


TOWN OF WAYNESVILLE, NC

Board of Aldermen – Regular Meeting

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

Date: **August 28, 2012** Time: **7:00 p.m.**

*The agenda and all related documentation may be accessed electronically at www.townofwaynesville.org.
Click on “Download Forms” to download materials for all Town board & commission meetings.*

 Conserve resources; print only when necessary.

The Town of Waynesville provides accessible facilities, programs and services for all people in compliance with the American with Disabilities Act (ADA).

Should you need assistance or accommodation for this meeting, please contact

Town Clerk Phyllis McClure

(828) 452-2491

townclerk@townofwaynesville.org

A. CALL TO ORDER

1. Welcome/Calendar/Announcements – Mayor Gavin Brown
Staff Recognitions – Town Manager Marcy Onieal
2. Adoption of Minutes

Motion: *To adopt the minutes of July 24, 2012 (regular session) as presented [or as corrected].*

B. NEW BUSINESS

3. Special Event Request – Permission to Sell/Serve Beer & Wine on a Public Sidewalk during Downtown Waynesville Block Party on September 1, 2012 (***Request of Jon Bowman, Tipping Point Tavern***)

Motion: *To adopt **Resolution #13-12**, authorizing the sale & service of Beer and Unfortified Wine, on a public sidewalk, in a controlled enclosure fronting the Tipping Point Tavern, 188-190 N. Main Street, on September 1, 2012 from 6 pm until 12 midnight, as requested and as permitted by Section 42-4 of the Town of Waynesville Code of Ordinances.*

4. Designate Voting Delegate/Alternate for NCLM Conference Oct. 21-23, 2012

Motion: *To designate [name] as voting delegate and [name] as alternate voting delegate for the North Carolina League of Municipalities Annual Conference Business Meeting and to authorize Town Manager Marcy Onieal to serve as voting delegate in the event of absence of either of the above named individuals.*

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

August 28, 2012

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5. Request to exceed maximum allowable Working Capital Retained in FY12 and FY13
(request of Waynesville Alcoholic Beverage Control Board)

Motion: *To authorize the Waynesville ABC Board to exceed maximum allowable Working Capital Retained, by withholding customary distributions to the Town of Waynesville and Haywood County during FY12 and FY13, in anticipation of land acquisition for and construction of a second (new) ABC store during FY13.*

6. Reappointment of Raymond Ezzell to Alcoholic Beverage Control Board *(request of Waynesville Alcoholic Beverage Control Board)*

Motion: *To appoint Raymond Ezzell, 409 Longview Drive, to the Waynesville Alcoholic Beverage Control Board, for a 3-year term, ending June 30, 2015*

C. UNFINISHED BUSINESS

7. Second Reading – request to rezone 0.3 acre lot at 154 Hemlock Street (PIN #8605-80-2744) from Hazelwood Urban Residential/Mixed Use Overlay to South Main Street Business *(request of property owner Wanda S. Brooks)*

Motion: *To amend the Town's Land Development Standards Map to rezone the 0.3 acre property located at 154 Hemlock Street as requested from Hazelwood Urban Residential/Mixed Use Overlay to South Main Street Business, finding that the rezoning is justified and consistent with the 2020 Land Use Plan*

8. Report of Planning Board Approval of Minor Revisions to the Ingles Conditional Development (CD) Master Plan on Russ Avenue *(staff presentation only; no action required)*

D. COMMUNICATIONS FROM STAFF

9. Town Manager – Marcy Onieal
10. Town Attorney – Woody Griffin

E. COMMUNICATIONS FROM THE MAYOR AND BOARD OF ALDERMEN

F. CALL ON THE AUDIENCE

G. ADJOURN

BOARD OF ALDERMEN

UPCOMING EVENTS

Monday, August 27 – Region A Annual Meeting/Dinner in Cherokee

Dinner begins at 6:30 p.m. – Van leaves Municipal Building at 5:15 p.m.

Saturday, September 1 – Block Party on Main Street – 7:00 p.m.

