



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: **November 14, 2017**

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

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(828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gavin Brown

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

Motion: To approve the minutes of the October 24, 2017 regular meeting as presented (or as corrected).

B. CALL FOR PUBLIC HEARING

3. Public Hearing on a staff initiated text amendment to clarify design standards for Manufactured homes on individual lots and for those manufactured homes within manufactured home parks. LDS Sections 3.2.6 and 5.9.

Motion: To call for public hearing to be held on Tuesday, November 28, 2017 at 6:30 p.m. or as closely there after as possible in the Town Hall Board Room located at 9 South Main Street to consider a staff initiated text amendment to clarify design standards for Manufactured homes on individual lots and for those manufactured homes within manufactured home parks, as presented.

4. Public Hearing on a staff initiated text amendment to include a new zoning classification, supplemental standards, and a definition for "nudge or skill games" of electronic or video types. LDS Sections 2.5.3, 3.5, and 17.3.

Motion: To call for public hearing to be held on Tuesday, November 28, 2017 at 6:30 p.m. or as closely there after as possible in the Town Hall Board Room located at 9 South Main Street to consider a staff initiated text amendment to include a new zoning classification, supplemental standards, and a definition for "nudge or skill games" of electronic or video types, as presented.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

November 14, 2017

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C. NEW BUSINESS

5. Request approval to engage McGill and Associates Engineers to conduct a Waste Water Plant Improvements Analysis

Motion: *To approve the engagement of McGill and Associates to conduct a Waste Water Improvements Analysis at a cost of \$15,000.00, as presented.*

6. Request Appointment to the Comprehensive Plan Advisory Committee

Motion: *To approve the appointment of the slate of citizen volunteers to the Comprehensive Plan Advisory Committee, as presented.*

7. Request Appointment of Amie Owens as the Municipal Representative to the Haywood County Tourism Development Authority

Motion: *To approve the nomination of Amie Owens as the Town's municipal representative to the TDA, as presented.*

D. COMMUNICATIONS FROM STAFF

8. Manager's Report –Town Manager Rob Hites
9. Attorney's Report – Town Attorney Bill Cannon

E. COMMUNICATIONS FROM THE MAYOR AND BOARD

10. Naming of Buildings, Parks, and other Facilities

F. CALL ON THE AUDIENCE

G. ADJOURN



TOWN OF WAYNESVILLE

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CALENDAR

November 14, 2017

2017	
Tues, Nov 14 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Thur & Fri, Nov 23-24	Thanksgiving Town Offices Closed
Tues, Nov 28 6:30 PM Town Hall Board Room	Special Called Meeting of the Board of Aldermen (as this meeting was not included on the approved regular meeting schedule, a called meeting is required)
Fri, Dec 1 5:00 PM – 9:00 PM Main Street 5:30 – Oak Park Inn	Art After Dark – sponsored by the Downtown Waynesville Association Christmas Tree Lighting – The Oak Park Inn to start the Holly Days weekend.
Fri, Dec 1 to Sun, Dec 31	All Through the Town – a month-long holiday celebration sponsored by the Downtown Waynesville Association
Mon Dec 4 6:00 PM Main Street	Waynesville Christmas Parade – sponsored by the Downtown Waynesville Association – street closure of Main Street from Walnut Street to Legion Drive
Sat, Dec 9 6:00 PM to 9:00 PM Main Street	A Night Before Christmas – sponsored by the Downtown Waynesville Association – street closure of Main Street from Pigeon to Depot Street
Tues, Dec 12 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Wed, Dec 13 to Sun, Dec 24 Downtown	Twelve Days of Christmas – Magical Moments and Memories Made Here – sponsored by the Downtown Waynesville Association
Sat, Dec 13 5:00 PM – 7:00 PM Wells Event Center	Mark Clasby Retirement Reception – RSVP to Haywood Chamber of Commerce by Dec 11th
Sat, Dec 16 6:30 PM Laurel Ridge Country Club	Holiday Gala – sponsored by Reach of Haywood – RSVP by December 5 th to Amie or Eddie
Mon – Wed, Dec 25-27	Christmas Town Offices Closed

Board and Commission Meetings –November 2017

ABC Board	ABC Office – 52 Dayco Drive	Nov 21st 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	Nov 7th 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	Nov 23rd 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	Nov 1st 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	Nov 20th 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	Nov 9th 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	Nov 15th 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	Nov 15th 3 rd Wednesdays 3:30 PM

BOARD/STAFF SCHEDULE

Thur. Dec 28 - Fri. Dec 29 2017	Town Clerk	Vacation
Thur. Jan 18 – Fri, Jan 26, 2018	Assistant Town Manager	Vacation
Wed. Jan 16 – Fri. Jan 19, 2018	Town Clerk	Clerk's Conference

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR SESSION MEETING
October 24, 2017

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, October 24, 2017, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

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

Mayor Gavin Brown
Mayor Pro Tem Gary Caldwell
Alderman Jon Feichter
Alderman LeRoy Roberson

The following Board Member was absent:

Alderman Julia Freeman

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
David Foster, Public Services Director
Preston Gregg, Town Engineer
Jeff Stines, Water/Sewer Superintendent
Ronnie Norris, Wastewater Superintendent
Tyler Trantham, Police Lieutenant

The following media representatives were present:

Cory Vaillancourt – Smoky Mountain News

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone and reminded them of the following events on the calendar:

- **Tuesday October 31st** – Treats on the Street – Sponsored by the Downtown Waynesville Association – Street closure of Main Street from Pigeon Street to Depot Street – 5:00 PM – 7:00 PM
- **Friday November 3rd** – Art After Dark – sponsored by the Downtown Waynesville Association- 5:00 PM – 9:00 PM – Main Street
- **Friday November 10th** – Veteran’s Day – Town Offices Closed

Mayor Brown commented on the number of people attending the Church Street festival and the Apple Festival. He also noted that there were approximately 115 dogs at the Church Street Festival and over 200 dogs at the Apple Festival.

