



## Town of Waynesville, NC

### Board of Aldermen – Regular Meeting

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

Date: **November 8, 2016**

Time: **6:30 p.m.**

---

*The agenda and all related documentation may be accessed electronically at [www.waynesvillenc.gov](http://www.waynesvillenc.gov).  
Click on "Government/Mayor & Board" to download materials for town board meetings.*

**Consider the environment ♦ Conserve resources ♦ Print only when necessary**

*The Town of Waynesville provides accessible facilities, programs and services for all people, in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or accommodation for this meeting, please contact the Town Clerk at: (828) 452-2491 [gowens@waynesvillenc.gov](mailto:gowens@waynesvillenc.gov)*

---

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

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

**Motion:** *To approve the minutes of the October 25, 2016 regular meeting, as presented [or as corrected].*

#### **B. REPORT/PRESENTATION**

3. Annual Report from Tourism Development Authority 1% Zip Code Committee and request for support of potential group sales events
  - Lynn Collins, Tourism Development Authority Director & Ron Bower, Sales Manager

#### **C. PUBLIC HEARINGS**

4. Public Hearing to consider a request from Southern Concrete for rezoning of two properties to the Commercial-Industrial District
  - Elizabeth Teague, Development Services Director

**Motion:** *To find/not find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of an historically industrial area.*

**Motion:** *To recommend approval of the requested rezoning of the properties to Commercial-Industrial.*

5. Public Hearing to consider the amendment of the Town of Waynesville Cemetery Ordinance
  - David Foster, Public Services Director

*\*No action will be taken at this meeting, a second public hearing will be held at the December 13 regular meeting*

**TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA**

**November 8, 2016**

**- 2 -**

---

**D. NEW BUSINESS**

6. Request approval of Connect NC Bond Grant Program Application for an Inclusive Playground
- Rhett Langston, Recreation and Parks Director

**Motion:** *To approve the application for the Connect NC Bond Grant Program to include potential matching funds from the Town of up to \$22,575.00, as presented.*

7. Request approval of Installment financing agreement for vehicles and related equipment totaling \$543,200
- Eddie Caldwell, Finance Director

**Motion:** *To approve the proposal presented by First Citizens for installment financing with a term of five (5) years, at 1.69% interest, and an annual payment of \$114,209.58, as the lowest total financing costs for purchase of vehicles and related equipment, as presented.*

8. Request for Rolling Street Closure for 2<sup>nd</sup> Annual Mountaineer 2-Miler Run/Walk – Saturday, March 18, 2017; requested by Waynesville Middle School PTA
- Regan Wyatt, representing WMS PTA

**Motion:** *To approve the rolling street closure for the Mountaineer 2-Miler Run/Walk in the Hazelwood area on Saturday, March 18, 2017 beginning at 10:00 a.m., as requested.*

**E. CONTINUED BUSINESS**

9. Hazelwood Parking Lot

**Motion:** *To approve the lease agreement between the Town of Waynesville and property owners, the Forgas and to move forward with parking lot improvements outlined in the lease, as presented.*

10. Budget Amendment FY 2016/17 for Hazelwood Parking Lot Improvements

**Motion:** *To approve an amendment to the Fiscal Year 2016-2017 Budget Ordinance for the purpose of improvements to the Hazelwood Parking Lot, as presented.*

**F. COMMUNICATIONS FROM STAFF**

11. Manager's Report –Town Manager Rob Hites
- Renegotiation of Sharp Copier Contract through June 2018
  - Watershed Water Levels and potential water restrictions
12. Attorney's Report – Town Attorney Woody Griffin

**TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA**

**November 8, 2016**

**- 3 -**

---

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

**H. CALL ON THE AUDIENCE**

**I. ADJOURN**

**This is the only regular meeting scheduled for November 2016;  
the next regular meeting will be on December 13, 2016**



# TOWN OF WAYNESVILLE

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

## CALENDAR November 8, 2016

2016	
<b>Mon, Nov 7</b> 5:30 PM Wells Events Center	Haywood COG – Waynesville Hosting
<b>Tue, Nov 8</b> 6:30 AM – 7:30 PM All voting precincts	Election Day - General Election
<b>Tue, Nov 8</b> 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
<b>Fri, Nov 11</b>	Veterans' Day Holiday Town Offices Closed
<b>Thur, Nov 17</b> 5:30 PM Laurel Ridge Country Club	KARE Festival Of Trees
<b>Th-Fr, Nov 24-25</b>	Thanksgiving Holiday Town Offices Closed
<b>Mon, Nov 28</b> 6:30 PM Location TBD	Southwestern Commission Board Meeting
<b>Fri, Dec 2</b> 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
<b>Fr-Mo, Dec 2-5</b>	Holly Days Downtown – seasonal events downtown throughout the weekend
<b>Mon, Dec 5</b> 6:00 PM Main Street, Downtown	Waynesville Holiday Parade Line-up begins at 4:30 PM at Walnut and Main Parade begins at 6:00 PM
<b>Fri, Dec 9</b> 11:30 AM Waynesville Rec Center	Town of Waynesville Employee Appreciation Luncheon and Awards
<b>Sat, Dec 10</b> 5:00 PM Fire Station #1	Waynesville Fire Department Annual Holiday Family Dinner
<b>Sat, Dec 10</b> 6:00 – 9:00 PM Main Street, Downtown	A Night Before Christmas / Bethlehem Market Place – DWA & First Baptist Church



<b>Tue, Dec 13</b> 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
<b>Sat, Dec 17</b> 6:00 PM Laurel Ridge Country Club	REACH Annual Holiday Gala
<b>Fr-Tu, Dec 23, 26-27</b>	Christmas Holiday Town Offices Closed
<b>2017</b>	
<b>Mon, Jan 2</b>	New Year Holiday Town Offices Closed
<b>Mon, Jan 18</b>	Martin Luther King Jr Holiday Town Offices Closed
<b>Fri, April 14</b>	Good Friday Town Offices Closed
<b>Mon, May 29</b>	Memorial Day Town Offices Closed
<b>Tue, July 4</b>	Independence Day Town Offices Closed
<b>Mon, Sept 4</b>	Labor Day Town Offices Closed
<b>Fri, Nov 10</b>	Veteran's Day Town Offices Closed
<b>Thur &amp; Fri, Nov 23-24</b>	Thanksgiving Town Offices Closed
<b>Mon – Wed, Dec 25-27</b>	Christmas Town Offices Closed

## Board and Commission Meetings – November/December 2016

ABC Board	ABC Office – 52 Dayco Drive	<b>November 15</b> 3 <sup>rd</sup> Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	<b>December 6</b> 1 <sup>st</sup> Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	4 <sup>th</sup> Thursdays 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	<b>Meets as needed;</b> <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	<b>December 7</b> 1 <sup>st</sup> Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	<b>November 14</b> 3 <sup>rd</sup> Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	<b>November 10</b> 2 <sup>nd</sup> Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	<b>November 16</b> 3 <sup>rd</sup> Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	<b>November 16</b> 3 <sup>rd</sup> Wednesdays 3:30 PM

## BOARD/STAFF SCHEDULE

<b>Tue – Fri, Nov 15 – 18, 2016</b>	Assistant Town Manager	Municipal and County Administration Course Chapel Hill, NC
<b>Tue – Fri, Jan 10 – 13, 2017</b>	Assistant Town Manager	Municipal and County Administration Course Chapel Hill, NC
<b>Tue – Fri, Feb 14 – 17, 2017</b>	Assistant Town Manager	Municipal and County Administration Course Chapel Hill, NC
<b>Tue – Fri, March 14 – 17, 2017</b>	Assistant Town Manager	Municipal and County Administration Course Chapel Hill, NC
<b>Tue – Fri, April 25 – 28, 2017</b>	Assistant Town Manager	Municipal and County Administration Course Chapel Hill, NC

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REGULAR MEETING**  
**October 25, 2016**

---

**THE WAYNESVILLE BOARD OF ALDERMEN** held a regular meeting on Tuesday, October 25, 2016 at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

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

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

The following staff members were present:

Rob Hites, Town Manager  
Woody Griffin, Town Attorney  
Amie Owens, Assistant Town Manager/Town Clerk  
David Foster, Public Services Director

The following media representatives were present:

Allison Richmond, the Mountaineer  
Cory Vaillancourt, Smoky Mountain News

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting and noted the following calendar events including:

- October 31 – Treats on the Street – 5:00 p.m. until 7:00 p.m. – Downtown
- November 7 – Haywood County Council of Governments Meeting – 5:30 p.m. Wells Events Center
- November 8 – Election Day
- November 11 – Veterans Day – Town offices will be closed
- December 9 – Employee Appreciation Luncheon to be held at the Waynesville Recreation Center from 11:30 a.m. until 2:00 p.m.

2. Adoption of Minutes

***Alderman Caldwell made a motion, seconded by Alderman Feichter, to approve the minutes of the October 11, 2016 regular meeting, as presented. The motion carried unanimously.***

## **B. CALLS FOR PUBLIC HEARINGS**

### **3. Call for Public Hearing to consider a request from Southern Concrete for rezoning of two properties to the Commercial-Industrial District**

David Foster, Public Services Director explained that in Elizabeth Teague, Development Services Director, absence, he was requesting a call for public hearing for Southern Concrete Materials in order to rezone two properties to consolidate business functions to one location. Due to a technicality, this issue had to go back to Planning Board. The Planning Board held another public hearing on October 17th with no one addressing the board. They forwarded a unanimous recommendation to approve the rezoning. Mr. Foster noted that this rezoning was more fitting with what the purpose of that area was zoned initially. He added that, from the view of the street maintenance and traffic control, moving the operations of Southern Concrete to one location would be a better option.

***Alderman Roberson made a motion, seconded by Alderman Freeman to call for public hearing to be held on November 8, 2016 at 6:30 p.m. or as soon thereafter as possible, in the Town Board Room, located at 9 South Main Street, Waynesville, to consider a zoning map amendment requested by Southern Concrete Materials, Inc. to rezone two properties - 120 Railroad Street, PIN 8605-71-1498 from Hazelwood Urban Residential to Commercial-Industrial District and 50 Vigoro Lane, PIN 8605-71-4029 from Hyatt Creek Regional Center Commercial to Commercial-Industrial District, as presented. The motion carried unanimously.***

### **4. Call for Public Hearing to consider the Amendment of the Town of Waynesville Cemetery Ordinance**

Mr. Foster informed the board that these revisions have been in the works for several years. The need to update is to clarify policies and procedures in the cemetery, standardize what can be placed in the cemetery, outline what is grandfathered in and provide for continued maintenance and upkeep of the cemetery.

Mayor Brown explained that there would be two public hearings for this ordinance amendment to allow citizens to review the proposed changes and to weigh in. Mr. Foster clarified that representatives from local funeral homes have been included in the drafting of the proposed changes.

***Alderman Roberson made a motion, seconded by Alderman Caldwell to call for a public hearing to be held on November 8, 2016 at 6:30 p.m. or as soon thereafter as possible, in the Town Board Room, located at 9 South Main Street, Waynesville, to consider the amendment of the Town of Waynesville Cemetery Ordinance. The motion carried unanimously.***

## **C. NEW BUSINESS**

### **5. Request for Street Closure from Hazelwood Baptist Church for a Fall Festival on Monday, October 31, 2016**

Mayor Brown explained that a request was received from Hazelwood Baptist Church to close the street between the church and its parking lot for safety for its Fall Festival on Monday, October 31. This

is a recurring event and has been approved in the past. This closure will not interfere with any activities planned by Folkmoot as their event is on Friday and Saturday.

***Alderman Roberson made a motion, seconded by Alderman Freeman to approve the street closure of Virginia Avenue between Hazelwood Avenue and Kentucky Avenue on Monday, October 31, 2016 between 5:00 p.m. and 9:00 p.m., as requested. The motion carried unanimously.***

6. Request Street Closure of Main Street for Treats on the Street, Monday, October 31, 2016

Mayor Brown explained that he had taken part in the Treats on the Street event for several years and due to safety considerations, would like to close Main Street from Church Street to Depot Street from 4:00 p.m. until 8:00 p.m. to allow for safe trick or treating on Main Street. Town Manager Rob Hites added that he has spoken with the Downtown Waynesville Association who could notify the merchants of the closure and assist with signage indicating removal of cars by 3:30 p.m. The staff was amenable to such closing and indicated that they had the capacity to do so.

***Alderman Feichter made a motion, seconded by Alderman Freeman to approve the closure of Main Street from Church Street to Depot Street beginning at 4:00 p.m. until 8:00 p.m. to allow for safe trick or treating as part of the Treats on the Street event. The motion carried unanimously.***

**D. COMMUNICATIONS FROM STAFF**

7. Manager's Report - Town Manager Rob Hites

Town Manager Rob Hites explained that he was asked to meet with Aldermen Feichter and Freeman and Chris Forga to discuss the proposed Hazelwood Parking Lot. Unfortunately, the meeting had to be postponed due to a Forga family illness. The meeting will occur in the next week and this discussion item will be brought back before the Board in November/December.

8. Attorney's Report – Town Attorney Woody Griffin

Town Attorney Griffin had nothing to report.

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

No board members had any items to report on or to discuss.

**F. CALL ON THE AUDIENCE**

Dick Young addressed the board related to the relocation of Brown Avenue near Waynesville Middle School. Mr. Young also inquired about the railroad's right of way, sighting it as 100 feet. Mayor Brown explained that the right of way from center of track on each side is only 20 feet as of the 1927

condemnation suit. Mr. Foster added that the engineers chosen for the project can confirm the right of way based on their survey work.

Mr. Young asked if building a walking bridge above the street could have been built at a lower cost than moving the street and added that the students still had to cross the railroad tracks when going to the ballfield. Mr. Foster explained that once the project was closer to implementation, information would be shared with the board and the public.

Mayor Brown welcomed Allison Richmond from the Mountaineer as the newest to cover the Board Meetings and reminded everyone to vote.

#### **H. ADJOURN**

***There being no further business to discuss, Alderman Caldwell made a motion, seconded by Alderman Roberson to adjourn the meeting at 6:46 p.m. The motion carried unanimously.***

ATTEST

---

Gavin A. Brown, Mayor

---

Robert W. Hites, Jr., Town Manager

---

Amanda W. Owens, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
FOR BOARD INFORMATION  
Meeting Date: November 8, 2016**

**SUBJECT:** TDA 1% Net Occupancy Tax Update for the 28785/86 (Waynesville) Zip Code Area

**AGENDA INFORMATION:**

**Agenda Location:** Reports/Presentations  
**Item Number:** 3-B  
**Department:** Administrative Services  
**Contact:** Amie Owens, Assistant Town Manager  
**Presenter:** Lynn Collins, Exec. Dir., Haywood County Tourism Development Authority

**BRIEF SUMMARY:** A FY15/16 year-end report on the TDA 1% Net Occupancy Tax funding for the 28785/86 (Waynesville) zip code area and the projects funded or being funded by the 1% revenue stream.