Monday, September 3 – Labor Day Holiday – Town Offices closed

Monday, September 3 – Canton Labor Day Parade @ 10:00 a.m.

Please call Denise with Town of Canton if you wish to participate

Friday, September 21 – Preservation NC – Caraway Award Presentation to Town of Waynesville

The Venue, 21 N. Market St. Asheville – 11:15 a.m; please RSVP to Marcy asap

Thursday, October 4 – Community Food Drive at JF Football Game

(Tuscola and Pisgah @ Tuscola)

Friday, October 5 – Community Food Drive at Varsity Football Game

(Tuscola and Pisgah @ Pisgah)

Wednesday, October 10 – Belk Ribbon Cutting (time to be announced later)

Thursday, October 11 – Flu Shots at Waynesville Recreation Center – 8:00 a.m. until 12:00 noon

Saturday, October 13 – Church Street Art & Craft Show

Main Street – 10:00 a.m. – 5:00 p.m.

Saturday, October 20 – Haywood County Apple Harvest Festival

Main Street – 10:00 a.m. – 5:00 p.m.

Sunday, October 21 – Wednesday, October 23 – NCLM Annual Conference in Charlotte

Please confirm registration asap with Alison

Tuesday, November 6 – Election Day (Presidential/State/County) – 6:30 a.m. – 7:30 p.m.



August 27, 2012

Phyllis R. McClure, NCCMC

TOWN CLERK of WAYNESVILLE, NORTH CAROLINA

HONORED BY NORTH CAROLINA STATE ASSOCIATION

Phyllis McClure, Town Clerk for the Town of Waynesville, North Carolina, has been awarded the prestigious designation of "NORTH CAROLINA CERTIFIED MUNICIPAL CLERK" (NCCMC) from the North Carolina Association of Municipal Clerks, along with the School of Government of the University of North Carolina at Chapel Hill for achieving its high educational, experience, and service requirements.

Ms. McClure attained her designation as a NC State Certified Clerk through the completion of the NC Association of Municipal Clerks Program conducted by the School of Government of the University of North Carolina at Chapel Hill.

As an established member of the North Carolina Association of Municipal Clerks (NCAMC), Ms. McClure joins the first class of municipal clerks from North Carolina who are receiving this State designation – "North Carolina Certified Municipal Clerk." The NCAMC is a professional organization of city, town and village clerks from across the state, dedicated to the continued growth and development of clerks and their municipalities.

Established on November 5, 1975, the Association, among other things, promotes educational and professional development opportunities for municipal clerks to enhance their knowledge and effectiveness. This is no small task, considering the wide array of duties performed by municipal clerks, which often vary from municipality to municipality. The Association partners with the North Carolina League of Municipalities, the School of Government of the University of North Carolina at Chapel Hill, and the International Institute of Municipal Clerks (IIMC) to meet the needs of each individual municipal clerk.

The North Carolina Certified Municipal Clerk Program is a five-year designation with requirements for continuing education to sustain and develop the ever-changing knowledge of the profession of municipal clerks. The NCAMC, together with the International Institute of Municipal Clerks, strives to promote educational and professional development to enhance the clerk.

The State Certification Program was developed with the assistance of the UNC School of Government at Chapel Hill and will be administered by the School of Government. Qualifications of applicants are reviewed and approved by the NCAMC State Certification Committee.



August 21, 2012

Ms. Marcy O'Neil, Manager
Town of Waynesville
Post Office Box 100
Waynesville, North Carolina 28786


Re: Area Wide Optimization Award (AWOP)
North Carolina Division of Water Resources
Public Water Supply Section

Dear Marcy:

McGill Associates would like to congratulate you and your staff on the receipt of the **Area Wide Optimization Award (AWOP)** recognizing the exemplary performance of the Town of Waynesville's surface water treatment facilities from the North Carolina Division of Water Resources, Public Water Supply Section. The award is a very significant achievement that represents true value to every user that is connected to Waynesville's water system. This high level of treated water reflects the hard work of many dedicated employees and the conscious effort of the town to operate and maintain an excellent water system.