Mayor Brown stated that Alderman Gary Caldwell will not be attending the next Board meeting on November 14, 2017.

2. Adoption of Minutes

Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter to approve the minutes of the October 6, 2017 special Board Retreat meeting, and the October 10, 2017 regular meeting as presented. The motion carried unanimously.

3. Reading of Resolution Supporting the Federal Historic Preservation Tax Credit Program

Mayor Brown read a Resolution supporting the Federal Historic Preservation Tax Credit Program. He explained to the Board that the Tax Credit Program provided opportunities for small communities like Waynesville to make sure that historic buildings are kept in the economic cycle.

A motion was made by Alderman Jon Feichter, seconded by Alderman LeRoy Roberson to adopt the Resolution supporting the Federal Historic Preservation Tax Credit Program. The motion passed unanimously.

B. PRESENTATION

4. Waste Water Plant Assessment Report

A lengthy presentation was made by Utility Technology Engineers-Consultants (UTEC) and others related to the Waste Water Treatment Plant Assessment. The group which included Ted Orrell as Managing Partner; Scott Fleming, Electrical and Control Engineer; Tony Combs from Combs and Associates, Joe McGougan – MBD Consulting PA and Mack Summey from Summey Engineering Associates. After presenting a power point indicating six options that the Town could choose from, the recommendation from them was option number six. This option was to construct a new plant using UV Disinfection Technology at a cost estimated at \$18,700,000.00 with life expectancy of fifty years.

Board Members asked questions related to the immediate needs at the Waste Water Treatment Plant, possible options for future renovation versus a new plant, and any potential risks involved with waiting.

Mayor Brown thanked Mr. Orrell and the group for their presentation.

No action was required or taken by the Board at this time.

C. NEW BUSINESS

5. Chestnut Walk Water Tank Concerns

- David Foster, Preston Gregg, Jeff Stines

David Foster, Public Services Director provided a presentation on the Chestnut Walk water tank. He explained that the Town had taken over the system in 1979 from a private developer; however, the land where the tank is located was never deeded to the Town. At this time the tank is facing an imminent failure and he requested consideration and authorization to proceed with the replacement of

the 10,000 gallon water tank located in the Chestnut Walk community. He provided pictures of several leaks, multiple repairs that have already been completed and bubbling on the tank which is indicative of a small but building leak. Mr. Foster noted that in order to provide for the existing and potentially future development, a 35,000 gallon tank is recommended.

The property owner has been contacted related to possible purchase of the land by the Town in order to place a new tank. However, no formal offers have been received. Mr. Foster requested an emergency budget amendment and authorization to proceed. The estimated cost for this project, worst case scenario, is \$400,000.00. This is the amount requested.

Mayor Brown alluded to the fact that unfortunately, this tank and the properties served were not within the Town limits and wanted to be sure that the Town had a responsibility to continue service prior to committing to additional resources. Manager Hites added that he felt that since the Town had accepted the system, there was some component of responsibility by the Town. He also noted that a closed session item related to property acquisition would have to be discussed with Town Attorney Bill Cannon.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to authorize staff to continue discussion with the property owner and report back to the Board the progress made at the November 14, 2017 regular Board meeting. The motion passed unanimously.

6. Budget Amendment # 4 to 2017-2018 Budget ordinance – Water Tank Replacement

- Eddie Caldwell, David Foster

No action was taken on the Water Tank Replacement and could be reconsidered at a later date.

D. COMMUNICATIONS FROM STAFF

7. Manager's report- Town Manager Rob Hites
A. Police SWAT Vehicle

Manager Hites told the Board the an E-350 van is currently being sold by the Jackson County Sheriff's Office, and members of the SRT Team have advised that the vehicle would meet their requirements and needs of transporting equipment and personnel to call-outs and other incident scenes. Mr. Edwin Fish, mechanic for the Town, had inspected the vehicle and has found that the vehicle only has 2,970 miles and is in excellent condition. Mr. Fish estimates this vehicle would cost \$45,000.00 - \$50,000.00 to purchase new. The cost of \$7,500.00 for this vehicle seems very reasonable and will satisfy a need that the Police Department has for a vehicle of this type.

A motion was made by Alderman Gary Caldwell, Seconded by Alderman Jon Feichter, to approve moving \$7,500.00 funds in line item 4310-534390 (Equipment Rentals) to Line Item 4310-545400 (Vehicles) for the purchase of this vehicle. The motion passed unanimously.

B. Street Closure for Halloween

Mr. Hites asked the Board to approve the closing of streets in Auburn Park and Hendrix Park for trick-or-treaters for Halloween on October 31, 2017, and reminded the Board that this has been done every year.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to close the streets in Auburn Park and Hendrix Park on October 31, 2017 to allow trick-or-treaters for Halloween. The motion passed unanimously.

