



Town of Waynesville, NC

Board of Aldermen – Regular Meeting

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

Date: **October 25, 2016**

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

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A. CALL TO ORDER - Mayor Gavin Brown

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

Motion: To approve the minutes of the October 11, 2016 regular meeting, as presented [or as corrected].

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

Motion: To Call for a Public Hearing to be held on November 8, 2016 at 6:30 p.m. or as soon there after 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- 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, as presented.

4. Call for Public Hearing to consider the amendment of the Town of Waynesville Cemetery Ordinance

Motion: To Call for a Public Hearing to be held on November 8, 2016 at 6:30 p.m. or as soon there after 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, as presented.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

October 25, 2016

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C. NEW BUSINESS

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

Motion: *To approve the street closure of Virginia Avenue between Hazelwood and Kentucky Avenues on Monday, October 31, 2016 from 5:00 p.m. until 9:00 p.m., as requested.*

D. COMMUNICATIONS FROM STAFF

6. Manager's Report –Town Manager Rob Hites

7. Attorney's Report – Town Attorney Woody Griffin

E. COMMUNICATIONS FROM THE MAYOR AND BOARD

F. CALL ON THE AUDIENCE

G. ADJOURN



TOWN OF WAYNESVILLE

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CALENDAR October 25, 2016

2016	
Tue, Oct 25 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Mon, Oct 31 5:00 PM – 7:00 PM Downtown Waynesville	Treats on the Street – DWA
Fri, Nov 4 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Mon, Nov 7 5:30 PM Wells Events Center	Haywood COG – Waynesville Hosting
Tue, Nov 8 6:30 AM – 7:30 PM All voting precincts	Election Day - General Election
Tue, Nov 8 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Nov 11	Veterans' Day Holiday Town Offices Closed
Th-Fr, Nov 24-25	Thanksgiving Holiday Town Offices Closed
Mon, Nov 28 6:30 PM Location TBD	Southwestern Commission Board Meeting
Fri, Dec 2 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Fr-Mo, Dec 2-5	Holly Days Downtown – seasonal events downtown throughout the weekend
Mon, Dec 5 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
Fri, Dec 9 11:30 AM Waynesville Rec Center	Town of Waynesville Employee Appreciation Luncheon and Awards

Sat, Dec 10 5:00 PM Fire Station #1	Waynesville Fire Department Annual Holiday Family Dinner
Sat, Dec 10 6:00 – 9:00 PM Main Street, Downtown	A Night Before Christmas / Bethlehem Market Place – DWA & First Baptist Church
Tue, Dec 13 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, Dec 17 6:00 PM Laurel Ridge Country Club	REACH Annual Holiday Gala
Fr-Tu, Dec 23, 26-27	Christmas Holiday Town Offices Closed
2017	
Mon, Jan 2	New Year Holiday Town Offices Closed
Mon, Jan 18	Martin Luther King Jr Holiday Town Offices Closed
Fri, April 14	Good Friday Town Offices Closed
Mon, May 29	Memorial Day Town Offices Closed
Tue, July 4	Independence Day Town Offices Closed
Mon, Sept 4	Labor Day Town Offices Closed
Fri, Nov 10	Veteran's Day Town Offices Closed
Thur & Fri, Nov 23-24	Thanksgiving Town Offices Closed
Mon – Wed, Dec 25-27	Christmas Town Offices Closed

Board and Commission Meetings – November 2016

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

BOARD/STAFF SCHEDULE

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

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR SESSION MEETING
October 11, 2016**

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday October 11,, 2016 at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

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

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

The following staff members were present:

Rob Hites, Town Manager
Woodrow Griffin, Town Attorney
Elizabeth Teague, Development Services Director
Eddie Ward, Deputy Clerk
Eddie Caldwell, Finance Director
Brittany Buchanan, HR Specialist

Representing the media:

Mary Ann Enloe, the Mountaineer

1. Welcome /Calendar/Announcements

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

- October 15th – 28th Annual Apple Harvest Festival; 10:00am
- October 21st - 8th Annual ARCtoberfest
- October 31st – Treats on the Street 5:00 – 7:00 p.m.

2. Adoption of Minutes

Alderman Freeman made a motion, seconded by Alderman Caldwell to approve the minutes of the September 27, 2016 meeting as presented. The motion passed unanimously.