The 28785/86 1% Project funding is determined annually by a committee, whose members must reside or operate businesses within the designated zip code(s), and who are appointed by the Haywood County Board of Commissioners upon recommendation by the Board of Aldermen

**MOTION FOR CONSIDERATION:** N/A

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

**ATTACHMENTS:** Yes

- FY15/16 Actual 1% Net Occupancy Tax Collections
- FY16/17 YTD Projections
- Projects Currently Being Funding by 1% Collections in the 28785/86 Zip Code Area
- Historical Data on 28785/86 1% Collections

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** N/A

**2015/2016  
1% NET OCCUPANCY TAX  
Projections**

	PROJECTED 28716 CANTON	ACTUAL 28716 CANTON	PROJECTED 28721 CLYDE	ACTUAL 28721 CLYDE	PROJECTED 28745 LAKE JUNALUSKA	ACTUAL 28745 LAKE JUNALUSKA	PROJECTED 28751 MAGGIE VALLEY	ACTUAL 28751 MAGGIE VALLEY	PROJECTED 28785 & 28786 WAYNESVILLE	ACTUAL 28785 & 28786 WAYNESVILLE
July 2015 Received September 2015	\$2,113	\$2,889.95	\$152	\$476.70	\$2,902	\$2,744.03	\$19,314	\$23,637.46	\$9,836	\$11,828.33
August 2015 Received October 2015	\$2,167	\$2,791.59	\$121	\$322.18	\$2,089	\$1,593.21	\$16,513	\$16,751.13	\$9,036	\$9,955.27
September 2015 Received November 2015	\$1,914	\$2,518.44	\$864	\$311.61	\$967	\$1,028.82	\$13,002	\$16,446.13	\$8,157	\$9,271.64
October 2015 Received December 2015	\$2,131	\$2,941.24	\$266	\$288.38	\$1,264	\$1,944.49	\$21,380	\$23,378.61	\$11,207	\$13,004.33
November 2015 Received January 2016	\$1,120	\$1,798.77	\$95	\$174.86	\$297	\$556.09	\$7,945	\$10,328.35	\$6,398	\$7,600.21
December 2015 Received February 2016	\$957	\$1,202.79	\$139	\$297.57	\$619	\$712.19	\$9,823	\$9,316.13	\$3,699	\$4,694.28
January 2016 Received March 2016	\$722	\$1,009.78	\$34	\$589.15	\$52	\$223.94	\$6,934	\$8,385.54	\$2,049	\$3,022.65
February 2016 Received April 2016	\$650	\$917.44	\$15	\$271.60	\$116	\$299.26	\$6,790	\$8,922.57	\$2,479	\$3,561.23
March 2016 Received May 2016	\$397	\$1,700.52	\$28	\$442.37	\$193	\$371.15	\$4,478	\$6,611.60	\$3,839	\$4,319.78
April 2016 Received June 2016	\$1,517	\$2,237.87	\$462	\$397.24	\$219	\$766.07	\$6,212	\$7,821.81	\$5,438	\$6,341.23
May 2016 Received July 2016	\$1,932	\$2,690.64	\$132	\$499.64	\$1,960	\$916.14	\$11,557	\$12,137.37	\$7,757	\$9,215.94
June 2016 Received August 2016	\$2,438	\$3,459.16	\$271	\$504.95	\$2,218	\$3,245.20	\$20,514	\$20,195.45	\$10,076	\$11,936.27
<b>Total Received After Year End (Unavailable)</b>	<b>\$4,370</b>		<b>\$403</b>		<b>\$4,178</b>		<b>\$32,071</b>		<b>\$17,833</b>	
<b>Grand Total Estimate</b>	<b>\$18,058</b>	<b>\$26,158</b>	<b>\$2,579</b>	<b>\$4,576.25</b>	<b>\$12,897</b>	<b>\$14,400.59</b>	<b>\$144,462</b>	<b>\$163,932</b>	<b>\$79,969</b>	<b>\$94,751</b>
<b>TOTAL 1% Projections</b>	<b>\$257,965</b>	<b>\$303,818</b>								
<b>Comparison to Budget YTD</b>		45%		77%		12%		13%		18%
<b>YTD Comparison with 14/15</b>		16%		82%		41%		8%		20%
<b>Monthly Comparison to June, 2015</b>		21%		98%		54%		10%		16%



**2016/2017  
1% NET OCCUPANCY TAX  
Projections**

	PROJECTED	ACTUAL	PROJECTED	ACTUAL	PROJECTED	ACTUAL	PROJECTED	ACTUAL	PROJECTED	ACTUAL
	28716	28716	28721	28721	28745	28745	28751	28751	28785 & 28786	28785 & 28786
	CANTON	CANTON	CLYDE	CLYDE	LAKE	LAKE	MAGGIE	MAGGIE	WAYNESVILLE	WAYNESVILLE
					JUNALUSKA	JUNALUSKA	VALLEY	VALLEY		
July 2016 Received September 2016	\$2,671	\$3,354	\$238	\$762	\$2,261	\$4,002	\$22,681	\$24,601	\$10,452	\$13,821
August 2016 Received October 2016	\$2,355	\$2,579	\$318	\$648	\$1,844	\$2,522	\$16,933	\$18,328	\$9,239	\$11,482
YTD	\$5,026	\$5,933	\$556	\$1,410	\$4,105	\$6,524	\$39,614	\$42,929	\$19,691	\$25,303
September 2016 Received November 2016	\$2,143		\$136		\$680		\$14,836		\$8,462	
October 2016 Received December 2016	\$2,513		\$422		\$1,060		\$22,953		\$12,060	
November 2016 Received January 2017	\$1,314		\$115		\$408		\$7,884		\$5,846	
December 2016 Received February 2017	\$1,008		\$212		\$460		\$10,836		\$3,659	
January 2017 Received March 2017	\$812		\$55		\$138		\$7,340		\$2,187	
February 2017 Received April 2017	\$823		\$168		\$136		\$7,580		\$2,636	
March 2017 Received May 2017	\$943		\$110		\$196		\$4,660		\$3,679	
April 2017 Received June 2017	\$1,755		\$299		\$242		\$6,136		\$5,089	
May 2017 Received July 2017	\$2,420		\$246		\$1,417		\$12,777		\$8,094	
June 2017 Received August 2017	\$3,047		\$407		\$2,060		\$20,739		\$10,363	
Total Received After Year End (Unavailable)	\$5,467		\$653		\$3,477		\$33,516		\$18,457	
Grand Total Estimate	\$21,804		\$2,726		\$10,902		\$155,355		\$81,766	
TOTAL 1% Projections	\$272,553									
Comparison to Budget YTD		18%		254%		59%		8%		29%
YTD Comparison with August 2015		-8%		201%		58%		9%		15%
YTD Comparison with FY 15/16		4%		76%		50%		6%		16%

## Projects Funded by the 28785/86 TDA 1% Funding

DWA Smoky Mountain Livings ads  
Annual Craft Beer Faire  
Art After Dark  
Smoky Mountain 9-Ball Shoot Out  
HART Advertising  
Folkmoot  
Strand Theatre Live Music Series  
Smoky Mountain Folk Festival  
HCCOC Gateway to the Smokies Half Marathon  
HCCOC Apple Harvest Festival  
HCCOC Blue Ridge Breakaway  
HCCOC Melange of the Mountains  
WNC Dog Fanciers Conformation Show and Trials  
DWA Design & Layout of Ads  
DWA Mountain Street Dances  
DWA Appalachian Lifestyle Celebration  
DWA Laurel of Asheville ads  
DWA Shopping & Business Guide  
DWA Church Street Arts & Crafts Festival  
The Wine Seller Live Music Series  
Frog Level Merchants Association Whole Bloomin' Thing Festival  
Friends of the GSMNP – Cataloochee Elk Viewing Experience  
Smoky Mountain Aquatic Club Timing System  
The Strand – First Run Films  
DWA July 4<sup>th</sup> Children's Parade Decorations  
DWA Traffic Cones  
DWA Event Signs  
Percentage of HCTDA Audit – 30% of 1%

Co-op Advertising

## Historical Data on 28785/86 1% Collections

2007-2008 (6 mos.)	\$17,313
2008-2009	\$68,078
2009-2010	\$64,010
2010-2011	\$70,936
2011-2012	\$71,127
2012-2013	\$77,681
2013-2014	\$74,990
2014-2015	\$79,106
2015-2016	\$94,751
<b>TOTAL</b>	<b>\$617,992</b>



# Application for Special Events Permit

## General Information

EVENT NAME:

RALLY USA

EVENT DATE(S):

JULY 13, 2017

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

MAIN STREET

IF THIS EVENT IS A PARADE OR ROAD RACE

Please provide a full route description and map

STARTING LINE between Church and miller

SET-UP TIME (START/END):

7:00 AM START

9:00 AM END

EVENT HOURS:

7:00 - 9:00 AM

DISMANTLE HOURS (START/END):

—

ESTIMATED ATTENDANCE:

70 CARS

BASIS ON WHICH THIS ESTIMATE IS MADE:

RALLY USA DIRECTOR

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

Please attach proof of insurance (or applicable rider).

## Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME:

HAYWOOD COUNTY TOURISM DEVELOPMENT

ARE YOU A NON PROFIT CORPORATION?

No

Yes

If yes, are you 501c(3)

501c(6)

Place of Worship

APPLICANT NAME:

TITLE:

ADDRESS:

1100 SOCO ROAD CITY: MAGGIE VALLEY NC ZIP 28751

PHONE:

944-0761

FAX#:

944-0765

EMAIL:

Ron@VISITNCSmokies.com

ON-SITE CONTACT:

Ron Bower

TITLE:

SALES MANAGER

ADDRESS:

1100 SOCO ROAD, MAGGIE VALLEY, NC 28751

PHONE #:

944-0761

CELL PHONE #:

246-7741

EMAIL:

Ron@VISITNCSmokies.com

III.	Brief Description of Event
STARTING LINE FOR RALLY USA, A ROAD RACE SCAVENGER HUNT. WAYNESVILLE IS DAY 2 START ON THEIR WAY TO ATLANTA.	
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. MAIN STREET Between Church & Miller 7am-9am

2.

3.

V.	Event Details
----	---------------

YES NO

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

☐ ☒ Does the event involve the sale of food? \_\_\_\_\_  
If "YES", has the health department been notified? \_\_\_\_\_ Have you applied for a temporary permit? \_\_\_\_\_

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

☐ ☒ Will there be musical entertainment at your event? If "YES" provide the following information:  
Number of Stages: \_\_\_\_\_ Number of Band(s): \_\_\_\_\_ Amplification? \_\_\_\_\_

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

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

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

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

Approx. Number of Tents: \_\_\_\_\_ Will any tent exceed 400 sq. feet in area? ☐ NO ☐ YES

☐ ☒ Does the event involve the use of pyrotechnics? Explain \_\_\_\_\_

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

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

☐ ☒ Will you require access to water for the event? Explain \_\_\_\_\_

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

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

☒ ☐ Will signs and/or banners be displayed as part of the event? If "YES" have you applied for a sign permit? NO

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



## VI. Additional Questions

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

N/A

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?

N/A

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

**Return to:**

Amie Owens, Assistant Town Manager  
Town of Waynesville  
16 S. Main Street, P.O. Box 100, Waynesville, NC 28786  
Telephone: (828) 452-2491  
Fax No. : (828) 456-2000  
Email Address: [aowens@waynesvillenc.gov](mailto:aowens@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.
- \* No permanent alterations to the street will be permitted. Only chalk may be used on streets – no permanent paint.
- \* 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 against animals at festivals except for service animals. The Applicant is expected to communicate this information to all vendors and participants.
- \* 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 police 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 and fee received:

Application approved:

Application denied:

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: November 8, 2016**

**SUBJECT:** Public Hearing to consider a zoning map amendment requested by Southern Concrete Materials, Inc. to rezone:

- 120 Railroad Street; Haywood County Tax Parcel Identification Number 8605-71-1498 from Hazelwood Urban Residential District to Commercial-industrial (CI) District, and
- 50 Vigoro Lane, PIN 8605-71-4029 from Hyatt Creek Regional Center Commercial to Commercial-Industrial (CI) District.

**AGENDA INFORMATION:**

**Agenda Location:** Public Hearings  
**Item Number:** 5-C  
**Department:** Development Services  
**Contact:** Elizabeth Teague, Development Services Director  
**Presenter:** Elizabeth Teague, Development Services Director

**BRIEF SUMMARY:** Southern Concrete would like to expand operations at their current site on Vigoro Lane and make site improvements to accommodate increased production, storage facilities and offices. Current zoning of this lot as HC-RC would restrict the lay out of their desired site improvements. Southern Concrete has also purchased the lot at 120 Railroad Street in order to relocate their driveway and railroad crossing to improve safety. In addition to accommodating a new at-grade crossing and driveway, this lot would be used to meet the buffer requirements between Industrial and Residential zoning districts. At their September 19, 2016 Meeting, the Planning Board unanimously recommended rezoning these properties from their current zoning classifications to the Commercial-Industrial classification. At their October 17, 2016 meeting, the Planning Board held a second hearing on the issue because adjacent landowners were not properly notified for the September 18<sup>th</sup> hearing. After that hearing the Board affirmed their recommendation to the Board of Aldermen to rezone both lots.

**MOTION FOR CONSIDERATION:**

1. Motion to find/not find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of an historically industrial area.
2. Motion to recommend to the Board of Aldermen approval/ approval of the requested rezoning of the properties to Commercial-Industrial.

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

**ATTACHMENTS:**

1. Staff Report
2. Area Maps of Current Zoning and from the 2020 Land Use Plan
3. Applications

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Recommend concurrence with the Planning Board decision to rezone these two properties to Commercial-Industrial to allow for consolidation of operations for Southern Concrete Materials, Inc.



**Board of Aldermen Staff Report**  
**Southern Concrete Map Amendment Request**  
**October 25, 2016**

**Agenda Item:** Map Amendment (Rezoning) Request  
**Location:** 120 Railroad Street and 50 Vigoro Lane  
**PINs:** 8605-71-1498 and 8605-71-4029.  
**Area:** 7.87 acres total  
**Owner:** Southern Concrete Materials  
**Requested Rezoning:** From Hazelwood Urban Residential (HUR) to Commercial Industrial (CI)  
And From Regional Center (HC-RC) District to Commercial Industrial (CI)

**Background**

This rezoning request is from Southern Concrete Materials to consolidate their operations at their site as a ready-mix concrete plant on Vigoro Lane and to further develop that site for a manufacturing and sales purpose. Additionally, they would like to relocate the driveway entrance in to the site in order to straighten out the curve in the road and to relocate and improve the railroad crossing from Vigoro Lane in order to improve safety for their trucks and customers. Expansion and improvement of their site at this location will allow Southern Concrete to move operations from property they own on Boundary Street.

To accommodate their site and operations planning, they seek rezoning of 120 Railroad Street from residential to Commercial-Industrial in order to accommodate the relocated driveway. This will require Southern Concrete to install a “Type A” Buffer Yard in accordance with Section 8.4.1 of the Land Development Standards, which is “intended to provide a very dense all season sight barrier to significantly separate uses and zoning districts. It is intended to reduce intrusive lighting and noise from adjacent properties.” They seek rezoning of 50 Vigoro Lane from RC to CI in order to allow them flexibility in expanding operations and the construction of storage, retail and office areas.

The current zoning of 120 Railroad Street is Hazelwood Urban Residential. The purpose of this district as specified in the Land Development Standards is:

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

The current zoning of 50 Vigoro Lane is Hyatt Creek Regional Center. The purpose of this district is:

“The **Hyatt Creek Regional Center District (HC-RC)** will develop as a mixed use center containing retail, service and employment uses to serve Waynesville and the region. Although conveniently located off a major highway exit, development in this district, while

accommodating uses to serve those in a wide area, must be developed with sensitivity to the surrounding rural setting. Standards for development include a dense tree canopy requirement, a high impervious surface ratio, and measures to protect creeks and drainage areas. Road improvements should be limited to projects that improve the road network and provide traffic calming measures while not destroying the narrow, rural nature of the road system. Large-scale development can be accommodated here with such development encouraged to contain a mix of uses. Housing mixed in with other uses is strongly encouraged.” (Town Code of Ordinances Section 2.3.7.)

The requested change in zoning is to Commercial-Industrial District, which has the purpose and intent of:

“The **Commercial Industrial District (CI)** is an area designed to accommodate research and development, industrial and manufacturing uses, administrative facilities and limited supporting commercial services. While a broad mixture of uses is permitted, the principal focus in this area shall be on industrial development. High design and performance standards will be important for future development as this district is highly visible not only from a usage standpoint but also because of its location at one of the major entrances into Waynesville. Connectivity within the district is required to create an industrial campus feel within this area.” (Town Code of Ordinances Section 2.3.8.)

By changing the zoning at this location, the future use of this property would be focused on industrial development and would be consistent with its present use as concrete manufacturing. The residential property would convert to an improved driveway and be used as an expanded buffer between the residential area along Railroad Street and Southern Concrete’s operations.

This rezoning request was heard twice at the Planning Board level, because mailed notifications were not sent out properly prior to the hearing held September 19, 2016, although the property was posted and notice was published in the Mountaineer. This allowed the community additional time to consider this rezoning request and to ask any additional questions of the applicants, however the Planning Board did not receive any public comment at either meeting. In addition to mailings, the property has been posted and notifications published in the Mountaineer.

### **2020 Land Development Plan**

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, the Future Land Use Map (Map 12 and Map 15), the map indicates the area of the subject properties to be designated for Industrial concentration. In the text of the 2020 Plan, the stated Land Use Goal is:

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

The action items are to “...revise the zoning map to reflect the Land Use Map...” The 2020 Land Use Plan also states: “Reserve industrial land for appropriate light industrial development,” and to “concentrate commercial and industrial development along transportation corridors...” (LDP, p.4-3).

The lot of the Southern Concrete was rezoned along with several other industrial properties including the subject properties as part of the Dayco redevelopment in 2003 and 2004 that converted the Dayco plant

area for retail. North of the redevelopment area however, other properties along the railroad track have remained industrial in nature. This particular lot and the adjacent property are separated from the redevelopment area by the former Lea Industries Plant, now in ownership of KMW Holdings and have limited access by Vigoro Lane or Railroad Street. These properties abut the railroad line which provides a transportation corridor for freight, but which also restricts their accessibility from the primary roadways. Therefore, this property have remained industrial in zoning use even though they were included in the Hyatt Creek Regional Center rezoning.

Given that the Land Use Plan had this area designated for industrial use, and the fact that it has not redeveloped along with the Dayco area as anything other than industrial use, and is separated from the Dayco area and from primary roads, staff feels this rezoning is consistent with the Land Use Plan. This rezoning will allow an industrial area to be improved to allow for its re-use and improvement.