McGill Associates is pleased to have had the opportunity to assist you and the town with the design and improvements to your water plant and other system components in the past and trust that these improvements have in some small way contributed to your award. You may be aware that about one third of the thirty-five (35) recipients of this year's awards have water treatment facilities that were designed and/or modified by McGill Associates. We are quite proud of the successful record of performance of water treatment plants that McGill Associates has had a hand in the design process. We fully understand that your dedication along with that of your staff is the key to the ultimate performance of these vital facilities and that the successful partnerships between you, your staff and McGill Associates make awards like this possible.

Once again, congratulations on this well deserved award and if there is any assistance we can provide to you or your staff please feel free to contact me or any of the staff at McGill Associates'.

Sincerely,
McGill Associates, PA

M. Keith Webb, P.E.
Vice-President

E n g i n e e r i n g • P l a n n i n g • F i n a n c e

McGill Associates, P.A. • P.O. Box 2259, Asheville, NC 28802 • 55 Broad Street, Asheville, NC 28801

828-252-0575 • Fax: 828-252-2518

North Carolina
Preservation North Carolina

The Historic Preservation Foundation of North Carolina, Inc.

*The mission of Preservation North Carolina is to protect and promote
buildings, sites, and landscapes important to the diverse heritage of North Carolina.*



July 18, 2012

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J. Chris Wilson, Rocky Mount

J. Myrick Howard, *President*

OFFICES

Briggs Hardware Building
Headquarters, Raleigh
919-832-3652

Bellamy Mansion, Wilmington
910-251-3700

Northeast Regional Office, Edenton
252-482-7455

Piedmont Office, Durham
919-401-8540

Southwest Regional Office, Shelby
704-482-3531

Town of Waynesville
c/o Marcy Onieal, Town Manager
PO Box 100
Waynesville, NC 28786-0100

Dear Marcy,

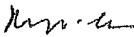
It is my pleasure to inform you that the Town of Waynesville has been selected to receive a 2012 Gertrude S. Carraway Award of Merit from Preservation North Carolina for the renovation of the Waynesville Municipal Building. The Carraway Awards are presented each year to people and organizations demonstrating genuine commitment through extraordinary leadership, research, philanthropy, promotion and/or personal participation in historic preservation.

The Carraway Awards will be presented as part of PNC's Annual Conference in Asheville on Friday, September 21. The awards presentation will take place beginning at 11:15 a.m. at The Venue (21 N. Market Street). A luncheon will immediately follow (at The Venue).

We invite you to attend the awards presentation and luncheon as our guests. We encourage you to invite friends and business associates as well; however, we must ask that they attend at their own expense. Enclosed is information about making additional reservations. Please respond to Lauren Werner (lwerner@presnc.org or 919/832-3652 x238) as soon as possible to confirm your availability to attend.

You will be asked to come to the podium to receive your award. If you are unable to attend the awards program, please let us know who will accept on your behalf.

Again, congratulations on this notable preservation achievement.


J. Myrick Howard
President

Congratulations!

cc: John Larson, 2012 Awards Committee Chairman

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ALDERMEN
TOWN HALL – 9 SOUTH MAIN STREET
JULY 24, 2012
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, July 24, 2012. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Julia Freeman, J. Wells Greeley and LeRoy Roberson. Others present were Town Manager Marcy Onieal, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure, Purchasing Supervisor Julie Grasty and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Upcoming Events

Town Manager Marcy Onieal reminded the Board about several upcoming events during the remainder of July and early August.

Approval of Minutes of July 10, 2012

Alderman Caldwell moved, seconded by Alderman Greeley, to approve the minutes of the July 10, 2012 meeting as presented. The motion carried unanimously.

