: ABC permitted establishments must ensure they meet all legal requirements for carding and limiting consumption of alcoholic beverages. The establishment can only serve two beers/wine drinks, or one liquor drink, to one patron at a time. Alcoholic beverages that are sold for consumption in the District may only be sold in a container that meets all the following requirements:

- The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased.
- The container clearly displays the Sylva Social District logo.
- The container is not made of glass.
- The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."
- The container cannot hold more than 16 fluid ounces.

Background: House Bill 890 was passed by the NC House and Senate on Wednesday, September 8, 2021 and signed by the Governor on September 10. Included in House Bill 890 is a provision that allows the creation of social districts in North Carolina. The North Carolina Retail Merchants Association was the major interest group pushing for the passage of this legislation to drive foot traffic to downtown businesses and level the playing field for brick-and-mortar businesses without ABC permits.

What is a Social District?

A defined outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee.

Who Can Designate a Social District?

House Bill 890 did not create a statewide social district, but instead allows cities and counties to “opt-in” to social districts via an ordinance. A city may adopt an ordinance designating an area within the municipal limits as a social district under G.S. 160A-205.4.

What are the requirements for a City to Create a Social District?

1. Social districts must be clearly defined and post **signage** in conspicuous locations indicating:
 - a. The area included in the social district
 - b. The days and hours during which alcoholic beverages can be consumed in the social district and
 - c. The telephone number for the ALE division and local law enforcement jurisdiction over the social district.
 - d. A clear statement that an alcoholic beverage purchased for consumption in a social district shall:
 - i. Only be consumed within the social district and
 - ii. Be disposed of before the person possessing the alcoholic beverage exits the social districts, unless the person is reentering the licensed ABC premises where the alcoholic beverage was purchased (G.S. 18B-904.1(c)(1)).
2. Social districts are only allowed to operate during the hours defined under G.S. 18B-1004: from 7am until 2 am Monday-Saturday and 10am-2am on Sundays because the Town of Sylva has allowed for earlier Sunday Sales. (G.S. 18B-904.1(c)(1)).
3. A city designating a social district is required to establish management and maintenance plans for the social district and post these plans along with a drawing of the boundaries and the applicable days and hours of the social district on the city's website. A social district must be maintained in a manner that protects the health and safety of the general public. (G.S. 18B-904.1(c)(2)).
4. Before a social district can become operational, a city must submit to the North Carolina ABC a detailed map of the social district with the boundaries clearly marked and the days and hours during which alcoholic beverages can be consumed. (G.S. 18B-904.1(c)(3)).

Who Can Sell Alcohol in a Social District?

Under G.S. 18B-904.1(a)(1), a business holding any of the following ABC Permits may sell alcohol to be consumed in a social district:

1. An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1)
2. An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3)
3. An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5)
4. A mixed beverages permit issued pursuant to G.S. 18B-1001(10)
5. A distillery permit issued pursuant to G.S. 18B-1100(5)

What additional rules do ABC permittees have to follow to sell alcohol within a social district? (G.S. 18B-904.1(d))

First, an ABC permittee must be located in or contiguous to the social district in which it is selling alcohol to be consumed.

Secondly, the ABC Permittee is only allowed to sell and serve alcoholic beverages ON its licensed premises. In other words, the ABC Permittee cannot sell alcoholic beverages in the street or down the street from its licensed premises just because they are located in, or are contiguous to the social district.

Third, alcoholic beverages that are being sold to be consumed in a social district can only be sold in a container that meets the following requirements:

1. The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased.
2. The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
3. The container is NOT made of glass.
4. The container displays, in no less that 12-point font, the statement “Drink Responsibly – Be 21.”
5. The container cannot hold more than 16 fluid ounces.

Finally, the ABC permittee must prohibit a person from entering or reentering its licensed premises with an alcoholic beverage not sold by the ABC permittee as is the current law. A an example XYZ restaurant sells John Smith a cup of wine. John Smith cannot reenter XYZ Restaurant with a cup of beer he bought at Acme Brewing located within the same social district. John Smith also cannot enter XYZ restaurant for the first time with the cup of beer John Smith bough at Acme Brewing. They can, however, re-enter the same location where they purchased the alcohol that they are still consuming.

Businesses Who Wish to Opt Out.

- Signage will indicate that retail customers can not enter with alcohol (or food & drink if that is the policy).
- Signage can indicate that a bar or restaurant customer may not remove alcohol from the facility.

Customer Requirements:

First, a person can only possess and consume alcoholic beverages purchased from an ABC permittee located in or contiguous to the social district on a designated social district container.

Second, any alcoholic beverages consumed in the social district must be consumed from the required social district container. In other words, a person cannot pour their wine, beer or liquor into a solo cup or any type of container other than the one meeting all the requirements for social districts.

Third, alcoholic beverages shall only be possessed and consumer IN the social district during the days and hours set by the city.

The sale and delivery of alcohol in a social district is subject to the same limitations for sales and deliveries of alcohol in North Carolina:

- No more than two malt beverage or wine drinks at one time to a single patron
- No more than one mixed beverage or spiritous liquor drink at one time to a single patron

Finally, a person is required to dispose of any alcoholic beverage in the person’s possession prior to exiting the social district unless the person is reentering the licensed ABC premises where the alcoholic beverage was purchased. In other words, if a person is leaving the social district area, they must pour out or throw away their alcohol. They also cannot take it with them into any other business that sells alcohol or has opted out of the social district. They may ONLY take their alcoholic drink into the establishment where they bought it or a participating business that does not sell alcohol.

Sylva Social District Background:

The structure for the proposed Social District in Downtown Sylva was based on input from the following:

Research

- A live webinar in which 3 Town Managers discussed their experiences with their Social Districts: Mobile, AL, Huntsville, AL and Grand Rapids, MI.
- A Visit to the first and only social district town in Kannapolis, NC - https://library.municode.com/nc/kannapolis/codes/code_of_ordinances?nodeId=PTIICO_CH12PARE_ARTVSODI_S12-72SODI - (Greensboro just passed one, but has not yet implemented it)
- A Visit to Fayetteville AR (college town) and Bentonville AR Social Districts.
- Discussions with Permit Holders and Non-Permit Holders within the district, as well as downtown residents.
- Discussion with the Chief and Assistant Chief of Police to hear their concerns.
- Conversation with the ABC legal team in Raleigh about liability scenarios.
- A Law Enforcement Meeting with a local ALE agent, Sylva Police, Nicole Dexter (Innovation Brewing), Eric Ridenour (Town Attorney), and Paige Dowling (Town Manager) to discuss liability scenarios.
- 8 Hours of Merchant Input Meetings
- A Task Force of Community Members to Craft the Plan Details

Social District Background Research – Webinar

Selling Points: Great for economic development, especially during a pandemic to encourage shoppers and diners to move around outside and patronize retailers. So many festivals did not happen – losses are still significant for businesses. In other towns, it has proven to increase business traffic and property occupancy rates.

Signage Requirements: Where the district boundaries are, hours of the social district and who to call for help.

Cups: - must be non-glass and branded with the permittee who is selling, and required verbiage. It can be a sticker from the town's district, plus a sticker from the permittee.

Social District Specifics:

- Opt-In or Opt-Out for both alcohol sales permit holders and those who don't. All other laws for permittees will still be in place.
- Social districts CAN include NCDOT roads with proper signage.
- The town will need to pass an ordinance.
- The town can define the hours and days of the week
- The town should be comfortable with maintaining and policing the district
- The town will need to submit a plan to ABC for filing, but not for approval

Events:

- A patron could not take a drink into a festival that has an alcohol permit, just like they couldn't take it into another permittee's business. However, you could allow festival participants to take purchased alcohol outside of the event venue following the same social district rules. This encourages festival participants to walk around town and patronize retailers. For Bridge Park,

alcohol purchased from a district seller could be taken into the park provided, there is not an alcohol selling festival going on. If there is (Hook, Line & Drinker, Greening Up the Mountains, etc.), alcohol sold there can be taken OUT of the park within the district.

- We got around this by making a baby beer jail at Bridge Park that they would enter to purchase and exit to be in the festival.

Enforcement:

- No big issues with any of the towns who have it. Most exempted parking lots and decks to discourage people from refilling their cups.

Example Towns with Social Districts

Kannapolis, NC- active since October 2021

<https://www.kannapolisnc.gov/Community/News/ID/1916/Kannapolis-Designates-Social-District>

- Bern personally visited the district and spoke with some merchants
- First and only to pass Social District in NC since the state passed the bill
- West Avenue District near ballfield in old mill community
- Economic Development impact: increased building occupancy and visitor traffic
- Mon-Sat 10am-12 midnight, Sundays 12 pm-midnight
- Did not see many boundary signs
- Relies heavily on permit holders to adhere to their permit requirements with signage and permit enforcement. Patios have “No Glass Beyond this Point” signs, and “No Outside Alcohol” signs on the doors. The flagship brewery has a sandwich board sign with info. and a photo of the district boundaries.
- Assuming all the retailers have opted in since there were no signs that indicate “No Alcohol” or “No Food or Drink” – entered two retailers and asked if we could bring in alcohol and they said yes.
- Town provides a district sticker to permit-holders. Permit-holders must provide the appropriate cup and branded sticker for their business.
- Ordinance -

https://library.municode.com/nc/kannapolis/codes/code_of_ordinances?nodeId=PTIICO_CH12PARE_ARTVSO DI



Brewery Patio



Brewery Patio/District



Permit Holder



Inside Brewery



District Boundary Signage



Non-Permit Holder Location.



Outdoors in District Boundary

Huntsville AL – active since 2013

<https://www.huntsvilleal.gov/development/building-construction/planning/zoning/arts-entertainment-districts/>

- 5 districts connected via greenways and paths
- Removed government buildings and parking garages from the district maps
- Started Thursday-Saturday evenings, tested the effectiveness and tracked issues
 - o Then 12-11pm Th-Sun
 - o Then 12-11pm 7 days a week
- They have stenciled painted signs on the sidewalks rather than signs. This enabled them to be more flexible with the district and not clutter up the streets with more signage.
- They changed their boundaries more than 40 times to include new businesses
- Businesses buy the purple plastic cups, but the town subsidizes cups for events. The town also used the cup as a marketing strategy and has named events with purple cup in them.
- Ordinance -
https://library.municode.com/al/huntsville/codes/code_of_ordinances?nodeId=COOR_CH3ALBE_ARTIUNACOF_S3-28PRENDI

Mobile, AL – active since 2013

<https://www.al.com/news/mobile/2019/05/more-room-to-roam-with-drinks-as-mobile-expands-entertainment-districts.html>

- Mobile has no closing hours for sales of alcohol, however, they also took a conservative approach to the social district. They did a trial period and re-evaluated it before doing it permanently.
- They go from 12 noon – midnight and have an enhanced penalty for underage drinking.
- Businesses buy paper cups from the town at cost. They do this so it wouldn't conflict with their environmental initiatives, and deter people from refilling them with their own alcohol since they are not as durable.
- Parks are not included in the district.
- Ordinance -
https://library.municode.com/al/mobile/codes/code_of_ordinances?nodeId=CICO_CH30INLI_ARTIIN GE_S30-13ENDI

Grand Rapids, MI – active since August 2020

<https://www.experiencegr.com/things-to-do/refreshment-areas/>

<https://www.grandrapidsmi.gov/Government/Departments/Development-Center/Outdoor-Space-Activation-and-Social-Zones>

- Largest social district in the state – 870 acres, 100-150 blocks (all of their downtown)
- Started with 3 districts but consolidated for ease of connectedness and policing.
- They launched it August 2020 quickly and it helped small businesses do well.
- They use large sidewalk stickers and signs, but there is nothing appealing behind the border of their district anyway so people tend to stay in it.
- 7am-10pm M-Th, 7am-Midnight on Weekends



HOUSE BILL 890: ABC Omnibus Legislation.

2021-2022 General Assembly

Committee:		Date:	February 23, 2022
Introduced by:		Prepared by:	Chris Saunders Staff Attorney
Analysis of:	S.L. 2021-150		

OVERVIEW: *House Bill 890 makes several changes to the laws concerning ABC stores, distilleries, and other alcohol-related statutes, with varying effective dates, as explained in the full summary.*

BILL ANALYSIS AND EFFECTIVE DATES:

PART I. ALLOW ONLINE ORDERS FROM ABC STORES

Part 1 of S.L. 2021-150 allows ABC stores to accept online orders, including payment, for alcoholic beverages sold in the store. These orders must be picked up in person at the ABC store by the individual who placed the order, who must be a individual who is at least 21 years old and otherwise lawfully entitled to purchase alcoholic beverages. An employee of the ABC store must confirm that the order is picked up in person by the individual who placed the order by verifying that the individual's identification matches identifying information in the online order.

This section also directs the ABC Commission to adopt rules to determine how long the product will be set aside without being picked up before the product is returned to inventory and the customer refunded.

This Part became effective October 1, 2021, and applies to sales on or after that date.

PART II. ALLOW PERSONALIZED LABEL ON SPIRITUOUS LIQUOR PURCHASE

Part 2 of S.L. 2021-150 allows bottles of spirituous liquor on the special item list approved by the ABC Commission (Commission) sold at an ABC store, or bottles of spirituous liquor sold at a distillery, to be affixed with personalized labeling that is approved by the ABC Commission and complies with any other labeling requirements set by law. The personalized labeling may not cover any portion of the manufacturer's original label. "Personalized labeling" means the inclusion of the name of the purchaser on the label.

Cooperative advertising, meaning a joint effort between a retailer and an industry member to advertise alcoholic beverages, the retailer's business, or any promotion or event, is prohibited by 14B NCAC 15B .1005. Other prohibited statements on spirituous liquor labeling are provided at 14B NCAC 15B .1003.

This section became effective October 1, 2021, and applies to spirituous liquor sold on or after that date.

PART III. MIXED BEVERAGE PERMIT FOR CERTAIN EVENT CENTERS

Part 3 of S.L. 2021-150 allows mixed beverage and mixed beverage catering permits to be issued, without approval at an election, to qualified eating, hotel, and restaurant establishments if all the following requirements are met:

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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- The establishment is located in a county that has more than two man-made lakes.
- The establishment is located in a county that has approved the sale of malt beverages and unfortified wine, but not mixed beverages.
- The establishment is open to the public and includes on its premises a hotel with accommodations for 20 or more overnight guests, agritourism activities, and firearm sports.

This Part became effective September 10, 2021.

PART IV. ELIMINATE THE REQUIREMENT ON THE TOWN OF CARY TO ISSUE ALCOHOLIC BEVERAGE LICENSES

Article 2C of Chapter 105 requires all ABC permittees to obtain the corresponding local license for the type of permit held in the location where the establishment is located. Unless specifically provided otherwise, both cities and counties must issue local licenses to ABC permittees.

Part 4 of S.L. 2021-150 allows the Town of Cary to choose to not require ABC permittees to obtain a local license from the Town of Cary.

This Part became effective October 1, 2021.

PART V. ESTABLISH NORTH CAROLINA SPIRITUOUS LIQUOR COUNCIL

Part 5 of S.L. 2021-150 directs the Commissioner of Agriculture to appoint a North Carolina Spirituous Liquor Advisory Council (Council), comprised of individuals who have education or experience in the spirituous liquor industry or in the field of tourism. The Council is directed to, among other duties: identify and implement methods for improving North Carolina's rank as a spirituous liquor producing State, assure orderly growth and development of North Carolina's spirituous liquor industry, and increase public awareness of the quality of North Carolina spirituous liquor. The Council also advises the Commissioner of Agriculture and provides recommendations regarding its powers and duties.

This Part became effective October 1, 2021.

PART VI. WINERY AND DISTILLERY LAW REVISIONS

Section 6.1 of S.L. 2021-150 clarifies that the sale of spirituous liquor in closed containers at distilleries may occur between the hours of 9:00 A.M. and 9:00 P.M. on Monday through Saturday of each week, from 12:00 Noon to 9:00 P.M. on Sundays, and from 9:00 A.M. to 9:00 P.M. on each of the following holidays that do not fall on a Sunday: New Year's Day, Fourth of July, Labor Day, and Thanksgiving Day.

This section became effective October 1, 2021, applies to sales on or after that date.

Section 6.2 establishes an optional nonresident spirituous liquor vendor permit with a one-time fee of \$100. This permit may be issued to a distiller, a brokerage, or a liquor importer/bottler outside North Carolina who desires to sell, deliver, and ship spirituous liquor into this State. A nonresident spirituous liquor vendor permit allows the holder to sell, deliver, and ship spirituous liquor to the State warehouse. The permit also allows the holder to ship or deliver spirituous liquor to the permittee's permitted vendor representative in an amount necessary for any consumer tasting events scheduled within one calendar month of the shipment or delivery.

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This section also makes changes to the limitations on spirituous liquor tasting events conducted under a spirituous liquor special event permit, and allows the sale of mixed beverages and provision of 50 milliliter mini-bottles of spirituous liquor in conjunction with certain tasting events. Only one mini-bottle per consumer per distillery may be provided at a consumer tasting event.

This section became effective December 9, 2021.

Section 6.3 adds distilleries and wineries to the list of establishments exempt from the sanitation rules applicable to establishments that prepare or serve food or drink to the public. Under previously existing law, breweries, private bars, and private clubs are exempt from the sanitation rules applicable to establishments that prepare or serve food or drink to the public.

This section became effective October 1, 2021.

Section 6.4 makes a technical change.

This section became effective September 10, 2021.

PART VII. EXPAND ALLOWABLE GROWLER SIZE

Part 7 of S.L. 2021-150 directs the ABC Commission to adopt a rule changing the maximum allowable size of a growler from two liters to four liters. The Commission is also directed to implement the rule in this way until the new rule becomes effective.

This Part became effective September 10, 2021.