### **Surrounding Land Use/Zoning Pattern:**

This site has historically been industrial and is adjacent to the railroad tracks to the east. The Railroad Street lot and a portion of the Vigoro Lane Lot appear to be included in the Historic Hazelwood Zoning Map of 1977 and are shown on that map as industrial. To the west the property is bordered by Richland Creek and the former Lea Industries Industrial Site which is now owned by KMW Holdings. KMW holdings has multiple uses on its properties including, storage for Giles chemicals, a screen printing operation, a wooden palette storage and processing facility and a fire wood processing site for Mountain Projects. To the north, these properties abut the residential neighborhood along Railroad Street.

### **Staff Recommendation:**

The requested rezoning would be consistent with the 2020 Land Use Plan map and because of its historic use as an industrial site and its limited access and separation from the Dayco site, should not perhaps have been included in the rezoning to Hyatt Creek Regional Center. Given the location and access to the site across the railroad racks, it is unlikely that this area would be desirable for commercial development that was not industrial in nature. This rezoning would actually align this property with the 2020 Land Use Map (as well as the original Land Use Map of Hazelwood) and would allow Southern Concrete to expand their operations at this location as well as to improve the sight. The rezoning for the lot on Railroad Street would move the residential district boundary over one lot, but would primarily be used as an improved driveway access. This action would actually increase the buffer area between the residential uses and the concrete operation.

For these reasons staff submits that changing the zoning of both properties would be consistent with the Land Use Plan and would enable improvement and expansion of the Southern Concrete operation. This rezoning will also allow Southern Concrete to reduce or even cease their operations on Boundary Street in the future, which is closer and more impactful on the business district areas of Frog Level and Main Street. Staff therefore recommends Planning Board support of this rezoning request at this location.

### **Requested Actions:**

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

2. Motion to recommend to the Board of Aldermen approval/ approval of the requested rezoning of the properties to Commercial-Industrial.



## TOWN OF WAYNESVILLE Planning Board

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

### Chairman

Patrick McDowell

### Planning Board Members

Danny Wingate (Vice)

Anthony Sutton

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

P Shah

Ginger Hain

### Development Services

#### Director

Elizabeth Teague

## MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 September 19, 2016

THE WAYNESVILLE PLANNING BOARD held a regular meeting on September 19, 2016 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

### A. CALL TO ORDER

#### 1. Welcome/Calendar/Announcements

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

The following members were present:

Bucky Dykes  
Marty Prevost  
Patrick McDowell  
Robert Herrmann  
Danny Wingate  
Pratik Shah  
Ginger Hain

The following Board Members were absent:

Anthony Sutton  
Phillip Gibbs

The following staff members were present:

Elizabeth Teague, Development Services Director  
Eddie Ward, Deputy Clerk

2. Adoption of Minutes

*A motion was made by Board Member Robert Herrmann, seconded by Board Member Danny Wingate, to approve the minutes of the July 18, 2016 regular meeting as presented. The motion passed unanimously.*

Ms. Elizabeth Teague, Development Services director, introduced new Board Members, Pratik Shah, and Ginger Hain, and welcomed them to the Board.

**B. NEW BUSINESS**

1. Public Hearing to consider a request to rezone:
  - a. 120 Railroad Street; PIN 8605-71-1498 from Hazelwood Urban Residential District to Commercial-Industrial (CU) District; and
  - b. 50 Vigoro Lane, PIN 8605-71-4029 from Hyatt Creek Regional Center Commercial to Commercial-Industrial (CI) District

**Background:**

Chairman McDowell asked Development Services Director, Elizabeth Teague, to present background information on this rezoning request.

Ms. Teague stated that this request is from Southern Concrete Materials to consolidate operations at their site as a ready-mix concrete plant on Vigoro Lane and to further develop that site for a manufacturing and sales purpose. They would like to relocate the driveway entrance on the site in order to straighten out the curve in the road, and relocate and improve the railroad crossing from Vigoro Lane safety for their trucks and customers. This improvement of their site at this location will allow Southern Concrete to move operations from property they own on Boundary Street.

Southern has requested rezoning of 120 Railroad Street from Hazelwood Urban Residential (H-UR) to Commercial Industrial District (CI) in order to accommodate the relocated driveway. Ms. Teague referred the Board to the maps in their agenda packets. She explained the locations of the properties and where the driveway would be relocated. The property that would contain the new driveway would be used as an expanded buffer between the residential area along Railroad Street and the industrial with Southern Concrete's operations in accordance with the Ordinance.

Currently, the property accessed by the existing Vigoro Lane is zoned Hyatt Creek Regional Center (HC-RC). The requested change in zoning of this property is to Commercial-Industrial District (CI). By changing the zoning, Southern Concrete can make improvements to the site to accommodate an expanded operation. Rezoning together with the other property will create just over five acres of Commercial Industrial property at this location, and the use of this property will be focused on industrial development.

Ms. Teague showed that in the Waynesville: Our Heritage, Our Future, 2020 land Development Plan, the Future Land Use Map (Map 12 and Map 15), is designated for industrial concentration. She

---

Planning Board Minutes  
September 19, 2016

said that the area was zoned Hyatt Creek Regional Center similar to the nearby Dayco property, but in terms of long term land use, it has operated as industrial and is shown as industrial on the Land Use Plan maps.

The requested change in zoning is to Commercial-Industrial District, which has the purpose and intent of:

*“The **Commercial Industrial District (CI)** is an area designated to accommodate research and development, industrial and manufacturing uses, administrative facilities and limited supporting commercial services. While a broad mixture of uses is permitted, the principal focus in this area shall be on industrial development. High design and performance standards will be important for the future development as this district is highly visible not only from a usage standpoint but also because of its location at one of the major entrances into Waynesville. Connectivity within the district is required to create an industrial campus feel within this area.”* (Town Code of Ordinances Section 2.3.8.)

Ms. Teague said Southern Concrete’s goal is to have storage facilities and possibly an office building. Current zoning requirements related to setbacks and landscaping required for a development within the Hyatt Creek Regional Center District would constrain their site improvements. When changing the zoning at this location, the current property of Southern Concrete’s operation would be focused on industrial development and the residential property would convert to an improved driveway and be used as an expanded buffer along Railroad Street.

#### **Staff Recommendation:**

Staff believes that the rezoning request by Southern Concrete is consistent with the 2020 Land Use Map, and because of its use as an industrial site, and its location along the railroad tracks, it is unlikely that the area would be desirable for commercial development. The rezoning would realign the property with its existing use and the 2020 Land Use Map, and will allow Southern Concrete to continue to expand their operations.

***A motion was made by Board Member Marty Prevost, seconded by Board Member Robert Herrmann, to open the Public Hearing, the motion passed unanimously.***

**John Bryson  
Vice President  
Southern Concrete**

Mr. Bryson said that Southern Concrete had owned the property since the 1980’s. Their goal has been to eventually move the ready-mix operation to this site. He explained the operation consisted of ordering and storing raw materials on the ground in silos, office operations, manufacturing and shipping orders that are received. This process takes more room than in the past to accommodate Southern Concrete’s daily business.

At the 120 Railroad Street property, they have been granted another railroad crossing, and this will help traffic flow more safely. Mr. Bryson stated that safety, environment management, and

production are very important to Southern Concrete. He presented the Board with drawings showing the locations of current and future operations and buffers on the property. Mr. Bryson said features were already in place to handle water management, which would be enhanced with more extensive concrete paving. He said he felt this request, if approved, would help expand their business.

***A motion was made by Board Member Danny Wingate, seconded by Board Member Robert Herrmann to close the Public Hearing. The motion passed unanimously.***

Chairman McDowell asked for discussion or comments. There were none.

***A motion was made by Board Member Danny Wingate, seconded by Board Member Bucky Dykes, to find the request consistent with the 2020 Land Development Plan by promoting the development and redevelopment of a historically industrial area. The motion passed unanimously.***

***A motion was made by Board Member Bucky Dykes, seconded by Board Member Danny Wingate, to recommend to the Board of Aldermen approval of the requested rezoning of the properties to Commercial-Industrial.***

#### **C. PUBLIC COMMENT/CALL ON THE AUDIENCE**

No one spoke.

#### **D. ADJOURN**

***With no further business, it was the consensus of the Board to adjourn at 5:53 pm.***

---

Patrick McDowell, Chairman

---

Eddie Ward, Deputy Clerk





## TOWN OF WAYNESVILLE Planning Board

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

### Chairman

Patrick McDowell

### Planning Board Members

Danny Wingate (Vice)

Anthony Sutton

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

P Shah

Ginger Hain

### Development Services

#### Director

Elizabeth Teague

## MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 October 17, 2016

THE WAYNESVILLE PLANNING BOARD held a regular meeting on October 17, 2016 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

### A. CALL TO ORDER

#### 1. Welcome/Calendar/Announcements

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

The following members were present:

Bucky Dykes  
Patrick McDowell  
Danny Wingate  
Ginger Hain  
Anthony Sutton  
Phillip Gibbs

The following Board Members were absent:

Robert Herrmann  
Marty Prevost  
Pratik Shah

The following staff members were present:

Elizabeth Teague, Development Services Director  
Eddie Ward, Deputy Clerk

#### 2. Adoption of Minutes

*A motion was made by Board Member Danny Wingate, seconded by Board Member Bucky Dykes, to approve the minutes of the September 19, 2016 regular meeting as presented. The motion passed unanimously.*

## **B. NEW BUSINESS**

1. Public Hearing to consider a request to rezone:

- A. 120 Railroad Street; PIN 8605-71-1498 from Hazelwood Urban Residential District to Commercial-Industrial (CU) District; and
- B. 50 Vigoro Lane, PIN 8605-71-4029 from Hyatt Creek Regional Center Commercial to Commercial-Industrial (CI) District

### **Background:**

Chairman McDowell opened the Public Hearing and asked Development Services Director, Elizabeth Teague, to present background information on this rezoning request.

Ms. Teague stated this Public Hearing was being held again because adjacent landowners had not been duly notified for the September 19, 2016 Planning Board meeting for the same request, and staff wanted the public to be able to give comment. She pointed out that Mr. Jason Greene from Southern Concrete was in attendance and could answer any questions the Board or the public might have. Since no one was in attendance for public comment, Ms. Teague asked the Board if there was a need to repeat the staff report or discuss the request further. Chairman McDowell asked Board Members if they had questions. The Board had no questions or comments.

Chairman McDowell closed the Public Hearing.

*A motion was made by Board Member Anthony Sutton, seconded by Board Member Danny Wingate, to recommend to the Board of Aldermen approval of the requested rezoning of the properties to Commercial-Industrial.*

## **C. PUBLIC COMMENT/CALL ON THE AUDIENCE**

No one spoke.

## **D. ADJOURN**

*With no further business, it was the consensus of the Board to adjourn the meeting at 5:32 pm.*