Award of Bid for Purchase of Powell Bill Tractor & Boom Mower

The Fiscal Year 2012-2013 Budget provides for the purchase of a new tractor and boom mower, which will replace a New Holland 7610 Tractor that was purchased in 1996. A request for Proposals was distributed in early July and bids were opened on Thursday, July 19. Three bids were received as follows:

<u>Vendor</u>	<u>Unit Price</u>	<u>Alternate Trade-In Allowance</u>	<u>Delivery</u>
Greenville Tractor	\$100,240.00	\$ 6,000.00	120 days
James River Equipment	\$101,450.00	\$13,000.00	150 days
Parker Farm Service	\$102,925.00	\$ 9,500.00	2 days

Although three bids were received, based on staff evaluation, two of the three bids did not meet all specifications required, and were disqualified as a result.

Purchasing Supervisor Julie Grasty attended the meeting to present the bid results. Ms. Grasty said this tractor is considered a “show tractor”, used for demonstrations and is available immediately. The tractor has an enclosed cab with heat and air, and protects the driver from bee stings and flying objects.

Alderman Greeley moved, seconded by Alderman Roberson, to approve the bid for purchase of a tractor/mower in the amount of \$102,925 to the lowest responsive, responsible bidder, Parker Farm Service, Kings Mountain, NC. The motion carried unanimously.

Interlocal Agreement Establishing Cooperative Purchasing Between the Town of Waynesville and the Houston-Galveston Area Council (HGAC)

The HGAC is a regional council of governments that operates under the laws of the State of Texas and is governed by elected officials from a 13-county region. The HGAC engages in a bidding process which meets all requirements of NC General Statutes. Upon the award by the HGAC board of a group purchasing contract, the terms of that purchase can then be made available to local governments nationwide without further bidding requirements by local governments and with lower purchase prices, in a process similar to that of State Contract. An administrative fee is charged to the Town based on the item, quantity and scope of purchase. The Town would be informed of the fee in advance of entering into any purchase arrangement or order off their contract.

Purchasing Supervisor Julie Grasty presented the request. Manager Marcy Onieal explained that the process is not limited to the purchase of the fire truck. This would allow Waynesville to use the purchasing arrangement along with other local governments. The process would save Waynesville’s staff a great deal of time since the work has already been done. The agreement will be with the vendor of the fire truck, and this process simply guarantees a better price. More than 40 North Carolina local governments use this service.

Alderman Freeman moved, seconded by Alderman Caldwell, to authorize Mayor Brown and/or Manager Marcy Onieal to enter into a cooperative purchasing agreement with Houston-Galveston Area Council (HGAC) on behalf of the Town of Waynesville as presented. The motion carried unanimously. (Contract No. 12-12)

Approval of Purchase Order for Replacement of 1988 Ford Fire Engine #15-3 (Pumper Truck)

The purchase of a new fire engine was authorized in the Fiscal Year 2012-2013 budget, at an estimated cost of \$434,500 with delivery and payment expected in Fiscal Year 2013-2014. The new engine will replace the 1988 Ford Pumper Truck #15-3 which is 24 years old and recently has experienced mechanical problems. The new replacement engine will be located at Station 2.

The 1998 Freightliner Fire Engine currently operating at Station 2 will become the 3rd out engine at Station 1. The 1988 pumper will be sold as surplus. The new fire engine will be purchased in a group purchase contract through Houston-Galveston Area Council. The Town will enter into a lease-purchase agreement at an estimated purchase price of \$434,500, financed for a 10-year term with estimated annual payments of \$50,950.

Fire Chief Joey Webb said the truck will be customized and will have a flat roofed cab to fit the fire bay doors at Station 2. The truck will be the same as another purchased in 2010, which saves time for staff since the equipment will be in the same location on both trucks. Chief Webb said Waynesville is familiar with and has purchased other fire engines from Sutphen. The Sutphen Company has always offered excellent service.

Alderman Greeley moved, seconded by Alderman Caldwell, to authorize town staff to place the order for a new Sutphen fire engine through the HGAC group purchasing contract. The motion carried unanimously.