B. CHANGE IN PUBLIC HEARING

4. Public Hearing to consider a request from Southern Concrete for rezoning of two properties to the Commercial-Industrial District – POSTPONED

Mayor Gavin Brown said that during the process of preparing for the Public Hearing, adequate notices to surrounding landowners were not sent prior to the Planning Board Hearing that was held on September 19, 2016. Because of the error, the request will be presented to the Planning Board again on October 17, 2016. A request for a Public Hearing will come before the Board of Aldermen again at the October 25, 2016 meeting.

C. COMMUNICATIONS FROM STAFF

4. Managers Report – Town Manager Rob Hites

A. Hazelwood Parking Lot

Manager Hites said this item had previously been presented to the Board on October 27, 2015, but the lease agreement for the Hazelwood Parking Lot, owned by Ms. Chris Forga, was never completed. Manager Hites has been in negotiation with Ms. Forga, and presented tentative terms of agreement for the parking lot to the Board.

The lot currently has thirty one parking spaces. Manager Hites proposed to Ms. Forga to demolish two buildings on the property, a building that housed an insurance company and a building that housed a barber shop. After demolition, these areas would be graveled, paved, striped, and pedestrian scale lighting installed. These improvements would create 90 parking spaces. Work would be completed by the Town of Waynesville Public Services Department. The estimated costs of these improvements would be \$100,000.00.

The lease payment would be \$850.00 monthly for the first five year period, with an increase of the renewal by 9% every five years after the initial five years. If approved the lease would be for 25 years. During construction of the parking lot, the payment would be \$425.00 per month. There will be a dedication of an area measuring 20X35 at the sidewalk for public art.

Manager Hites said that Ms. Forga felt that because the Town had “dropped the ball” after negotiating the initial lease on October 27, 2015, and never completing the lease, she expected the Town to pay a negotiated sum of \$5400.00 as compensation on the loss of rent from the building that housed the insurance company. She has held this building vacant for a year because of the impending lease agreement.

Manager Hites said that if the Board approves a lease agreement based on these negotiated items, the demolition and grading of the lot would be done starting immediately, so the public have use of the lot during the winter months. During March April and May 2017, the remainder of the work would be completed.

Alderman Feichter and Alderman Freeman questioned the 9% increase in the lease every five years. Manager Hites said one of the items to be negotiated in October 2015 was the escalator in the lease every 5 years, and the Town never completed the action. He said he felt the escalator clause in the lease was normal. Alderman Freeman said was concerned about the amount of money to be paid to Ms. Forga as compensation for loss of income. She said she felt that the tentative terms for the lease was not in the best interest of the Town of Waynesville, and would like for them to be renegotiated.

Mary Ann Enloe
Former Mayor of Hazelwood

Ms. Enloe said she was very excited about the plans for the Hazelwood parking lot. She feels that if the Town loses the Hazelwood parking lot for any reason, Hazelwood will dry up. She asked the Board to consider the future of Hazelwood, and asked them to try to keep the parking lot, even if there is a cost.

Manager Hites suggested to the Board that a sub committee be formed to meet with him and Ms. Forga for further negotiations of the lease for the Hazelwood parking lot. Mayor Brown appointed Aldermen Freeman and Alderman Feichter to work with Manager Hites and Ms. Forga to come to an agreement concerning the parking lot. Both agreed. The Board was in consensus.

B. Service provision – garbage, sidewalks, and restrooms – Downtown, Frog Level, and Hazelwood

Manager Hites said several Board members had asked him to look into additional sidewalk cleaning in the Downtown area as it was in the past, when there was a single individual sweeping in the Downtown, Frog Level and Hazelwood areas. That employee spent 3.5 hours daily on this activity and the remainder as a member of the Street Crew. Later this person was spending most of his days sweeping and doing minor maintenance Downtown, and very little time in the other districts, staff stopped that practice and two staff members were assigned to sweep the sidewalks of the three commercial districts from 7:00 a.m. – 9:00 a.m. three days a week. As a result of this change, the Downtown area is not being spot swept during the business day. During tourist season, trash and cigarette butts are only picked up at 7:00 a.m. every other day. In order for all three districts to be maintained, Manager Hites developed several alternatives for the Board to Consider.