C. Waste Water Treatment Plant – follow up

Manager Rob Hites stated that due to the estimated costs presented, and that the Town has not had to consider a project of this magnitude, that an additional opinion and PER be provided by another firm prior to making any decisions for the future. Manager Hites will work with engineering firms and bring back the second review costs and a recommendation to the Board related to moving forward.

E. CLOSED SESSION

Manager Hites recommended to the Board that they go into closed session to discuss property acquisition under North Carolina General Statute §143.318.11 a(5). The property to discuss was that referenced in the Chestnut Walk water tank discussion.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to go into closed session under North Carolina General Statute §143.318.11 a(5) to discuss property acquisition at 8.26 p.m. The motion passed unanimously.

The Board returned to regular session at 8:45 p.m. with no action taken.

F. ADJOURN

With no further business, Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter, to adjourn the meeting at 8:46 p.m. The motion passed unanimously.

ATTEST

Gavin Brown, Mayor

Eddie Ward, Town Clerk

Rob Hites, Town Manager

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 14, 2017

SUBJECT: Call for Public Hearing on a Text Amendment to the Land Development Standards Sections 3.2.6 Manufactured Home Parks and 5.9 Manufactured Home Design Guidelines

AGENDA INFORMATION:

Agenda Location: Calls for Public Hearing
Item Number: 3-B
Department: Development Services
Contact: Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: Since the summer, staff has been working with the Planning Board and a small committee of Manufactured Home Park owners, as well as a representative from Clayton Homes, to clarify the design guidelines that apply to manufactured housing on individual lots, as opposed to manufactured housing within permitted manufactured home parks. At their special called meeting of November 6, the Planning Board unanimously recommended adoption of the proposed text amendments.

MOTION FOR CONSIDERATION:

1. Motion to call for a public hearing to be held on November 28, 2017 to consider text amendments to the Land Development Standards regarding manufactured housing.

FUNDING SOURCE/IMPACT: N/A.

ATTACHMENTS:

1. Minutes from the adhoc Committee discussion of August 3, 2017
2. Staff report with revised text from the November 6, 2017 Planning Board Meeting

MANAGER'S COMMENTS AND RECOMMENDATIONS: This is a call for public hearing only.

Planning Board Staff Report

Subject: Staff Initiated Text Amendment on Manufactured Housing
Ordinance Section: LDS 3.2.6 Manufactured Home Parks
LDS 5.9 Design Guidelines
Applicant: Town of Waynesville Staff
Meeting Date: November 6, 2017: SPECIAL CALLED MEETING FOR PUBLIC HEARING

Background:

At the June Meeting, the staff brought to the Planning Board a concern regarding Town Development Standards as they relate to Manufactured Homes within Manufactured Home Parks. On August 28, 2017, staff brought forward recommended text for the Planning Board's consideration after meeting with a group of Manufactured Home Park owners and a manufactured home vendor.

The need for a text amendment initially came from how manufactured housing was listed under the table of permitted uses and how design standards should apply to Manufactured Housing on individual lots vs. Manufactured housing within Parks. In our research and discussion with stakeholders however, it also became clear that it was time to update some of the standards to changes to keep up with the manufactured home industry as well.

Consistency with the 2020 Comprehensive Land Development Plan

In the Waynesville: Our Heritage, Our Future, 2020 Land Development 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)

One objective under this goal includes:

"Address important community appearance issues in the land development regulations for Waynesville," and specify the development of "standards for manufactured homes and manufactured home parks." (2020 LDP, p. 4-5)

Updates to the design guidelines for manufactured homes within manufactured home parks and clarification of how these guidelines are enforced is consistent therefore with the 2020 Plan.

Staff Recommended Text Changes:

Staff submits that the following text amendment be recommended to the Board of Aldermen for adoption (changes to the current Land Development Standards are provided in red italics).

3.2.6 *Manufactured Homes and* Manufactured Home Parks

A. See 5.9 for Design Guidelines for Manufactured Homes on Individual lots.

B. General Park Requirements

1. No manufactured home park shall be approved for a site less than three (3) contiguous acres under single ownership or control.
2. The maximum allowable density in the manufactured home park shall be eight (8) dwelling units per buildable acre (land area excluding floodways, wetlands, and slope in excess of twenty (20%) percent).
3. The manufactured home park shall be buffered from all adjacent property with a Type C Buffer Yard (8.5.2.C).
4. At least two (2) trees shall be planted (or retained) in the park per dwelling unit. These trees shall be in addition to those required to meet the landscape requirements contained in *Chapter 8 Landscaping and consistent with Section 3.2.6..*
5. The operator/manager of a manufactured home park shall designate and enforce ~~a uniform type of~~ underpinning of all manufactured homes in the community.
6. All streets within a manufactured home park shall comply with the standards set forth in Chapter 6.
7. An acceptable plan for the collection and disposal of garbage shall be included in the site plan for the manufactured home park.
8. Civic space shall be provided in accordance with Chapter 7.
9. *Individual units shall be located and set so that water does not collect under units.*

C. Manufactured Home Space Requirements

1. Each manufactured home shall be located at least ~~thirty (30)~~ *twenty (20)* feet from any other manufactured home or structure within the park, excluding storage buildings for use with the individual home. Each home shall be at least thirty-five (35) feet from any property line. If the property abuts a public street, the setback shall be forty (40) feet. Each home shall be setback at least ~~twenty (20)~~ *ten (10)* feet from the edge of any traveled way within the park.
2. There shall be front and rear steps and/or decks for each manufactured home *and a deck/entry transition area at the front door of a minimum of 6' by 6'.*
3. Each manufactured home space shall have a permanent site number sign that is clearly visible from the street running in front of the home.