Resolution Approving Installment Financing Agreement for Purchase of Garbage Truck and Bucket Truck

Finance Officer Eddie Caldwell said the bids received for the bucket truck and garbage truck which was approved by the Board of Aldermen December 13, 2011 and April 10, 2012. The vehicles are expected to arrive by the end of September 2012. The Fiscal Year 2012-2013 budget calls for the Town to finance these purchases by bundling the cost of the two vehicles together through an installment purchase contract.

On June 26, 2012, the Finance Department issued a Request for Proposals for installment financing of the two vehicles. The garbage truck is a New Way Viper, 20 yard rear load residential refuse truck mounted on a 2013 International 7400 with lift axle and differential locks from Rush International. The bucket truck is an Altec AA55# articulating aerial device mounted on a 2012 Freightliner M2 106 Conventional Chassis 4 x 4.

The Town of Waynesville received and publicly opened financing proposals on July 17, 2012 with conditions as follows: \$326,000 principal, financed over four (4) years, with level annual payments in arrears, with first payment due August 2013.

Bids were received as follows:

PNC Equipment Finance LLC	1.980%	\$85,573.79	\$342,295.16	2% prepayment after two yrs. \$250 setup fee for escrow
SunTrust	1.739%	\$85,073.76	\$340,295.04	3% prepayment penalty on

				schedule date.
				\$100 Bank document fees.
				\$250 setup fee for escrow.
SunTrust	1.939%	\$85,488.64	\$341,954.56	No prepayment penalty on schedule date.
				\$100 Bank document fees.
				\$250 setup fee for escrow.
BB&T	1.670%	\$84,930.80	\$339,723.20	1.00% prepayment penalty on any payment date.
Old Town Bank	3.000%	\$87,791.68	\$351,166.72	Commitment Fee \$250

BB&T was the successful bidder offering an interest rate of 1.67%, which will result in a total cash outflow of \$339,723.20 over the four year period.

Alderman Roberson moved, seconded by Alderman Greeley, to adopt a resolution, accepting the financing proposal from BB&T to purchase two public works vehicles with a term of four years, an annual interest rate of 1.67% and total cash outflow of \$339,723.20. The motion carried unanimously. (Res. No. 12-12)

Master Concept and Design Plan for Recreation Park Restrooms, Tennis Courts, Pavilion, Parking and Site Amenities

In May of 2011, the restrooms at the Recreation Park were destroyed by fire, leaving the Marshall Street/Tennis Court side of the park with no nearby public restroom facilities. In November, 2011, the Board authorized the hiring of an architect to design a renovation to the old swimming pool bathhouse for year-round use as a restroom facility and to make use of additional existing space for other priority needs identified by the Parks and Recreation Commission in keeping with the Haywood County Comprehensive Recreation Master Plan. The immediate need to reconstruct public restrooms has provided the opportunity to draft a conceptual master site improvement plan for which staff is seeking board approval.

Initial funding for the project is limited to proceeds received from the insurance settlement in the amount of approximately \$97,000 and funds which have accumulated in the Capital Projects Reserve Fund, which is approximately \$130,000. Town staff seeks board approval of the longer range master site plan so that grant applications and private funding may be sought for future improvements, specifically in three phases:

- 1) Current Proposal – reconstruct existing restrooms at Recreation Park, including a new toilet/lavatory fixtures, plumbing, pitched roof, extended picnic shelter, concession stand,

food prep area and meeting room at a cost not to exceed \$182,000. Concession stand and meeting room will be available for rental to the general public.

- 2) Renovate six existing tennis courts which have severe cracks. The long term solution would be to completely reconstruct the courts in the same location at an estimated cost of \$200,000.
- 3) Construct two new courts in the location of the old pool, bringing the total to eight courts, which is the minimum number necessary to host tournaments. Parks and Recreation Advisory Commission and Waynesville Tennis Association members support the addition of the two new courts at an estimated cost of \$75,000.