PART VIII. DISTILLERIES/AMEND TOUR REQUIREMENT FOR SALE OF BOTTLE OF SPIRITUOUS LIQUOR FOR OFF-PREMISES CONSUMPTION

Part 8 of S.L. 2021-150 provides that with respect to a distillery tour preceding the sale of spirituous liquor distilled or produced at the distillery, the length, content, and other parameters of the tour are the discretion of the distillery. This section also provides that a distillery is not required to maintain records related to tours.

This Part became effective October 1, 2021, and applies to sales made on or after that date.

PART IX. CLARIFY LAW ON THE SALE, POSSESSION, AND CONSUMPTION OF SPIRITUOUS LIQUOR AT A DISTILLERY

Section 9.1 allows distillery permittees to possess spirituous liquor not distilled or produced at the distillery to be used for the production of spirituous liquor, and makes a conforming change.

This section became effective October 1, 2021, and applies to spirituous liquor possessed on or after that date.

Section 9.2 clarifies that consumer tastings authorized under a spirituous liquor special event permit may be conducted on any part of the licensed premises of the distillery.

This section became effective October 1, 2021, and applies to consumer tastings held on or after that date.

Section 9.3 provides that except as otherwise prohibited by federal law or the distillery permittee, an alcoholic beverage authorized to be sold or consumed by a distillery permit may be sold or consumed on any part of the licensed premises of the distillery.

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This section became effective October 1, 2021, and applies to the sale and consumption of alcoholic beverages on or after that date.

PART X. ALLOW ABC AGE VERIFICATION WITH SPECIAL IDENTIFICATION CARDS FROM OTHER STATES.

Under prior law, only the following forms of identification were allowed by statute as acceptable for purposes of determining the age of a person consuming or possessing alcoholic beverages on a licensed premises:

- Driver's license.
- Special identification card issued by the North Carolina Division of Motor Vehicles.
- Military identification card.
- Passport.

Part 10 allows special identification cards issued by any state to be used for purposes of age verification. This Part became effective December 1, 2021, and applies to offenses committed on or after that date.

PART XI. ALLOW SALE AND DELIVERY OF MORE THAN ONE ALCOHOLIC BEVERAGE DRINK AT COLLEGE OR UNIVERSITY STADIUM, ATHLETIC FACILITY, ARENA, OR SPORTING EVENT

Under prior law, an ABC permittee could deliver two alcoholic beverage drinks to a single patron at one time if the drinks are malt beverages, unfortified wine, or fortified wine. However, this was not allowed at a stadium, athletic facility, or arena on the campus or property of a public college or university or during a sports event sponsored by a public college or university.

Part 11 of S.L. 2021-150 repeals the prohibition on delivering two drinks at a time to a patron at a stadium, athletic facility, or arena on the campus or property of a public college or university or during a sports event sponsored by a public college or university.

This Part became effective September 10, 2021, and applies to the sale and delivery of alcoholic beverages on or after that date.

PART XII. TIME OF SALE TECHNICAL CORRECTION

Part 12 of S.L. 2021-150 clarifies that mixed beverage sales conducted at a distillery under the distillery permit are limited to the same hours of sale restrictions applicable to other permittees.

This Part became effective September 10, 2021.

PART XIII. MIXED BEVERAGE ELECTION AMENDMENT

Part 13 of S.L. 2021-150 amends the mixed beverage election statute to provide that if a jurisdiction has voted to allow the sale of mixed beverages, then qualifying establishments in the jurisdiction may also obtain on-premises malt beverage and on-premises unfortified wine permits. This applies to jurisdictions that have previously voted to approve mixed beverage sales, unless the governing body of that jurisdiction

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adopted a resolution no later than February 7, 2022 requesting an election be held on the questions of on-premises sales of malt beverages and unfortified wine.

This Part became effective December 9, 2021.

PART XIV. AMEND THE REQUIREMENTS THAT MUST BE MET BEFORE CERTAIN SMALL TOWNS MAY HOLD A MIXED BEVERAGE ELECTION

Under prior law, a town or city with fewer than 500 registered voters could hold a mixed beverage election only if all of the following criteria are met:

- The city has at least 200 registered voters.
- The city is located in a county bordering the Neuse River and Pamlico Sound that has not approved the sale of mixed beverages.
- The city is located in a county that has only one city that has approved the sale of mixed beverages.

Part 14 of S.L. 2021-150 authorizes a small town to hold a mixed beverage election if all the following criteria are met:

- The town has at least 200 registered voters.
- The town has a total area of less than one square mile.
- The town operates an ABC store.
- The town is located in a county that has at least three cities that have approved the sale of mixed beverages.

PART XV. ALLOW ABC STORES TO SELL REFRIGERATED BEVERAGES

Part 15 of S.L. 2021-150 explicitly allows ABC stores to sell alcoholic beverages authorized for sale in the ABC store in a refrigerated unit.

This Part became effective October 1, 2021, and applies to sales on or after that date.

PART XVI. ALTERNATING BREWERY PROPRIETORSHIP CLARIFICATION

Prior existing law allowed alternating brewery proprietorships only in which the holder of a brewery permit leased or otherwise made available its facility to another holder of a brewery permit.

Part 16 of S.L. 2021-150 clarifies that an alternating brewery proprietorship is allowed if the host brewery also holds, at the same facility, an unfortified winery, fortified winery, or distillery permit.

PART XVII. CLARIFY RESTAURANT DEFINITION

Under prior existing law, for purposes of qualifying for certain ABC permits, a restaurant is defined in relevant part as "An establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages."

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Executive Order 183 allowed delivery and to-go sales of mixed beverages by restaurants, hotels, private clubs, private bars, and distillery permittees, and Executive Order 210 extended that through June 1, 2021.

Part 17 of S.L. 2021-150 clarifies that to qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages must be not less than 30% of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages *sold for on-premises consumption*.

This Part became effective September 10, 2021.

PART XVIII. ALLOW MIXED BEVERAGE SALES AT CERTAIN DISTILLERIES

Part 18 of S.L. 2021-150 allows a distillery located on a property used for bona fide farm purposes to sell mixed beverages containing only spirituous liquor produced at the distillery for consumption on the premises, regardless of the results of any local mixed beverage election.

This Part became effective September 10, 2021.

PART XIX. OFF-SITE AIRPORT PERMITTEE STORAGE

Part 19 of S.L. 2021-150 establishes an airport central storage permit costing \$400, which may be issued to the owner of a bonded storage warehouse that meets the federal Transportation Security Administration (TSA) security standards. The permit allows the permittee to contract with retail permittees holding retail permits at airports to store the retail permittee's alcoholic beverages at a central receiving facility within five miles of the airport, and to transport alcoholic beverages from the central receiving facility to the retail permittee's premises or support locations within the airport terminal.

This Part became effective December 9, 2021.

PART XX. AUTHORIZATION OF SOCIAL DISTRICTS

Part 20 of S.L. 2021-150 allows local governments to adopt an ordinance designating a "social district," which is a defined outdoor area in which a person may consume alcoholic beverages sold by a permittee. A social district must be clearly defined with conspicuously posted signs.

The local government must establish and post management and maintenance plans for the social district, along with a rendering of the boundaries of the social district and times during which alcoholic beverages may be consumed in the social district, on the local government's website. The local government must submit to the ABC Commission a detailed map of the social district with the boundaries of the social district clearly marked, and the times during which alcoholic beverages may be consumed in the social district.

A permittee located in or contiguous to a social district may sell alcoholic beverages for consumption within the social district. There are requirements on the type of container used and where the beverages may be consumed.

This Part became effective September 10, 2021.

PART XXI. MAKE PERMANENT THE EXPANSION OF LICENSED PREMISES FOR PURPOSES OF OUTDOOR SEATING

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Executive Order 169 originally allowed On-Premise ABC permit holders to include additional outdoor seating as part of their licensed premises if that space is approved by the appropriate local government entity in order to maximize social distancing during the COVID-19 pandemic.

Part 21 of S.L. 2021-150 permanently allows local governments to adopt an ordinance authorizing ABC permittees to utilize an area that is not part of the permittee's licensed premises for the outdoor possession and consumption of alcoholic beverages sold by the permittee under certain requirements.

This Part became effective September 10, 2021.

PART XXII. SPECIFY THAT ALE AUTHORITY TO INSPECT PREMISES INCLUDES SOCIAL DISTRICTS AND EXTENDED AREAS

Part 22 of S.L. 2021-150 explicitly provides that the Alcohol Law Enforcement Division of the Department of Public Safety has jurisdiction to enforce the alcohol laws in social districts and extended premises authorized by Parts 20 and 21 of this act.

This Part became effective September 10, 2021.

PART XXIII. ALLOW TRADE OR EXCHANGE OF SPIRITUOUS LIQUOR

Part 23 of S.L. 2021-150 authorizes the trade or exchange of lawfully purchased spirituous liquor between individuals, for personal use and not for resale.

This Part became effective October 1, 2021, and applies to trades or exchanges made on or after that date.

PART XXIV. DISTRIBUTE ALCOHOL WITHOUT DISCRIMINATION

Part 24 of S.L. 2021-150 adds additional requirements and prohibitions in the operation of the State warehouse for distribution of spirituous liquor to local ABC boards as follows:

- Requires the Commission to make a good-faith effort, without discrimination, to make all spirituous liquor available to all local boards. The Commission may suspend distribution to a local board of any limited product required to be recorded for a violation of any rule concerning the ordering of the limited product.
- Prohibits the warehouse management contractor from directly or indirectly providing information to a local board that gives them an advantage over another board in product selection or availability. Violation of this provision is grounds to terminate the contract.
- Requires the Commission to maintain a record of how, to which board, and in what quantity all limited distribution or allocated distribution products are distributed. The record must be updated at least monthly.

This Part became effective January 1, 2022, and applies to all spirituous liquor received or distributed on or after that date.

PART XXV. ALCOHOLIC BEVERAGE MANUFACTURE SALES TAX EXEMPTION

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Part 25 of S.L. 2021-150 adds machinery, equipment, parts, accessories, supplies, and ingredients that are purchased to be used in the manufacturing process by the following ABC permit holders to the list of tax-exempt items in G.S. 105-164.33 (Retail sales and use tax):

- Unfortified winery permit.
- Fortified winery permit.
- Brewer permit.
- Distillery permit.

This Part became effective October 1, 2021, and applies to sales made on or after that date.

PART XXVI. CLARIFY DELIVERY SERVICE PERMIT

Part 26 of S.L. 2021-150 clarifies that certain retail permittees are not required to obtain a delivery service permit in order for their employees to deliver malt beverages, unfortified wine, or fortified wine. However, the deliveries must still be done in accordance with the same requirements of the delivery service permit.

This Part became effective September 10, 2021.

PART XXVII. REGULATE ALCOHOL CONSUMABLES

Part 27 of S.L. 2021-150 regulates alcohol in manufactured and packaged ice cream, ice pop, gum-based, or gelatin-based food product containing at least one-half of one percent (0.5%) alcohol by volume in the same manner as the type of alcohol contained in the product.

This Part became effective December 1, 2021, and applies to offenses committed and spirituous liquor sold on or after that date.

PART XXVIII. COMMON CARRIER ABC PERMIT

Part 28 of S.L. 2021-150 establishes a "common carrier vehicle permit," which could be issued to a business primarily engaged in North Carolina in the intrastate operation of common carriers of passengers and operating under a certificate of authority issued by the Utilities Commission, such as a bus company. The permit authorizes the sale or service of malt beverages, unfortified wine, fortified wine, and mixed beverages to passengers during journeys of 75 miles or longer that do not terminate within 10 miles of the origin of the journey.

This Part became effective December 9, 2021.

PART XXX. DIRECT LOCAL BOARDS TO PROVIDE DELIVERY SERVICE TO MIXED BEVERAGE PERMITTEES

Under prior existing law, local ABC boards had the option to provide delivery service to mixed beverage permittees but were not required to.

Part 30 of S.L. 2021-150 directs local ABC boards to offer delivery service to mixed beverage permittees. In providing delivery to mixed beverage permittees, the local board may either use its employees or contract with one or more independent contractors. The local board is also authorized to charge a fee to

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the permittee. A local board in a Tier 1 or Tier 2 county may request an exemption from the ABC Commission, which the Commission must grant if the local board can show evidence of unreasonable hardship or difficulty incurred by implementing delivery service.

This Part becomes effective July 1, 2022.

PART XXXI. TOUR BOAT AMENDMENT

Part 31 of S.L. 2021-150 amends the criteria under which the ABC Commission could issue permits to tour boats. A tour boat would be required to offer food and non-alcoholic beverages for sale on each tour, and a boat's gross receipts from sales of alcoholic beverages must be no more than 25% of its total gross receipts.

This Part became effective October 1, 2021, and applied to boat tours conducted on or after that date.

PART XXXII. GAME NIGHTS/RESIDENTIAL CENTERS

Part 32 of S.L. 2021-150 allows tax-exempt organizations that operate a specialized community residential center for individuals with developmental disabilities to conduct game nights at a location other than a qualified facility if the organization meets all of the following conditions:

- Is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code.
- Operates a specialized community residential center for individuals with developmental disabilities licensed pursuant to G.S. 122C-23.
- Has been issued a special one-time permit under G.S. 18B-1002(a)(5).

This Part became effective October 1, 2021, and applies to game nights conducted on or after that date.

**Susan Sitze, Staff Attorney, substantially contributed to this summary.*



HOUSE BILL 211: Social District/Common Area Clarifications.

2021-2022 General Assembly

Committee:		Date:	July 14, 2022
Introduced by:		Prepared by:	Chris Saunders
Analysis of:	S.L. 2022-49		Staff Attorney

OVERVIEW: *S.L. 2022-49 recodifies and revises the statutes related to common area entertainment permits and social districts to make them more uniform and clarifies (i) the areas that can be included under a common area entertainment permit or a social district and (ii) the activities that may occur within a designated consumption area under a common area entertainment permit or a social district.*

This act became effective July 7, 2022.

CURRENT LAW:

In 2019, the General Assembly created a "common area entertainment permit" that may be issued to the owner of a multi-tenant establishment with at least two tenants who are ABC permittees. Under current law, a "common area" includes "portions of a building or structure and outdoor areas that are used jointly by multiple businesses on a property or within a planned development project, whether such areas are under common ownership or are subject to cross access easements for use by multiple businesses." A shopping mall is deemed not to be a multi-tenant establishment if more than 50% of the shopping mall's common areas, measured in acreage or square footage, are enclosed and air conditioned. The permit allows customers of tenants holding ABC permits to take alcoholic beverages sold in a specific container off the tenants' premises into a common area in the multi-tenant establishment that is designated for consumption of alcoholic beverages during specific days and hours set by the owner of the multi-tenant establishment.

In 2021, the General Assembly authorized local governments to adopt ordinances to create "social districts," which are defined under current law as "a defined outdoor area in which a person may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under G.S. 18B-904(h)." A social district is active during days and hours specified in the ordinance adopted by the local government. Like the common area entertainment permit, the designation of a social district allows customers of ABC permittees contiguous to the social district to take alcoholic beverages sold in a specific container off the permittees' premises into the social district.

BILL ANALYSIS:

Section 1 of S.L. 2022-49 makes a technical change to clarify that a person may possess an open container of fortified wine or spirituous liquor in a social district or in a designated consumption area under a common area entertainment permit.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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Page 2

Section 2 repeals the existing common area entertainment permit statutes and recodify the permit to clarify what the permit authorizes. This permit does not limit the possession or consumption of alcoholic beverages otherwise authorized by law.

The permit continues to be issued to the owner or property owners' association of a multi-tenant establishment, but a common area is now defined as "an indoor or outdoor portion of a multi-tenant establishment that is open to the public" and the permit holder may designate common areas to be "designated consumption areas" where consumption of alcoholic beverages is allowed. The designated consumption area may include (i) any indoor or outdoor area of a permittee business that is contiguous to a designated common area or (ii) any indoor or outdoor area of a non-permittee business that is contiguous to the designated common area and that chooses to allow customers to bring open containers of alcoholic beverages onto its premises. A permittee may be included in the designated consumption area even if it chooses to exclude open containers of alcoholic beverages purchased from other permittees. Non-permittee businesses are not be responsible for enforcing the alcohol laws but must allow law enforcement officers access to the areas of the premises accessible by customers.

The designated consumption areas must be submitted to and approved by the ABC Commission and must be marked in a way that clearly indicates to customers where the boundaries of the designated consumption area are located. Open containers sold by a permittee for consumption in a designated consumption area must be in a container meeting several criteria, and the possession of closed containers is allowed to the extent otherwise allowed by law.

Section 3 repeals the existing social district statute in Chapter 18B and recodify it to clarify what is authorized in a social district. The designation of a social district does not limit the possession or consumption of alcoholic beverages otherwise authorized by law.

A local government is authorized to adopt an ordinance to designate one or more defined areas to be social districts, which may include both indoor and outdoor areas of permittee and non-permittee businesses within or contiguous to the defined area during the days and hours set by the local government. A permittee may be included in the social district even if it chooses to exclude open containers of alcoholic beverages purchased from other permittees in the social district. Non-permittee businesses are not required to allow customers to bring open containers of alcoholic beverages onto their premises, but are not responsible for enforcing the alcohol laws if they chose to do so. However, they must allow law enforcement officers access to the areas of the premises accessible by customers.

The local government must submit maps of the social districts to the ABC Commission and must mark the social districts in a way that clearly indicates to customers where the boundaries of the social district are located. Open containers sold by a permittee for consumption in a social district must be in a container meeting several criteria, and the possession of closed containers is allowed to the extent otherwise allowed by law. Tenants of a multi-tenant establishment located within or contiguous to a social district may participate in the social district regardless of whether the multi-tenant establishment has a common area entertainment permit.

