



## TOWN OF WAYNESVILLE Planning Board

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Susan Teas Smith (Chairman)  
Ginger Hain (Vice)  
Stuart Bass  
John Baus  
Michael Blackburn  
Jan Grossman  
Peggy Hannah  
Tommy Thomas  
Barbara Thomas

Development Services  
Director  
Elizabeth Teague

### MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

#### Special Called Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786  
Monday January 30<sup>th</sup>, 2023

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THE WAYNESVILLE PLANNING BOARD held a Special Called Meeting January 30<sup>th</sup>, 2023, at 6:00 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC. 28786.

#### A. CALL TO ORDER

##### 1. Welcome/Calendar/Announcements

The following members were present:

Susan Teas Smith (Chairman)  
Ginger Hain (Vice Chairman)  
John Baus  
Stuart Bass  
Jan Grossman  
Barbara Thomas  
Tommy Thomas

The following staff members were absent:

Michael Blackburn  
Peggy Hannah

The following staff members were present:

Elizabeth Teague, Development Services Director  
Byron Hickox, Land Use Administrator  
Esther Coulter, Administrative Assistant

Planning Board Attorney, Ron Sneed was present

Chairman Susan Smith called the meeting to order at 5:59pm and welcomed everyone and asked Development Services Director Elizabeth Teague if there were any announcements. Ms. Teague stated the next regular scheduled meeting is February 20<sup>th</sup>, 2023. She indicated that staff is working on a major site plan and there might be visitors from the Waynesville Middle School AIG program.

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Special Called Planning Board Minutes  
January 30<sup>th</sup>, 2023

Chairman Susan Smith read through the Legislative Procedures for a Text Amendment to the Land Development Standards (LDS). Mrs. Smith open the hearing at 6:02pm.

## **B. BUSINESS**

Land Use Administrator, Byron Hickox gave his presentation regarding a text amendment by an applicant who wants to open a tattoo studio in the Central Business District. The current LDS section 17.3 definition for personal services, expressly excludes “tattoo parlors,” and does not include a definition of a tattoo parlor or place it within the Table of Permitted Uses. The applicant has proposed a change to the text amendment that would remove word (excluding) from the definition.

Chairman, Susan Smith asked Mr. Hickox if the proposed definition will include permanent makeup? Mr. Hickox said the applicate might have insight on the permitting and the regulating of permanent facilities.

Board Member John Baus stated his concerns of Tattoo Parlors allowed in all the districts as proposed. Mr. Baus stated they should not be allowed in the neighborhood’s districts. Mr. Baus asked if staff considered hours of operation or if alcohol is served at the establishment. Mr. Baus stated with these possibilities they should not be allowed in neighborhood district.

### **Greg Au Maggie Valley. NC**

Mr. Au stated there is only one tattoo establishment in Waynesville that stays open late. He stated that in the shop he currently works in if they are there until 8:00pm that is late to them. His establishment will be by appointment only. Mr. Au will also be traveling with different companies to different states.

Board member Ginger Hain stated if it were a tanning business and was open late, we couldn’t assume people were having a party. And asked Mr. Hickox if there were no other code enforcement mechanisms when a business gets out of control. Mr. Hickox stated that if it’s not stipulated in the LDS then that would be a police matter.

Mr. Baus asked the applicant if there were tattoo parlors that are open until 2:00am. Mr. Au stated yes. Mr. Baus asked if some will have alcohol beverages and get wild and loud. Mr. Au stated yes, he has been at establishment in Asheville that has stayed open late and gets a little wild. Mr. Baus stated that Tattoo Studios should be restricted to Business Districts only.

There was more discussion among the Board, Staff and Applicant about tattooing and permanent make-up.

Chairman, Susan Smith asked if there were additional questions and closed the public hearing at 6:30pm.

Chairman Susan Smith asked to do an informal poll of Board members to start the discussion. The planning board poll was 6 to 1 in support of the applicant. Ms. Smith said she personally liked removal of the exclusion in the definition of personal services to add tattoo studio as a use by right within the personal services definition. There was additional Board discussion in that some supported the application but had concerns about allowing tattoo studios in all the same locations as other allowable personal services. Stuart Bass indicated that he would support a new definition and locating tattoo businesses within the Table of Permitted Uses in commercial districts. John Baus clarified that he did not think they should be in residential areas, but not that he was against them altogether.

Board member Jan Grossman stated the biggest issue is litigation and he has not heard a good reason to separate tattoo parlors out of personal services definition. Mr. Grossman stated it falls directly under personal services and the board needs a good reason to separate it out.

Board member Ginger Hain agreed with Mr. Grossman to not sperate out tattoo parlor out of personal services. She also suggested that she hears people refer to these as studios and not tattoo parlors.

Mr. Baus asked Attorney Ron Sneed if there has been any litigation regarding unconstitutionality of separate regulation of tattoo parlor. Attorney Ron Sneed stated he didn't think the Board would find any problem with separating tattoo parlor out of personal services, cosmetic tattooing, and classic tattooing since the State is already regulating them.

Board Member Barbara Thomas stated she did not like leaving it in the Mixed-Use overlays. Mrs. Thomas states it is a business and putting it in business areas does not bother her.

Chairman Susan Smith recapped pros and cons and stated that tattoo parlors have a stigma if you been around more than 20 years. Board member Ginger Hain stated that she thought that concerns about negative impacts is conjecture and is outdated.

Board member John Baus stated that it's not conjecture and that the applicate testified that some establishments do stay open late and do get a little rowdy and that is what the decision needs to be based on. Mr. Baus indicated that it should be limited to the business districts and regional center districts. He felt that even the three neighborhood center districts were too residential in nature. Stuart Bass agreed. Board member Ginger Hain said she wants to see facts hours, police visits. Mrs. Hain said that remembering back in the 30's 40's and the stereotypes associated is not happening today.

Board member Jan Grossman said he went online to find articles on crimes, violence Police visits with tattoo parlors and he stated he could not find anything. It doesn't exist.

***A motion was made by Board member Jan Grossman, seconded by Vice Chairman Ginger Hain to accept the motion as proposed by staff to add tattoo studio to personal service and take out the word excluding. Mr. Grossman said it is supported by goals 1,5 of the comprehensive plans. The motion passes 5 agree and 2 dissented.***

***A motion was made by Board Member Barbara Thomas, seconded by Board member Jan Grossman to recommend the approved text amendment to the Board of Alderman. The motion passes unanimously.***

The board had continued discussion regarding the vote. Mr. Baus said he was confused with the vote and the initial poll. Barbara Thomas clarified that she agreed that this use should not be included everywhere personal services were allowed within residential districts. There was discussion about mis-hearing Ms. Thomas' vote. After discussion the Board determined by consensus that the vote was actually 4 in favor and 3 against on the text amendment as presented.

There was further discussion about presenting a recommendation to the Board of Aldermen. Elizabeth Teague stated that staff prepares a summary report of the Planning Board to the Board of Aldermen to document the vote and recommendation. She stated that when there is much discussion and a split vote, it is often helpful to the Aldermen for the dissenting opinion to be reflected in the Planning Board report. This provides the Aldermen with the alternative opinions expressed. Tommy Thomas stated that the Planning Board should get copies of reports of their decisions that are forwarded on to the Board. Ms. Teague agreed. She indicated that generally the reports are developed after the minutes are written. Provided to the Chair for review.

### **C. ADJOURN**

***A motion was made by Board Member Barbra Thomas, seconded by Board Member Jan Grossman to adjourn the meeting at 6:53pm. The motion carried unanimously.***

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Susan Smith, Chairman

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Esther Coulter Administrative Assistant