4. A minimum of two (2) parking spaces shall be provided for each manufactured home.
5. A visitor parking area, consisting of one (1) space for each five (5) manufactured home units located within the park, shall be provided. This parking area does not have to be paved.

5.9 Manufactured Housing Design Guidelines ~~(from 154.228)~~

5.9.1 Applicability

All manufactured homes permitted shall comply with the requirement of 5.6 above (General Building standards, unless the standards below conflict and shall therefore take precedence) and must comply with the standards established by the United States Department of Housing and Urban Development under the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. § 5401, et seq and that satisfies each of the following additional criteria:

5.9.2 Standards

- A. The tongue, axles, running lights and removable towing apparatus must be removed prior to the issuance of a certificate of occupancy.
- B. *Except for units within permitted Manufactured Home Parks, the manufactured home shall be attached to a permanent foundation of brick, stone, concrete, framing or block that is unpierced except for required ventilation and access as required by the North Carolina State Building Code or for flood hazard construction. Units within permitted manufactured home parks may use a vinyl skirting or other material to enclose the structural supports.*
- C. The pitch of the roof of the manufactured home ~~shall have~~ has a minimum vertical rise of three (3) inches for every twelve (12) inches of horizontal run.
- D. *Except for units within permitted Manufactured Home Parks, the roof must be covered with a material that is customarily used on site-built dwellings. Aluminum or metal roofing is not permitted unless standing seam metal roofing or metal shingles are utilized.*
- E. The roof shall have a minimum eave projection and roof overhang of ten (10) inches, not including the gutter *except when the unit is located in a Manufactured Home Park where this requirement shall apply only to double wide units.*
- F. Exterior siding shall be of a material customarily used on site-built dwellings which does not have a high gloss finish, such as wood, conventional vinyl or metal siding, brick, stucco or similar materials. Smooth, ribbed or corrugated metal or plastic panels are not permitted.
- G. *Except for units within permitted Manufactured Home Parks, the length of the home shall not exceed four (4) times the width, excluding additions.*
- H. Architectural and aesthetic standards specified in this section shall be applicable to all additions.
- I. At the main entrance door there shall be an entryway transition that is a minimum six (6) feet by six (6) feet.

Recommended Motions

1. To find that updates to the Manufactured Home Guidelines are Consistent with the Comprehensive Plan.

2. To recommend to the Board of Aldermen changes to the Land Development Standards text as provided (or as amended).

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 14, 2017

SUBJECT: Call for Public Hearing on a Text Amendment to the Land Development Standards LDS 2.5.3 Table of Permitted Uses, LDS 3.2 Supplemental Standards, and LDS Chapter 17 Definitions, in regards to video gaming.

AGENDA INFORMATION:

Agenda Location: Calls for Public Hearing
Item Number: 4-B
Department: Development Services
Contact: Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: Last month staff sought Planning Board guidance regarding video gaming machines because a business providing video gaming machines had opened within the Mixed-Use Overlay District of the Love Lane Residential District on Dellwood City Road. The type of business in question was described by the business owner as selling “gift cards” which are used to purchase online “skill” or “nudge” games. Staff and the Planning Board were concerned that if legal types of video-gaming businesses are to locate within Town, then they should be addressed within the Town’s Zoning Ordinance. At their special called meeting on November 6, 2017, the Planning Board unanimously voted to recommend approval of the proposed text amendment which would define the use, provide supplemental standards and place this use within the Regional Center Districts.

MOTION FOR CONSIDERATION:

1. Motion to call for a public hearing to be held on November 28, 2017 to consider text amendments to the Land Development Standards regarding video gaming.

FUNDING SOURCE/IMPACT: N/A.

ATTACHMENTS:

1. Staff report and text revised from the November 6, 2017 Planning Board Meeting

MANAGER’S COMMENTS AND RECOMMENDATIONS: This is a call for public hearing only.

Planning Board Staff Report

Subject: Text Amendment to LDS Standards regarding "Video Lottery Entertainment;"
Ordinance Section: LDS 2.5.3 Table of Permitted Uses, LDS 3.2 Supplemental Standards, and
LDS Chapter 17 Definitions
Applicant: Town of Waynesville Staff Initiated Text Amendment
Meeting Date: November 6, 2017

Background:

At the last Planning Board Meeting, staff sought Planning Board guidance regarding video gaming machines because a business providing video gaming machines had opened within the Mixed-Use Overlay District of the Love Lane Residential District on Dellwood City Road. The type of business in question was described by the business owner as selling "gift cards" which are used to purchase online "skill" or "nudge" games.

North Carolina General Statutes provide specified authority to local government, including the ability to regulate land use and have certain policing powers, in Chapter 160A. Towns cannot exert authority beyond what the General Statutes allow, nor can local government develop regulations which conflict with General Statutes. NCGS Subchapter XI., Article 37 provides police regulations involving "Lotteries, Gaming, Bingo and Raffles, and Chapter 14-306.1 Identifies "types of machines and devices prohibited by law." The applicant claims that the skill-games provided and the sale of gift cards are not in conflict with state Statutes. The Planning Board was made aware of House Bill 750 which may authorize State regulation of video lottery terminals and fantasy football leagues. The Town is clear that any local regulations or land use policies do not change or challenge State laws that apply to certain types of gaming activities. The proposed use, therefore, must be defined and carried out narrowly and within statutory guidance.