This section also clarifies that the ABC Commission may issue special one-time permits for qualifying applicants for events taking place fully or partially inside a social district. The permittee is required to notify the Commission that the event is to occur in a social district during times when the social district is active. This section also allows the holder of a winery special event permit, malt beverage special event permit, or spirituous liquor special event permit to sell and serve products at special events taking place inside a social district, and allows the holder of a mixed beverages catering permit to serve spirituous liquor to guests at events taking place inside a social district.

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Section 4 provides that if a social district directly borders a designated consumption area established by the holder of a common area entertainment permit, the multi-tenant establishment and the local government that established the social district may enter into a memorandum of understanding that allows open containers approved for consumption in either the social district or designated consumption area to be possessed and consumed in both the social district and the designated consumption area during times when both the social district and designated consumption area are active.

EFFECTIVE DATE: This act became effective July 7, 2022.

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR TOWN COUNCIL ACTION
Meeting Date: June 27, 2023**

SUBJECT:

A Public Hearing to consider an Application for Text Amendment to Land Development Standards Section 5.10.2, Mixed-Use/Commercial Building Design Guidelines, Façade Materials

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Byron Hickox
Presenter: Byron Hickox

BRIEF SUMMARY:

The Land Development Standards Section 5.10.2 states the following regarding façade materials for mixed-use and commercial buildings:

Commercial building walls visible from a public street or civic space shall be primarily standard brick, stacked stone, stone or stone masonry units, wood clapboard, cementitious fiber board, or exposed heavy timber. Glass curtain walls may be approved subject to Design Review to ensure the styling and details are appropriate for the context. Decorative concrete masonry units (CMU) and exterior insulation finishing systems (EIFS) may be used on facades not facing a public street or civic space or as a secondary building material only (less than 25% of the wall area) on primary frontage facades.

The applicant has proposed a text amendment to this section of the Land Development Standards to add the phrase “*metal panels and siding*” to this list of permitted materials. The applicant asserts that the quality and appearance of metal siding has significantly improved since the adoption of the Land Development Standards and is now widely used in high quality applications and settings.

At its meeting on May 15, 2023, the Planning Board voted unanimously that the proposed amendment is reasonable and in the public interest and voted unanimously to recommend approval of the text amendment as presented to the Town Council.

MOTIONS FOR CONSIDERATION:

1. Motion to find that the proposed text amendment is consistent or inconsistent with the 2035 Comprehensive Plan.
2. Motion to approve or deny the proposed text amendment (as presented or modified).

FUNDING SOURCE/IMPACT:

N/A

MANAGER’S COMMENTS AND RECOMMENDATIONS:



TOWN OF WAYNESVILLE
 Development Services Department
 PO Box 100
 9 South Main Street
 Waynesville, NC 28786
 one (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Application for Land Development Standards Text Amendment

Application is hereby made on April 21, 2023 to the Town of Waynesville for the following amendment:

Designate the specific section(s) of the Land Development Standards being requested for change:
Section 5.10.2

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

Requesting the words "Metal panels and siding" be added to approved materials. _____

The reasons for the requested amendments and how the request is consistent with the Town of Waynesville's adopted 2035 Comprehensive Plan (attach additional sheets if necessary): I believe metal panels and siding have matured in the design and fabrication industry since the Comprehensive Plan was adopted. While I don't pretend to know the specific objectives of the Plan writers, typically such Plans are meant to develop a visual continuity of structures within the area in order to maintain property values. Divergent materials of an inferior or cheaper value often diminish the established valuation. I am submitting examples of buildings in multiple retail and commercial setting throughout the country from notable clients using quality metal products in a contemporary manner which are far from the stereotype warehouse vertical siding. If believe this structure with the variety of siding textures and contrasting wood & glass materials will be a valuable visual and economic contribution to the neighborhood.

Applicant Contact Information

Name (Printed): Michael Villazon
 Mailing Address: 53 County Road, Waynesville North Carolina 28785
 Phone(s): 828-734-1279
 Email: villazonplumbing@bellsouth.net

TOWN OF WAYNESVILLE
280 GEORGIA AVENUE
WAYNESVILLE NC 28786

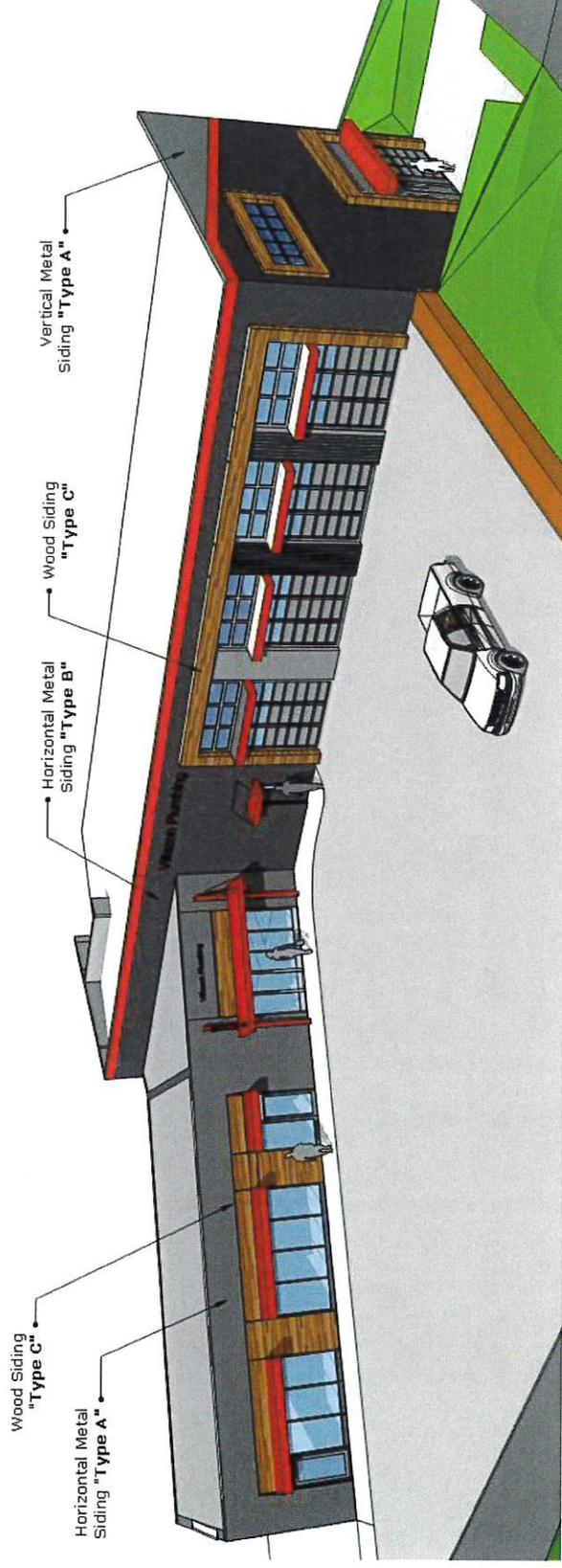
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MISC RECEIPT 2903534
REFERENCE Text Amend
DATE/TIME 04/24/23 12:18
CLERK 2044ecou
CUSTOMER Villazon Plumbing, Inc
EFF. DATE 04/24/2023
DEPT

01

TOTAL: 500.00
500.00

PMT TYPE	QTY	REF	AMOUNT
CHECK	1	25542	500.00



Request Modification to Section 5.10.2
Add the words "Metal panels and siding" to approved materials



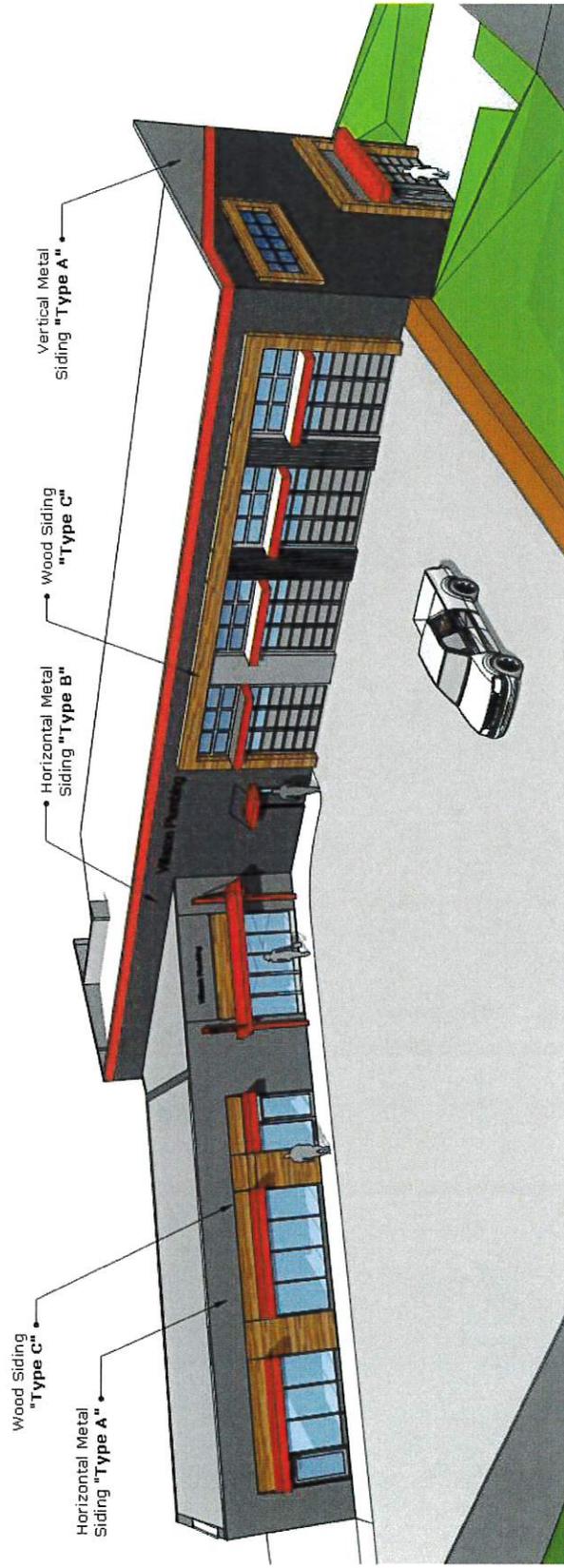
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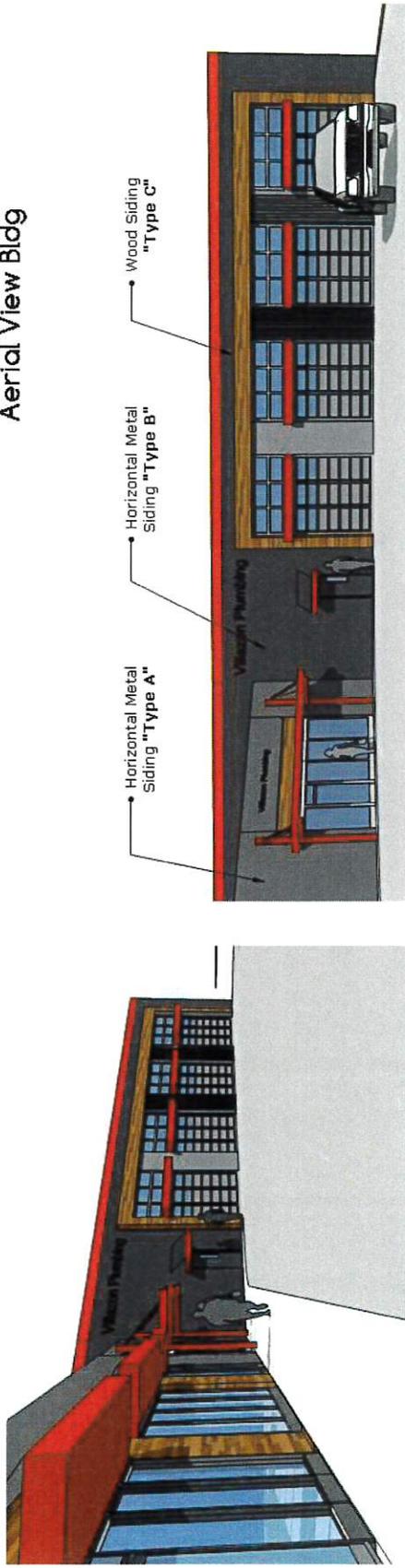
WILLIAM R. McCRACKEN, SR. N 34°41'41" W 122.70'
 D.B. 943 P.C. 1570
 (D.B. 103 P.C. 646)
 (D.B. 15 P.C. 363)

Richard Welch
 D.B. 7 P.C. 2188

A Site Plan
 A1

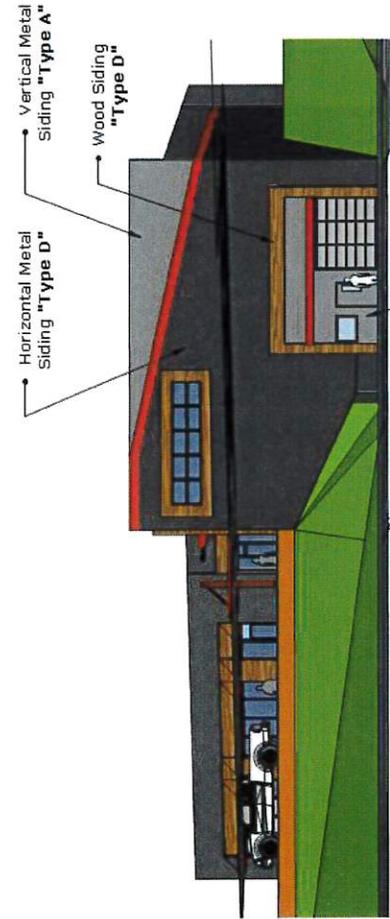


Aerial View Bldg

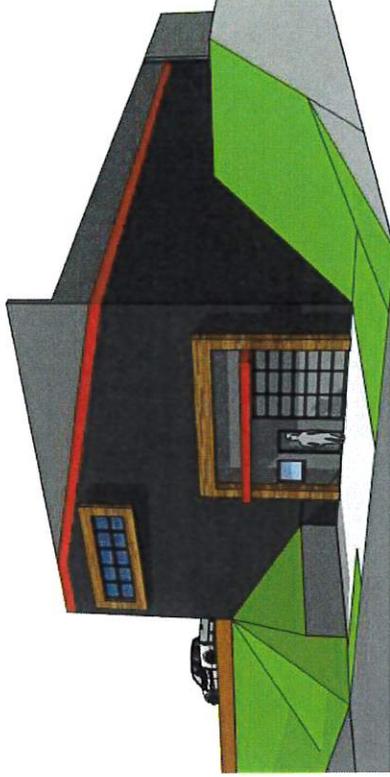


Office/Retail - Looking South

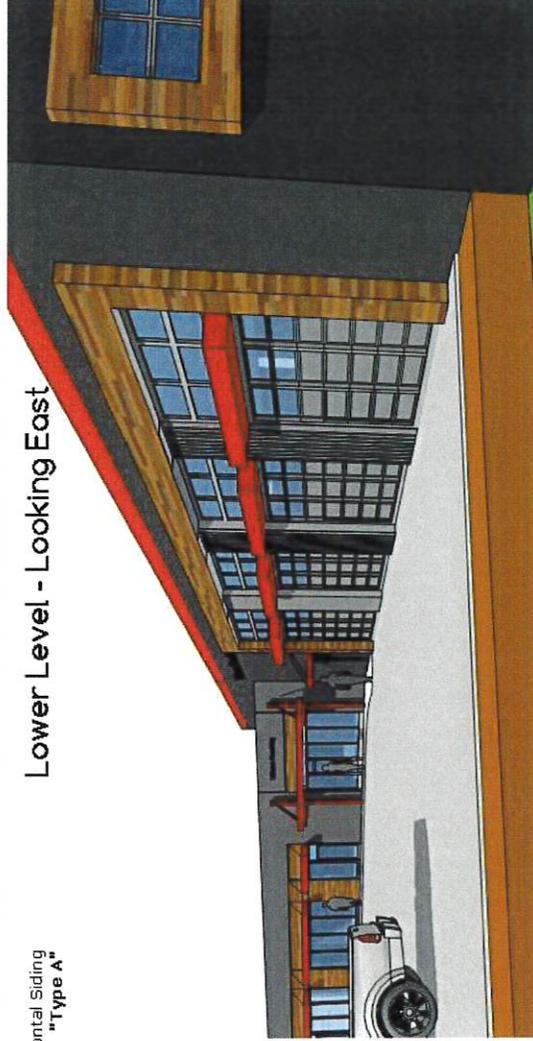
Warehouse - Looking South



Lower Level - Looking East



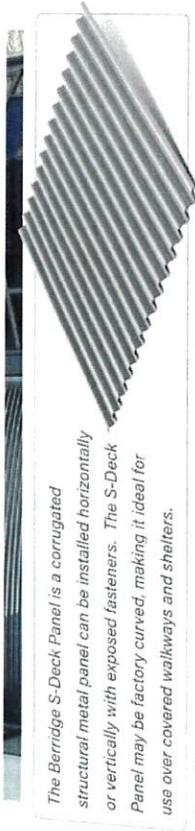
Lower Level - Looking East



Upper Level - Looking East

Proposed Panels

METAL PANEL TYPE "A"



The Berridge S-Deck Panel is a corrugated structural metal panel that can be installed horizontally or vertically with exposed fasteners. The S-Deck Panel may be factory curved, making it ideal for use over covered walkways and shelters.