Luis Quevado attended the meeting to present the project for the Town of Waynesville. He explained that the existing building will be renovated as much as possible by installing a sloped roof and adding a new pavilion area. The pavilion area is basically an outdoor area with an overhead door. There will be restrooms for men and women with two changing areas. There will be an area giving access to plumbing and a multi-purpose room directly connected to the concession stands. This is the only air conditioned space for the building with seating for fifty to sixty persons. In order to make the building more attractive it is proposed that some of the brick be removed from the upper portion and used for the base of the columns. Cement boarding with hardy planks will be used in the upper portion to make the building look newer. A new shingled roof will be installed and storm drainage around the building will be addressed. Pavers with names will be sold for fund raisers.

Alderman Caldwell moved, seconded by Alderman Roberson, to approve the conceptual master design for reconstruction of Recreation Park restrooms, tennis courts, picnic/concessions/meeting pavilion and parking as prepared and presented by LG Design/William M. Dechant, Architect; and to authorize staff to proceed with development of construction drawings followed by a solicitation of bids for Phase I construction in an amount not to exceed \$182,000. The motion carried unanimously.

Discussion to Re-consider the County/EDC Request to Extend Public Sewer Line (and ETJ) along US 23/74 to the Proposed NCDOT Rest Area at Balsam/Saunook at the request of the Haywood County Board of Commissioners

The Haywood County Board of Commissioners have requested the Town Board's support in studying the feasibility of extending the Town's public sewer system along US Hwy 23/74 in order to promote commercial & economic development along the highway corridor through an unincorporated section of Haywood County. The area involved is located outside the Town of Waynesville's corporate limits, Extraterritorial Jurisdiction and Urban Services District and lacks zoning or other enforceable development standards. The subject of extending water and sewer mains along this corridor has been raised by the county on several occasions since 2001, first in

connection with the Barber's Orchard Water Project and now, in relation to NCDOT's plans to construct a new rest area on the westbound side of the highway. Although willing to consider alternatives that might equally serve the interests of the County, the EDC and the Town, previous Town Boards have consistently opposed extension of public sewer through this corridor due to high cost of construction, lack of complementary development standards, and a specific proposal from the county which fails to provide optimum siting or adequate capacity for future growth.

NCDOT has signed a contract with McGill Engineering to conduct the necessary feasibility study and design work for extension of a private line, a proposal to which the Town has already agreed in concept to the connection between the proposed rest areas and the Town's sewer system via either forced main or gray water/septic system, which would exclude adjacent property owners from tying on, either now or at a later date. The County has expressed willingness to bear the cost of a feasibility study for extension of public sewer, but the County does not wish to waste money on a feasibility study if the Town is unwilling to amend, or grant exceptions to the principles of the 2020 Comprehensive Land Use Plan in order to accommodate the requested public extension.

The Town has already expressed its willingness to work directly with NCDOT for a private extension that would limit sewer service to the Rest Areas alone. The Town has also communicated the terms under which it might consider extending public sewer, but the current political climate in Raleigh suggests that the Town's chances of being granted zoning authority along this corridor via a local bill are unlikely.

Mayor Brown said he was approached as a member of the EDC Board by County Commissioners Sorrells and Ensley requesting that the Town Board discuss further. Haywood County would like to draft a special bill for the Legislature to consider in the coming Spring. Their discussion was that they would like to present a case of the way that the sewer line would be used, by use of extension of the Town's ETJ or what the county, town and general public would agree.

Alderman Roberson said one of his concerns was the incline needed for a gravity fed sewer line, which would need to be installed close to the creek. The contour of the land is still the same and so is the creek which could result in line maintenance problems.

Mayor Brown said the proposal of extension of sewer by NCDOT to the rest areas is by way of pumping. Haywood County would like to have a gravity fed line so that commercial areas along the highway would also have access to the sewer line. They would like to see this done in connection with the extension to the rest areas. If the sewer line is constructed for access by the majority of the public it would need to be installed along the creek, and it is his understanding

that the line as proposed by the County would be mainly for use of a handful of commercial businesses along the highway corridor.