---

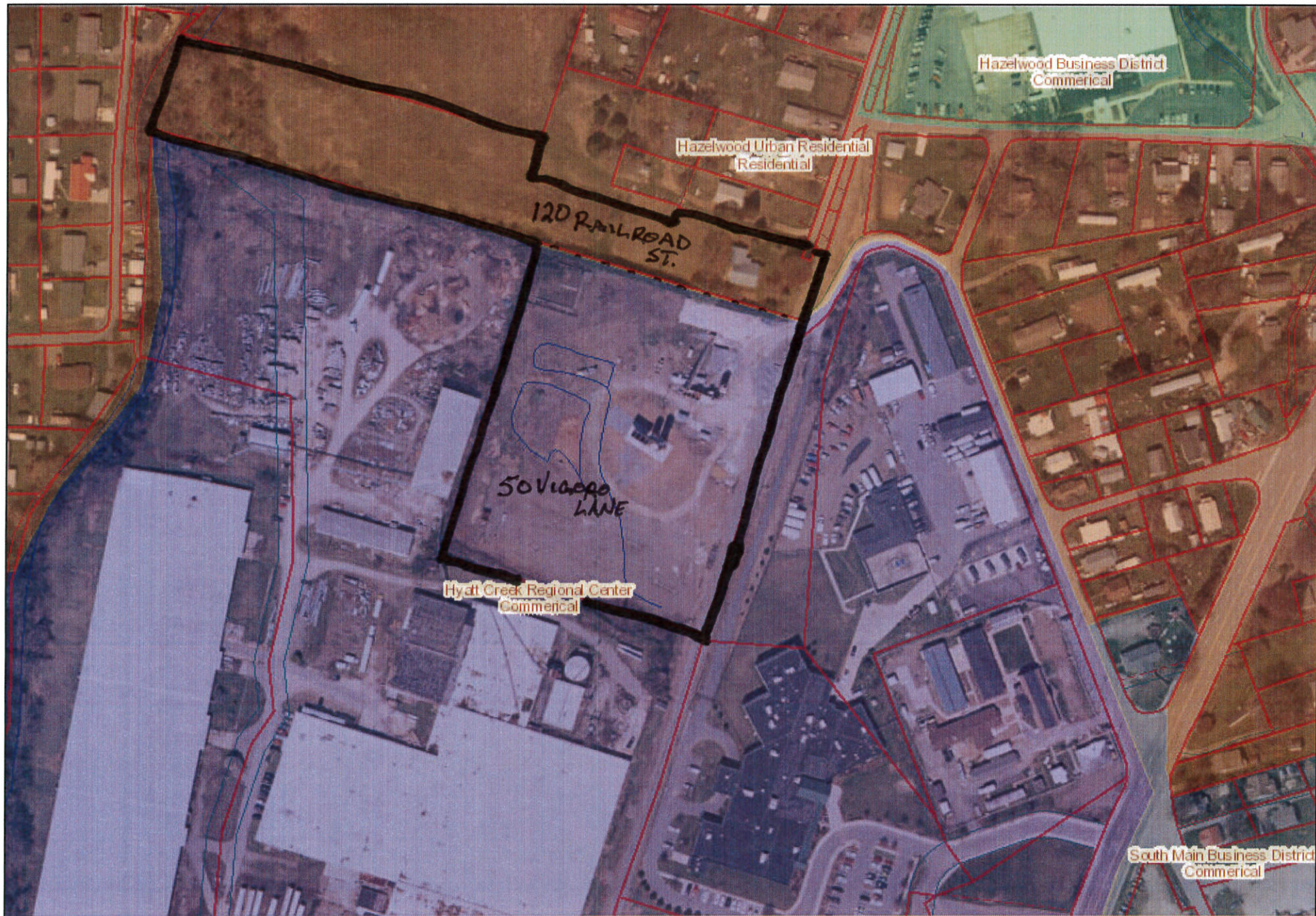
Patrick McDowell, Chairman

---

Eddie Ward, Deputy Clerk

Planning Board Minutes  
October 17, 2016





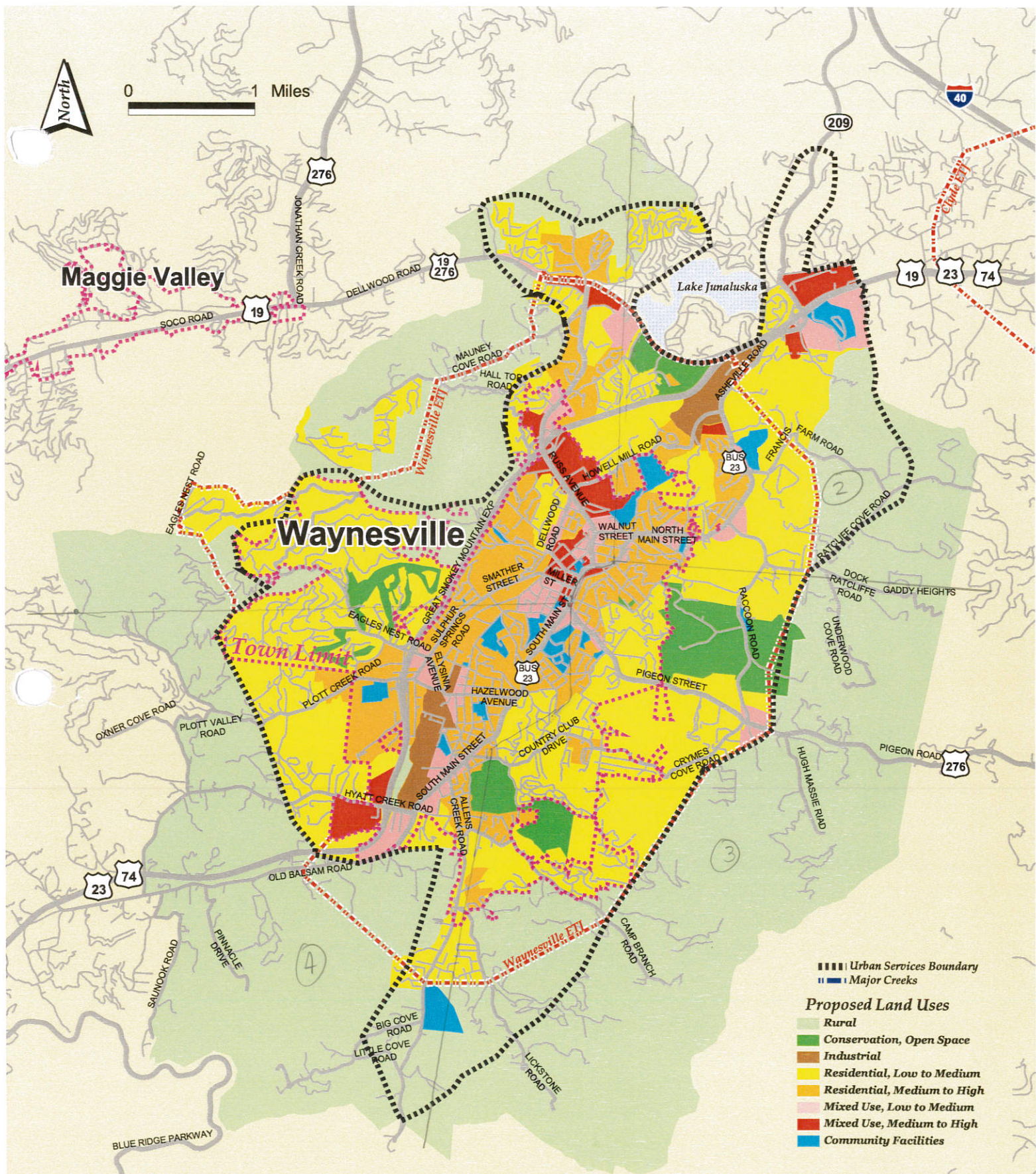
1 inch = 200 feet  
August 31, 2016

Haywood County

□ AREA OF MAP AMENDMENT REQUEST

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





**Map 12**  
**Town of Waynesville**  
 Haywood County, North Carolina  
**Future Land Use Map**  
 January 10, 2002



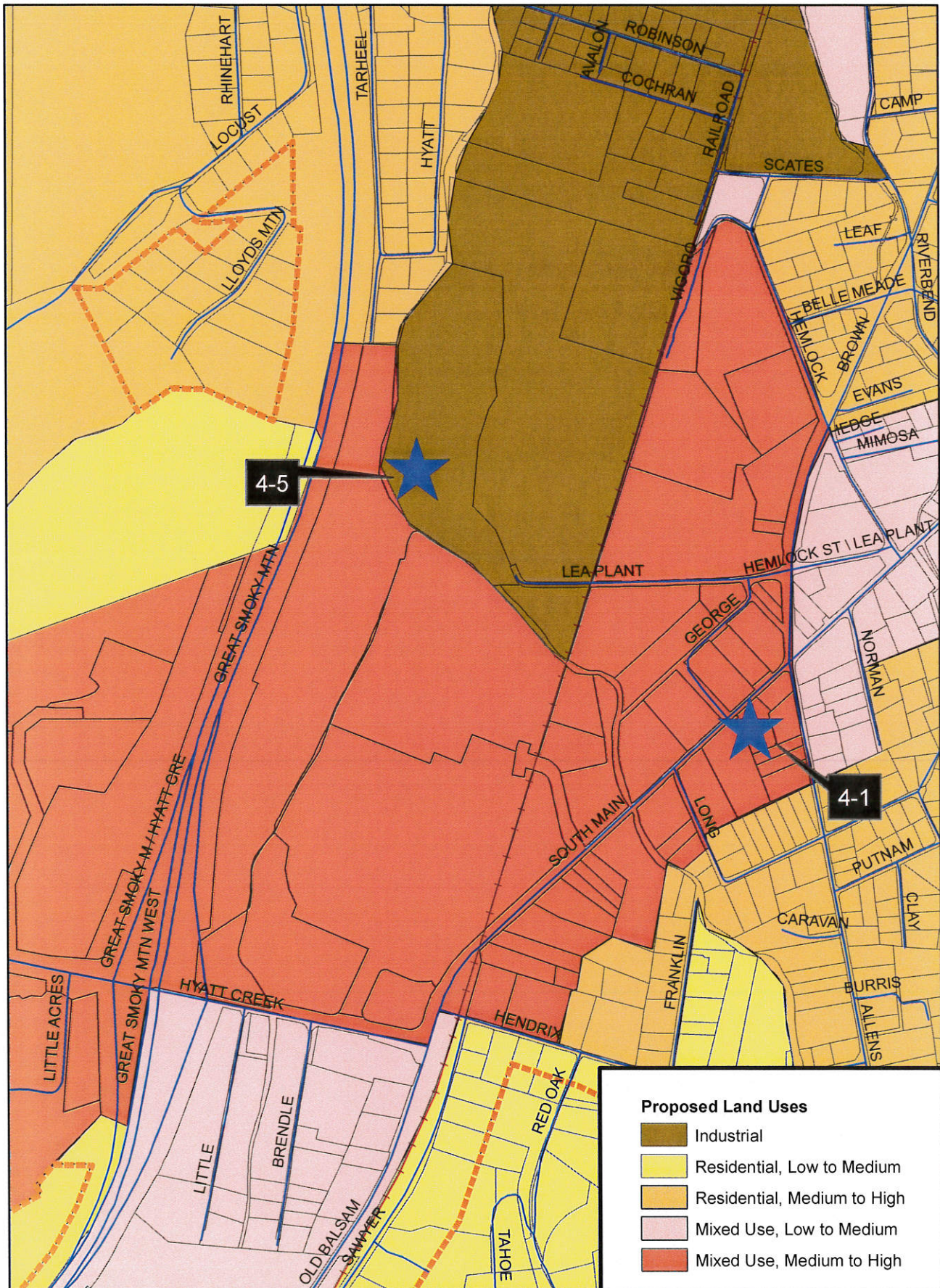
- Urban Services Boundary  
 ■■■ Major Creeks
- Proposed Land Uses**
- Rural
  - Conservation, Open Space
  - Industrial
  - Residential, Low to Medium
  - Residential, Medium to High
  - Mixed Use, Low to Medium
  - Mixed Use, Medium to High
  - Community Facilities

Mapping prepared by:

**BENCHMARK**  
 LLC  
 Local Government Services  
 Planning, Community Development,  
 and Management

Ashville, NC / Knoxville, NC / Kinston, NC  
 1-800-650-3925  
 WWW.BENCHMARKPLANNING.COM









TOWN OF WAYNESVILLE PLANNING DEPARTMENT

**Application for Land Development Standards Map Amendment**

Application is hereby made on 8-19, 2016 to the Town of Waynesville for the following map amendment:

Property owner of record: Southern Concrete Materials

Address/location of property: 120 Railroad Street

Parcel identification number(s): 8605-71-1498

Deed/Plat Book/Page, (attach legal description): 877/1328

The property contains 3.07 acres.

Current district: Residential R1 (Hazelwood UR)

Requested district: Industrial Commercial

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

Operation of a ready mixed concrete plant.

**Applicant Contact Information**

Applicant Name (Printed): Southern Concrete Materials - Jeff Lamm

Mailing Address: PO Box 5395, Asheville, NC 28813

Phone(s): 828-253-6421

Email: j19mm@scm439.com

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

Jeff Lamm

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





## Parcel Report For 8605-71-1498

SOUTHERN CONCRETE MATERIALS INC  
PO BOX 5395  
ASHEVILLE, NC 28813

### Account Information

PIN: 8605-71-1498

Legal Ref: 877/1328

Add Ref: CABC/6676

### Site Information

DWELLING  
SINGLE FAMILY  
120 RAILROAD ST

Heated Area: 2394

Year Built: 1947

Total Acreage: 3.07 AC

Township: TOWN OF WAYNESVILLE

### Site Value Information

Land Value: \$19,900

Building Value: \$103,200

Market Value: \$123,100

Deferred Value: \$0

Assessed Value: \$123,100

Sale Price: \$0

Sale Date: 12/11/2014

Tax Bill 1: \$860.87

Tax Bill 2: \$860.87



1 inch = 200 feet  
September 6, 2016

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





TOWN OF WAYNESVILLE PLANNING DEPARTMENT

Application for Land Development Standards Map Amendment

Application is hereby made on 8-19, 2016 to the Town of Waynesville for the following map amendment:

Property owner of record: Southern Concrete Materials  
Address/location of property: 50 Vigora Lane  
Parcel identification number(s): 8605-71-4429  
Deed/Plat Book/Page, (attach legal description): 842/1154  
The property contains 4.8 acres.  
Current district: Commercial  
Requested district: Industrial/Commercial

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

Operation of ready mixed concrete plant.

Applicant Contact Information

Applicant Name (Printed): Southern Concrete Materials - Jeff Lamm  
Mailing Address: PO Box 5395, Asheville, NC 28813  
Phone(s): 828-253-6421  
Email: j/lamm@scm459.com

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

Jeff Lamm

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





## Parcel Report For 8605-71-4029

SOUTHERN CONCRETE MATERIALS INC  
PO BOX 5395  
ASHEVILLE, NC 28813

### Account Information

PIN: 8605-71-4029

Legal Ref: 842/1154

Add Ref: 578/974

### Site Information

50 VIGORO LN

Heated Area: 0

Year Built: 0

Total Acreage: 4.8 AC

Township: TOWN OF WAYNESVILLI

### Site Value Information

Land Value: \$240,000

Building Value: \$1,200

Market Value: \$241,200

Deferred Value: \$0

Assessed Value: \$241,200

Sale Price: \$178,500

Sale Date: 03/11/2013

Tax Bill 1: \$1,365.43

Tax Bill 2: \$1,365.43



1 inch = 100 feet  
September 13, 2016

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

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
FOR BOARD INFORMATION  
Meeting Date: November 8, 2016**

**SUBJECT:** Public Hearing for amendment of the Town of Waynesville Cemetery Ordinance

**AGENDA INFORMATION:**

**Agenda Location:** Public Hearings  
**Item Number:** 5-B  
**Department:** Administrative Services, Public Services, Asset Services  
**Contact:** Amie Owens, Assistant Town Manager  
**Presenter:** David Foster, Public Services Director

**BRIEF SUMMARY:** A project to update the existing Cemetery ordinance was undertaken in late 2010/early 2011 but was not presented to the Board of Aldermen. Since that time, several changes in legislation have occurred. With the assistance of local funeral home representatives and town staff, the existing ordinance was reviewed and suggested amendments noted.

As with all ordinance amendments, a public hearing is required in order to obtain citizen input on the proposed changes. The call for public hearing was made at the October 25, 2016 meeting.

**MOTION FOR CONSIDERATION:** *No action will be taken at this meeting, a second public hearing will be held at the December 13 regular meeting.*

**FUNDING SOURCE/IMPACT:** No new expenditures expected - included in the operating costs for the Greenhill Cemetery.

**ATTACHMENTS:**

- Proposed Revised Ordinance

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Two Public Hearings will be held on this item to allow for citizen input.



## Chapter 18 CEMETERIES\*

\*Cross references: Streets, sidewalks and other public places, ch. 46.

State law references: Authority to regulate cemeteries, G.S. 160A-341--160A-348, An act authorizing the county of Haywood and the town of Waynesville to jointly establish, improve, and maintain a memorial cemetery for the burial of United States war veterans, S.L. 1949-140.

### **Sec. 18-1. Definitions. NEW**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Cemetery* means a burial park for earth interments and columbarium inurnments.

*Columbarium* means a freestanding structure containing niches for the inurnment of cremated remains.

*Cremation Burial Space* means a land area ~~two (2) feet wide and one (1) foot in length~~ designated for the burial of cremated human remains ~~contained in an urn.~~

*Interment* means the disposition of human remains by burial in the earth.

*Inurnment* means the permanent placement of cremated remains which are contained in an urn in a columbarium or by burial in the earth.

*Lot* means the numbered divisions as shown on the recorded plat, which consists of 10 spaces.

*Niche* means a recessed compartment in a columbarium designed to hold urns.

*Owner* means the owner of record with the town of a specific lot or in a specific columbarium niche.

*Section* means the numbered divisions as shown on the recorded plat, consisting of multiple lots.

*Space* means a land area four (4) feet wide and ten (10) feet in length designated for the burial of human remains.

*Town* means the Town of Waynesville, North Carolina.

*Urn Garden* means a land area two (2) feet wide and two (2) feet in length designed for the burial of cremated human remains contained in an urn.

## **Sec. 18-2. Burial permitted only in cemetery; notification of superintendent**

### **CURRENT 18-1; last sentence is NEW**

No person shall bury or cause to be buried any dead body in any place within the town except in a cemetery. The town shall have the right to disinter any such body which may have been illegally buried and have the body removed to a cemetery. Prior to any burial in town cemeteries, the cemetery superintendent shall be notified. No remains except those of human beings shall be interred in any town cemetery.

## **Sec. 18-3. Scheduling of interments and inurnments.**

### **NEW**

Committal services requiring staff support may be held any day except New ~~Years~~Year's Day, Easter Sunday, Thanksgiving Day and Christmas Day. On days when inclement weather is such that a burial or placement of an urn would not be feasible, the town cemetery superintendent, in consultation with the funeral director, shall have the right to delay burials and the placement of urns. It will be the responsibility of the Town of Waynesville to supply up to date contact information for staff to the local funeral directors in order to effectively communicate related to scheduling.

## **Sec. 18-4. Sale of cemetery spaces and columbarium niches.**

### **CURRENT 18-2 and NEW (b)**

(a) The town shall sell cemetery spaces to those persons desiring lots at such price as may be determined by the board of aldermen; however, one person may not purchase more than ten (10) individual spaces or niches in a columbarium, except upon special permission from the board of aldermen. Columbarium niches and burial spaces cannot be purchased for commercial resale, and will not be sold to funeral homes, churches, or corporations.

(b) Upon purchase of a burial space, the owner will be issued a cemetery deed that shall identify the purchaser and the specific space to which the certificate applies. Cemetery deeds should be recorded at the Haywood County Register of Deeds Office. Upon purchase of a columbarium niche, the purchaser will be issued a certificate granting them the right to use the niche for the inurnment of human remains.

## **Sec. 18-5. Owner's name to appear on records of town.**

### **NEW**

No person will be recognized by the town as owner or part owner of any lot unless his name appears on the records of the town as owner or part owner thereof. Notice of any transfer of any lot, portion of lot, single space, or columbarium niche must be made in writing to the town clerk or cemetery superintendent. Transfers of lots or burial spaces must also be recorded at the Haywood County Register of Deeds Office. If a plot owner dies and a will indicates the passing of the cemetery plot(s), a copy of the will is required for transfer. If a plot owner dies intestate, the rights of the plot pass to the heirs in the same manner that personal property passes in the absence of a will and proper documentation may be requested to show proof of ownership.

**Sec. 18-6. Right of town to repurchase columbarium niche.**

**NEW**

The town may repurchase any unused columbarium niches from the owner at at the original purchase price set by the board minus a \$250.00 fee for replacement of ~~aldermen~~ the niche door and administrative fee, upon written request of said owner.

**Sec. 18-7. Restrictions on rights of owners.**

**NEW**

Owners of lots or single spaces and purchasers of columbarium niches in any cemetery owned by the town are subject to the rules and regulations of the town now or hereafter adopted. The town reserves the right to amend at any time and without notice its rules and regulations.

**Sec. 18-8. Identification of remains.**

**NEW**

All caskets and all cremation urns shall contain some means of identifying the remains of the deceased contained within the casket or urn. This identification shall be either within or on the casket or urn following state law and in conformance with generally accepted practices of the funeral home industry and per North Carolina General Statutes.

**Sec. 18-9. Veterans Memorial Section Regulations.**

**NEW**

Upon recommendation from the Veterans of Foreign Wars of the United States, the cemetery superintendent may authorize the burial of a veteran in the Veterans Memorial Section of Green Hill cemetery, which is in accordance with Board approved regulations. The Veterans Memorial Section is reserved for the interment of veterans discharged from active military service under conditions other than dishonorable, and does not include space for spouses, children, or other family members. Spaces for traditional burial and inurnment are assigned in sequential order by the cemetery superintendent. A full copy of the approved regulations are available in the Public Services Department.

**Sec. 18-10. County Section.**

Only those individuals for whom the Haywood County Health and Human Agency serves as a Guardian or for whom funeral pre-arrangements have been made through the Health and Human Services Agency on their behalf, or who qualify under~~Upon recommendation from the funeral home director,~~ the North Carolina General Statutes 130A-415 through 420 for unclaimed bodies, may be interred in the County Section of Green Hill Cemetery. the cemetery superintendent shall authorize the burial of a pauper in the County Section of Green Hill cemetery. Only markers flush with the ground are allowed in the County Section of Green Hill cemetery.

## Sec. 18-11. Space and niche specifications.

### NEW

(a) Caskets or urns in burial spaces

- (1) All graves for the burial of a ~~coffin~~casket shall be ~~a minimum of 72 inches in depth, in accordance with all applicable North Carolina General Statutes contained in Chapter 65 – Cemeteries, and all laws, regulations and requirements therein.~~
- (2) Concrete liners or steel vaults are required for the burial of all caskets. **Current 18-3(e)**
- (3) Not more than one body shall be interred in one space except in the case of a mother and newborn baby, unless such space was purchased with the written agreement that more than one body or the remains of more than one body may be interred, and provided proper identification is made of such interment by the marker.
- (4) Not more than two urns may be buried in one traditional burial space, and urns may not contain more than two cremated remains. Cremated remains may be inurned on top of existing graves provided that the space dug for burial is a minimum of 24 inches in depth.