Materials

24 and 22 Gauge Steel
6032 and 6040 Aluminum

Specifications

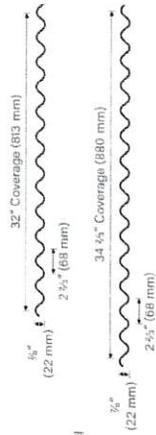
Uses: Roof, Wall, Soffit, Ceiling, Fascia, Sheathing, Screen Wall

Coverage: 32" and 34 1/2"

Finish(es): Smooth

Fasteners: Exposed

Applications: Vertical* or horizontal** over open framing or



METAL PANEL TYPE "B"



The Berridge HR-4 Accent Wall Panel and the HR-16 Metal Wall panels are versatile and maintenance-free panels that can be installed horizontally or vertically. Both panels interlock with the HC-16, BR-12, HS-8, HS-12, and Reveal Series panel profiles.

Materials

24 and 22 Gauge Steel
6032 Aluminum

Specifications

Uses: Wall, Fascia, Screen Wall, Berridge Fencing System

Coverage: HR-4: 4"; HR-16: 16"

Finish(es): Smooth

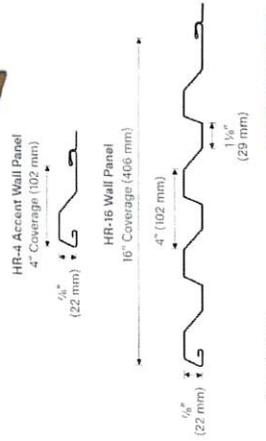
Fasteners: Concealed

Applications: Vertical on fencing, horizontal or vertical over

open framing or solid sheathing (see page 42 for fencing

information)

Profile: 1/2" height and 4" on center nb



ASTM Tests

* ASTM E-1592 wind resistance tested*

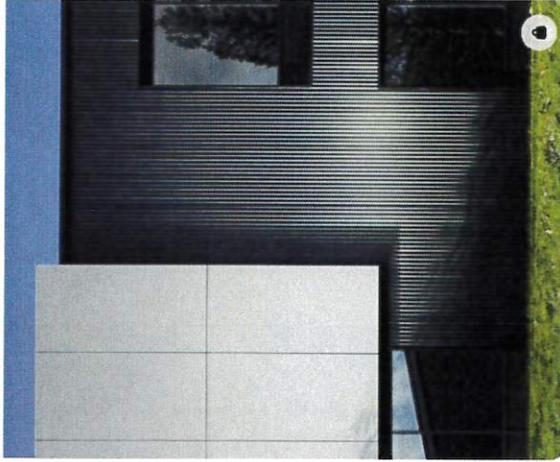
** Wind and water resistance listed

WOOD PANEL TYPE "C"



Caramel Bamboo / NATURFLOOR-W

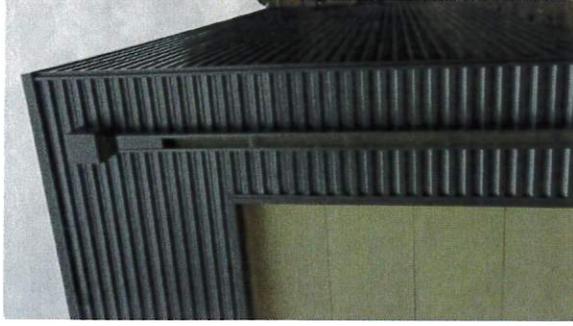
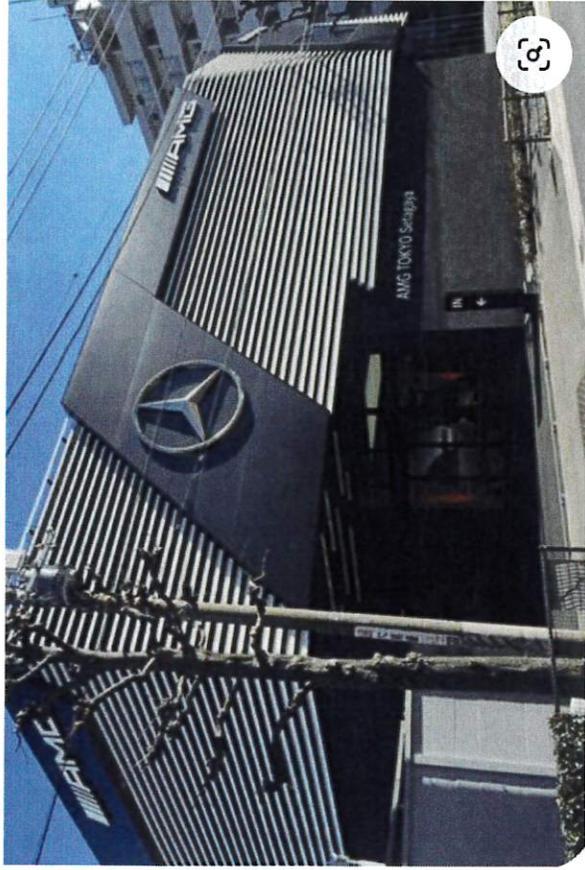
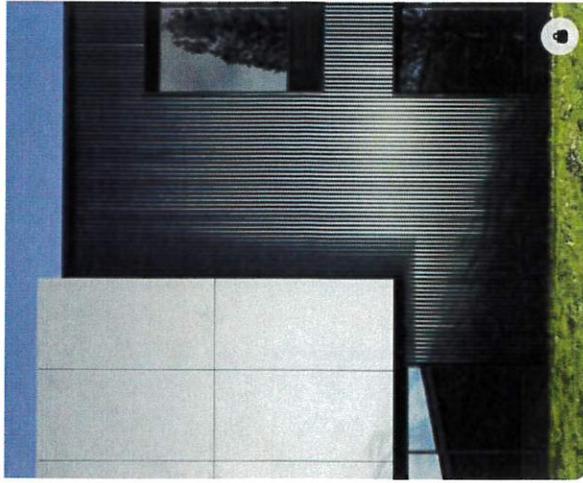
Combination of Flat & Ribbed Metal Panels



Commercial & Retail Installations of Metal Panels



Combination of Various Colors - Texture - Direction of Siding Pattern



REI Retail - Asheville



Overhead Doors - Color Dark Grey w/ Frosted Vision Panels

High Speed Exterior Full-View Metal Door – 999



RapidView® 999

Sleek and sophisticated RapidView® Model 999 is a full view door featuring scratch-resistant polycarbonate panels with opening speeds up to 80" per second. Engineered for high cycles and easy operation, RapidView® Model 999 has been independently tested and is capable of wind load up to 50 psf*. The simple install and low maintenance add to the attractiveness of the door and features completely hinged guides, fully assembled curtains and pre-wired motor connection. RapidView® Model 999 is perfect for high traffic applications requiring aesthetic appeal and visibility.

[Contact a Specialist](#)

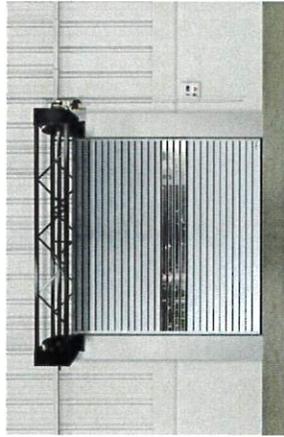


Aluminum Glass Door model 521 is a sectional aluminum door appropriate for environments where maximum light infiltration and/or visual access is required. Designed to fit openings up to 26'2" (7976 mm) wide and 20'1" (6121 mm) high, the Model 521 features a wide, 2-11/16" (68 mm) center stile, 3-3/4" (95 mm) or 4-1/2" (114 mm) bottom rail, based on door size.

[Aluminum Glass Doors](#) [Where to Buy](#)



High Speed Exterior Metal Door – 998



RapidShield® 998

RapidShield® Model 998 is a heavy-duty exterior door that features a solid aluminum curtain with opening speeds up to 80" per second. Engineered for high cycles and easy operation, RapidShield® Model 998 has been independently tested and is capable of withstanding wind load of up to 100 psf*. With a focus on safety, RapidShield® Model 998 also features patent-pending integrated curtain-monitoring device, a safety light curtain, and a monitored wireless reversing edge. This door is perfect for applications where security and privacy are a priority.

[Contact a Specialist](#)



Thermacore® Sectional Steel Doors 592

The Thermacore® Model 592 offers superior thermal efficiency for heavy-duty applications. It is an ideal choice for applications that demand the highest levels of thermal efficiency, air infiltration, and wind load resistance.

With an R-value of 175 (3.09 W/m²) a U-value of .057 (324 m²/W), and one of the best overall air infiltration ratings in the industry, the Thermacore® Model 592 is one of the most thermally efficient door system in its class.

The Thermacore® product line features steel-polyurethane-steel panel construction which provides a thermal barrier that withstands extremely hot or cold climates and the most demanding environmental requirements.

The Model 592 has 2" (51 mm) thick, extra heavy-duty sections that are available in standard sizes up to 40'2" and 32'1" (12,243 mm and 9,775 mm) to fit the broadest range of applications.

Villazon Plumbing Commercial Development— 494 Pigeon Street

B-1

Michael Villazon -Owner County Road Waynesville NC

Feb. 18, 2023

Fiberon Cladding - Siding "Type D"



50 YEARS OF INNOVATION

Stunningly beautiful. Remarkably durable. **WILWOOD® COMPOSITE CLADDING PROFILES** feature 100% recycled composite materials and are designed for long-term performance. Available in a variety of colors and textures, Wilwood Composite Cladding Profiles are the perfect choice for your next project.

Key Features:

- Available in 3 premium lengths: 12 ft, 16 ft and 20 ft (365 cm, 487 cm / 609 cm)
- Available in 3 premium colors: White, Gray and Black
- Available in 3 premium textures: Smooth, Grooved and Ribbed
- Available in 3 premium finishes: Matte, Satin and Gloss
- Available in 3 premium profiles: Vertical, Horizontal and Diagonal
- Available in 3 premium profiles: Vertical, Horizontal and Diagonal
- Available in 3 premium profiles: Vertical, Horizontal and Diagonal

Inspired by nature. Perfected by science.

At Wilwood, we're committed to creating products that are as beautiful as they are functional. Our Wilwood Composite Cladding Profiles are made from a blend of recycled wood fibers and polypropylene, creating a material that is both sustainable and durable. Our Wilwood Composite Cladding Profiles are designed to last, providing a long-term solution for your next project.

Key Features:

- Available in 3 premium lengths: 12 ft, 16 ft and 20 ft (365 cm, 487 cm / 609 cm)
- Available in 3 premium colors: White, Gray and Black
- Available in 3 premium textures: Smooth, Grooved and Ribbed
- Available in 3 premium finishes: Matte, Satin and Gloss
- Available in 3 premium profiles: Vertical, Horizontal and Diagonal
- Available in 3 premium profiles: Vertical, Horizontal and Diagonal
- Available in 3 premium profiles: Vertical, Horizontal and Diagonal

Trex Cladding - Alternate Siding "Type D"

Trex Transcend

Board dimensions: Available in 3 premium lengths: 12 ft, 16 ft and 20 ft (365 cm, 487 cm / 609 cm)

Board dimensions: Available in 3 premium lengths: 12 ft, 16 ft and 20 ft (365 cm, 487 cm / 609 cm)

Key Features:

- Available in 3 premium lengths: 12 ft, 16 ft and 20 ft (365 cm, 487 cm / 609 cm)
- Available in 3 premium colors: White, Gray and Black
- Available in 3 premium textures: Smooth, Grooved and Ribbed
- Available in 3 premium finishes: Matte, Satin and Gloss
- Available in 3 premium profiles: Vertical, Horizontal and Diagonal
- Available in 3 premium profiles: Vertical, Horizontal and Diagonal
- Available in 3 premium profiles: Vertical, Horizontal and Diagonal

Cladding

Available in 3 premium lengths: 12 ft, 16 ft and 20 ft (365 cm, 487 cm / 609 cm)

Available in 3 premium colors: White, Gray and Black

Available in 3 premium textures: Smooth, Grooved and Ribbed

Available in 3 premium finishes: Matte, Satin and Gloss

Available in 3 premium profiles: Vertical, Horizontal and Diagonal

Available in 3 premium profiles: Vertical, Horizontal and Diagonal

Available in 3 premium profiles: Vertical, Horizontal and Diagonal

Shop Now

FEATURES **GALLERY** **RESOURCES**



Villazon Plumbing Commercial Development— 494 Pigeon Street

Michael Villazon -Owner County Road Waynesville NC

B-2

Feb. 18, 2023

Metal Siding Horizontal
"Type A" - Zinc Grey

Berridge HR-4 & HR-16 Panels
WALL PANEL FASTENER SYSTEM WITH RIB

The Berridge HR-4 and HR-16 Panel are a corrugated panel with structural properties that can be installed horizontally or vertically. Berridge panels are available in zinc grey, charcoal grey, and vertically. Berridge panels are available in zinc grey, charcoal grey, and vertically. Berridge panels are available in zinc grey, charcoal grey, and vertically.

Materials

- 24" x 48" x .01875" Galvalume Steel
- 1/2" x 1/2" x 1/8" Aluminum

Specifications

- 1/2" x 1/2" x 1/8" Aluminum

Installation

- 1/2" x 1/2" x 1/8" Aluminum

AGM Tests

- 1/2" x 1/2" x 1/8" Aluminum

Florida Product Approval

Texas Department of Insurance Listed

Metal Siding Horizontal
"Type B - Charcoal Grey"

Berridge Deep-Deck Panel
WALL PANEL FASTENER SYSTEM WITH RIB

The Berridge Deep-Deck Panel is a corrugated panel with structural properties that can be installed horizontally or vertically. Berridge panels are available in zinc grey, charcoal grey, and vertically. Berridge panels are available in zinc grey, charcoal grey, and vertically.

Materials

- 24" x 48" x .01875" Galvalume Steel
- 1/2" x 1/2" x 1/8" Aluminum

Specifications

- 1/2" x 1/2" x 1/8" Aluminum

Installation

- 1/2" x 1/2" x 1/8" Aluminum

AGM Tests

- 1/2" x 1/2" x 1/8" Aluminum

Florida Product Approval

Texas Department of Insurance Listed

Metal Siding Vertical
"Type C - Zinc Grey"

Berridge S-Deck Panel
WALL PANEL FASTENER SYSTEM WITH RIB

The Berridge S-Deck Panel is a corrugated panel with structural properties that can be installed horizontally or vertically. Berridge panels are available in zinc grey, charcoal grey, and vertically. Berridge panels are available in zinc grey, charcoal grey, and vertically.

Materials

- 24" x 48" x .01875" Galvalume Steel
- 1/2" x 1/2" x 1/8" Aluminum

Specifications

- 1/2" x 1/2" x 1/8" Aluminum

Installation

- 1/2" x 1/2" x 1/8" Aluminum

AGM Tests

- 1/2" x 1/2" x 1/8" Aluminum

Florida Product Approval

Texas Department of Insurance Listed

Colors

BERRIDGE MANUFACTURING STANDARD COLORS

Premium Colors

- Aluminum
- Black
- Blue
- Green
- Grey
- White

Metallic Colors

- Aluminum
- Black
- Blue
- Green
- Grey
- White

Metallic Colors

- Aluminum
- Black
- Blue
- Green
- Grey
- White

Canopy Sample - Office/ Warehouse - Color Red



Similar Canopy Villazon Office - Color Red



Villazon Plumbing Commercial Development— 494 Pigeon Street

Michael Villazon -Owner
County Road Waynesville NC

B-3

Feb. 18, 2023

Town Council Staff Report

Subject: Proposed Text Amendment to the Land Development Standards
Ordinance Section: LDS Section 5.10.2, Mixed-Use/Commercial Building
Design Guidelines, Façade Materials
Applicant: Michael Villazon
Public Hearing Date: June 27, 2023

Background

The applicant purchased the property at 494 Pigeon Street and is renovating and planning an addition to the former gas station located there. The applicant's architect, Steve Coffey, has designed a structure that incorporates a significant amount of metal siding on the facades of the building. However, regarding façade materials on mixed-use and commercial buildings, the Land Development Standards Section 5.10.2 states the following:

Commercial building walls visible from a public street or civic space shall be primarily standard brick, stacked stone, stone or stone masonry units, wood clapboard, cementitious fiber board, or exposed heavy timber. Glass curtain walls may be approved subject to Design Review to ensure the styling and details are appropriate for the context. Decorative concrete masonry units (CMU) and exterior insulation finishing systems (EIFS) may be used on facades not facing a public street or civic space or as a secondary building material only (less than 25% of the wall area) on primary frontage facades.

Absent from this section is any allowance for metal as a siding material. Therefore, the applicant has proposed an amendment to this section of the Land Development Standards to add the phrase “*metal panels and siding*” to this list of permitted materials. The applicant asserts that the quality and appearance of metal siding has significantly improved since the adoption of the Land Development Standards and is now widely used in high quality applications and settings.

In addition to the text amendment application in question, Development Services staff has consulted with architects to advise on a possible update to the Land Development Standards building design guidelines. This update would likely apply all categories of building type: civic/monument, house/townhouse/apartment, manufactured housing, mixed-use/commercial, and industrial. Consequently, staff-initiated amendments regarding the building design guidelines will be forthcoming.

In a public hearing held on May 15, 2023, the Planning Board voted unanimously that the proposed amendment is consistent with the 2035 Comprehensive Land Use Plan, and is reasonable and in the public interest. It also voted unanimously to recommend approval of the text amendment as presented to the Town Council.

Consistency with the 2035 Comprehensive Land Use Plan

Chapter 2 of the Comprehensive Plan lays out several goals and objectives to provide guidance for implementing the overall plan. The following goals and objectives apply to this application:

- Goal 1: Continue to promote smart growth principles in land use planning and zoning.
- Create walkable and attractive neighborhoods and commercial centers.
 - Encourage infill, mixed-use, and context-sensitive development.

Goal 5: Create opportunities for a sustainable economy.

- Promote the growth of existing local businesses and Waynesville’s “maker economy.”
- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

Staff Recommendation

The use of metal siding has been prohibited for mixed-use and commercial buildings since the adoption of the original Land Development Standards in 2005. It is fair to say that metal siding was and still is associated with large-scale commercial and industrial uses, and has been considered a less aesthetically pleasing material. However, changes in contemporary building styles and improvements to metal siding materials have led to an increase in the use of metal siding, even in upscale settings.