1. Town employees who are convalescing and are placed on “light duty” would continue the three day per week major cleaning of Downtown, Frog Level and Hazelwood AND additional touchup sweeping of the three districts. In occasion when the Town does not have anyone assigned to light duty, the duty will be assigned to a Public Services staff member. This option incurs very little additional funding.

2. Hire a part time employee for sidewalk cleaning and light maintenance. This would be very flexible since the Downtown staff could schedule the employee to work during peak tourist activity. One downside is that we are treating the three districts differently.

3. Assign a full time position to carry out all cleaning and light maintenance of sidewalks and parking areas for the three Commercial Districts. Possibly develop a Tuesday – Saturday work week so cleaning can be done on Saturday and open the Montgomery Street restrooms. This would break up a crew to fill the position.

4. Provide major cleaning of the sidewalks and streets but move to the tradition practice of requiring property owners and tenants to maintain public areas adjacent to their property. This option is the most economical use of Town funds and in line with most North Carolina Towns. Manager Hites added that the Town of Waynesville provides a very high degree of service by sweeping sidewalks and snow removal that other Towns don’t provide.

The consensus of the Board was use Town employees who are convalescing and placed on "light duty" to do the three day per week major cleaning of Downtown, Frog Level and Hazelwood and additional touchup sweeping of the three districts.

5. Attorney's Report – Attorney Woodrow Griffin

Attorney Griffin had nothing to report

D. NEW BUSINESS

6. Request for Street Closure – Apple Harvest Festival – October 15, 2016

Mayor Gavin Brown introduced CeCe Hipps, Executive Director of Chamber of Commerce. Ms. Hipps said it had come to their attention that for the first time in 28 years, the Apple Festival did not get approval for street closure. She added that there were 175 plus vendors this year, with a waiting list for any last minute cancellations. When asked how many people the Festival was anticipating, Ms. Hipps said they were anticipating approximately 60,000 people for the event. She asked the Board for approval to approve the street closure of Main Street to Pigeon Street, beginning at 9:00 p.m. on Friday, October 14, until 8:00 p.m. on Saturday October 15. She thanked the Board for considering the closure.

Alderman Caldwell made a motion, seconded by Alderman Freeman to approve the street closure of Main Street from Pigeon Street to Walnut Street for the Apple Harvest Festival on Saturday October 15, 2016 with the closure beginning at 9:00 p.m. on Friday, October 14 until 8:00 p.m. on October 15, as presented. The motion passed unanimously.

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

No Budget Amendment needed because no action taken.

E. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Caldwell said he and Manager Hites had met with Mr. Jim Pierce, and they had discussed the old trestle in Frog Level. Mr. Pierce has spoken with Blue Ridge Railroad concerning the parking lot that the Town leases. They are in favor of the Town demolishing the trestle, and paving the lot. Alderman Caldwell said that The Frog Level Association was interested in establishing a buffer along the railroad. This will help keep the area clean from trash that is being thrown in the area.

Mayor Brown said that Haywood County has asked that the old hospital be placed on the National Historic Register. He asked the Board to authorize him to provide a letter of support for the old Haywood County Hospital to be placed on the National Historic Register.

The consensus of the Board was to allow Mayor Brown to provide a letter of support to the National Historic Register in support of the old Haywood County Hospital.

Alderman Feichter talked about his trip to Chattanooga for the Next Generation Network. He attended a Steering Committee meeting in order to gain insight into their process of creating gigabyte internet service. He was very positive about the meeting and was hopeful about the process.

Mayor Brown congratulated the Town of Waynesville Historic Preservation Commission and Mr. Alex McKay for participation in the Cemetery Tour that was held on October 8, 2016. The tour was a success and hopefully will be held again next year.

F. CALL ON THE AUDIENCE

G. ADJOURN

With no further business, Alderman Freeman made a motion, seconded by Alderman Caldwell, to adjourn at 7:15 p.m. The motion passed unanimously.

ATTEST

Gavin A Brown, Mayor

Robert W. Hites, Jr., Town Manager

Eddie Ward, Deputy Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 25, 2016

SUBJECT: Call for 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: New Business
Item Number: B-3
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 18th hearing. After that hearing the Board affirmed their recommendation to the Board of Aldermen to rezone both lots.