The Planning Board's concern is that if legal types of video-gaming businesses are to locate within Town, then they should be addressed within the Town's Zoning Ordinance as other businesses are. The desire in any land use decision is always to balance fairness to a specific business and/or property owner with the interests of other property owners within any zoning district and the Town's Land Use Plan goals. The Board therefore examined the question of where this type of business should be located with consideration for surrounding land uses and being consistent with the purpose and intent of zoning districts.

The direction given at the last meeting from the Planning Board was that this use was most appropriate in the Regional Center District where the land use intent is to accommodate general commercial uses, but not in a mixed-use overlay districts such as where it is currently located, that were residential in nature, with only limited types of commercial uses. Additionally, the Board considered supplemental standards of parking and buffer requirements between this type of use and any residential uses that were also recommended.

As a result of this discussion, staff is bringing forward a suggested text amendment to add in a zoning definition, standards and location within the Table of Permitted Uses for "skill" gaming operations of the type that located at Dellwood City Road.

Town of Waynesville Land Development Standards

LDS 2.5.3 Table of Permitted Uses identifies enumerated permitted uses by Zoning District. “P” indicates where certain uses are allowed within a district and PS indicates when a use is allowed with supplemental standards. The proposed text amendment would allow video skill games as a new and uniquely defined use within the Table as a use with supplemental standards in accordance with LDS 3.2 **Supplemental Standards:**

“There are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility so that different uses may be located in proximity to one another without adverse affects to either. When uses are listed in the Use Matrices in Chapter 2 as Uses Permitted with Additional Standards (PS) or uses requiring Special Use Permits (SUP) they shall comply with the additional criteria set forth in this chapter for that use in addition to other applicable criteria contained in this ordinance.” (LDS 3.1)

Within the Table of Permitted uses and in the Purpose and Intent Statements (LDS 2.3.7) of the Regional Center Districts, the Town’s Land Development Standards clearly designate the RC Districts as hubs for retail and mixed-use development that can accommodate shopping centers, drive-thrus, “big-box,” and other types of general commercial development. Conversely, the Purpose and Need Statement for Love Lane Neighborhood District (LL-NR) where this business has opened is:

“. . .one of the oldest neighborhoods in the town . . . having a great location, sufficient urban facilities and a mixture of housing types and styles . . . with an excellent stock of smaller bungalow style homes on small lots. This asset will only improve as Russ Avenue develops into a more pedestrian friendly area. . . Dellwood Road, containing a mix of office, residential and service uses, needs to maintain a pedestrian scale and any improvements should enhance the comfort level of the pedestrian...” (LDS 2.3.3 B)

Consistency with the 2020 Comprehensive Land Development Plan

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, one of the stated objectives under the Land Use Goal is to: “designate appropriate amounts of land to reflect desired development patterns and to accommodate the projected residential, commercial, industrial, institutional and recreational needs of the Town of Waynesville over the next twenty years.” (2020 LDP 4-2)

The stated Economic Vitality Goal is to: “maintain and strengthen a broad-based economy in Waynesville comprised of vibrant and expanding manufacturing, retail, agricultural, services, governmental and construction sectors.” (2020 LDP, p 4-19). The objectives under this goal indicate that the Town desires to support local businesses and to “define and develop the tourism sector” of the economy. It is unclear what, if any, impact this business would have on the local economy or in attracting tourism. The Town desires to make decisions which accommodate new and existing businesses in a way in which various sectors do not conflict with each other. It would seem consistent with the Comprehensive Plan to define this use and to place it within the Regional Center District Zoning designation in which are designed to accommodate many types of commercial uses.

Staff Recommended Text Changes:

Staff submits that the following text amendment be recommended to the Board of Aldermen for adoption (changes to the current Land Development Standards are provided in red italics).

Staff Recommended Text Changes:

1. Addition of a new definition, **Chapter 17.3 Definitions, Use Type.**

Video gaming parlor. Any use or structure intended to provide access to video games in which customers purchase retail gift cards or gain access to electronic games of skill or dexterity not otherwise prohibited by law, or other electronically simulated games approved and regulated by the State of North Carolina.

2. Addition of Use Type within **2.5.3 Table of Permitted Uses**

Use Types	Regional Center (RC)		
Commercial	DJ-RC	HC-RC	RA-RC
<i>Video gaming parlor</i>	<i>PS/SUP</i>	<i>PS/SUP</i>	<i>PS/SUP</i>

3. Addition of/insert new paragraph within 3.5 Supplemental Standards - Commercial

3.5.11 Video Gaming or video gaming parlor.

- A. Wherever legal video gaming is provided within a use or is provided as a stand alone use, a Type B Buffer Requirement or a 6' privacy fence or wall between the use and any residential or mixed use district (RL, RM, NR, UR, NC) (See LDS Section 8.4).*
- B. Parking must be provided for "All Other Commercial Uses" in accordance with LDS Section 9.2.1 Parking Use Category.*
- C. Video Gaming within a bar or where alcohol is served shall have to be approved by SUP of the Town Planning Board.*

Recommended Motions

1. To find that updates to the Manufactured Home Guidelines are Consistent with the Comprehensive Plan.
2. To recommend to the Board of Aldermen changes to the Land Development Standards text as provided (or as amended).