The Town Council can approach this decision from a variety of angles and considerations:

1. Reject the addition of metal siding as an acceptable façade material for mixed-use and commercial buildings, and maintain the current list of acceptable materials.
2. Approve the addition of metal siding as an acceptable façade material for mixed-use and commercial buildings as proposed by the applicant.
3. Approve the addition of metal siding as an acceptable façade material for mixed-use and commercial buildings with some restrictions and conditions, which might include:
 - a. Limiting the percentage of metal siding permitted on facades.
 - b. Allowing specific types of metal siding based on current architectural or industry standards.
 - c. Prohibiting metal siding with a high gloss finish.
 - d. Requiring that use of metal siding within Historic Districts require a Certificate of Appropriateness from the Historic Preservation Commission.

Limitations on the percentage of metal as a façade material would be similar to existing limitations on decorative concrete masonry units (CMU) and exterior insulation finishing systems (EIFS), which are currently found in LDS Section 5.10.2.

Requested Action

1. Motion to find that the proposed text amendment is consistent or inconsistent with the 2035 Comprehensive Plan.
2. Motion to approve or deny the proposed text amendment (as presented or modified).

ORDINANCE NO. O-31-23

**AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

WHEREAS, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A, now Section III of Chapter 1 of 160D, of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed amendment to the text of the ordinance, recommends that it is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest, and recommends the text amendment for its enactment by the Town Council; and

WHEREAS, the Town Council finds this Ordinance is consistent with the Town’s 2035 Comprehensive Plan and that it is reasonable and in the public interest, specifically meeting the following Comprehensive Plan goals;

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage infill, mixed-use, and context-sensitive development.

Goal 5: Create opportunities for a sustainable economy.

- Promote the growth of existing local businesses and Waynesville’s “maker economy.”
- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

and;

WHEREAS, after notice duly given, a public hearing was held on May 15, 2023, at a regular meeting of the Waynesville Planning Board, and on June 27, 2023, at a regular meeting of the Town Council.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON June 27, 2023, AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

1. That the Land Development Standards Section 5.10.2 – Mixed Use/Commercial Building Design Guidelines, Façade Materials be amended as follows (*changes in red italics*):

Materials: Commercial building walls visible from a public street or civic space shall be primarily standard brick, stacked stone, stone or stone masonry units, wood clapboard, cementitious fiber board, *metal panels and siding*, or exposed heavy timber. Glass curtain walls may be approved subject to Design Review to ensure the styling and details are appropriate for the context. Decorative concrete masonry units (CMU) and exterior insulation finishing systems (EIFS) may be used on facades not facing a public street or

civic space or as a secondary building material only (less than 25% of the wall area) on primary frontage facades.

ADOPTED this 27th Day of June, 2023

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: 6/27/23**

SUBJECT Annual Paving List

AGENDA INFORMATION:

Agenda Location: Old Business
Item Number:
Department: Public Services
Contact: Rob Hites
Presenter: Rob Hites

BRIEF SUMMARY The staff presented the annual paving contract at your last meeting. We presented a list of streets to be paved. During the discussion, you requested that we present a list of streets that were paved last year. Councilmember Feichter requested that we study a portion of Sulfur Springs Street and report on its condition.

The Town contracts with an engineering firm to rate the Town's streets in order of paving needs. The Town will be allocated an estimated \$350,000 in Powell Bill paving funds from the State's gas tax. In choosing the streets to be paved the staff reviews the condition of the street, the traffic flow and the cost in comparison with other streets on the list. As an example, the street may appear on the priority list but may only serve four dwellings. The cost of repairing it versus a similar street with twenty dwellings is considered.

Councilmember Feichter asked the staff to review the condition of Sulphur Springs Road from the bridge to Boyd Avenue. Unlike the streets on the paving contract, Sulphur Springs Road carries a high traffic volume. The condition of the majority of the street is rated as an "83" out of "100" with "100" being best. The section of Sulphur Springs Street from Smathers to Blink Bonnie is estimated to cost \$2,765 to repave. Given the cost, it could be switched with another street on the list.

MOTION FOR CONSIDERATION: Review the streets scheduled to be paved and make any changes necessary.

FUNDING SOURCE/IMPACT: Powell Bill- General Fund

ATTACHMENTS: 2022-23 paving list (In yellow) 2023-24 contract (in green)

MANAGER'S COMMENTS: The paving study provides a good description of a street segment's needs and estimated cost. In many cases it is, however, difficult to tell the difference in condition between the various ratings. The survey also does not do a very good job of weighing traffic flow in the priority list. One may find a road like Lansing rated #1 on the list with a cost of \$17,129 to pave and widen 664 linear feet. The priority rating does not consider that Lansing only serves 3 dwellings. When one drives Sulphur Springs Road which is rated "83" and Brown (from Balsam to Old Hickory) rated "55", it is virtually impossible to tell the difference in pavement conditions. In varying from the list, the staff is attempting to spread the paving funds as efficiently as possible.

Town of Waynesville

Note: This list does not include Concrete, Brick or Unpaved Streets.

Rating (PCR) Order Street Listing (Ascending)

D	STREET	TP	CL	BLK	BEG DESC	Inventory END DESC	LEN	Distress																	PCR	TOTAL COST	Results			
								P	W	L	C	CT	S-L	S-R	AH	AN	AL	AM	AS	BK	RF	RT	RV	BL			RQ	PA	ACT-1	ACT-2
	LANSING	RD	A	2	SYLVAN ST	CHG WIDTH	664	P	11	1	0		N	N	0	5	0	0	5	N	N	M	S	N	S	N	0	\$17,129.00	PM2	FDP
	ETHEL	LN	A	2	MOUNTAIN VIEW DR	END PVMT	328	P	18	2	1	AR	N	N	0	1	0	0	9	N	N	N	N	N	L	N	11	\$15,036.00	PM1	FDP
	BUFFALO	LN	A	2	BOUNDARY ST	BUFFALO LN	91	P	22	2	0		N	N	0	5	0	0	5	N	N	N	M	N	M	N	16	\$2,971.00	PM1	FDP
	LEE	ST	A	2	RUSS AV	DOBBIN ST	291	P	20	2	1	MC	N	P	0	7	1	0	2	M	N	N	S	N	L	N	23	\$6,290.00	PM1	FDP
	GARLAND	ST	A	2	OAKDALE RD	DEAD END	658	P	19	2	0		N	N	0	4	0	0	6	L	N	N	N	N	L	M	26	\$22,941.00	PM1	FDP
	CAVALIER	DR	A	206	ARMS AV	DUCKETT COVE RD	101	P	22	2	2	AR	N	N	0	4	0	0	6	N	N	N	N	N	L	M	31	\$3,716.00	PM1	FDP
	JULE NOLAND	DR	A	2	RUSS AV	CANDLER ST	1878	P	20	2	2	SC	P	C	0	3	1	0	6	L	N	N	N	N	L	N	33	\$66,612.00	PM1	FDP
	LOCUST	DR	A	2	GREAT SMOKY MTN EXPWY	RHINEHART ST	1942	P	20	2	0		N	N	0	7	0	0	3	M	N	N	N	N	L	S	35	\$37,268.00	SO	FDP
	MCELROY	ST	A	2	FRAZIER ST	RAY ST	693	P	18	2	0		N	N	0	5	2	0	3	L	N	N	M	N	L	N	35	\$15,754.00	PM1	FDP
	BROOK	ST	A	2	BROWN AV	CAMELOT DR	330	P	17	2	0		C	N	0	7	0	0	3	S	N	N	N	N	L	N	35	\$9,471.00	PM1+S	FDP
	SYLVAN	ST	A	338	SHINGLE COVE RD	LANSING RD	186	P	19	2	0		N	N	0	7	0	0	3	N	N	N	S	N	L	N	35	\$4,361.00	PM1	FDP
	RESERVOIR	DR	A	2	TEST FARM RD	END PVMT	1201	P	17	2	0		N	N	0	4	1	1	4	L	N	N	N	N	L	M	37	\$32,757.00	PM1	FDP
	HOWELL	ST	A	2	N MAIN ST	WALL ST	275	P	22	2	1	MC	C	N	0	6	1	1	2	S	N	N	N	N	L	N	37	\$8,592.00	PM1+S	FDP
	ARDEN	ST	A	2	WELCH ST	DEAD END	639	P	16	2	1	AR	N	N	0	5	1	1	3	L	N	L	N	N	M	L	37	\$8,199.00	FDP	SKP
	CHARLES	ST	A	82	BOUNDARY ST	WATER ST	471	P	31	2	2	VC	N	N	1	5	1	1	3	M	N	N	L	N	L	N	37	\$7,127.00	FDP	SKP
	DAVIS COVE	RD	A	38	CHATHAM ST	STONECREST HTS	476	P	22	2	2	SC	P	N	0	6	1	0	3	L	N	N	M	N	L	N	38	\$12,004.00	PM1	FDP
	J F MORRIS	DR	A	2	OAKDALE RD	cul de sac	622	P	20	2	0		N	N	0	5	0	0	5	L	N	N	L	N	L	N	40	\$19,662.00	PM1	FDP
	CONLEY	ST	A	70	PITTS ST	BROAD ST	1042	P	25	2	2	AR	N	N	0	6	0	0	4	N	N	N	N	N	M	M	40	\$15,984.00	FDP	
	COWAN	ST	A	2	CAMP BRANCH RD	PRIVATE DRIVE	325	P	18	2	2	AR	N	N	0	5	0	0	5	L	N	N	L	N	L	N	40	\$9,861.00	PM1	FDP
	STONECREST	HT	A	2	DAVIS COVE RD	VERO LN	757	P	17	2	0		N	N	0	7	0	0	3	L	N	L	N	N	M	M	40	\$8,726.00	FDP	
	GEORGIA	AV	A	280	BROWN AV	WESTWOOD CIR	650	P	22	2	2	MC	C	P	0	7	0	0	3	M	N	N	N	N	L	M	40	\$8,507.00	FDP	CS
	CRAVEN	RD	A	34	BABB ST	CALVARY ST	194	P	18	2	0		N	N	0	6	0	0	4	L	N	N	N	N	L	S	40	\$4,067.00	SO	FDP
	BROAD	ST	A	2	SHELTON ST	PITTS ST	526	P	24	2	2	AR	N	N	0	4	0	0	6	N	N	N	N	N	L	N	41	\$19,996.00	PM1	FDP
	DELANNE	DR	A	198	CAP ST	STUCCO RD	136	P	19	2	0		N	N	0	4	0	0	6	N	N	N	N	N	L	N	41	\$4,761.00	PM1	FDP
	HAMER	AV	A	300	SIMPSON TR	EAST ST	1159	P	17	2	0		N	N	0	5	1	1	3	L	N	N	L	N	M	N	42	\$14,894.00	FDP	SKP
	NORMAN	ST	A	2	S MAIN ST	DEAD END	599	P	17	2	1	SC	N	N	0	4	1	0	5	L	N	N	N	N	L	N	43	\$17,825.00	PM1	FDP
	WALL	ST	A	446	HOWELL ST	N MAIN ST	622	P	36	2	2	VC	P	P	0	6	1	0	3	M	N	N	L	N	L	N	43	\$8,788.00	FDP	CS

 DONE

 THIS YEAR

 BROWN / SOPHIA SPRINGS COMPARISON

D	STREET	TP	CL	BLK	BEG	DESC	Inventory		Distress																Results							
							END	DESC	LEN	P	W	L	C	CT	S-L	S-R	AH	AN	AL	AM	AS	BK	RF	RT	RV	BL	RQ	PA	PCR	TOTAL COST	ACT-1	ACT-2
	FOURTH	ST	A	92		MEGHAN LN	CLANCY CV	1832	P	20	2	0		C	N	0	6	0	0	4	L	N	N	N	N	L	M	45	\$28,123.00	FDP		
	GARDNER	ST	A	2		SMATHERS ST	DEAD END	261	P	18	2	0		N	N	0	6	0	0	4	L	N	N	N	N	L	M	45	\$4,018.00	FDP		
	BONNIES	LN	A	2		LICKSTONE RD	DEAD END	582	P	20	2	0		N	N	0	4	1	1	4	L	N	N	N	N	L	N	47	\$16,963.00	PM1	FDP	
	CRYMES COVE	RD	A	1158		OAKDALE RD	AMMONS TRL	1305	P	18	2	0		N	N	0	7	1	1	1	M	N	N	L	N	L	M	47	\$8,447.00	FDP	SKP	
	BRUNSWICK	DR	A	122		RIDGE RD	ESTERO RD	524	P	19	2	2		AR	N	N	0	7	1	0	2	L	N	L	N	N	M	M	48	\$4,018.00	FDP	
	MEADOWBROOK	CI	A	26		STONE BROOK LN	PLAYGROUND CT	227	P	18	2	0		N	N	0	8	1	0	1	L	N	N	S	N	L	N	48	\$3,406.00	PM1	FDP	
	DOLAN	RD	A	2		LOVE LN	KERLEY ST	530	P	27	2	2		MC	C	C	1	8	1	0	1	L	N	M	N	N	M	M	48	\$2,030.00	FDP	
	NELSON PARK	DR	A	2		N MAIN ST	DEAD END-PRIV PROP	889	P	19	2	0		N	N	0	6	2	1	1	M	N	N	N	N	L	M	49	\$5,818.00	FDP	SKP	
	MORNINGVIEW	RD	A	2		NORRIS ST	MORNINGVIEW-CIRCLE	1395	P	10	2	2		AR	N	N	0	4	2	0	4	L	N	N	N	N	L	N	50	\$21,427.00	FDP	
	SAWYER	ST	A	2		HENDRIX ST	EXPLORER DR	988	P	19	2	2		AR	N	N	0	6	0	0	4	L	N	N	N	N	L	L	50	\$15,163.00	FDP	
	TATE	ST	A	134		ACADEMY ST	BOYD AV	351	P	18	2	1		MC	C	N	2	9	0	0	1	S	N	N	N	N	L	L	50	\$10,566.00	PM1+S	FDP
	WESTVIEW	ST	A	2		QUEEN ST	DEAD END	270	P	20	2	1		AR	N	N	0	5	0	0	5	N	N	N	N	N	L	N	50	\$8,544.00	PM1	FDP
	DELANNE	DR	A	116		BUNTIN ST	CATBIRD ST	206	P	19	2	0		N	N	0	5	0	0	5	N	N	N	N	N	L	N	50	\$6,410.00	PM1	FDP	
	ASSEMBLY	ST	A	134		HAMER AV	OAK ST	150	P	23	2	1		AR	N	N	0	5	0	0	5	N	N	N	N	N	L	N	50	\$4,996.00	PM1	FDP
	RIDGEWOOD	DR	A	2		DAISEY AV	PISGAH DR	190	P	17	2	0		N	N	0	7	0	0	3	M	N	N	N	N	L	N	50	\$2,436.00	FDP	CS	
	DUCKETT COVE	RD	A	2		COUNTRY CLUB DR	CAVALIER DR	52	P	20	2	0		N	N	0	5	0	0	5	N	N	N	N	N	L	N	50	\$1,644.00	PM1	FDP	
	WOODY	LN	A	2		GLEN EAGLE DR	CUL DE SAC	3801	P	18	2	0		N	N	0	6	1	1	2	L	N	N	N	N	L	S	52	\$55,559.00	SO	FDP	
	JARVIS	ST	A	2		BROAD ST	DEAD END	834	P	19	2	2		AR	N	N	0	6	1	0	3	L	N	N	N	N	L	M	53	\$9,590.00	FDP	
	ANDREW	LN	A	2		DOLAN RD	CUL DE SAC	629	P	20	2	2		AR	N	N	0	6	1	0	3	L	N	N	N	N	L	M	53	\$7,258.00	FDP	
	DAISEY	AV	A	142		CLIFTON ST	RIDGEWOOD DR	756	P	16	2	0		N	N	0	7	1	0	2	L	N	N	L	N	M	L	53	\$5,789.00	FDP		
	BROWN	AV	B	386		BALSAM DR	OLD HICKORY ST	604	P	25	2	2		SC	C	P	2	7	0	0	3	N	N	N	N	N	L	S	55	\$23,307.00	PM1	FDP
	BLINK BONNY	DR	A	52		TIMOTHY LN	MOUNTAIN VIEW DR	668	P	21	2	2		AR	N	N	0	6	0	0	4	L	N	N	N	N	L	N	55	\$10,282.00	FDP	
	DELANNE	DR	A	2		CULPEPPER DR	BUNTIN ST	609	P	20	2	0		N	N	0	6	0	0	4	L	N	N	N	N	L	N	55	\$9,331.00	FDP		
	FOURTH	ST	A	2		SMATHERS ST	MEGHAN LN	466	P	20	2	0		P	N	0	6	0	0	4	L	N	N	N	N	L	N	55	\$7,171.00	FDP		
	BRIGHT	ST	A	2		CAMP BRANCH RD	DEAD END	381	P	21	2	0		N	N	0	6	0	0	4	L	N	N	N	N	L	N	55	\$5,875.00	FDP		
	BURKE	ST	A	2		AUBURN RD	SHELTON ST	270	P	21	2	2		AR	N	N	0	6	0	0	4	N	L	N	N	N	L	N	55	\$4,147.00	FDP	
	DELANNE	DR	A	154		CATBIRD ST	CAP ST	224	P	19	2	0		N	N	0	6	0	0	4	N	N	N	N	N	L	L	55	\$3,456.00	FDP		
	BRADLEY	ST	A	142		BRONZEWING LN	DEE ANN DR-PRIV DRIVE	196	P	17	2	0		N	N	0	6	0	0	4	L	N	N	N	N	L	N	55	\$3,024.00	FDP		
	QUEEN	ST	A	30		GRAHAM ST	WESTVIEW ST	171	P	21	2	0		N	N	0	6	0	0	4	L	N	N	N	N	L	N	55	\$2,635.00	FDP		
	QUEEN	ST	A	2		PARK DR	GRAHAM ST	153	P	19	2	0		N	N	0	6	0	0	4	L	N	N	N	N	L	N	55	\$2,333.00	FDP		
	HAMER	AV	A	284		TAYLOR AV	SIMPSON TR	67	P	18	2	0		N	N	0	6	0	0	4	L	N	N	N	N	L	N	55	\$1,037.00	FDP		
	MAPLE	ST	A	2		N MAIN ST	CHERRY ST	1011	P	30	2	2		VC	P	P	2	6	1	1	2	L	N	N	N	N	L	M	57	\$9,126.00	FDP	SKP