(b) *Cremation burial space.* ~~All cremation~~Means a land area designated for the burial spaces shall be one (1) foot by two (2) feet of cremated human remains and is a minimum of 24 inches in depth.

(c) *Columbarium inurnment.* Up to two cremated remains are permitted in a single columbarium niche. Owners must give notice of the number of cremated remains to be placed in a niche at time of purchase. Additional costs will be incurred by the owner if the number of cremated remains to be placed changes after the door engraving has been completed.

(d) *Urn specifications for both in-ground and columbarium inurnment*

(1) No cremation urn shall contain the cremated remains of more than two individuals. Funeral directors shall assist family members in selecting an urn that is appropriately sized to fit within the burial space ~~or columbarium niche~~.

~~(1)~~ (2) The addition of cremated remains to an urn shall be done by the funeral director, not by town personnel. If any memorabilia are to be placed with the cremated remains, it shall be done before the container is sealed by the undertaker. Town employees are not permitted to open any urn under any circumstances.

(3) Cremated remains to be placed in a columbarium niche ~~shall~~are recommended to be

~~(2)~~ enclosed in a rigid, permanent, rustproof, waterproof, sealed container. Cardboard or plastic urns are only permitted for in-ground inurnment. The Town will not sell urns for cremated remains.

**Sec. 18-12. Opening and closing of spaces and columbarium niches. NEW**

(a) Interments or inurnments will only be made after the cemetery superintendent has received the authorization of the owner of the space or columbarium niche, and the opening and closing fees due to the Town have been paid in full.

(b) For traditional burials in spaces, the funeral homes will be responsible for the openings and closings of spaces, and to see that the vault is properly set and sealed.

(c) For burials in columbarium units or for the in ground placement of cremation urns, the Town will be responsible for the openings and closings. In opening and closing spaces for the burial of cremation urns or in opening columbarium niches for the placement of urns, care shall be taken to avoid damages to monuments, stones, markers and other structures on other lots in the cemetery. Should damages occur, the Town shall be responsible to see that corrections are made, either through repair or replacement.

**Sec. 18-13. Funeral home opening/closing responsibilities. NEW**

All funeral directors and their work crews employed in opening and filling spaces shall be subject to rules and regulations covered in this chapter. It is the responsibility of the funeral director to obtain permission for burial from the cemetery superintendent. Any person failing to conform with such rules and regulations will not afterwards be permitted to work in the cemetery. Extreme or continuous violation of rules and regulations may be cause to bar that funeral home from further burials in the town cemetery.

(a) If other spaces sink due to the weight of the equipment used to open and close a space, or there are damages to drives, trees, sod, monuments, stones, markers and other structures in the cemetery, the funeral home shall be responsible to see that corrections are made, either through repair or replacement.

(b) When work performed pursuant to this chapter is completed, the lots/spaces and surroundings must be left in a clean and acceptable condition. All materials, tools, ground covers, lowering devices, dirt, litter, trash, etc., must be immediately removed by the party in charge of the work.

(c) Ropes or other guides are not to be tied to any tree or other object. No post or anchors will be sunk into any occupied space.

(d) No material, tools, ground covers, lowering devices, etc., shall be left in the cemetery. Such items must be removed immediately after funeral service is completed.

#### **Sec. 18-14. Liability insurance. -NEW**

Any firm that performs a service of any type in any town owned cemetery such as installing vaults, installing monuments, mausoleums, or grave markers, setting up or taking down tents; directing funerals, or other work and services shall furnish the cemetery supervisor a current certificate of insurance for the following types of insurance coverage:

(a) Workers compensation as required by law;

(b) Comprehensive automobile liability insurance coverage with a combined single limit of not less than five hundred thousand dollars (\$500,000.00) per accident for bodily injury and property damage;

(c) Standard comprehensive general liability insurance providing coverage for operations, products and completed operations coverage with a combined single limit of not less than one million dollars (\$1,000,000.00) at any town owned cemetery.

Firms may name the Town of Waynesville as an additional insured on their existing policies.

~~(e)~~

#### **Sec. 18-15. Markers.**

No person shall place any marker without first gaining approval of the cemetery supervisor. **Current 18-4**

(a) *Burial markers* - **Current 18-4 is 1<sup>st</sup> sentence; remainder NEW**. For traditional spaces, only one upright family marker shall be permitted for each respective space, and all other markers that may be placed on the space shall be flush with the surface of the ground. Family markers must be placed at either the head or foot of the space.

1. Spaces located in the County Section, on the south side of Golden Drive and in Sections 9, 10, and 11 of the Shook B Survey, and Shook Sections C, D, E and subsequent other surveys shall only feature markers flush with the surface of the ground; no upright family markers are permitted in these sections.

2. For cremated remains in any location other than a columbarium unit, markers shall be flush with the surface of the ground. All flat grave markers shall be placed in such a manner in a row of graves that they shall be in complete alignment.

(b) *Columbarium markers* - **NEW** The exterior of every columbarium niche is covered by a door made of a thin granite material, provided by the town. Information on the granite doors will be limited to the full name of the deceased whose remains are within the niche, and the year of birth and the year of death. The information for every niche will be cut in the same font style and appropriate font size. The Town will make arrangements for this work to be done at the time of purchase. Following the death of an individual and the placement of the urn in the niche, the Town will be responsible for seeing that any missing information is engraved onto the door. If an



owner sells an unused niche, or there is an addition or removal of a name from the door of a niche, the current owner shall be responsible for payment for a replacement door.

**Sec. 18-16. Repair of monuments. NEW**

If any monument or marker becomes unsafe or in need of repair or resetting, the town, after attempting to give notice to the owner of record of such condition and upon the failure of the owner to correct the condition within ninety (90) days after receiving the notice, reserves the right to correct or remove the same at the expense of the owner.

**Sec. 18-17. Improvements and other work.**

(a) All works and improvements shall be done under the control of the ~~director of public works/town engineer~~Public Services Department. All permanent planting and removal of trees or shrubs, and sowing of grass within the cemetery grounds shall be the sole right and duty of the town. **1<sup>st</sup> sentence: Current 18-5(c); 2<sup>nd</sup> is NEW**

(b) Any person entering the cemetery for the purpose of working in any space belonging to another shall first present to the ~~director of public works/town engineer or his designee~~Public Services Department a written order from the owner or his agent. Work on any lot must not interfere in any manner with the walk, decorations or general arrangement of the cemetery. **CURRENT 18-5(a)**

(c) Neither the respective owners of cemetery lots or spaces nor any other person shall change the contour of any cemetery lot or plot, construct any curb on or around the lots or spaces, or plant or transplant any tree or shrubbery of any kind of the lots or spaces. **CURRENT 18-5(b)**

(Code 1987, § 93.05)

**Sec. 18-18. Permission required for excavations. CURRENT 18-6**

No person shall excavate any earth or stone in the cemetery or remove earth or stones except by the consent and under the direction of the ~~cemetery superintendent~~Public Services Department. No person shall exhume any remains without first notifying the cemetery superintendent. In no case shall any remains be disinterred without following the requirements of the State of North Carolina for exhumations.

**Sec. 18-19. Removal of trees, plants, shrubs. CURRENT 18-7**

~~When any tree, plant or shrub standing in the cemetery shall injure any monument or decoration in any adjoining lot or the lot on which it stands by the drip of its leaves or otherwise, complaint may be made to the director of public works/town engineer. If the director of public works/town engineer~~ The Public Services Department reserves the right to remove trees, plants or shrubs in the maintenance of all cemetery property at the sole discretion of the Public Services Director or his designees.

(Code 1987, § 93.07)

Cross references: Vegetation, ch. 62.

**Sec. 18-20. Placing articles on lots generally. NEW**

(a) It shall be unlawful for any person to place anything, including trinkets, toys, shells, glass vases, jars, tin cans, sand, or other artificial material on any marker, lot, space, or columbarium unit with the exception of ~~a marker placed in accordance with the rules and regulations of this chapter~~, cut flowers or artificial flowers, and approved flags on spaces of soldiers, sailors or marines. ~~When the items interfere with routine cemetery maintenance they shall be immediately removed without notice by town employees.~~

(b) No floral arrangement or any type decoration or other sort of ornamentation or picture may be attached to a columbarium unit. All floral ground pieces, wreaths, or funeral sprays may only be placed at the end of the columbarium unit or in another area designated for this purpose by the cemetery superintendent. No more than one piece per niche or urn space is permitted.

~~(c) No trinkets, toys, shells, glass vases, jars, tin cans, sand, artificial material or anything which, in the opinion of the cemetery superintendent, will interfere with routine cemetery maintenance, will be allowed on any lot, single space, or on or around any columbarium unit. All such articles will be removed without notice and the town shall not be responsible for their loss or destruction. Items placed on the headstone are acceptable, as long as they do not interfere with routine cemetery maintenance.~~

~~(d)~~(c) Solar powered or other artificial light sources are not allowed or permitted on any space.

~~(e)~~(d) Benches and settees are not permitted on any space, ~~except where the cemetery superintendent directs in writing. They will generally be placed at the head or foot of the space, aligned so as to not interfere with routine cemetery maintenance.~~ \*Those benches already in place prior to January 1, 2017 are considered grandfathered as part of this ordinance and will not be removed.

~~(f)~~(e) No border, fence, railing, trellis, coping, hedge, shrubs, trees or any other bounding or enclosing object or material shall be constructed or planted in or around any lot or space.

(f) The Town, at its discretion, will conduct an annual clean up of the Green Hill cemetery and will advertise such clean up in the local newspaper, on its website and post signage in the cemetery.

(g) Items that are removed from lots or columbarium will be stored for sixty (60) days. Following the end of the sixty (60) days, items will be disposed of if not retrieved.

### **Sec. 18-21. Prohibited acts.**

(a) No person shall disturb the quiet and good order of the cemetery by a noise of any kind or by other improper conduct. **CURRENT 18-8(a)**

(b) No person shall destroy, mutilate, deface, injure or remove in any way from where it is placed any tomb, monument, gravestone or other structure placed in the town cemetery or any plank or fence or part of a fence, railing or other structure within the cemetery or from the fence surrounding the cemetery, which is placed for the protection or ornament of the cemetery or any tomb, monument, gravestone or space. Any person who shall destroy, cut down, break, remove or injure any space, tree, shrub, plant or flower that may have been planted or that may be growing in the cemetery or commit any other trespass in the cemetery shall be guilty of a misdemeanor. **CURRENT 18-8(b)**

(c) It shall be unlawful for any person to use the cemetery as a playground.  
**CURRENT 18-8(c)**

(d) It shall be unlawful for any person to sell or offer for sale any article of merchandise, any fruit, drink or beverage, or anything of value within the limits of any town cemetery.  
**CURRENT 18-8(d)**

~~(e)-(e)~~ It shall be unlawful for any person to bring a dog or other animal into the cemetery except ~~seeing-eye dogs or other disability-assisting dogs.~~ **CURRENT 18-8(e)** for service animals. Per the Haywood County Animal Services Ordinance definition, a service animal is any guide dog, signal dog, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

~~(f)~~ (f) The scattering of cremated remains anywhere within the bounds of any town cemetery is expressly prohibited. **NEW**

(Code 1987, § 93.08)

### **Sec. 18-22. Hunting in cemetery restricted. CURRENT 18-9**

No person shall hunt, kill or trap any bird or animal in the cemetery.

(Code 1987, § 93.09)

Cross references: Animals, ch. 6.

**Sec. 18-23. Speed limit in cemetery. CURRENT 18-10**

No person shall drive or ride any vehicle in the cemetery in the town at a speed greater ~~speed~~ than 2010 miles per hour.

(Code 1987, § 93.10)

Cross references: Traffic and vehicles, ch. 54.

(Code 1987, § 93.04)

**Sec. 18-24. Use of cemetery as thoroughfare prohibited.**

No person shall use the cemetery as a common thoroughfare or public walk; and all traveling through or across the cemetery, except in connection with cemetery purposes or for the purposes of visiting a burial lot, is forbidden.

(Code 1987, § 93.11)

**Sec. 18-25. Perpetual care. NEW**

The town shall provide perpetual care in and for all cemeteries owned and maintained by the town. The term “perpetual care” shall be deemed to include the maintenance and care of all grounds, roadways, entrances, gates, fences, and columbarium constructed by the town, but shall not include the maintenance, care, refurbishing, repair or replacement of any monument, vault, headstone, marker or any other structure of a like nature used in the interment or inurnment of human remains.

## Chapter 18 CEMETERIES\*

---

\*Cross references: Streets, sidewalks and other public places, ch. 46.

State law references: Authority to regulate cemeteries, G.S. 160A-341--160A-348, An act authorizing the county of Haywood and the town of Waynesville to jointly establish, improve, and maintain a memorial cemetery for the burial of United States war veterans, S.L. 1949-140.

### **Sec. 18-1. Definitions. NEW**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Cemetery* means a burial park for earth interments and columbarium inurnments.

*Columbarium* means a freestanding structure containing niches for the inurnment of cremated remains.

*Cremation Burial Space* means a land area designated for the burial of cremated human remains.

*Interment* means the disposition of human remains by burial in the earth.

*Inurnment* means the permanent placement of cremated remains which are contained in an urn in a columbarium or by burial in the earth.

*Lot* means the numbered divisions as shown on the recorded plat, which consists of 10 spaces.

*Niche* means a recessed compartment in a columbarium designed to hold urns.

*Owner* means the owner of record with the town of a specific lot or in a specific columbarium niche.

*Section* means the numbered divisions as shown on the recorded plat, consisting of multiple lots.

*Space* means a land area four (4) feet wide and ten (10) feet in length designated for the burial of human remains.

*Town* means the Town of Waynesville, North Carolina.

*Urn Garden* means a land area two (2) feet wide and two (2) feet in length designed for the burial of cremated human remains contained in an urn.

## **Sec. 18-2. Burial permitted only in cemetery; notification of superintendent**

### **CURRENT 18-1; last sentence is NEW**

No person shall bury or cause to be buried any dead body in any place within the town except in a cemetery. The town shall have the right to disinter any such body which may have been illegally buried and have the body removed to a cemetery. Prior to any burial in town cemeteries, the cemetery superintendent shall be notified. No remains except those of human beings shall be interred in any town cemetery.

## **Sec. 18-3. Scheduling of interments and inurnments.**

### **NEW**

Committal services requiring staff support may be held any day except New Year's Day, Easter Sunday, Thanksgiving Day and Christmas Day. On days when inclement weather is such that a burial or placement of an urn would not be feasible, the town cemetery superintendent, in consultation with the funeral director, shall have the right to delay burials and the placement of urns. It will be the responsibility of the Town of Waynesville to supply up to date contact information for staff to the local funeral directors in order to effectively communicate related to scheduling.

## **Sec. 18-4. Sale of cemetery spaces and columbarium niches.**

### **CURRENT 18-2 and NEW (b)**

(a) The town shall sell cemetery spaces to those persons desiring lots at such price as may be determined by the board of aldermen; however, one person may not purchase more than ten (10) individual spaces or niches in a columbarium, except upon special permission from the board of aldermen. Columbarium niches and burial spaces cannot be purchased for commercial resale, and will not be sold to funeral homes, churches, or corporations.

(b) Upon purchase of a burial space, the owner will be issued a cemetery deed that shall identify the purchaser and the specific space to which the certificate applies. Cemetery deeds should be recorded at the Haywood County Register of Deeds Office. Upon purchase of a columbarium niche, the purchaser will be issued a certificate granting them the right to use the niche for the inurnment of human remains.

## **Sec. 18-5. Owner's name to appear on records of town.**

### **NEW**

No person will be recognized by the town as owner or part owner of any lot unless his name appears on the records of the town as owner or part owner thereof. Notice of any transfer of any lot, portion of lot, single space, or columbarium niche must be made in writing to the town clerk or cemetery superintendent. Transfers of lots or burial spaces must also be recorded at the Haywood County Register of Deeds Office. If a plot owner dies and a will indicates the passing of the cemetery plot(s), a copy of the will is required for transfer. If a plot owner dies intestate, the rights of the plot pass to the heirs in the same manner that personal property passes in the absence of a will and proper documentation may be requested to show proof of ownership.

**Sec. 18-6. Right of town to repurchase columbarium niche.**

**NEW**

The town may repurchase any unused columbarium niches from the owner at the original purchase price minus a \$250.00 fee for replacement of the niche door and administrative fee, upon written request of said owner.

**Sec. 18-7. Restrictions on rights of owners.**

**NEW**

Owners of lots or single spaces and purchasers of columbarium niches in any cemetery owned by the town are subject to the rules and regulations of the town now or hereafter adopted. The town reserves the right to amend at any time and without notice its rules and regulations.