MOTION FOR CONSIDERATION:

To Call for a Public Hearing to be held on November 8, 2016 at 6:30 p.m. or as soon there after 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- 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, as presented.

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: Call for Public Hearing is the only action required.

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
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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

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.

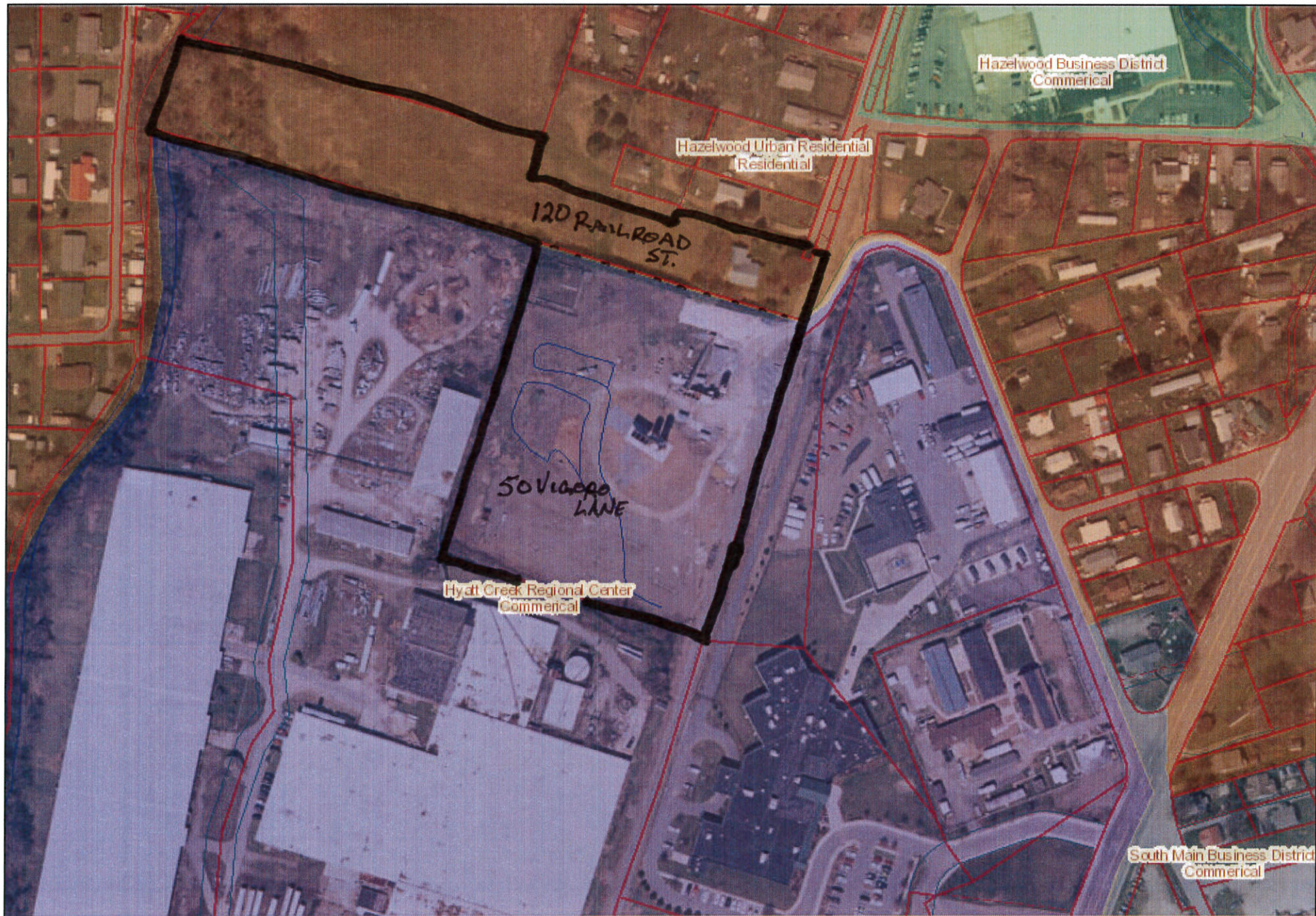
D. ADJOURN

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

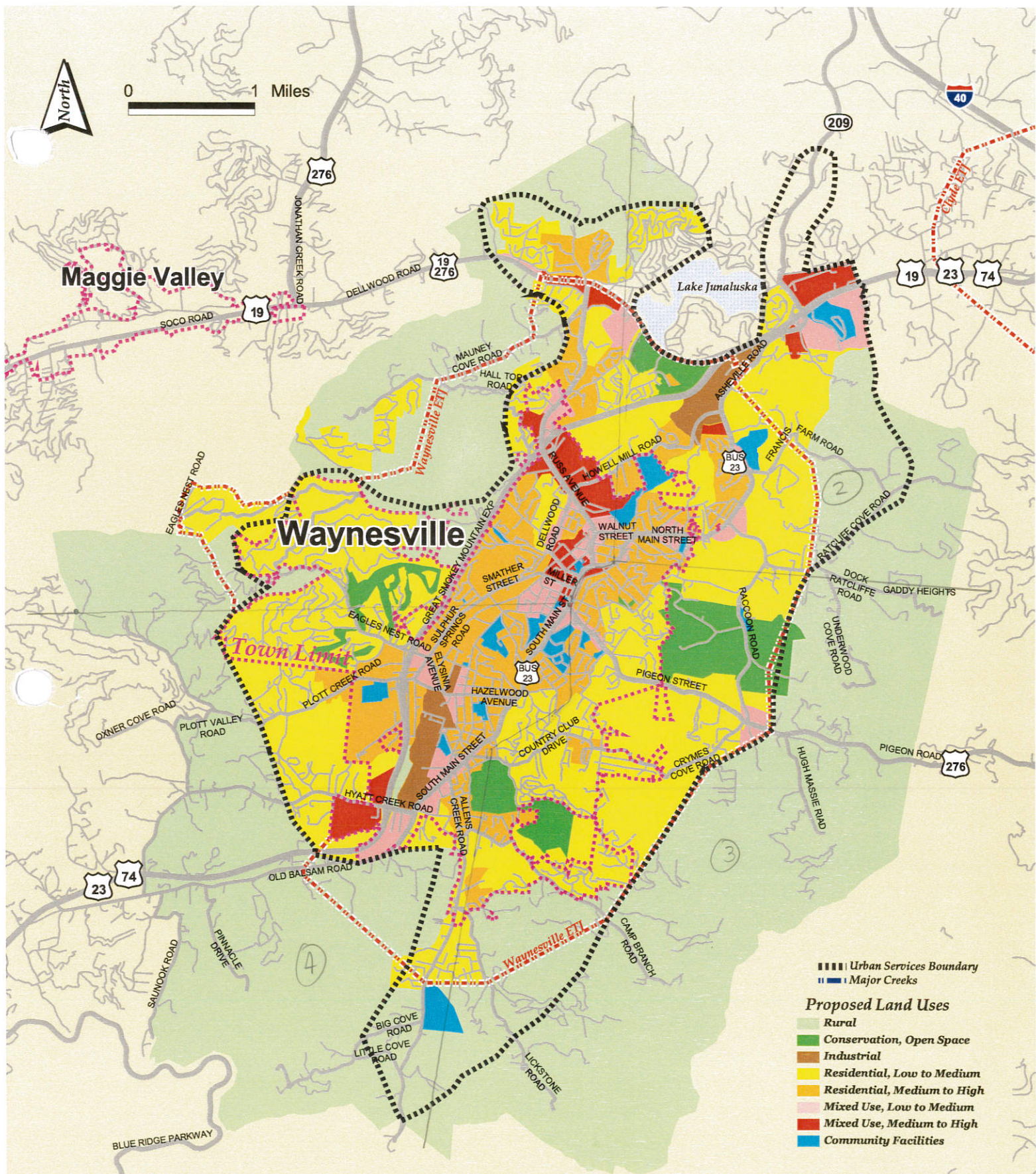


1 inch = 200 feet
August 31, 2016

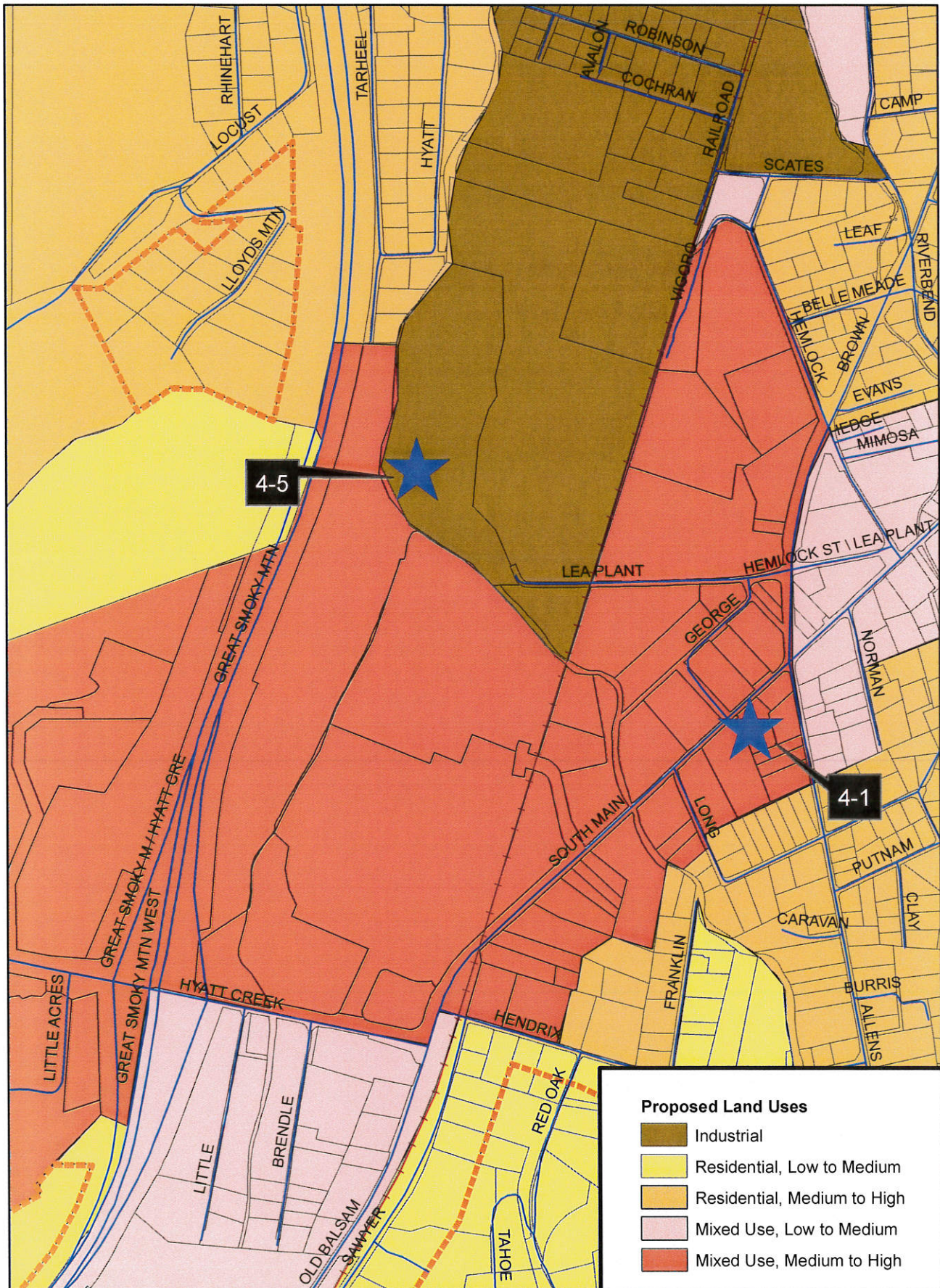
Haywood County

□ 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.



Mapping prepared by:
BENCHMARK
 LLC
 Local Government Services
 Planning, Community Development,
 and Management
 Asheville, NC / Kannapolis, 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

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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: October 25, 2016**

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

AGENDA INFORMATION:

Agenda Location: Call for Public Hearing
Item Number: 4-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.

MOTION FOR CONSIDERATION: *To Call for a Public Hearing to be held on November 8, 2016 at 6:30 p.m. or as soon there after 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, as presented.*

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: Call for Public Hearing is the only action required

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 1st 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 within the cemetery grounds shall be the sole right and duty of the town. **1st sentence: Current 18-5(c); 2nd 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~~Public Services Department. If the Public Services Department shall decide that the tree, plant or shrub should be removed for any cause, it shall be his duty to attempt to have notice served upon the owner to remove the tree, plant or shrub without injury to any

tombstone or other trees; and if the owner shall fail or refuse to remove the tree, plant or shrub within thirty (30) days from such notice, the ~~director of public works/town engineer~~Public Services Department shall have the right to remove the tree, plant or shrub.