D	STREET	TP	CL	BLK	BEG	DESC	Inventory		Distress														Results								
							END	DESC	LEN	P	W	L	C	CT	S-L	S-R	AH	AN	AL	AM	AS	BK	RF	RT	RV	BL	RQ	PA	PCR	TOTAL COST	ACT-1
	HAMER	AV	A	2	ASSEMBLY	ST	TAYLOR	AV	783	P	21	2	2	AR	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$3,024.00	FDP
	RIDGE	RD	A	58	MACON	ST	JACKSON	DR	792	P	19	2	2	AR	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$3,024.00	FDP
	DAISEY	AV	A	288	RIDGEWOOD	DR	BRYSON	ST	754	P	18	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$2,894.00	FDP	
	SULPHUR SPRINGS	RD	B	740	SMATHERS	ST	BLINK BONNY	DR	361	P	24	2	1	VC	C	N	3	8	1	0	1	L	N	N	N	N	L	N	83	\$2,765.00	FDP
	GRAYDEN	ST	A	2	OAKDALE	RD	OAKDALE	RD	718	P	17	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$2,765.00	FDP	
	EAST	ST	B	1262	N MAIN	ST	WINSTON	WAY	350	P	22	2	2	SC	C	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$2,678.00	FDP
	DUCKETT COVE	RD	A	12	CAVALIER	DR	CAVALIER	DR	679	P	19	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$2,592.00	FDP	
	MISSISSIPPI	AV	A	2	VIRGINIA	AV	S MAIN	ST	627	P	21	2	1	MC	C	N	1	8	1	0	1	L	N	N	N	N	L	N	83	\$2,419.00	FDP
	DUCKETT COVE	RD	A	140	CAVALIER	DR	END	PVMT	621	P	19	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$2,376.00	FDP	
N	CAMELOT	DR	A	166	GEORGIA	AV	CAROLINA	AV	600	P	26	2	1	MC	N	C	2	8	1	0	1	L	N	N	N	N	L	N	83	\$2,290.00	FDP
	PISGAH	DR	A	2	RIDGEWOOD	DR	CLIFTON	ST	575	P	18	2	2	AR	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$2,203.00	FDP
	HAWKTREE	LN	A	2	LENOIR	CIR	PRIVATE	DRIVE	558	P	9	2	1	AR	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$2,160.00	FDP
	RHINEHART	ST	A	2	LOCUST	DR	DEAD	END	549	P	18	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$2,117.00	FDP	
	DAVIS COVE	RD	A	126	STONECREST	HTS	STONECREST	HTS	554	P	19	2	1	AR	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$2,117.00	FDP
	RUFFED GROUSE	LN	A	2	HAWKS CREST	DR	BOB WHITE	LOOP	462	P	18	2	0	N	C	0	8	1	0	1	N	N	N	N	N	L	L	83	\$1,771.00	FDP	
	BELLE MEADE	DR	A	162	BROWN	AV	HEMLOCK	ST	428	P	18	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,642.00	FDP	
	WOODLAND	DR	A	142	OLEANDER	DR	CITY	LIMIT	431	P	20	2	1	AR	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,642.00	FDP
	HOSPITAL	ST	A	2	EAST	ST	SHORT	ST	414	P	24	2	2	AR	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,598.00	FDP
	GREENVIEW	DR	A	306	WAKE	ST	ASHE	RD	407	P	20	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,555.00	FDP	
	DOLAN	RD	A	174	ANDREW	LN	RAY	ST	388	P	22	2	1	AR	N	C	1	8	1	0	1	L	N	N	N	N	L	N	83	\$1,469.00	FDP
	WELLS EVENT	WY	A	0	N MAIN	ST	MOUNTAINEER	AL	363	P	18	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,382.00	FDP	
N	CAMELOT	DR	A	276	CAROLINA	AV	HAZELWOOD	AV	361	P	27	2	1	MC	N	C	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,382.00	FDP
	UNAGUSTA	ST	A	2	BROWN	AV	RIVERBEND	ST	322	P	18	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,253.00	FDP	
	RIDGEWOOD	DR	A	36	PISGAH	DR	BALSAM	DR	311	P	21	2	2	AR	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,210.00	FDP
	NORRIS	ST	A	2	SMATHERS	ST	MILL	ST	312	P	22	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,210.00	FDP	
	WILLOW	RD	A	236	PLAYGROUND	ST	CAMP BRANCH	RD	302	P	18	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,166.00	FDP	
	OVERLOOK	CT	A	2	WILLOW	RD	DEAD	END	397	P	18	2	0	N	N	0	8	0	2	0	L	N	N	N	N	L	N	83	\$1,065.00	SKP	
	ASHE	RD	A	2	GREENVIEW	DR	ESTERO	RD	266	P	19	2	2	AR	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,037.00	FDP
	KERLEY	ST	A	2	DOLAN	RD	SONORA	LN	273	P	22	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$1,037.00	FDP	
	PINEVIEW	DR	A	2	PINEWOOD	DR	DEAD	END	252	P	17	2	0	N	N	0	8	1	0	1	N	N	N	N	N	L	L	83	\$950.00	FDP	
E	ASSEMBLY	ST	A	376	EAST	ST	GRAHAM	ST	218	P	18	2	1	AR	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$821.00	FDP
	NOLAND	DR	A	2	SMATHERS	ST	DEAD	END	216	P	23	2	0	N	N	0	8	1	0	1	L	N	N	N	N	L	N	83	\$821.00	FDP	

Pavement Management System Legend for Alphabetical, Rating (PCR), and Priority Listings Reports

INVENTORY:

D Direction. This should be shown when a street has a designated direction as part of its street name, such as North Main Street or South Elm Street. One of the following letters is used to designate the directions:

N - North	E - East
S - South	W - West

STREET The name of the street as shown.

TP Street type. This designates a section of a street, boulevard, avenue, etc. The following standard abbreviations are used:

AL - Alley	EX - Extension	RD - Road
AV - Avenue	FR - Freeway	RN - Run
BT - Belt	HW - Highway	RW - Row
BV - Boulevard	KB - Knob	SQ - Square
CR - Circle	LN - Lane	ST - Street
CT - Court	LP - Loop	TE - Terrace
CO - Cove	PI - Pike	TP - Turnpike
DR - Drive	PK - Park	TR - Trail
DW - Driveway	PL - Place	WK - Walk
EP - Expressway	PW - Parkway	WY - Way

Other abbreviations are used as needed.

CL Class of street. Sections are classified according to traffic usage.

A - Low Volume, residential street
B - High Volume, arterial/collector streets

BLK Block number. Low block number for that section of street.

BEG DESC Begin description. This is the description of the beginning point of the street section. Most commonly, this is an intersection with another street.

If the section begins at a point other than an intersection, the begin point is described using the standard descriptions shown below (Other descriptions are used as needed):

Dead End	Private Prop
Beg Pvmt	Beg Median
End Pvmt	End Median
Cul de sac	Beg C&G
Town Limit	End C&G
End Maint	Beg Concrete
Block # Change	End Concrete
Chg Pvmt	Traffic Circle

END DESC	End description. This describes the location where the segment ends. Again, this would generally be an intersection with another street. It should be completed as described under BEG DESC.							
LEN	Length of the street segment measured in feet, in TPA application as 'Length'. Note: Measurements based on GIS centerline data.							
P	Pavement surface type. This describes the type of pavement surface that exists on the section. The type is filled in as shown below: <table border="0" style="margin-left: 40px;"> <tr> <td>P - Plant Mix Surface (PM)</td> <td>U - Unpaved</td> </tr> <tr> <td>B - Bituminous Surface Treatment (BST)</td> <td>D - Brick</td> </tr> <tr> <td>C - Portland Cement Concrete Pavement (PCC)</td> <td></td> </tr> </table> <p>The survey only evaluates streets with plant mix surfaces and bituminous surface treatments.</p>	P - Plant Mix Surface (PM)	U - Unpaved	B - Bituminous Surface Treatment (BST)	D - Brick	C - Portland Cement Concrete Pavement (PCC)		
P - Plant Mix Surface (PM)	U - Unpaved							
B - Bituminous Surface Treatment (BST)	D - Brick							
C - Portland Cement Concrete Pavement (PCC)								
W	Pavement width. This is the width of the section measured in feet from edge of pavement to edge of pavement.							
L	Number of travel lanes. This is the number of through travel lanes that exist on the segment or the majority of the segment.							
C	Location of curb and gutter. This shows the existence of curb and gutter existing on each section. <table border="0" style="margin-left: 40px;"> <tr> <td>0 - No curb and gutter</td> </tr> <tr> <td>1 - Curb and gutter on one side of street</td> </tr> <tr> <td>2 - Curb and gutter on both sides of street</td> </tr> </table>	0 - No curb and gutter	1 - Curb and gutter on one side of street	2 - Curb and gutter on both sides of street				
0 - No curb and gutter								
1 - Curb and gutter on one side of street								
2 - Curb and gutter on both sides of street								
CT	Type of curb and gutter. <table border="0" style="margin-left: 40px;"> <tr> <td>SC - Standard Curb (J-type)</td> </tr> <tr> <td>CR - Concrete Rolled (valley curb)</td> </tr> <tr> <td>VC - Vertical Curb</td> </tr> <tr> <td>GR - Granite Curb</td> </tr> <tr> <td>AR - Asphalt Rolled</td> </tr> <tr> <td>MC - Monolithic Curb</td> </tr> <tr> <td>BR - Brick Curb</td> </tr> </table>	SC - Standard Curb (J-type)	CR - Concrete Rolled (valley curb)	VC - Vertical Curb	GR - Granite Curb	AR - Asphalt Rolled	MC - Monolithic Curb	BR - Brick Curb
SC - Standard Curb (J-type)								
CR - Concrete Rolled (valley curb)								
VC - Vertical Curb								
GR - Granite Curb								
AR - Asphalt Rolled								
MC - Monolithic Curb								
BR - Brick Curb								
S-L S-R	Sidewalk Left and Sidewalk Right respectively, indicates the presence of existing sidewalk on each street segment. <table border="0" style="margin-left: 40px;"> <tr> <td>N - None</td> <td>P - Partial</td> <td>C - Complete</td> </tr> </table>	N - None	P - Partial	C - Complete				
N - None	P - Partial	C - Complete						
AH	Asphalt height above or into gutter in inches (used to flag streets for milling). In TPA application as 'Asphalt_ht'.							

DISTRESS:

AN, AL,
AM, AS

Alligator Cracking: None, Light, Moderate, and Severe

Alligator cracking is rated as a percentage of the street section that falls under the categories of None, Light, Moderate, and Severe. Percentages are shown as 1 = 10%, 2 = 20%, 3 = 30%, up to 10 = 100%. These percentages should always add up to 100%.

BK

Block/Transverse Cracking. This indicates the overall condition of the street section as follows:

- N - None
- L - Light
- M - Moderate
- S - Severe

RF

Reflective Cracking. This is shown in the same manner as BK.

RT

Rutting. This is shown in the same manner as BK.

RV

Raveling. This is shown in the same manner as BK.

BL

Bleeding. This is shown in the same manner as BK.

RQ

Ride Quality. The condition is designated as follows:

- L - Average (including new)
- M - Slightly Rough
- S - Rough

PA

Patching. This is shown in the same manner as BK.

RESULTS:

PCR Pavement Condition Rating. A rating on a scale of 0 to 100 with 100 being the best. In TPA application as 'Rating'.

TOTAL COST Total cost of maintenance repair needed for that street section including secondary maintenance costs.

ACT-1 Primary maintenance activity required. The following abbreviations are used:

CS	-	Crack Sealing
FDP	-	Full-Depth Patch
PM1.5	-	1.5" Plant Mix Resurfacing
PM 1.5+S	-	1.5" Plant Mix Resurfacing and Bituminous Surface Treatment (BST) Seal
SKP	-	Skin Patch
SO	-	Short Overlay

ACT-2 Secondary maintenance activity required (included in Total Cost).

CS	-	Crack Sealing
FDP	-	Full-Depth Patch
SKP	-	Skin Patch

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: June 27, 2023**

SUBJECT:

End of Year Budget Amendments

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Finance
Contact: Misty Hagood, Finance Director
Presenter: Misty Hagood, Finance Director

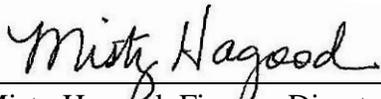
BRIEF SUMMARY:

We need to amend the budget to cover a few overages that happened during the year. The Police Department salaries were budgeted looking at a tread over the past few years of having significant lapse salary left at year end. We have been staffed at better levels this year than in the past few years, so the salaries and fringe need to be increased. They also went over on the over time budget to take care of training needs. These overages will be covered by transferring the funds that were budgeted for the Fire Department design that was not used.

The Garage Fund received several insurance checks for vehicle repairs and investment income that will be used to cover an overage in the supplies and materials. Public Services-Inside had an overage due to some building repairs so we will transfer funds that were not needed from Public Service Administration and Public Services-Outside to cover the overages.

MOTIONS FOR CONSIDERATION:

1. Motion to adopt the 2022-2023 Budget Ordinance Amendment as presented
2. Motion to approve the Resolution Amending the Internal Service Funds Financial Operating Plan for 2022-2023



Misty Hagood, Finance Director

6/20/2023

Date

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Ordinance No. O-32-23

Amendment No. 24 to the 2022-2023 Budget Ordinance

WHEREAS, the Town Council of the Town of Waynesville, wishes to amend the 2022-2023 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville that the 2022-2023 Budget Ordinance be amended as follows:

General Fund:

Increase/decrease the following appropriations:

Police Dept	\$350,000
Fire Department	(350,000)

Adopted this 27th day of June 2023.

Town of Waynesville

Gary Caldwell
Mayor

Attest:

Candace Poolton
Town Clerk

Approved As To Form:

Martha Sharpe Bradley
Town Attorney

RESOLUTION NO. R-14-23

Resolution Amending the Financial Operating Plan for Internal Service Funds

WHEREAS, the Town Council of the Town of Waynesville, wishes to amend the financial operating plan for the Internal Service Funds.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville to amend the financial operating plan for the 2022-23 year for the Internal Service Funds as follows:

Garage Operations:	
Estimated Revenues:	
Misc. Revenue	\$8,220
Investment Income	<u> 500</u>
	8,720
Appropriations:	
Operations	\$8,720
Asset Services Management:	
Estimated Revenues:	
Misc. Revenue	\$ 700
Investment Income	<u>6,300</u>
	7,000
Appropriations:	
Public Services Administration	\$(15,000)
Public Facilities-Inside	37,000
Public Facilities-Outside	<u>(15,000)</u>
	\$ 7,000

Adopted this 27th day of June 2023.

TOWN OF WAYNESVILLE

J. Gary Caldwell
Mayor

ATTEST:

Candace Poolton
Town Clerk

APPROVED AS TO FORM:

Martha Sharpe Bradley
Town Attorney

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: 6/27/2023**

SUBJECT Lease agreement for Parking Lot at intersection of Haywood and Church Streets

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Rob Hites
Presenter: Rob Hites

BRIEF SUMMARY At the Council' request, Mayor Caldwell and I have negotiated a ten-year lease for the lot at the intersection of Haywood and Church Street. The lease (attached) will commence on July 1, 2023. The terms of the lease are to begin with a \$300 per month rent with a 3% annual increase. Should the Reece family receive an offer to purchase the property during the ten-year term, the Town will have a first right of refusal to match the offer. lease Should the family terminate the before the end of the ten-year lease, the family will pay the Town the percentage of its costs for constructing the parking lot based on the remaining term of the lease.

The Lot will be constructed with gravel and will accommodate 22 spaces. The Town will construct LED lighting similar to that in the Armory Lot. We will order "Public Parking" signage that matches the Wayfinding design used elsewhere in the Town. The 2023-24 budget contains \$20,000 to construct the lot.

MOTION FOR CONSIDERATION: Approve the proposed lease.

FUNDING SOURCE/IMPACT: ARP

ATTACHMENTS: Proposed Lease, Parking Lot design

MANAGER'S COMMENTS:

The Church Street, Montgomery Street, area of the Downtown has very little public parking. Over the past three years, patrons of the businesses have lost the use of the lot adjacent to Watami and the lot adjacent to the old Masonic Lodge. The addition of a public lot in this area will help alleviate the shortage of parking in this area. The Lease rate is in line with other parking leases on a "per space" basis. The Lease provides the Town with a "First Right of Refusal" so it could purchase the lot in the future if the Reece family receives an offer to purchase.

The parking layout also shows a five-foot walkway through another parcel that would connect Montgomery Street with the lot. We have not approached the property owner to determine if they have an interest in leasing a ten foot right of way along the property line with Phil Ann Medford.

LEASE AGREEMENT

STATE OF NORTH CAROLINA COUNTY

OF HAYWOOD

This Lease Agreement (hereafter "this Lease") is entered into on the date that all signatures have been entered as shown below by and between the Reece Family Properties LLC. (hereafter "Lessor"), and the TOWN OF WAYNESVILLE, a North Carolina municipal corporation (hereafter "Lessee").