**Sec. 18-8. Identification of remains.**

**NEW**

All caskets and all cremation urns shall contain some means of identifying the remains of the deceased contained within the casket or urn. This identification shall be either within or on the casket or urn following state law and in conformance with generally accepted practices of the funeral home industry and per North Carolina General Statutes.

**Sec. 18-9. Veterans Memorial Section Regulations.**

**NEW**

Upon recommendation from the Veterans of Foreign Wars of the United States, the cemetery superintendent may authorize the burial of a veteran in the Veterans Memorial Section of Green Hill cemetery in accordance with Board approved regulations. The Veterans Memorial Section is reserved for the interment of veterans discharged from active military service under conditions other than dishonorable, and does not include space for spouses, children, or other family members. Spaces for traditional burial and inurnment are assigned in sequential order by the cemetery superintendent. A full copy of the approved regulations are available in the Public Services Department.

**Sec. 18-10. County Section.**

Only those individuals for whom the Haywood County Health and Human Agency serves as a Guardian or for whom funeral pre-arrangements have been made through the Health and Human Services Agency on their behalf, or who qualify under the North Carolina General Statutes 130A-415 through 420 for unclaimed bodies, may be interred in the County Section of Green Hill Cemetery. Only markers flush with the ground are allowed in the County Section of Green Hill cemetery.

**Sec. 18-11. Space and niche specifications.**

**NEW**

*(a) Caskets or urns in burial spaces*

- (1) All graves for the burial of a casket shall be in accordance with all applicable North Carolina General Statutes contained in Chapter 65 – Cemeteries, and all laws, regulations and requirements therein.
- (2) Concrete liners or steel vaults are required for the burial of all caskets.
- (3) Not more than one body shall be interred in one space except in the case of a mother and newborn baby, unless such space was purchased with the written agreement that more than one body or the remains of more than one body may be interred, and provided proper identification is made of such interment by the marker.
- (4) Not more than two urns may be buried in one traditional burial space, and urns may not contain more than two cremated remains. Cremated remains may be inurned on top of existing graves provided that the space dug for burial is a minimum of 24 inches in depth.

*(b) Cremation burial space.* Means a land area designated for the burial of cremated human remains and is a minimum of 24 inches in depth.

*(c) Columbarium inurnment.* Up to two cremated remains are permitted in a single columbarium niche. Owners must give notice of the number of cremated remains to be placed in a niche at time of purchase. Additional costs will be incurred by the owner if the number of cremated remains to be placed changes after the door engraving has been completed.

*(d) Urn specifications for both in-ground and columbarium inurnment*

(1) No cremation urn shall contain the cremated remains of more than two individuals. Funeral directors shall assist family members in selecting an urn that is appropriately sized to fit within the burial space.

(2) The addition of cremated remains to an urn shall be done by the funeral director, not by town personnel. If any memorabilia are to be placed with the cremated remains, it shall be done before the container is sealed by the undertaker. Town employees are not permitted to open any urn under any circumstances.

(3) Cremated remains to be placed in a columbarium niche are recommended to be enclosed in a rigid, permanent, rustproof, waterproof, sealed container. Cardboard or plastic urns are only permitted for in-ground inurnment. The Town will not sell urns for cremated remains.



**Sec. 18-12. Opening and closing of spaces and columbarium niches. NEW**

(a) Interments or inurnments will only be made after the cemetery superintendent has received the authorization of the owner of the space or columbarium niche, and the opening and closing fees due to the Town have been paid in full.

(b) For traditional burials in spaces, the funeral homes will be responsible for the openings and closings of spaces, and to see that the vault is properly set and sealed.

(c) For burials in columbarium units or for the in ground placement of cremation urns, the Town will be responsible for the openings and closings. In opening and closing spaces for the burial of cremation urns or in opening columbarium niches for the placement of urns, care shall be taken to avoid damages to monuments, stones, markers and other structures on other lots in the cemetery. Should damages occur, the Town shall be responsible to see that corrections are made, either through repair or replacement.

**Sec. 18-13. Funeral home opening/closing responsibilities. NEW**

All funeral directors and their work crews employed in opening and filling spaces shall be subject to rules and regulations covered in this chapter. It is the responsibility of the funeral director to obtain permission for burial from the cemetery superintendent. Any person failing to conform with such rules and regulations will not afterwards be permitted to work in the cemetery. Extreme or continuous violation of rules and regulations may be cause to bar that funeral home from further burials in the town cemetery.

(a) If other spaces sink due to the weight of the equipment used to open and close a space, or there are damages to drives, trees, sod, monuments, stones, markers and other structures in the cemetery, the funeral home shall be responsible to see that corrections are made, either through repair or replacement.

(b) When work performed pursuant to this chapter is completed, the lots/spaces and surroundings must be left in a clean and acceptable condition. All materials, tools, ground covers, lowering devices, dirt, litter, trash, etc., must be immediately removed by the party in charge of the work.

(c) Ropes or other guides are not to be tied to any tree or other object. No post or anchors will be sunk into any occupied space.

(d) No material, tools, ground covers, lowering devices, etc., shall be left in the cemetery. Such items must be removed immediately after funeral service is completed.

**Sec. 18-14. Liability insurance. NEW**

Any firm that performs a service of any type in any town owned cemetery such as installing vaults, installing monuments, mausoleums, or grave markers, setting up or taking down tents;

directing funerals, or other work and services shall furnish the cemetery supervisor a current certificate of insurance for the following types of insurance coverage:

- (a) Workers compensation as required by law;
- (b) Comprehensive automobile liability insurance coverage with a combined single limit of not less than five hundred thousand dollars (\$500,000.00) per accident for bodily injury and property damage;
- (c) Standard comprehensive general liability insurance providing coverage for operations, products and completed operations coverage with a combined single limit of not less than one million dollars (\$1,000,000.00) at any town owned cemetery.

Firms may name the Town of Waynesville as an additional insured on their existing policies.

#### **Sec. 18-15. Markers.**

No person shall place any marker without first gaining approval of the cemetery supervisor. **Current 18-4**

(a) *Burial markers* **Current 18-4 is 1<sup>st</sup> sentence; remainder NEW**. For traditional spaces, only one upright family marker shall be permitted for each respective space, and all other markers that may be placed on the space shall be flush with the surface of the ground. Family markers must be placed at either the head or foot of the space.

1. Spaces located in the County Section, on the south side of Golden Drive and in Sections 9, 10, and 11 of the Shook B Survey, and Shook Sections C, D, E and subsequent other surveys shall only feature markers flush with the surface of the ground; no upright family markers are permitted in these sections.

2. For cremated remains in any location other than a columbarium unit, markers shall be flush with the surface of the ground. All flat grave markers shall be placed in such a manner in a row of graves that they shall be in complete alignment.

(b) *Columbarium markers* **NEW**. The exterior of every columbarium niche is covered by a door made of a thin granite material, provided by the town. Information on the granite doors will be limited to the full name of the deceased whose remains are within the niche, and the year of birth and the year of death. The information for every niche will be cut in the same font style and appropriate font size. The Town will make arrangements for this work to be done at the time of purchase. Following the death of an individual and the placement of the urn in the niche, the Town will be responsible for seeing that any missing information is engraved onto the door. If an owner sells an unused niche, or there is an addition or removal of a name from the door of a niche, the current owner shall be responsible for payment for a replacement door.

**Sec. 18-16. Repair of monuments. NEW**

If any monument or marker becomes unsafe or in need of repair or resetting, the town, after attempting to give notice to the owner of record of such condition and upon the failure of the owner to correct the condition within ninety (90) days after receiving the notice, reserves the right to correct or remove the same at the expense of the owner.

**Sec. 18-17. Improvements and other work.**

(a) All works and improvements shall be done under the control of the Public Services Department. All permanent planting and removal of trees or shrubs, and sowing of grass within the cemetery grounds shall be the sole right and duty of the town. **1<sup>st</sup> sentence: Current 18-5(c); 2<sup>nd</sup> is NEW**

(b) Any person entering the cemetery for the purpose of working in any space belonging to another shall first present to the Public Services Department a written order from the owner or his agent. Work on any lot must not interfere in any manner with the walk, decorations or general arrangement of the cemetery. **CURRENT 18-5(a)**

(c) Neither the respective owners of cemetery lots or spaces nor any other person shall change the contour of any cemetery lot or plot, construct any curb on or around the lots or spaces, or plant or transplant any tree or shrubbery of any kind of the lots or spaces. **CURRENT 18-5(b)**  
(Code 1987, § 93.05)

**Sec. 18-18. Permission required for excavations. CURRENT 18-6**

No person shall excavate any earth or stone in the cemetery or remove earth or stones except by the consent and under the direction of the Public Services Department. No person shall exhume any remains without first notifying the cemetery superintendent. In no case shall any remains be disinterred without following the requirements of the State of North Carolina for exhumations.

**Sec. 18-19. Removal of trees, plants, shrubs. CURRENT 18-7**

The Public Services Department reserves the right to remove trees, plants or shrubs in the maintenance of all cemetery property at the sole discretion of the Public Services Director or his designees.

(Code 1987, § 93.07)

Cross references: Vegetation, ch. 62.

**Sec. 18-20. Placing articles on lots generally. NEW**

(a) It shall be unlawful for any person to place anything, including trinkets, toys, shells, glass vases, jars, tin cans, sand, or other artificial material on any marker, lot, space, or columbarium

unit with the exception of cut flowers or artificial flowers, and approved flags on spaces of soldiers, sailors or marines.

(b) No floral arrangement or any type decoration or other sort of ornamentation or picture may be attached to a columbarium unit. All floral ground pieces, wreaths, or funeral sprays may only be placed at the end of the columbarium unit or in another area designated for this purpose by the cemetery superintendent. No more than one piece per niche or urn space is permitted.

(c) Solar powered or other artificial light sources are not allowed or permitted on any space.

(d) Benches and settees are not permitted on any space. \*Those benches already in place prior to January 1, 2017 are considered grandfathered as part of this ordinance and will not be removed.

(e) No border, fence, railing, trellis, coping, hedge, shrubs, trees or any other bounding or enclosing object or material shall be constructed or planted in or around any lot or space.

(f) The Town, at its discretion, will conduct an annual clean up of the Green Hill cemetery and will advertise such clean up in the local newspaper, on its website and post signage in the cemetery.

(g) Items that are removed from lots or columbarium will be stored for sixty (60) days. Following the end of the sixty (60) days, items will be disposed of if not retrieved.

#### **Sec. 18-21. Prohibited acts.**

(a) No person shall disturb the quiet and good order of the cemetery by a noise of any kind or by other improper conduct. **CURRENT 18-8(a)**

(b) No person shall destroy, mutilate, deface, injure or remove in any way from where it is placed any tomb, monument, gravestone or other structure placed in the town cemetery or any plank or fence or part of a fence, railing or other structure within the cemetery or from the fence surrounding the cemetery, which is placed for the protection or ornament of the cemetery or any tomb, monument, gravestone or space. Any person who shall destroy, cut down, break, remove or injure any space, tree, shrub, plant or flower that may have been planted or that may be growing in the cemetery or commit any other trespass in the cemetery shall be guilty of a misdemeanor. **CURRENT 18-8(b)**

(c) It shall be unlawful for any person to use the cemetery as a playground.

**CURRENT 18-8(c)**



(d) It shall be unlawful for any person to sell or offer for sale any article of merchandise, any fruit, drink or beverage, or anything of value within the limits of any town cemetery.

**CURRENT 18-8(d)**

(e) It shall be unlawful for any person to bring a dog or other animal into the cemetery except **CURRENT 18-8(e)** for service animals. Per the Haywood County Animal Services Ordinance definition, a service animal is any guide dog, signal dog, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

(f) The scattering of cremated remains anywhere within the bounds of any town cemetery is expressly prohibited. **NEW**

(Code 1987, § 93.08)

**Sec. 18-22. Hunting in cemetery restricted. CURRENT 18-9**

No person shall hunt, kill or trap any bird or animal in the cemetery.

(Code 1987, § 93.09)

Cross references: Animals, ch. 6.

**Sec. 18-23. Speed limit in cemetery. CURRENT 18-10**

No person shall drive or ride any vehicle in the cemetery in the town at a speed greater than 10 miles per hour.

(Code 1987, § 93.10)

Cross references: Traffic and vehicles, ch. 54.

(Code 1987, § 93.04)

**Sec. 18-24. Use of cemetery as thoroughfare prohibited.**

No person shall use the cemetery as a common thoroughfare or public walk; and all traveling through or across the cemetery, except in connection with cemetery purposes or for the purposes of visiting a burial lot, is forbidden.

(Code 1987, § 93.11)

**Sec. 18-25. Perpetual care. NEW**

The town shall provide perpetual care in and for all cemeteries owned and maintained by the town. The term “perpetual care” shall be deemed to include the maintenance and care of all grounds, roadways, entrances, gates, fences, and columbarium constructed by the town, but shall not include the maintenance, care, refurbishing, repair or replacement of any monument, vault,

headstone, marker or any other structure of a like nature used in the interment or inurnment of human remains.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: November 8, 2016**

**SUBJECT:** Request approval of Connect NC Grant Program application for an inclusive playground

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 6-D  
**Department:** Recreation and Parks  
**Contact:** Rhett Langston, Recreation and Parks Director  
**Presenter:** Rhett Langston, Recreation and Parks Director

**BRIEF SUMMARY:** There is a strong need for an inclusive playground for children with disabilities in Haywood County. This is supported by many statistics and now there is an excellent opportunity in making an inclusive playground at Recreation Park the first of its kind in this area. The idea is to build this inclusive playground. Also, the Waynesville Parks and Recreation Department is asking for funding for a new rubberized surface for greater access and mobility for all children to enjoy.

**MOTION FOR CONSIDERATION:** *To approve the application for the Connect NC Bond Grant Program to include potential matching funds from the Town of up to \$22,575.00, as presented.*

**FUNDING SOURCE/IMPACT:** Matching funds from the town of \$22,575 as 20% required match

**ATTACHMENTS:**

-Application  
-Grant description

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Recommend approval of the grant application and matching funds.

<b>Connect NC Bond Grant Program</b> <b>Basic Facts and Assurances</b>	
<b>Local Government Name:</b> TOWN OF WAYNESVILLE	<b>County:</b> HAYWOOD
<b>Federal Employer I.D. Number:</b> 56- 600-13-67	
<b>Local Government's Contact Person for the Grant:</b> Name: Mr./Ms. RHETT LANGSTON Title: PARKS & RECREATION DIRECTOR Organization: WAYNESVILLE PARKS & RECREATION Address: 550 VANCE ST. City/State/Zip: WAYNESVILLE/NC/28786 Telephone: 828. 456. 2030 E-mail: rlangston@waynesvillemn.gov	<b>Local Government Manager:</b> Name: Mr./Ms. ROB HITES Title: TOWN MANAGER Address: 16 S. MAIN ST. City/State/Zip: WAYNESVILLE/NC/28786 Telephone: 828. 452. 2491 E-mail: rhites@waynesvillemn.gov
<b>Chief Elected Official:</b> Name: Mr./Ms. GAVIN BROWN Title: MAYOR Address: 16 S. MAIN ST. City/State/Zip: WAYNESVILLE/NC/28786	<b>Site Control:</b> <input checked="" type="checkbox"/> Owned by local government <input type="checkbox"/> Leased by applicant for 25 years or more <input type="checkbox"/> Easement
<b>Populations this project is intended to serve:</b> <input checked="" type="checkbox"/> Primarily children with disabilities <input type="checkbox"/> Primarily veterans with disabilities <input type="checkbox"/> Children with disabilities and veterans with disabilities Please use the "Description and Justification for this Project" to explain how the project will serve the intended groups.	<b>Costs rounded to nearest dollar:</b>  CNCB funds requested: \$ 90,300.00  Local government's matching funds: \$ 22,575.00  Total cost of project \$ 112,875.00
<b>Recreation Resources Service (RRS) regional consultant:</b> JUDITH FRANCIS	
<b>Project Name:</b> RECREATION PARK INCLUSIVE PLAYGROUND	
<p><b>Approval by local governing board:</b> (The local governing board must approve this certification.)</p> <p>I hereby certify the information contained in the attached application is true and correct and the required matching funds will be available during the project period. A local government must match the grant with at least one dollar (\$1.00) of local funds for every four dollars (\$4.00) in grant funds.</p> <div style="text-align: right; margin-top: 20px;">           Date Adopted: _____         </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;">             Chief Elected Official: _____              (Signature)           </div> <div style="width: 45%;">             _____              (Print or Type Name and Title)           </div> </div>	

# Recreation Park Inclusive Playground

Waynesville Parks and Recreation Department of the Town of Waynesville

Primarily children with disabilities

There is a strong need for an inclusive playground for children with disabilities in Haywood County. This is supported by many statistics and now there is an excellent opportunity in making an inclusive playground at Recreation Park the first of its kind in this area.