Manager Marcy Onieal said the adopted 2020 Comprehensive Land Use Plan identifies an adopted urban services area, which does not extend the distance of this request and emphasizes leaving the proposed corridor in low density agricultural/natural/light commercial use. Therefore, approving the county request would require the Town to revisit & revise its 2020 Comprehensive Land Use Plan. She also noted the lack of extension of the Town's ETJ or county zoning controls in this area, whereby future growth could be managed in accordance with the existing 2020 Plan. There is some concern that with few prospects to add residential customers or any significant commercial or industrial water users in the area, the Town would be looking at a relatively high cost of installation over a long distance and maintenance for an extended period of time without accompanying revenue to support the project.

Alderman Caldwell said if it were possible for Waynesville to extend the ETJ along this four miles the Town Board could possibly consider it. Mayor Brown said this would be a hard sell in Raleigh and he does not see this concept being approved, even by the County.

Alderman Freeman said if the County is willing to fund a feasibility study and approach the Town Board with a specific proposal, the issue could be brought back for further discussion. Mayor Brown said NCDOT has already reached agreement with the Town and engaged McGill Engineering to design the project, which will run in NCDOT right-of-way along the roadway and does not include provision for allowing any private residential or commercial customers to connect. The County is meeting with NCDOT to see if there is any way to work with them to possibly extend the study to include the commercial areas. Alderman Greeley said a report would give the Board a lot of needed information. The Town would have the economic impact of sewer line maintenance and in today's climate the extra expense is not what the Board would want to be in right now.

Mayor Brown said there are a number of areas in Haywood County that already have public water and sewer and it is felt that extending public utilities into another area would be very speculative with no apparent benefit for a very long time. Mayor Brown will report to the Economic Development Commission Board that extension of the sewer line along US Hwy 23/74 is not an item that the Town Board wishes to proceed with at this time.

Discussion to Consider Voluntary Annexation of Lake Junaluska Area

Manager Marcy Onieal said Lake Junaluska has been engaged with considering options about the future of their community. Three meetings have been held to date and a presentation was made to the Town Board at a previous meeting regarding the four options currently being

considered by Lake Junaluska for its future. Town Staff has been asked to make a presentation on August 9 to provide an overview to Lake Junaluska residents of what services would be offered by the Town if a merger between the Town of Waynesville and Lake Junaluska occurs. Board members are invited to attend. There are many unknown costs for the Town regarding issues such as road maintenance, water and sewer line repairs. One of the issues to be considered by the board and the citizens is the maintenance of each community's unique character and identity.

Mayor Brown added this is no more than an exploratory discussion at this point in time. The impact on the town and community will be considered if these talks continue. The Board was supportive of making a presentation to the Lake Junaluska Assembly and its residents, providing general information about Town services and the process of annexation. No statements have been made that Waynesville or Lake Junaluska is headed in the direction of annexation. No action was necessary.

Communication From Staff

Surplus Property Disposition Report – Fourth Quarter, Fiscal Year 2011-2012

Purchasing Supervisor Julie Grasty attended the meeting to present the Fiscal Year 2011-2012 Fourth Quarter Surplus Property Disposition Report. The report of assets sold totaled \$12,464.10 and included a 2008 Dodge Charger SE to Haywood Community College in the amount of \$11,500, surplus computer lap top to Lee Galloway which was exchanged for unused vacation hours upon his retirement without the exchange of money, surplus material from the Electric Division and used motor oil from the Garage Division. Items sold through Gov Deals during the Fourth Quarter totaled \$5,880, including a 1993 Chevrolet 2500 4WD Utility Bed, 1996 Wood Chuck Chipper, Judo mat and chain link fence. No action was necessary.

Town Attorney Woodrow Griffin

Attorney Woodrow Griffin said there no items were pressing at this time. There are only some minor ongoing issues.

Town Manager Marcy Onieal

Manager Onieal alerted the Board that the request to sell alcohol during the Block Party this past Memorial Day weekend will be received again for the Labor Day Block Party.