IN CONSIDERATION of the mutual covenants contained herein, the parties agree as follows:

1. Description of Property. Lessor does hereby let and lease unto the Lessee, and Lessee does hereby accept as Lessee of the Lessor, that property of the Lessor located at the intersection of Haywood and Church Streets in Waynesville, North Carolina, as described in that deed recorded in Book 483, page 2699, Haywood County Registry and recorded by Haywood County GIS as PIN #8615-27- 8234 (hereafter the "Leased Premises").
2. Term. The term of this Lease shall commence on July 1, 2023 and continue for a period of ten (10) years, ending at 11:59 P.M. on June 30, 2033.
3. Rental. As rent for said premises for the term of this Lease, Lessee shall pay to Lessor the sum of Three Hundred Dollars (\$300.00) per month, beginning July 1, 2023, and continuing on the first day of each month thereafter during the lease term. Provided however, beginning July 1, 2024, and on each July 1 thereafter during the lease term, the monthly rent shall be increased by 3.0%.
4. Use of Leased Premises. The Leased Premises shall be used and operated by Lessee for the purpose of providing to the public use of the Leased Premises for general parking and special events by the public. Such use includes customary activities of the Town of Waynesville, including, but not limited to, the right of the general public to enter upon, park within, and exit from the Leased Premises for said purposes.
5. Repairs and Maintenance. Lessee shall be responsible for maintaining the Leased Premises in a reasonable condition suitable for parking, and special events. With regard to the Leased Premises, Lessee may, but shall not be required, to clear, remove debris, grade, gravel, pave, light, create entry and exit drives, install signage, animal waste disposal, traffic and parking aids, portable toilets and install other facility amenities, as necessary, solely at the Lessee's expense during the term of this Lease.

6. Lessor's Warranty of Title. Lessor warrants and covenants with Lessee that Lessor is seized of the premises in fee simple, has the right to lease the same, that title is marketable and free and clear of all encumbrances, and that Lessor will indemnify and hold Lessee harmless from any and all claims and damages resulting from any breach of this Warranty of Title.

7. Indemnity. Lessee agrees to indemnify and hold harmless Lessor from any and all claims resulting from any negligence of Lessee and its employees related to Lessee's use of the leased property (a "Third Party Claim") provided that Lessee is promptly notified of any such Third-Party Claim. Lessee shall have the right, at its sole expense, but not the obligation, to defend a Third-Party Claim through counsel of its choosing. If Lessee declines or fails to assert its intention to defend such Third-Party Claim within sixty (60) days of receiving notice of such Third-Party Claim, then Lessor shall have the right to defend such Third-Party Claim. The Party defending such Third-Party Claim shall have the sole and exclusive right to select counsel for such Third-Party Claim. Each Party shall have the right to join any Third-Party Claim defended by the other Party, at its own expense.

8. Termination.

(a) Lessor may terminate this Lease should the Lessee be found to be in material breach of this Lease. As a condition to the right to terminate this Lease for material breach by Lessee, Lessor must first provide Lessee with written notice of a breach of this Lease and Lessee shall have thirty (30) days after receipt of the notice of breach to remedy the breach without consequence. Should Lessee fail to remedy the breach, Lessor has the right to terminate this lease sixty (60) days after such notice.

(b) Lessee may terminate this Lease before the end of the lease term by compensating the Town for the proportion of the cost of improvements that remains on the lease.

(c) Should the Lessee choose to terminate the Lease due to the opportunity to sell the property, the Town shall be permitted to have a first right of refusal to purchase the property at the same price as the offer to purchase entertained by the Lessor.

(d) Lessee may terminate this Lease should Lessor be found to be in breach of this Lease, including but not limited to Lessor's Warranty of Title.

9. Notices: Any notices called for under this Lease shall be effective if delivered personally or if mailed by Certified Mail, Return Receipt Requested, to the following addresses:

To Lessor: Reece Family Properties, LLC.
 c/o Chuck Reece
 245 Grimball Drive
 Waynesville, NC 28786-2125

To Lessee: Town of Waynesville
c/o Robert W. Hites Jr., Town Manager
P. O. Box 100
16 S. Main Street Waynesville,
NC 28786

Lessor and Lessee may, by notice given to the other in accordance with this section, designate any further or different addresses to which notices, requests, or other communications shall be sent.

10. Removal of Equipment. At the termination or expiration of this Lease, Lessor shall have the right to remove any and all equipment on, and improvements to, the Leased Premises installed during the term of the Lease.

11. Binding Effect and Certification. This Lease shall be binding upon, inure to the benefit of, and be enforceable by the parties and their respective successors and assigns, notwithstanding changes in corporate or other governance. This Lease is conditioned upon it being certified as having been pre-audited in order to comply with the budgetary accounting requirements (if any) that apply, under the Local Government Budget and Fiscal Control Act or otherwise. Such certification is set forth at the end of this Lease, and the Finance Officer for the Lessee must sign it.

12. Choice of Law and Forum. This Agreement shall be deemed made in Waynesville, Haywood County, North Carolina. This Agreement shall be governed by and construed in accordance with the law of North Carolina. The exclusive forum and venue for all actions arising out of this Agreement shall be the North Carolina General Court of Justice, in Haywood County. Such actions shall neither be commenced in nor removed to federal court. This subsection shall not apply to subsequent actions to enforce a judgment entered in actions heard pursuant to this section.

13. Modifications and Entire Contract. Any modification of this Lease Agreement is not valid unless signed by both parties and otherwise in accordance with requirements of law. Further, a modification is not enforceable against the Lessee unless the Town Manager signs it for the Lessee. This contract contains the entire agreement between the parties pertaining to the subject matter of this Agreement. With respect to that subject matter, there are no promises, agreements, conditions, inducements, warranties, or understandings, written or oral, expressed, or implied, between the parties, other than as set forth or referenced in this contract.

14. Waiver. No action or failure to act by either party shall constitute a waiver of any of its rights or remedies that arise out of this contract, nor shall such action or failure to act constitute approval of or acquiescence in a breach thereunder, except as may be specifically agreed in writing.

15. Performance of Government Functions. Nothing contained in this contract shall be deemed or construed so as to in any way estop, limit, or impair the Lessee from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.

16. Severability. If any provision of this agreement shall be unenforceable, the remainder of this contract shall be enforceable to the extent permitted by law.

17. No Third-Party Rights Created. This Agreement is intended for the benefit of the Lessor and Lessee and not any other person or entity, other than assigns and successors of the Lessor and Lessee.

18. Non-Appropriation/Early Termination. The Lessee shall exercise its best efforts to obtain annual appropriations to meet each payment required under this Agreement. This Agreement may be terminated at any time, without penalty, in the event of non-appropriation of funds for payment of the Lessee's obligations under this Agreement.

19. No Pledge of Faith or Delegation of Powers. No provision of this Agreement will be construed or interpreted as creating a pledge of the faith and credit of the Lessee within the meaning of any constitutional debt limitation. The parties acknowledge that the scope, term, and duration of this Agreement are in all events reasonable. No provision of this Agreement shall be construed or interpreted as delegating governmental powers or as a donation or a lending of the credit of the Lessee within the meaning of the North Carolina Constitution.

20. No Lien, etc. No provision of this Agreement will be construed to pledge or to create a lien on any class or source of the Lessee's moneys, nor will any provision of the Agreement restrict to any extent prohibited by law any action or right of action on the part of any future Board of Aldermen of the Lessee. To the extent of any conflict between this provision and any other language of this Agreement, this section or paragraph, this provision shall take priority.

21. Pre-Audit. This Agreement is conditioned upon it being certified as having been pre audited, if necessary, to comply with the budgetary accounting requirements (if any) that apply, under the Local Government Budget and Fiscal Control Act or otherwise. Such certification is set forth at the end of this Agreement, and the Finance Officer for the Lessee must sign it.

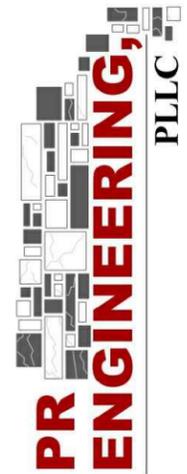
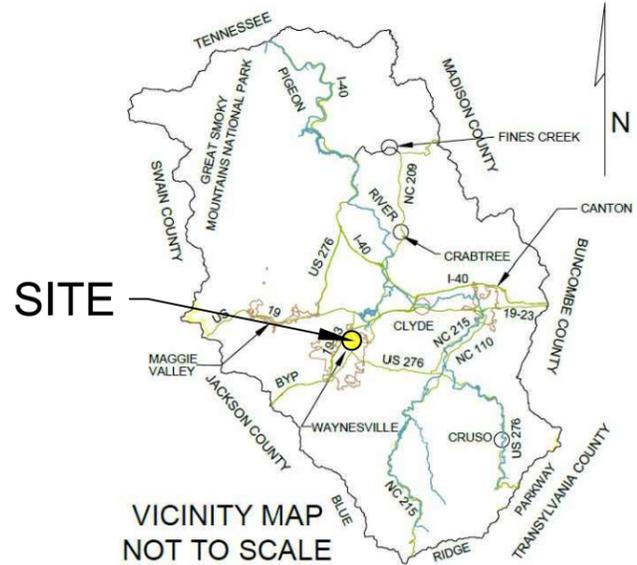
DEVELOPMENT DATA BLOCK:

CLIENT: TOWN OF WAYNESVILLE

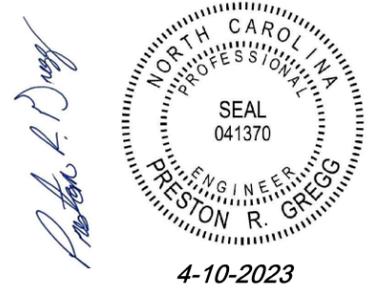
ENGINEER: PRESTON GREGG, PE; TIMBER WEST
PR ENGINEERING, PLLC
83 SHERMANS RUN
CANTON, NC 28716
(PH.) 828-400-9353
PREENGINEERING@OUTLOOK.COM

CONTRACTOR: N/A

SURVEYER: N/A



P-1564
FIRM NO.



*THIS DRAWING IS BEING FURNISHED FOR THE TOWN OF WAYNESVILLE, ONLY IN CONJUNCTION W/ THIS PROJECT, AND THE INFORMATION CONTAINED HEREIN IS NOT TO BE TRANSMITTED TO ANY OTHER JOB OR ORGANIZATION UNLESS AUTHORIZED BY THE ENGINEER.

GRAVEL PARKING LOT PLAN FOR THE TOWN OF WAYNESVILLE

WAYNESVILLE HAYWOOD COUNTY NORTH CAROLINA

COUNTY: HAYWOOD

PIN #: 8615-27-8234

ACREAGE: 0.26 AC

SUBDIVISION: N/A

ZONING: N/A

FLOOD HAZARD: N/A

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
S-001	TITLE SHEET
S-100	SITE PLAN
S-200	PROJECT DETAILS

CLIENT & PROJECT
TOWN OF WAYNESVILLE
N HAYWOOD RD/CHURCH ST GRAVEL LOT

PROJECT NO.	DATE
CAD FILE NAME: TOW - N HAYWOOD	4-10-2023
ST & CHURCH ST PARKING LOT PLAN	
DRAWN BY: TDW	
CHECKED BY: PRG	

TITLE SHEET
S-001

PERMITTING

Preston R. Gregg



4-10-2023

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CLIENT & PROJECT
TOWN OF WAYNESVILLE
N HAYWOOD RD/CHURCH ST GRAVEL LOT



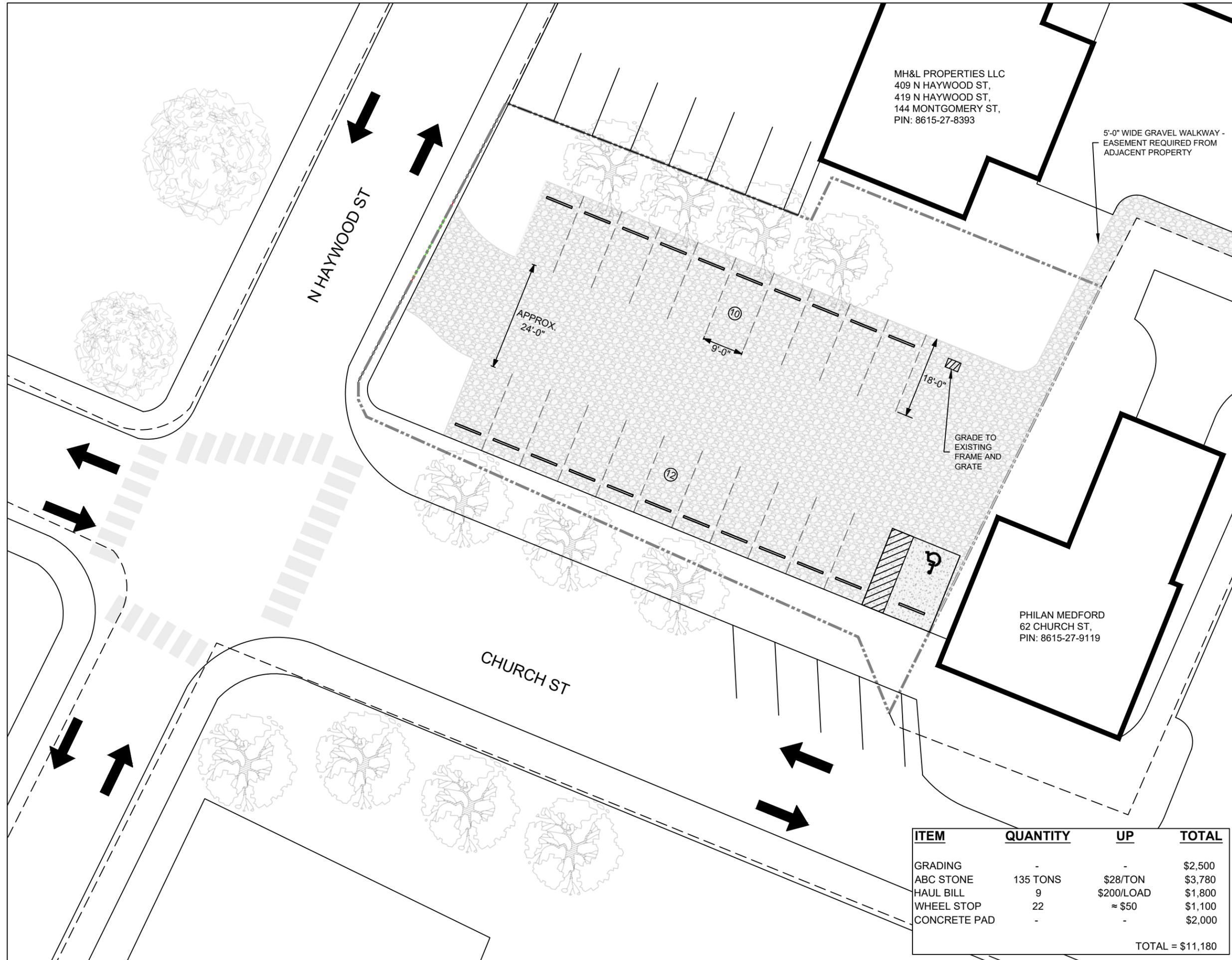
Know what's below.
Call before you dig.