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

(e) 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) 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.

(g) 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.

(h) 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.

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

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.

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.

(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.

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.

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.

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.

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.

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 or inured 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.*(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.

(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.

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.

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.

(a) *Burial markers.* 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, 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.* 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.

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 within the cemetery grounds shall be the sole right and duty of the town.

(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.

(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.
(Code 1987, § 93.05)

Sec. 18-18. Permission required for excavations.

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.

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 Public Services Department. If the Public Services Department shall decide that the tree, plant or shrub should be removed for any cause, it shall be his duty to attempt to have notice served upon the owner to remove the tree, plant or shrub without injury to any tombstone or other trees; and if the owner shall fail or refuse to remove the tree, plant or shrub within thirty (30) days from such notice, the Public Services Department shall have the right to remove the tree, plant or shrub.

(Code 1987, § 93.07)

Cross references: Vegetation, ch. 62.

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

(a) It shall be unlawful for any person to place anything on any 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) Solar powered or other artificial light sources are not allowed or permitted on any space.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

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

(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.

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

(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.

(e) It shall be unlawful for any person to bring a dog or other animal into the cemetery except 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.

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(Code 1987, § 93.09)

Cross references: Animals, ch. 6.

Sec. 18-23. Speed limit in cemetery.

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)

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(Code 1987, § 93.11)

Sec. 18-25. Perpetual care.

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TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 25, 2016

SUBJECT: Special Event Request – Permission to Close a Portion of Virginia Avenue on October 31, 2016 *(request of Tasha Byrd on behalf of Hazelwood Baptist Church)*

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5-C
Department: Administrative Services
Contact: Amie Owens, Assistant Town Manager
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY: The Hazelwood Baptist Church has hosted a Fall Festival for several years and would like to do so again on Monday, October 31, 2016. In order to provide safety for those attending the festival, the Church has typically asked that the portion of Virginia Avenue (between Hazelwood Avenue and Kentucky Avenue) be closed between the hours of 5:00 p.m. and 9:00 p.m. to allow for set-up and clean-up of the festivities. The Town has previously delivered barricades to the two closure points, and members of the Church set the barricades in place so that no overtime is required by town personnel. Town personnel will return to the site and collect the barricades on Tuesday and return them to the Public Services facility.

Date of Event: Monday, October 31, 2016
Time of Event: 5 PM – 9 PM
Location: Virginia Avenue (between intersection of Hazelwood Avenue and Kentucky Avenue)

MOTION FOR CONSIDERATION: *To approve requested street closure of Virginia Avenue between Hazelwood and Kentucky Avenues on Monday, October 31, 2016 from 5:00 p.m. until 9:00 p.m., as requested.*

ATTACHMENTS:

- Email from Hazelwood Baptist Church dated October 13, 2016
- Map with locations of barricades

MANAGER’S COMMENTS AND RECOMMENDATIONS: Manager recommends approval of the request as presented.

From: ourbyrdhome@gmail.com
Sent: Thursday, October 13, 2016 6:33 PM
To: Amie Owens
Subject: Contact Us: Street closure on October 31

Tasha Byrd
ourbyrdhome@gmail.com

Greetings! Hazelwood Baptist Church will once again be hosting a Fall Festival event on Monday, October 31 for the community. We would like to request street closure on the side street of our church. We have been granted this closure in years past. If we can close the road from Hazelwood and Virginia to the alley beside our church from 5 p.m. until 8:30 p.m. this allows for children to enjoy the festivities in a safe, traffic free environment. Thank you for your consideration and continued support! Sincerely, Tasha L. Byrd

HTTP_USER_AGENT: Mozilla/5.0 (Linux; Android 6.0.1; SM-G930R4 Build/MMB29M)
AppleWebKit/537.36 (KHTML, like Gecko) Chrome/49.0.2623.91 Mobile Safari/537.36
REMOTE_HOST: 166.182.3.147
REMOTE_ADDR: 166.182.3.147
LOCAL_ADDR: 174.36.228.60



— barricade location