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 14, 2017**

SUBJECT: Engage McGill and Associates Engineers to conduct a Waste Water Plant Improvements Analysis

AGENDA INFORMATION:

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

BRIEF SUMMARY The Town received a report from UTEC Engineering evaluating the condition of the Waste Water Treatment Plant and recommending improvements. The report recommends a \$19 million replacement plant. This purchase would be the most expensive project ever carried out by the Town and, as such, should be considered with extreme care. Given the cost of the plant and the impact of the cost on the rate base I recommend that the Town engage McGill Engineering to conduct an analysis of the plant to provide a “second set of eyes” to the project.

McGill proposes to:

- Review the assessment completed by UTEC
- Develop future WWTP Flow and Loading Projections
- Review the Discharge Permit and Compliance Issues
- Evaluate Treatment Process Alternatives
- Provide Opinions of Probable Project Cost for viable alternatives
- Provide a Capital Funding Source Review including but not limited to State Revolving Loan and USDA Rural Development Funds.

MOTION FOR CONSIDERATION: To approve the engagement of McGill and Associates to conduct a Waster Water Improvements Analysis at a cost of \$15,000.00, as presented.

FUNDING SOURCE/IMPACT: Funds would be appropriated from Waste Water Professional Services Operating Budget.

ATTACHMENTS:

Scope of Services Waste Water Treatment Plant Improvements Analysis

MANAGER’S COMMENTS AND RECOMMENDATIONS: Given the size and cost of the project it is important that the Board be comfortable with the scope of work and the plan for the plant. As with any project, it is helpful for an elected body to hear opinions from different professional groups when facing decisions involving engineering and technologies that are not familiar to the Board.

Scope of Services
Wastewater Treatment Plant Improvements Analysis
Town of Waynesville
September 25, 2017

1. Review Wastewater Treatment Plant Assessment completed by UTEC dated May 2017
2. Develop Future WWTP Flow and Loading Projections
 - a. Flow and loading projections will be based on a 20 year planning horizon and will draw heavily from readily available data such as the Town's most recent Local Water Supply Plan and recent (3 years) of wastewater treatment plant flow data.
3. Review Discharge Permit and Compliance Issues
 - a. Review effluent data and compliance status with current NPDES Permit
 - b. Identify approaches to effectively manage compliance issues
 - c. Evaluate process performance concerns suspected due the industrial discharge of Giles Chemical.
 - d. Review NC Department of Environmental Quality (DEQ)/Division of Water Resources (DWR) procedures and timeline for establishing speculative limits for future flows.
 - e. As appropriate, meet with DEQ/DWR to discuss compliance steps and the development of speculative limits. One (1) meeting with DEQ/DWR is included in this scope.
4. Evaluate Treatment Process Alternatives
 - a. Review the current activated sludge process and potential modifications to meet current and future flows and limits
 - b. Evaluate modifications of the current WWTP process for Biological Nutrient Removal (BNR)
 - c. Evaluate other biological treatment alternatives including Sequencing Batch Reactors (SBR), oxidation ditch, IFAS, membrane bioreactors.
 - d. Evaluation of the anaerobic digester for modifications and upgrades.
 - e. Review Combined Heat and Power (CHP) improvements
5. Provide Opinions of Probable Project Cost for viable alternatives.
6. Provide a Capital Funding Source Review Including but not limited to State Revolving Fund (SRF) and USDA-Rural Development.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 14, 2017**

SUBJECT: Appointment of the Comprehensive Plan Advisory Committee

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 6-C
Department: Development Services
Contact: Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: The attached spreadsheet provides names and information regarding citizen volunteers who have stepped forward to serve as the advisory committee for the Comprehensive Plan update. These men and women offer a wealth and variety of experience to the table. Collectively they represent a range of ages, interests, backgrounds and expertise. Having communicated with each, I recommend that all of them be appointed to the Comprehensive Plan Advisory Committee.

MOTION FOR CONSIDERATION:

1. "Move to appoint the slate of citizen volunteers to the Comprehensive Plan Advisory Committee as presented."

FUNDING SOURCE/IMPACT: N/A.

ATTACHMENTS: Proposed Slate of Comprehensive Plan Advisory Committee

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Comprehensive Plan Steering Committee Nominations

Name	Statement
Martha Bradley Attorney	<i>I am a Waynesville resident and attorney with Cannon Law, P.C. I am active in multiple organizations within the community, including Rotary, Haywood Habitat for Humanity, and the Haywood Chamber of Commerce. As a young professional building an active law practice, I am committed to developing a sustainable long-range plan for the Town to preserve and to grow our unique, vibrant community.</i>
Micheal Blackburn Director of Program Ministries and Pastor of First United Methodist Church	<i>I have been a part of the Waynesville community since 1992, I attended Waynesville Junior High, and graduated from Tuscola in 1996. My father Robert Blackburn was the senior Pastor at First United Methodist Waynesville during that time, and since 2003 I have been on staff where I work as Director of Program Ministries. My wife Kristi, who I met while attending Appalachian State University, has been an elementary school teacher for 18 years, and currently works at Junaluska Elementary. With our three amazing sons, Hudson, Henry, and Hardy, we love being a part of this community, which makes me excited about the future of development of Waynesville.</i>
Brian J. Cagle Vice President/ Managing Broker Beverly Hanks & Associates	<i>I am Vice President at Beverly-Hanks & Associates Realtors and will serve as the 2018 President of the Haywood County Association of Realtors. My family has been in the mountains for 6 generations and I am inspired by the innovation and leadership of the previous committee that envisioned the revitalization of our downtown. I would feel very honored and would welcome the opportunity to be apart of a group that embraces the same innovative spirit to map out the next 20 years.</i>
Ginger Hain Planning Board member Tyler Technologies	<i>Originally from Birmingham AL, I came to Waynesville in 1977 by way of Haywood Technical College (now Haywood Community College) to study fiber arts. After earning my Bachelor of Science from UNCA in Computer Science, I was hired as Haywood County's Manager of Information Systems. I joined Tyler Technologies in 1999 and have been employed with the company for the last 18 years. I currently serve as a member of the Waynesville Planning Board. My key civic interests are affordable housing, preservation of open spaces, transportation infrastructure.</i>
Jennie Kirby	<i>My interest in the committee stems from being a resident in the Town and having interest in its future....My experience includes, commercial real estate, planning, budgeting and management.</i>
Austin Lee Real Estate Investor	<i>I am a native of Western NC, born and raised in Sylva and Bryson City. I attended NC State University for my undergraduate degree and earned a Master's degree from East Carolina University. I was a Computer Networking instructor at Haywood Community College for 12 years, and have been self employed in real estate for the past 2.5 years. I live in and own several properties in Waynesville, so I want to participate in any way I can to provide a bright future for this great small town.</i>