PROJECT NO.	DATE
CAD FILE NAME: TOW - N HAYWOOD	4-10-2023
ST & CHURCH ST PARKING LOT PLAN	
DRAWN BY: TDW	
CHECKED BY: PRG	

SITE PLAN
S-100

SCALE: 1" = 20'-0"

PERMITTING



MH&L PROPERTIES LLC
409 N HAYWOOD ST,
419 N HAYWOOD ST,
144 MONTGOMERY ST,
PIN: 8615-27-8393

5'-0" WIDE GRAVEL WALKWAY -
EASEMENT REQUIRED FROM
ADJACENT PROPERTY

APPROX.
24'-0"

9'-0"

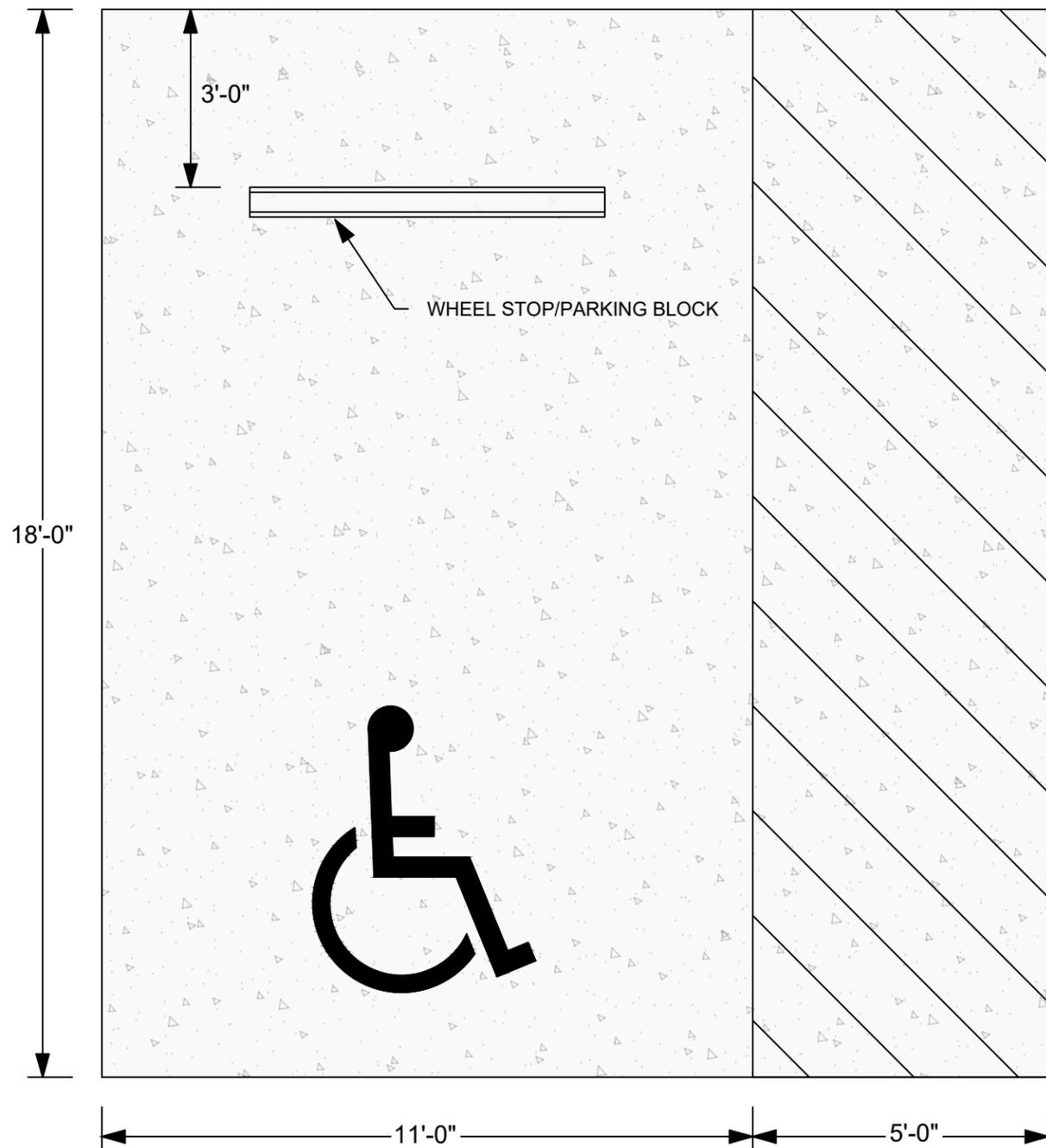
GRADE TO
EXISTING
FRAME AND
GRATE

PHILAN MEDFORD
62 CHURCH ST,
PIN: 8615-27-9119

CHURCH ST

N HAYWOOD ST

ITEM	QUANTITY	UP	TOTAL
GRADING	-	-	\$2,500
ABC STONE	135 TONS	\$28/TON	\$3,780
HAUL BILL	9	\$200/LOAD	\$1,800
WHEEL STOP	22	≈ \$50	\$1,100
CONCRETE PAD	-	-	\$2,000
TOTAL =			\$11,180



TOTAL NUMBER OF SPACES IN PARKING FACILITY (INCLUDING ACCESSIBLE SPACES)	MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES REQUIRED
1-25	1



NOTES:

1. ACCESSIBLE CAR PARKING SPACES ARE 8'-0" WIDE.
2. ACCESSIBLE VAN PARKING SPACES ARE 11'-0" WIDE. ACCESSIBLE VAN PARKING SPACES CAN BE 8'-0" IN WIDTH IN THE CASE THE ACCESS AISLE IS 8'-0" IN WIDTH.
3. ACCESS AISLES ARE 5'-0" WIDE, EXTENDING THE FULL LENGTH OF THE PARKING SPACE.
4. ACCESSIBLE PARKING MUST BE IDENTIFIED BY SIGNAGE THAT INCLUDES THE INTERNATIONAL SYMBOL OF ACCESSIBILITY. SIGNS IDENTIFYING VAN ACCESSIBLE SPACES MUST INCLUDE THE PHRASE "VAN ACCESSIBLE".
5. ACCESSIBLE PARKING SIGNS MUST BE MOUNTED A MINIMUM OF 5'-0" ABOVE THE GROUND.
6. ACCESSIBLE PARKING SHALL BE 4" THICK CONCRETE PAD REINFORCED WITH 6X6 W1.4XW1.4 WWF HAVING A MINIMUM CLEAR COVER OF 1".



P-1564
FIRM NO.

Preston R. Gregg



4-10-2023

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CLIENT & PROJECT
TOWN OF WAYNESVILLE
N HAYWOOD RD/CHURCH ST GRAVEL LOT



Know what's below.
Call before you dig.

PROJECT NO.	DATE
CAD FILE NAME: TOW - N HAYWOOD	4-10-2023
ST & CHURCH ST PARKING LOT PLAN	
DRAWN BY: TDW	
CHECKED BY: PRG	

PROJECT DETAILS
S-200

SCALE: N.T.S.

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: 6-27-2023**

SUBJECT Rate for EV Charging Stations

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Rob Hites
Presenter: Rob Hites

BRIEF SUMMARY The Town has received two EV Charging Grant through the VW Settlement program. One is a “Level 2” charger grant that provides four ports of charging capacity at 7.6 kw. This would permit a car to charge 25 miles in an hour. The second grant is a “Fast Charger” grant. It will permit a vehicle to receive 187 miles of charge in an hour. Studying charging sites in the Waynesville and Asheville region, it appears as though the “Level 2” Chargers are provided at no charge to the public. They are designed to provide a minimum level of charge for a vehicle that needs several miles to reach their home charger or a “Fast Charger”. The charging rate is so slow that the Town would not receive enough income to pay for the Wi-Fi and billing costs. The “Fast Charger” will provide 187 miles of charge per hour. It is comparable to the charging units that Haywood County EMC sponsors on Johnathan Creek near Exit 20. The Town will expend \$37,279 in matching funds, for the “Fast Charger” grant. In addition to the payback of those funds, the Town will incur monthly Wi-Fi charges, accounting costs, and the monthly wholesale power cost which is currently \$.05043 per kW. Setting the “Fast Charger” rate at \$.35 per kWh will provide a margin that should cover the Town’s cost of service.

MOTION FOR CONSIDERATION: Set an electric rate of \$.35 per kWh for the Town’s EV “Fast Charger” service and no charge for its “Level 2” Chargers.

FUNDING SOURCE/IMPACT: Electric

ATTACHMENTS: Memo

MANAGER’S COMMENTS: The Waynesville region currently has one public “Fast Charging” station located on Johnathan Creek Road. A second station located at the old DACCO Union Hall is set to open any time. Charging fees have not been published for that station. We currently have rate information from the Haywood EMC and Asheville Charging stations. I recommend that we set an initial rate similar to Haywood EMC as we determine the Town’s return on its investment. The Town will not receive enough revenue from the “Level 2” chargers to pay for the Wi-Fi and accounting fees. Additionally, there are several “Level 2” chargers in the area and their sponsors do not charge for their use. Since the Town’s “Level 2” grant is 100%, the Town will not incur monetary costs other than that of power and meter reading.



6/27/2023

EV CHARGING RATES

I have searched EV (Electric Vehicle) websites to determine the market rates for neighboring public EV chargers. The Waynesville area has several small, chargers located at HCC, Ingles, and Maggie Valley Town Hall. There is currently one operating public “Fast Charger” located on Johnathan Creek at Exit 20. Duke Power is in the process of completing a “Fast Charger” station at the HCC Training Center (Old DACO Union Hall). Given the lack of chargers in Haywood County, I searched West Asheville for EV Charging Rates.

Level 2 (slow) Charging Stations

“Level 2” EV stations charge very slowly and only offer approximately 25 miles per hour of charging time. They are designed to provide an EV with enough charge to get them back to their home charger or a “Fast Charger”. It does not appear that the “Level 2” chargers in our area require payment to charge.

The Town is completing installation of two “Level 2” chargers, each with two ports, one in the Montgomery Street Lot and one at the Recreation Center. The charging stations are funded through a grant funded by the VW Diesel Settlement. The grant award is \$20,000 which will cover 100% of the Town’s expenses. The Town will have ongoing expenses involving monthly electric service; however the stations may not sell enough power to make charging for the service cost effective. Given that the “Level 2” (slow) chargers at Ingles, Town of Maggie Valley and HCC do not charge for “Level 2” charging, it makes sense to follow them and not charge for that service until we can determine the cost to the Town vs the potential for recovery through fees.

“Fast Chargers”

Rate structures for EV “Fast Chargers” vary across the Asheville market. Several examples are listed below:

**Haywood Electric Membership Corporation
Johnathan Creek at Exit 20**

Rate: \$.35 per kWh equals:

\$ 4.38 per 15 minutes (46-mile charge)

\$ 8.75 per 30 minutes (93-mile charge)

\$13.12 per 45 minutes (140-mile charge)

\$17.50 per 60 minutes (187-mile charge) (compared to \$24.45 for gasoline @25 mpg)

Asheville Outlet Mall

Overnight rates (midnight to 7:00 am)	\$.34 per kWh*
Off Peak (8:00 am-noon; 9:00 pm-midnight)	\$.40 per kWh*
On Peak (noon-9 pm)	\$.45 per kWh*

*plus \$.99 per transaction processing fee

Biltmore Park Town Square

Same schedule as Asheville Outlet Mall

Occonoluftee Visitor Center

\$5.95 per Fast Charge

\$.075 per kWh for Level 2 (slow charger)

CONCLUSION

The Town is installing a replacement of its existing "Fast Charger" in the Montgomery Street Lot using a VW Settlement Grant. The grant amount is \$90,000. It will compensate the Town for 70 % of its cost. After deducting the grant, the Town will expend \$ 37,279 in Electric funds to complete the project. The "Fast Charger" will be capable of providing significant charge to EV vehicles and should be used quite heavily. Haywood County Electric Membership Cooperative's "Fast Charger" uses a straight \$.035 per kWh rate at its Johnathan Creek facility. The EMC's EV rates are the only benchmark we can use for the Waynesville area. The rates in the Asheville area are considerably more expensive.

For the sake of simplicity, I recommend that the Council adopt a \$.35 per kWh rate for its "Fast Charger"(s). The rate will match the EMC's rate for comparable service. Duke Energy and Ingles will be bringing "Fast Chargers" online in the near future and we will be able to analyze the costs of the program along with the rates of additional charging stations.

TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: June 27, 2023

SUBJECT: Scheduling interviews for the ABC Board applicants.

AGENDA INFORMATION

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Jesse Fowler, Assistant Town Manager
Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY

The Waynesville ABC Board has one vacancy. Mr. Jonathan Sears and Mr. Alex McKay have submitted applications to serve on the ABC Board. According to the Boards and Commissions Rules and Procedures, Town Council must interview ABC Board applicants before appointing new members.

MOTIONS FOR CONSIDERATION

Motion to schedule interviews with Jonathan Sears and Alex McKay.

ATTACHMENTS:

- Jonathan Sears' application
- Alex McKay's application

MANAGER'S COMMENTS AND RECCOMENDATIONS



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Jonathan Sears

STREET ADDRESS 220 Camp Branch Rd. Waynesville

MAILING ADDRESS P.O. Box 602 Clyde, NC 28721

PHONE 828-550-1944

E-MAIL jon.w.sears@gmail.com

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

- Alcoholic Beverage Control Board
- Board of Adjustment
- Firemen's Relief Fund Board
- Historic Preservation Commission
- Planning Board
- Public Art Commission
- Recreation & Parks Advisory Commission
- Waynesville Housing Authority
- Cemetery Committee

**As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because: of the vital contributions to the tax base of Waynesville & Haywood Co.

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

Served 3 years on Haywood Co. E&R Board

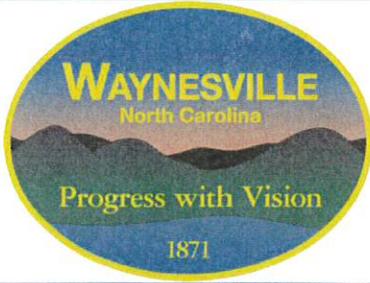
I feel that I can contribute the following to this board or commission: Past Marketing & Sales experience, Successful Human Resources Career.

Tell us about yourself and your background: Operations Manager 7yrs JM Teague Engineering, 30yrs as a Certified Human Behavioralist & Conflict Resolution

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

Signature [Handwritten Signature]

Date 6/20/23



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

cpoolton@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME B. Alex McKay
STREET ADDRESS 343 Hazelwood Ave.
MAILING ADDRESS Waynesville, NC 28786
PHONE (828) 246-8528
E-MAIL Waynesvillearchive@yahoo.com

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

- Alcoholic Beverage Control Board
Board of Adjustment
Firemen's Relief Fund Board
Historic Preservation Commission
Planning Board
Public Art Commission
Recreation & Parks Advisory Commission
Waynesville Housing Authority
Cemetery Committee

**As of July 27, 2021, the Town Council is now requiring applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

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

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

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

Tell us about yourself and your background:

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

Signature [Handwritten Signature]

Date June 13, 2023

ABC Board Application

I am interested in serving on this board or Commission because:

I'm interested in being on this board for a couple reasons, the first being the same reason I come to council meetings. I deeply care about our town, its history and its future. Secondly, through my families history in Waynesville, we've been in the local alcohol business in one way or another for generations. One of my grandfathers served on the pre-prohibition Waynesville Dispensary board and my aunt recently retired from managing the Waynesville ABC for the last 24 years. Because of this, I've always had an interest in our state's alcohol systems and have gained a base knowledge of how it currently works.

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

I've served the town in multiple capacities over the last 10 years including DWA, DWC and the HPC. I'm most proud of my preservation efforts with the HPC including the restoration of the Sulphur Spring Springhouse, the creation of a long-term preservation plan for the town and aiding in historical educational programs such as the speaker's series, annual cemetery tour and bringing local history back into our schools with the 4th-grade coloring books. I will continue to be a driving force in the preservation of Waynesville's history and see these efforts through past my time on the HPC board.

I feel that I can contribute the following to this Board or Commission:

Through my time serving on town and other boards, I've learned that I work well with and can find middle ground between people that are perceived to be difficult. This ability along with rational thought and remaining calm in tense situations has served me well on boards thus far. I also bring some institutional knowledge of the ABC system and a standing relationship with the Town of Waynesville.

Tell us about yourself and your background:

Since all of you know me, let me use this section to talk about upcoming decisions of the Waynesville ABC Board.

The ABC Board has recently received their feasibility study and will be looking at the potential of adding another store. The existing store's loan was paid off in 2021 and the town's 64% of net ABC profits has substantially increased since then. The decision to add an additional store needs to be made in the best interest of the Town with the financial health of the existing store in mind. A new store would set the distributions back another 10-20 years but could be more profitable in the long run. A third and possibly best option could be the leasing of an existing building for a satellite store. Whichever direction is determined, it needs to be carefully looked from all angles before being made.

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: June 27, 2023**

SUBJECT: Council vote to determine ABC Board Chair

AGENDA INFORMATION

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Jesse Fowler, Assistant Town Manager
Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY

According to the Town's Boards and Commissions Rules and Procedures, the Town Council is responsible for voting to determine the Chair of the ABC Board. The current members of the ABC Advisory Board are as follows:

- Raymond Ezell
- Danny Wingate
- CeCe Hipps
- Katherine Smith

MOTIONS FOR CONSIDERATION

Motion to appoint the Chair of the ABC Board.

FUNDING SOURCE/IMPACT

MANAGER'S COMMENTS AND RECCOMENDATIONS

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: June 27, 2023**

SUBJECT: Appointment to the Waynesville Recreation Advisory Commission

AGENDA INFORMATION

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Jesse Fowler, Assistant Town Manager
Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY

The Waynesville Recreation Advisory Commission has four vacancies. If appointed, Mr. Sears' term would begin July 1st, 2023, and end June 30th, 2026. While not required, Mr. Sears does live in town.

MOTIONS FOR CONSIDERATION

Motion to appoint Johnathan Sears to the Waynesville Recreation Advisory Commission.

ATTACHMENTS:

Jonathan Sears' application to the Waynesville Recreation Advisory Commission

MANAGER'S COMMENTS AND RECCOMENDATIONS



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Jonathan W. Sears
STREET ADDRESS 220 Camp Branch Rd. Waynesville, NC
MAILING ADDRESS P.O. Box 602 Clyde, NC
PHONE 828-550-1944
E-MAIL jon.w.sears@gmail.com

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

- Alcoholic Beverage Control Board
Board of Adjustment
Firemen's Relief Fund Board
Historic Preservation Commission
Planning Board
Public Art Commission
Recreation & Parks Advisory Commission
Waynesville Housing Authority
Cemetery Committee

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I am interested in serving on this board or commission because: as my past experience w/ Local, Regional, & National Sports organizations come into play.

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

E&R Board for Haywood Co 3 yrs
AYSO Board & Officer 10 yrs

I feel that I can contribute the following to this board or commission: new insights for recreation opportunities on a limited/shrinking budget.

Tell us about yourself and your background: Operations Manager 7 yrs
JM Teague Engineering 6 yrs Haywood Co. Schools
Volunteer & Professional Coach over 14 years

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

Signature [Handwritten Signature]

Date 6/20/23

Upon appointment to a Board/Committee, the information contained herein becomes a matter of public record per NCGS 132-1.

Return Application to Town Clerk's Office

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: June 27, 2023**

SUBJECT: Interview Logistics for Renewing Zoning Board of Adjustment and Planning Board Members

AGENDA INFORMATION

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Jesse Fowler, Assistant Town Manager
Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY

At the regular scheduled meeting of the Town council on June 13, the Council voted to interview all of the applicants who wished to renew their terms on the Zoning Board of Adjustment and the Planning Board. Staff is seeking clarification as to which Council members wish to conduct the interviews, as well as the most convenient time to conduct them. Members who need to be interviewed are as follows:

- Tommy Thomas (Planning Board)
- Stuart Bass (Planning Board)
- Robert Herrmann (Zoning Board of Adjustment)

MOTIONS FOR CONSIDERATION

FUNDING SOURCE/IMPACT

MANAGER'S COMMENTS AND RECCOMENDATIONS