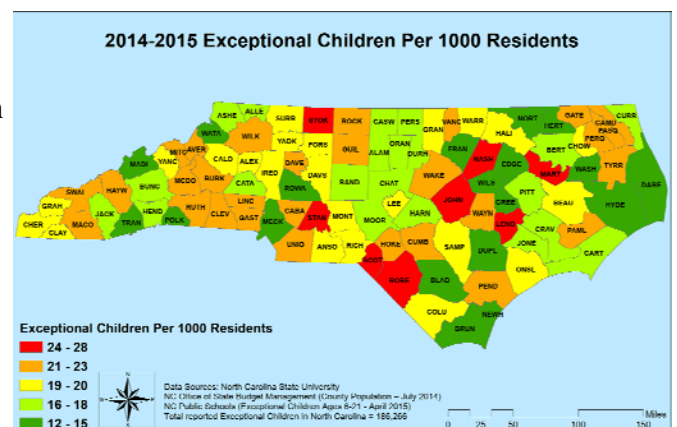
The idea is to build this inclusive playground (please see photo). Also, the Waynesville Parks and Recreation Department is asking for funding for a new rubberized surface for greater access and mobility for all children to enjoy. Recreation Park contains six tennis courts, two restroom buildings, three picnic shelters, two outdoor basketball courts, a larger playground on the other side of the park, softball field, dog park, t-ball field and a skate park.



The Town of Waynesville will not only provide the match of \$25,000 but it will also pave the parking lot for this playground and install a sidewalk from the parking lot to the restrooms and another sidewalk from the parking lot to the playground. But wait...there's more! The Town of Waynesville will also remodel the restrooms into a single unisex bathroom that would then be ADA accessible. Therefore, the park lot, sidewalks, restrooms, and the hopefully soon to be new inclusive playground will all be completely ADA accessible! Finally, there is a picnic shelter beside the site in which contains an ADA accessible picnic table.

This project is the first of its kind in not only Waynesville but Haywood County. Haywood County is ranked in the *second highest category* in North Carolina of having 21 to 23 exceptional children per 1,000 households. *This equates to 1,260 to 1,380 children.*

An inclusive (or universal) playground was emphasized at a public meeting for ideas for the Connect NC Bond Grant and the idea was supported by 159 people in a recent survey compiled for the Waynesville Parks and Recreation Department's Comprehensive Master Plan which is expected to be completed in January of 2017.





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

**Meeting Date: November 8, 2016**

**SUBJECT:** Installment financing agreement on nine vehicles and related equipment \$543,200

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 7-D  
**Department:** Police, Streets, Water Maint. and Electric Maint. Departments /Finance Department  
**Contact:** Eddie Caldwell, Finance Director Rob Hites, Town Manager  
**Presenter:** Eddie Caldwell, Finance Director

**BRIEF SUMMARY:** The Town of Waynesville desires to enter into an installment financing agreement pursuant to N.C.G.S. §160A-20 in the principal amount not to exceed \$ 543,200 for the purpose of financing the cost of the project described below. The town solicited proposals to provide the necessary financing for this project from the local financial institutions.

The Project consists of the purchase of nine vehicles, and their related equipment. These purchases includes five (5) vehicles and their related equipment to be used by the police department, one (1) vehicle and their related equipment to be used by the street department, two (2) vehicles and their related equipment to be used by the water maintenance department and (1) vehicles and its related equipment to be used by the electric department. The total estimated cost for these purchases is \$543,200 (the "Project") The Town desires to finance the project over a five (5) year period.

5 police vehicles and related equipment .....	\$ 167,400
1 street vehicle and related equipment (power broom).....	62,500
2 water maintenance vehicles and related equipment (dump trucks).....	165,000
1 electric maintenance vehicle and related equipment (bucket truck).....	<u>148,300</u>
Total project costs to be finance over a five year term	<u>\$ 543,200</u>

The Town publicly opened the proposals at 2:00 pm on November 01, 2016 at the Hazelwood Municipal Building finance office conference room. See attached Summary of proposals for financing \$543,200.

**MOTION FOR CONSIDERATION:**

*To approve the First Citizens Bank proposal (five (5) years, 1.690 % interest with an annual payment of \$114,209.58) as the lowest total financing costs that best meets the needs of the Town. (Our minutes will need to reflect who is authorized to sign the financing agreement on behalf of the Town)*

**FUNDING SOURCE/IMPACT:** The current 2016-2017 budget called for financing the new police, street, water maintenance and electric maintenance vehicles and their related equipment over five years with an annual payment of \$118,700. The first payment was to be scheduled during the 2017-2018 budget year. The recommended proposed installment agreement finances slightly higher costs in the street's and water maintenance's vehicles than our original budget estimates but the recommended proposal calls for lower annual payments of \$114,209.58. The first payment is scheduled during the 2017-2018 budget year.

**ATTACHMENTS:**

- Summary of proposals for financing \$543,200.
- First Citizens Quote.
- Sample Resolution.

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

<b>Town of Waynesville</b>								
<b>Summary of proposals for financing \$543,200</b>								
<b>Quotes opened November 1, 2016 at 2:00 p.m.</b>								
<b>Five police vehicles, one power broom, two dump trucks, one bucket truck and related equipment \$543,200</b>								
								<b>Total</b>
<b>Financial Organizations</b>	<b>YRS</b>	<b>Interest Rate</b>	<b>Payment Amount</b>	<b>Cash Outflows</b>	<b>Other Costs</b>			<b>Cash Outflows</b>
<b>First Citizens</b>	<b>5</b>	<b>1.690%</b>	<b>114,209.58</b>	<b>571,047.90</b>	<b>\$ -</b>	<b>(No Prepayment Penalty)</b>		<b>571,047.90</b>
HomeTrust	5	1.720%	114,309.55	571,547.75	\$ 250.00			571,797.75
Wells Fargo	5	1.720%	114,309.55	571,547.75	\$ 500.00	(No Prepayment Penalty)* *after one year.		572,047.75
SunTrust	5	1.745%	114,392.89	571,964.45	\$ 250.00	(3% Prepayment Penalty)		572,214.45
Entegra	5	1.795%	114,645.01	573,225.03	\$ -	(No Prepayment Penalty)		573,225.03
The following banks or financial institutions were sent a proposal but did not return a quote.								
BB&T Bank								
United Community Bank								
PNC Bank								
TD Bank								
California First National Bank								
.								



November 1, 2016

**Installment Financing Agreement Proposal for:**

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

**Offered By:**

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

**To:** Eddie Caldwell, Finance Director

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

**Description of Project:** To finance the purchase of vehicles and equipment as indicated per the RFP with the total amount financed not to exceed \$543,200.

**Financing Terms & Rate:** First Citizens will provide a bank-qualified tax-exempt fixed rate of 1.69% for a term of five (5) years with interest on a 360-day basis. Installment payments are to be made annually in arrears, with the first payment due November 2017. There will not be an origination fee due at closing. While the Bank will provide draft closing documents, the Town will be responsible for its own legal fees to include validity and tax status opinions.

**Escrow Account:** Advance funding is available to allocate funding for the vendors before the delivery of vehicles. In the event that an escrow agreement is to be entered into, there will not be an escrow agent fee due at closing. The Bank would deposit the proceeds in an escrow account to be held by the Bank as Escrow Agent. Disbursements will be made directly to the Town and limited to two per month.

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

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

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

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

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

**Funding Date:** Anticipated funding date for amortization schedule is assumed to be November 29. If the Loan is not closed within forty-five (45) days of the Proposal Date, the quoted interest rate and payments are subject to change based on current market conditions, unless extended by the Bank.

**First-Citizens Bank & Trust Company**



By: Steve Groth

Director of Government & Institutional Banking

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

**Town of Waynesville, NC**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# Town of Waynesville 2016 IPC - 5 Years

Computation Interval: Annual

Nominal Annual Rate: 1.690%

## Cash Flow Data - Loans and Payments

	Event	Date	Amount	Number	Period	End Date
1	Loan	11/29/2016	543,200.00	1		
2	Payment	11/29/2017	114,209.58	5	Annual	11/29/2021

## TValue Amortization Schedule - U.S. Rule, 30E3/360

	Date	Payment	Interest	Principal	Balance
Loan	11/29/2016				543,200.00
1	11/29/2017	114,209.58	9,180.08	105,029.50	438,170.50
2	11/29/2018	114,209.58	7,405.08	106,804.50	331,366.00
3	11/29/2019	114,209.58	5,600.09	108,609.49	222,756.51
4	11/29/2020	114,209.58	3,764.59	110,444.99	112,311.52
5	11/29/2021	114,209.58	1,898.06	112,311.52	0.00
<b>Grand Totals</b>		<b>571,047.90</b>	<b>27,847.90</b>	<b>543,200.00</b>	

ANNUAL PERCENTAGE RATE	FINANCE CHARGE	Amount Financed	Total of Payments
The cost of your credit as a yearly rate.	The dollar amount the credit will cost you.	The amount of credit provided to you or on your behalf.	The amount you will have paid after you have made all payments as scheduled.
<b>1.690%</b>	<b>\$27,847.90</b>	<b>\$543,200.00</b>	<b>\$571,047.90</b>



**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AN  
INSTALLMENT PURCHASE CONTRACT** to purchase nine (9) vehicles and related equipment with the total amount financed not to exceed \$543,200.00.

**WHEREAS**, the Town of Waynesville solicited and received competitive proposals from financial institutions to purchase nine (9) vehicles and related equipment with the total amount financed not to exceed \$543,200.00;

**WHEREAS**, First-Citizens Bank & Trust Company offers the lowest fixed interest rate of 1.69% for a 5 year term for this purchase;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the Town of Waynesville, that the Board of Aldermen authorizes the Town Manager to enter into a contract with First-Citizens Bank & Trust Company on behalf of the Town of Waynesville to purchase nine (9) vehicles with the total amount financed not to exceed \$543,200.00.

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

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

This resolution is effective upon its adoption this 8th day of November, 2016. The motion to adopt this resolution was made by Alderman \_\_\_\_\_, seconded by Alderman \_\_\_\_\_, and was passed by a vote of \_\_\_\_\_ to \_\_\_\_\_.

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

ATTEST:

This is to certify that this is a true and accurate copy of a Resolution, adopted by the Board of Aldermen of the Town of Waynesville on the 8<sup>th</sup> day of November, 2016.

\_\_\_\_\_  
Amanda W. Owens, Town Clerk

\_\_\_\_\_  
Date

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: November 8, 2016**

**SUBJECT:** Rolling Street Closure: Mountaineer 2 Miler Road Race, hosted by Waynesville Middle School PTA

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 8-D  
**Department:** Administrative Services  
**Contact:** Amie Owens, Assistant Town Manager  
**Presenter:** Regan Wyatt

**BRIEF SUMMARY:**

The Waynesville Middle School PTA in conjunction with several community members propose to host a race on March 18, 2017. The race is called the Mountaineer 2 Miler. The race will run through a portion of Waynesville and Hazelwood for approximately one hour on that day (10:00-11:00 am). (See course route). Registration for the race will raise money for the Waynesville Middle PTA; raised monies will go toward academic and athletic purposes at WMS.

**MOTION FOR CONSIDERATION:** To approve a rolling street closure to support for the Mountaineer 2-Miler race on March 18, 2017.

**FUNDING SOURCE/IMPACT:**

**ATTACHMENTS:**

-Request Email  
-Map of Route and Route specifics

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** The initial event was held last year with success even though there was a detour due to repairs on Elysina Avenue. This year, they would like to use the original route proposed last year. Recommend approval of this event.

Amie Owens

---

**From:** Regan Wyatt <reganwyatt@gmail.com>  
**Sent:** Monday, October 03, 2016 9:39 PM  
**To:** Amie Owens  
**Subject:** WMS Mountainer 2-Miler Race

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Amie!

Hope you are doing well and had a good summer!

The WMS PTA is getting a head start this year on planning the 2nd Annual Mountaineer 2-Miler. Last year, we didn't start until January and don't plan to make that mistake again :) We have already picked a date for this event which will be March 18th.

Would it be possible to get on an upcoming agenda to get the race and route approved?

Also, last year we modified the race course due to road construction. The original course included a stretch on Hazelwood Avenue before turning left on Brown Ave to finish at the middle school. Do you think it is possible to go back to the original route instead of through that neighborhood?

Thanks so much! Look forward to working with you again.

Take care,

--  
Regan K. Wyatt



Amie Owens

---

**From:** Regan Wyatt <reganwyatt@gmail.com>  
**Sent:** Thursday, October 06, 2016 11:26 AM  
**To:** Amie Owens  
**Subject:** Re: WMS Mountainer 2-Miler Race

Ok great!

I thought I had a map I could send to you but I don't. I will just type out the route.

1. Start in front of WMS on Brown Ave, heading towards the library
2. Turn left on Boyd Ave
3. Turn left on Sulphur Springs Rd
4. Turn left on Elysinia Ave
5. Turn left on Hazelwood Ave
6. Turn left on Brown Ave and finish up back at WMS

It should be roughly 2 miles.

If you need more information, let me know.

What time does the meeting start again?

Thanks, Regan

On Tue, Oct 4, 2016 at 4:00 PM, Amie Owens <[aowens@waynesvillenc.gov](mailto:aowens@waynesvillenc.gov)> wrote:

Hi Regan!

If you can forward me your proposed route and the specifics about the race, I will get you on the agenda for our November 8<sup>th</sup> meeting.

Thank you and have a great day!

Amie Owens

Assistant Town Manager

[aowens@waynesvillenc.gov](mailto:aowens@waynesvillenc.gov)

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: November 8, 2016**

**SUBJECT:** Hazelwood Parking Lot Improvements

**AGENDA INFORMATION:**

**Agenda Location:** CONTINUED BUSINESS  
**Item Number:** 9-E  
**Department:** Administrative Services/Public Services  
**Contact:** Rob Hites, Town Manager  
**Presenter:** Rob Hites, Town Manager

**BRIEF SUMMARY:** Alderman Julia Freeman, Alderman John Feichter, Ms. Chris Forga and I met on Friday, October 28, to discuss our proposed lease and plan to construct a parking facility in Hazelwood. We reviewed the sketch plan. Chris requested that we reserve spaces in front of the Beauty Shop for handicapped parking. We showed her that we were not including the five spaces adjacent to the pharmacy as part of the leased lot. Aldermen Freeman and Feichter both requested that we include a public restroom facility and an electric vehicle charging station.

I met with David Foster, Public Services Director and Preston Gregg, Town Engineer to discuss the location of a restroom facility and an electric vehicle charging station. Preston has located a site on the attached map. The restrooms and charging station will add additional cost to the project. A draft of the proposed lease is included. Town Attorney Woody Griffin wants to use a separate legal instrument to record the dedication of the "Robert and Viola Forga" mini-park/public art parcel.

**MOTION FOR CONSIDERATION:** Move to approve the terms of a lease for the Hazelwood Parking Lot, accept the draft lease and the dedication of the public art parcel.

**FUNDING SOURCE/IMPACT:** Funding for construction of the lot will come from the general, electric, water and waste water fund balances. The project budget for the lot is \$100,000. An additional sum of \$75,000 is requested to construct the public restroom facility and electric charging station.

**ATTACHMENTS:**

- Preliminary map of parking area showing space layout, dedication of area for public art and public restrooms
- Draft Lease Agreement

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** The staff will begin work on the lot as soon as possible. Our progress will be determined by the weather. Our goal would be to demolish the buildings and rough grade the site so that we can have additional parking over the holidays. We will carry out the majority of the construction in early spring when the asphalt plant opens. I recommend the Board approve the actions.

## Hazelwood Avenue Parking Lot

Summary of 10/26/2015 Board Minutes, Current Negotiations and Construction Schedule

### **Tentative Terms of Agreement:**

Increase current parking lot from 59 to 93 spaces.

Estimated cost of improvements to lot is \$100,000.

Improvements include demolition of two structures, repaving, striping and “pedestrian scale” lighting.

Monthly rental rates reflect the value of improvement to the property.

Terms of lease: Initial 5 year term with 4 automatic renewals of 5 years.

Initial lease payment for 93 spaces: \$850 per month.

During construction of lot lease payment would be \$425 per month.

Dedication of two spaces at sidewalk on Hazelwood Road for public art (improvements to be completed by Waynesville Public Arts Commission). (Separate deed of easement)

Town will compensate Viola Forga Living Trust the sum of \$5400 for lost rent in Insurance Bldg. for one year. \*\*

### **Issues that remain:**

Approval of draft lease by Chris Forga

Appropriation of General Fund Balance to construct parking lot, restrooms and charging station

### **Items recommended to be included in project by Alderman Freeman and Feichter**

Restrooms

Electric Vehicle Charging Station

### **Preliminary Construction Schedule for Parking Lot**

November- December 2016	Demolition of buildings (Public Works” PW”) Rough grade and gravel new parking area so public will have use of lot during winter months (PW)
March-May- 2017	Install electric conduit and water and sewer for lights, planting islands, restrooms (PW) Form and pour curb and gutter (contractor) Complete gravel base, compact and pave (contractor) Stripe and landscape (PW and contractor)
June-September 2017	Construction of restrooms, charging station

\*\* Loss of rent is a negotiated sum based on the issue that Ms. Forga expected the Town to complete the lease after their October 27, 2015 meeting and held the insurance building vacant for a year.