Cathy Bolton Owner of Art on Depot	<i>I am a small business owner, currently located in Historic Frog Level of Waynesville, opening Art on Depot back on Nov. 2008. The space is my pottery studio and Fine Art & Craft Gallery also selling works of local and regional artists. I am interested in being a part of the planning committee because I live, work and own property in Haywood County. As a parent and business owner I am looking forward to working on our towns future development.</i>
Lowell Ball General Contractor/Developer Manage rental properties	<i>I would like to be involved in the direction of the Town. Especially concerning zoning and other regulations that effect contractors and future development.</i>
Tausha Forney	<i>Statement unavailable</i>
Hilda Rios	<i>Statement unavailable</i>

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: November 14, 2017**

SUBJECT: Recommend to the County Commissioners that Amie Owens serve as Waynesville's "municipal representative" to the Haywood County TDA Board.

AGENDA INFORMATION:

Agenda Location: NEW BUSINESS
Item Number: 7-C
Department: Administrative Services
Contact: Rob Hites, Town Manager
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY The Town Board recommends to the County Commission representatives to the TDA Board from the 28786 zip code. One of the designations set by the Board's legislation is a "municipal representative". Amie Owens coordinates the activities of the Town staff with the organizers of events held on municipal streets and property. She is an ideal candidate for this position. The Board's recommendation will be forwarded to the County Commission for appointment to the TDA.

MOTION FOR CONSIDERATION: To approve the nomination of Amie Owens as the Town's municipal representative to the TDA.

FUNDING SOURCE/IMPACT: None.

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS: Amie will provide experience and knowledge of municipal government and law to the TDA. She will also be a great representative between the County's managers and the TDA.

Town of Waynesville
Facility Naming and Sponsorship Policy
Draft 11-14-17

Intent of Policy

The Town of Waynesville will consider applications for and/or seek opportunities for naming or sponsorship opportunities that further its mission by providing honorary, monetary or in-kind support for Town buildings, facilities, programs or services. The Town of Waynesville recognizes that the public trust and perception of its impartiality may be damaged by sponsorships that are aesthetically displeasing, politically oriented, or offensive to segments of its citizenry. The Town of Waynesville permits private naming and/or sponsorship of public buildings, facilities, programs or services as a means to honor individuals or groups and/or to generate funds for improving or expanding those programs and services. The Town of Waynesville exercises sole discretion of approving naming or sponsorship applications according to the terms of this policy.

Whenever possible, naming or sponsorships should be linked to specific facilities, activities, events, programs, or services. The Town will neither seek nor accept naming or sponsorship applications from manufacturers or products that take positions inconsistent with local, state, or federal law or inconsistent with Town policies, positions, or resolutions. The establishment of a naming or sponsorship agreement does not constitute an endorsement by the Town of the sponsor's organization, products, and/or services.

Definition of Terms

“Sponsorship” is an external entity (for-profit or not-for-profit) to associate its name, products, or services with the Town of Waynesville’s facilities, buildings, programs, services, or name. Sponsorship is a business relationship in which the Town of Waynesville and the external entity exchange goods, services, and donations for the public display of a message on Town property acknowledging private support.

“Naming” is the honorary naming of a Town of Waynesville building, facility, program or service in recognition of the civic contributions of an individual or group honoree.

Procedure for Review and Approval

The Town of Waynesville Board of Aldermen possess sole and final decision-making authority for determining the appropriateness of a naming/sponsorship relationship and reserves the right to deny applications for naming/sponsorship.

Naming/Sponsorship applications will be reviewed according to the following procedures and guidelines:

- All naming/sponsorship applications shall be reviewed by the Town Manager prior to being presented to the Town of Waynesville Board of Aldermen.
- Naming/Sponsorship applications shall require approval of The Town of Waynesville Board of Aldermen.
- Applications for renaming existing facilities or sponsorships will NOT be accepted.

Criteria for Review

Naming/sponsorship applications shall be reviewed based on information contained in the application. The application shall clearly outline the terms of support offered by the sponsor and any consideration to be offered by the Town. An application shall be created for each naming/sponsorship relationship. It shall detail the following information, at a minimum:

- Name, address and contact information of the applicant requesting the sponsorship.
- Description of the building, facility, program or service for which naming/sponsorship is requested.
- Description of the activities, products, and services of the sponsor and any subsidiaries.
- Benefits to be given to the proposed sponsor by the Town, and the estimated monetary value of those benefits, if any.
- Benefits to be given to the Town by the proposed sponsor and the estimated monetary value of those benefits, if any.
- Description of the prominence of the proposed sponsor as evidenced by proclamations, awards, commendations or resolutions on behalf of the proposed sponsor endorsing the application.
- Duration of the proposed naming/sponsorship.
- Conditions under which the sponsorship agreement will be terminated, if any.

The Town of Waynesville recognizes that entering into a naming/sponsorship agreement with an external entity does not constitute an endorsement of the entity or its services and/or products but does imply an affiliation. Such affiliation can affect the reputation of the Town among its citizens and its ability to govern effectively.

Therefore, any naming/ sponsorship which compromise the public's perception of the Town's neutrality or its ability to act in the public interest will be rejected. A memorandum of understanding shall be created for each sponsorship relationship.

The Town of Waynesville may consider the following criteria before approving a sponsorship application or entering into a sponsorship agreement:

- Extent, prominence and location of the naming/ sponsorship public display.
- Aesthetic characteristics of the naming/ sponsorship public display.
- Importance of the sponsorship to the mission of the Town.
- Level of support provided by the naming/ sponsor or applicant; the minimum for consideration is at least 50% monetary support, not including in-kind services.
- Cooperation necessary from other Town units or other entities to implement the sponsorship.
- Consistencies between Town policies and the known policies or practices of the potential naming/ sponsor.
- Other factors that might undermine public confidence in the Town's impartiality or interfere with the efficient delivery of Town services or operations, including, but not limited to, current or potential conflicts of interest between the sponsor and the Town.

Permissible Sponsors and Message Content

The Town of Waynesville preserves its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of naming/ sponsorship affiliations and messages. The Town may make distinctions on the appropriateness of sponsors on the basis of subject matter of a potential sponsorship recognition message.

The Town of Waynesville will not deny sponsorship opportunities on the basis of the potential sponsor's race, creed, religious affiliation or political viewpoint.

No materials or communications, including but not limited to, print, video, Internet, broadcast, or display items developed to promote or communicate the sponsorship using The Town of Waynesville's name, marks, or logo, may be issued without written approval of the Town manager.



Kiwanis Club of Waynesville

PO Box 815
Waynesville, North Carolina 28786

October 26, 2017

**Board of Aldermen
Town of Waynesville
PO Box 100
Waynesville, NC 28786**

Dear Board of Aldermen:

This letter is a follow-up to the letter we wrote you on August 9, 2017 concerning our request to name the new inclusive playground behind Bilo "The Kiwanis Community Playground for Children with All Abilities".

As we mentioned in our previous letter, our Kiwanis Club has been very involved in the funding for Phase One and increasing the awareness of our "special needs community". We were so pleased that the funding for "Phase One" has been completed and look forward to the ground breaking in November for this worthwhile project.

Now our Club is focusing on the funding for Phase Two. We have a Playground Fundraising Committee and launched our campaign at the Apple Festival. We had such great response from the visitors at this event and raised \$1,520. We have also received additional funds from a "Yoga on the Grass" fundraiser and a private donation. As a result of these fundraising sources, we are enclosing a check to the "Town of Waynesville" for \$2,200 to go towards the funding of Phase Two.

Our Committee is committed to helping the Town of Waynesville and the Waynesville Parks and Recreation to raise the \$130,000 needed for Phase Two. We are joining Rhett Langston by reaching out to the service clubs in our community and asking for their financial help.

We hope that this additional information about our Waynesville Kiwanis Club's involvement will be helpful to you in making the decision to name the new inclusive playground that is being built beside our Kiwanis Community Playground. We hope you will consider our request to name the entire playground project "The Kiwanis Community Playground for Children with All Abilities".

Sincerely,

**Marti Peithman
Kiwanis Lt Governor
828-734-9003**



Kiwanis Club of Waynesville

PO Box 815
Waynesville, North Carolina 28786

August 9, 2017

**Board of Aldermen
Town of Waynesville
PO Box 100
Waynesville, NC 28786**

Dear Board of Aldermen:

We want to thank Rhett Langston and the Waynesville Parks and Recreation for the wonderful support they gave us in our Kiwanis International Legacy of Play Playground Contest to win \$25,000 for Waynesville's new "inclusive playground".

As a result of this contest, we raised the awareness of our special needs community through social media and won the overwhelming support of so many who voted for this project. We actually came in first place in the voting over 50 other Kiwanis Clubs and were so proud of our efforts but unfortunately, weren't chosen to win the contest.

Our Kiwanis Club has supported the new playground with a \$10,000 Grant and winning \$6,900 in playground equipment that was awarded to us for our winning efforts in the contest. We also sponsor the Kiwanis Aktion Club for developmentally disabled adults and are proud to have their 25 members in our Kiwanis family. So as you can see, this new playground is an important project for us.

In 2004, we built the Kiwanis Community Playground behind Bilo which has been one of Waynesville's most popular venues for families to bring their children to play. An article in "The Mountaineer" recently said "that the story behind the playground is one that captivated the imagination of many in the community 15 years ago and brought together 1,750 volunteers to build it".

The new playground will be built alongside our present Kiwanis playground. We would like to ask the Aldermen to approve naming both playgrounds "The Kiwanis Community Playground for Children with All Abilities". We hope that you will consider our request and all that Kiwanis does for our community.

Sincerely,

**Marti Peithman
Kiwanis Lt Governor
828-734-9003**