**NORTH CAROLINA**

**HAYWOOD COUNTY**

**LEASE AGREEMENT**

THIS LEASE, made this the 8<sup>th</sup> day of November, 2016 between VIOLA N. FORGA, Trustee of the Viola N. Forga Living Trust dated September 19, 2002, NORTH CAROLINA, ("herein referred to as Lessor"), and TOWN OF WAYNESVILLE (herein referred to as Lessee);

Subject to the terms and conditions set forth herein the Lessor does hereby let and lease to the Lessee, and Lessee does hereby accept as Lessee of the Lessor that property described as follows:

DESCRIPTION OF PROPERTY

That parking lot on the property of the lessor, said property bounded by Hazelwood Avenue, Brown Avenue, and Riverbend Streets in Waynesville, North Carolina and more particularly described in "Exhibit A" of this lease.

IMPROVEMENTS

Lessee shall be responsible for demolition and removal of two (2) existing structures currently located on the leased premises identified as the old insurance building and the barber shop. Lessee shall conduct such grading, paving, marking, landscaping and lighting the property to accommodate a parking lot of approximately ninety (90) spaces.

TERM AND RENEWAL OPTIONS

The term of this lease shall be for an initial period of five (5) years, commencing December 1, 2016 and continuing through November 30, 2021. The Lessee shall have the option to renew this lease for four (4) additional five (5) year periods. Should lessee choose not to exercise its option to continue this lease at the end of any of the five (5) year periods, Lessee shall provide at least ninety (90) days written notice of its intent to not continue this lease. If Lessee does not provide Lessor said notice this lease shall automatically be renewed for the following five year period.

Lessee shall pay the Lessor an initial deposit of \$5,400.00.

Lessee shall pay a monthly rental of \$850 during the initial five years of this lease, said rent to be received by Lessor on or before the            day of each month.

Monthly rent for the five year option periods shall be as follows:

1. First option period:                      \$927.00 per month
2. Second option period:                  \$1010.00 per month
3. Third option period:                    \$1101.00 per month
4. Fourth option period:                  \$1200.00 per month

#### USE OF PREMISES

The premises shall be for the exclusive use of the lessee and shall be used as a public parking lot. However the lessee may use the premises for temporary public events such as street fairs or events that promote or benefit the Hazelwood business district.

#### SUBLEASE OR ASSIGNMENT

The premises shall not be sublet or leased in whole or in part without consent of the Lessor.

#### REPAIR AND MAINTENANCE OF THE PREMISE

Lessee shall maintain the premises and keep the premises in good repair at its expense, including trash removal and periodic sweeping. The premises shall be surrendered at the end of the term in good condition given normal wear and tear.

#### UTILITIES

Lessee shall be responsible for the cost of utilities installed by the lessee during the term of the lease.

#### TAXES

Lessor shall be responsible for all city and county taxes on the lease premises.

#### REGULATION OF PARKING FACILITY

Lessee shall establish rules and regulations for use of the parking facility that will serve to protect the public, and promote the business district. Said rules and regulations shall be at the sole discretion of the Lessee.

NUISANCES AND UNLAWFUL ACTIVITY

Lessee shall not allow nuisances or unlawful activity on the premises, as are defined in the Code of Ordinances of the Town of Waynesville.

LESSOR HELD HARMLESS

Lessor shall not be liable for any claims for injury to persons or property from any cause relating to the occupancy of the premises by lessee, including those arising out of damages or losses occurring on sidewalks and other public areas adjacent to the leased premises. Lessee shall not be liable for losses or damages occurring in the private parking areas or on the premises of leaseholds adjacent to the parking area.

THE VIOLA N. FORGA LIVING TRUST dated  
September 19, 2002

By: \_\_\_\_\_  
Viola N. Forga, Trustee

TOWN OF WAYNESVILLE

By: \_\_\_\_\_  
Gavin A. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Amanda W. Owens, Town Clerk



NORTH CAROLINA

HAYWOOD COUNTY

I, a Notary Public of the state and county aforesaid, do hereby certify that Viola N. Forga Trustee, whose name is signed to the agreement above, personally appeared before me this day and acknowledged the execution of the foregoing instrument as her voluntary act and deed.

Witness my official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

NORTH CAROLINA

HAYWOOD COUNTY

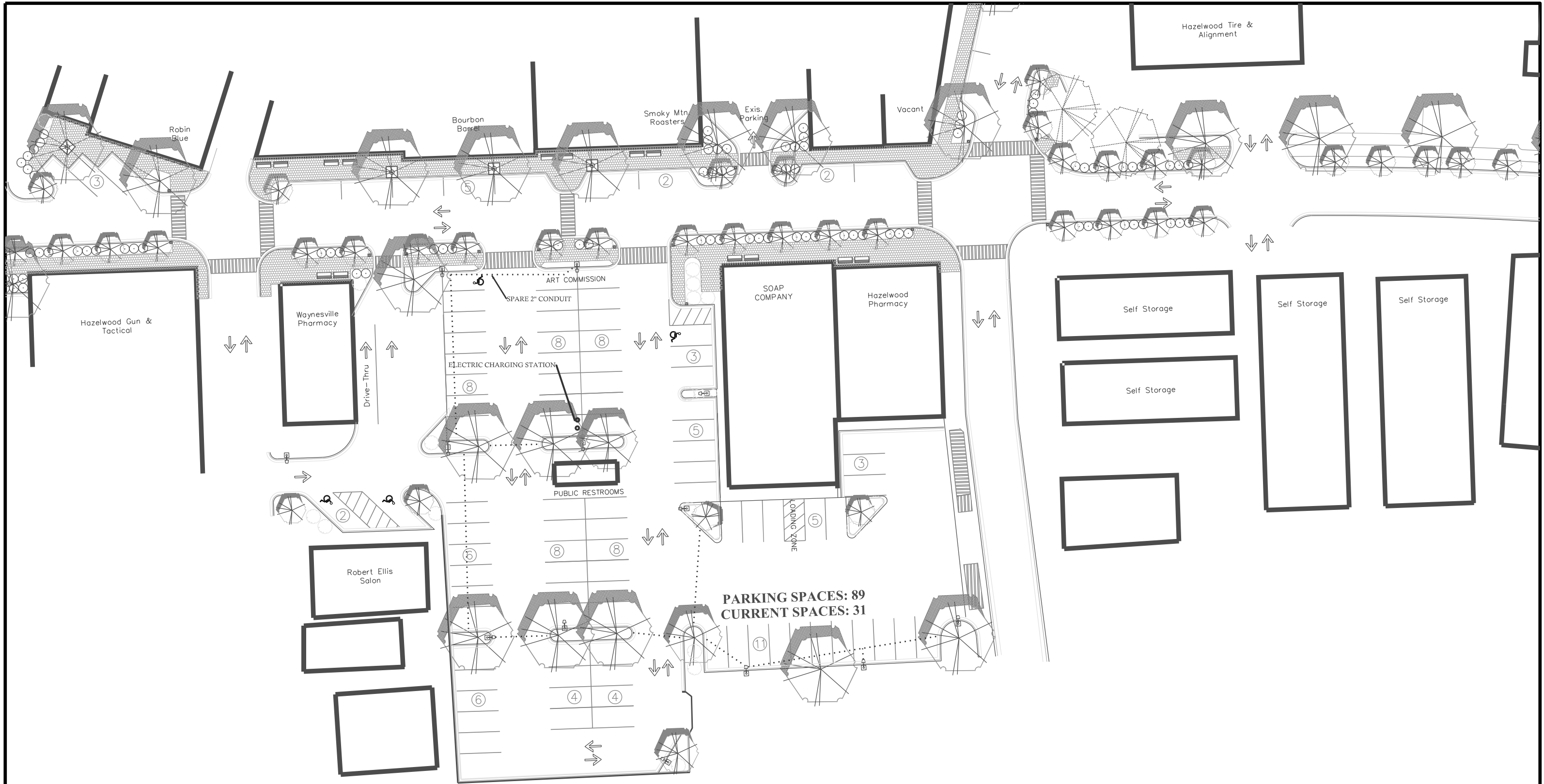
I, a notary public of the County and State aforesaid, certify that Amanda Owens personally appeared before me this day and acknowledged that she is Town Clerk for the Town of Waynesville, a municipal corporation, and that by authority duly given and as an act of the Town of Waynesville, the foregoing Lease Agreement was signed in its name by its Mayor, sealed with its corporate seal, and attested by herself as its Clerk.


Witness my official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_



SCALE: 1" = 40'	TOWN OF WAYNESVILLE	DOWNTOWN <b>HAZELWOOD</b> PARKING	
DRAWN BY: DANIEL HYATT, RLA PRESTON GREGG, PE			
SHEET NO.: 3 OF 3	<b>EXHIBIT A</b>		
DATE: 9/3/15			

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: November 8, 2016**

**SUBJECT:** Amendment #1 to the 2016-2017 Financial Operating Plan for Internal Service Funds  
and Amendment #3 to the 2016-2017 Budget Ordinance

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 10-E  
**Department:** Public Facilities-Outside  
**Contact:** Eddie Caldwell, Finance Director / Rob Hites, Town Manager  
**Presenter:** Rob Hites, Town Manager / Eddie Caldwell, Finance Director

**BRIEF SUMMARY:** The attached amendment #1 to the 2016-2017 Financial Operating Plan for Internal Service Funds is needed to make improvements to the Hazelwood parking lot. This amendment calls for the capital outlay expenditures in the Public Facilities-outside division to increase \$175,000 to support such improvements. Since the costs of the Internal Service Funds are allocated back to the other funds, the revenues needed to pay for the increased expenditures will be based on the charges or allocations to the other funds (General, Water, Sewer, and Electric Funds).

The first attachment (amendment #1 to the 2016-2017 Financial Operating Plan for Internal Service Funds) requests the changes in the internal service funds.

The next attachment (amendment #3 to the 2016-2017 Budget Ordinance), reflects the revenues needed and the increased expenditures allocated back to the various funds associated with the increased capital outlay requested in the 2016-2017 Financial Operation Plan for Internal Service Funds.

Additional note: The expenditure received approval in the 2015-2016 Financial Operating Plan for Internal Service Funds but was never spent.

**Internal Service Fund:** (Amendment #1 to the 2016-2017 Financial Operating Plan for Internal Service Funds)

Revenues:

Charges to other Funds	\$175,000
------------------------	-----------

Expenditures:

Capital Outlays	\$175,000
-----------------	-----------

**General Fund:** (Amendment #3 to the 2016-2017 Budget Ordinance)

Revenues:

Fund Balance Appropriation	\$120,400
----------------------------	-----------

Expenditures:

Internal Service Costs	\$120,400
------------------------	-----------

Water Fund: (Amendment #3 to the 2016-2017 Budget Ordinance)

Revenues:

Fund Balance Appropriation	\$ 25,250
----------------------------	-----------

Expenditures:

Internal Service Costs	\$ 25,250
------------------------	-----------

Sewer Fund: (Amendment #3 to the 2016-2017 Budget Ordinance)

Revenues:

Fund Balance Appropriation	\$ 17,150
----------------------------	-----------

Expenditures:

Internal Service Costs	\$ 17,150
------------------------	-----------

Electric Fund: (Amendment #3 to the 2016-2017 Budget Ordinance)

Revenues:

Fund Balance Appropriation	\$ 12,200
----------------------------	-----------

Expenditures:

Internal Service Costs	\$ 12,200
------------------------	-----------

**MOTION FOR CONSIDERATION:** To approve Amendment #1 to the 2016-2017 Financial Operating Plan for Internal Service Funds and Amendment #3 to the 2016-2017 Budget Ordinance

**FUNDING SOURCE/IMPACT:**

Funding for these projects will be budgeted to come from the various funds' fund balance or savings in the current year.

**ATTACHMENTS:**

- Amendment #1 to the 2016-2017 Financial Operating Plan for Internal Service Funds
- Amendment #3 to the 2016-2017 Budget Ordinance

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

Resolution No. 08-16

Amendment No. 1 to the 2016-2017 Financial Operating Plan For Internal Service Funds

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2016-2017 financial operating plans of the internal service funds is amended as follows:

Increase the following revenues:

Charges to other funds

Charges to General Fund	813650-453610	\$ 120,400
Charges to Water Fund	813650-453661	25,250
Charges to Sewer Fund	813650-453662	17,150
Charges to Electric Fund	813650-453663	12,200

Total charges to other funds		<u>\$175,000</u>
------------------------------	--	------------------

Increase the following appropriations:

Public Facilities-Outside		
Capital Improvements	814261-545900	\$175,000

Expenditures estimated for planned improvements of  
Hazelwood Parking Lot

Adopted this 8th day of November 2016.

Town of Waynesville

---

Gavin A. Brown  
Mayor

Attest:

---

Amanda W. Owens  
Town Clerk

Approved As To Form:

---

Woodrow H Griffin  
Town Attorney



Ordinance No. O-09-16

Amendment No. 3 to The 2016-2017 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2016-2017 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2016-2017 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Other Financing Sources	
Fund Balance Appropriation 103900-493992	\$120,400
	<hr/>
Total General Fund revenue increase	\$120,400

(Revenue needed to fund Amendment #1 to the 2016-2017 Financial Operating Plan for Internal Service Funds. )

Increase the following appropriations:

Governing Board		
Internal Service Costs	104110-548100	\$ 1,260
Administration		
Internal Service Costs	104120-548100	7,240
Finance Department		
Internal Service Costs	104130-548100	7,230
Police Department		
Internal Service Costs	104310-548100	36,210
Fire Department		
Internal Service Costs	104340-548100	14,370
Streets and Sanitation Department		
Internal Service Costs	104510-548100	25,020
Cemetery Department		
Internal Service Costs	104740-548100	2,150
Planning and Inspections		
Internal Service Costs	104910-548100	4,690
Recreation Department		
Internal Service Costs	106120-548100	22,230

(Increased allocation costs associated with Amendment #1 to the 2016-2017 Financial Operating Plan for Internal Service Funds. General Fund's share of higher allocation costs associated with the improvements at the Hazelwood Parking lot.)

Total General Fund appropriation increase	<hr/> \$120,400
---	-----------------

Water Fund:

Increase the following revenues:

Other Financing Sources	
Fund Balance Appropriation 613900-493992	\$25,250

---

Total Water Fund revenue increase	\$25,250
-----------------------------------	----------

(Revenue needed to fund Amendment #1 to the 2016-2017  
Financial Operating Plan for Internal Service Funds. )

Increase the following appropriations:

Water Maintenance	
Internal Service Costs 617121-548100	\$ 14,660
Water Treatment	
Internal Service Costs 617122-548100	10,590

(Increased allocation costs associated with Amendment #1 to the  
2016-2017 Financial Operating Plan for Internal Service Funds.  
Water Fund's share of higher allocation costs associated with  
the improvements at the Hazelwood Parking lot.)

---

Total Water Fund appropriation increase	\$25,250
---	----------

Sewer Fund:

Increase the following revenues:

Other Financing Sources	
Fund Balance Appropriation 623900-493992	\$17,150

---

Total Sewer Fund revenue increase	\$17,150
-----------------------------------	----------

(Revenue needed to fund Amendment #1 to the 2016-2017  
Financial Operating Plan for Internal Service Funds. )

Increase the following appropriations:

Sewer Maintenance	
Internal Service Costs 627121-548100	\$ 5,840
Sewer Treatment	
Internal Service Costs 627122-548100	11,310

(Increased allocation costs associated with Amendment #1 to the  
2016-2017 Financial Operating Plan for Internal Service Funds.  
Sewer Fund's share of higher allocation costs associated with  
the improvements at the Hazelwood Parking lot.)

---

Total Sewer Fund appropriation increase	\$17,150
---	----------

Electric Fund:  
Increase the following revenues:

Other Financing Sources	
Fund Balance Appropriation 633900-493992	\$12,200

Total Electric Fund revenue increase	\$12,200
--------------------------------------	----------

(Revenue needed to fund Amendment #1 to the 2016-2017  
Financial Operating Plan for Internal Service Funds. )

Increase the following appropriations:

Electric Maintenance	
Internal Service Costs 637121-548100	\$ 12,200

Increased allocation costs associated with Amendment #1 to the  
2016-2017 Financial Operating Plan for Internal Service Funds.  
Electric Fund's share of higher allocation costs associated with  
the improvements at the Hazelwood Parking lot.)

Total Electric Fund appropriation increase	\$12,200
--	----------

Adopted this 8th day of November 2016.

Town of Waynesville

---

Gavin A Brown  
Mayor

Attest:

---

Amanda W. Owens  
Town Clerk

Approved As To Form:

---

Woodrow H. Griffin  
Town Attorney