Since the Town sent out bills for privilege licenses, a total of \$21,000 in fees has been collected for fifteen internet sweepstakes machines. Mr. Allister Lennox attended the meeting. Mr.

Lennox lives in Georgia and represents his business on South Main Street in Waynesville. He said the recent added charge of \$1,000 per machine and \$1,000 for business license would mean \$31,000 to begin his business. He did not plan to include this amount in his budget and he is not approaching the Board to dispute the fees, simply to negotiate a payment plan. Manager March Onieal said that any vendor that desires to have internet sweepstakes machines pays the fee to Waynesville's Tax Collector. As a practical matter, the Police Department inspects the machines and assigns a unique serial number to make sure the machines are accounted for and in compliance. Businesses have until July 31 to pay the privilege license fees. Copies of the ordinance were distributed to the Board Members for their information. According to the ordinance, Mr. Lennox would not be allowed to place his machines in service without paying the fees. Mayor Brown said the Board discussed adding this fee in February 2012 and other towns in North Carolina have also added the fees. Mayor Brown said the Town is not interested in getting into the finance operation of payment plans. Mr. Lennox said he would like to have fifty internet sweepstakes machines in place by December, but at the present time he would like to begin with thirty-five. To pay the fees all at one time would be a challenge.

Alderman Roberson said he did not want to have the internet sweepstakes machines in Waynesville, but since we have them a fee should be charged for the machines. Alderman Greeley felt that the Board should comply with what was adopted, especially with the uncertainty about the future of the machines. Alderman Caldwell agreed. Alderman Freeman said she did not want to set precedence for other businesses if the Board allowed a payment arrangement for one business. Mr. Lennox said this would simply be for cash flow purposes which would allow him approximately \$2,000 per month to use for other areas of the business. Mr. Lennox said his business is a social environment. Mayor Brown said Tax Collector Robertson deals with residents by allowing payment arrangements on property taxes, but this would be different because the property is not going anywhere and internet sweepstakes machines may not be here next year. With this being a new business, it was not felt that the Board should allow payment arrangements for the fees. Mayor Brown thanked Mr. Lennox for speaking with the Board and with Manager Marcy Onieal.

Adjournment

Alderman Caldwell moved, seconded by Alderman Greeley, to adjourn the meeting at 8:15 p.m. The motion carried unanimously.

Phyllis R. McClure
Town Clerk

Gavin A. Brown
Mayor

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 28, 2012

SUBJECT: Special Event Request -- Permission to Sell/Serve Beer/Wine on a Public Sidewalk during
Downtown Waynesville Block Party on September 1, 2012
(request of Jon Bowman, Tipping Point Tavern)

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B-3
Department: Administrative Services
Contact: Marcy Onieal, Town Manager
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: Mr. Bowman intends to operate a full service sidewalk café, with alcohol sales, in front of his business during the annual Downtown Waynesville Labor Day Weekend Block Party on September 1, 2012. As was the case for the Memorial Day Block Party, he is seeking Town permission to sell/serve alcohol on a public street/sidewalk as allowed by Sec 42-4 (e) of the Town code as follows:

Date of Event: Saturday, September 1, 2012
Time of Event: 6 PM – 12 AM (midnight)
Location: 188-190 North Main Street

There were few, if any, perceived problems with the Tipping Point's sale of alcohol during the Memorial Day Block Party, but because this event is sponsored by Downtown Waynesville Association, Town staff requested that Mr. Bowman seek the endorsement of DWA before coming back to the Board of Aldermen for formal permission for the Labor Day event. At their regular board meeting of August 23, 2012, the DWA board endorsed Mr. Bowman's request, granting permission to the Tipping Point to operate outside their facility in the street/sidewalk during the event as requested, but asked that the Tipping Point name DWA as an "additional insured" on their event liability policy as protection against any claims arising directly from the sale of alcohol or the restaurant's operations on public property as part of the festival. It is Mr. Bowman's intent to comply with the request to name DWA as "additional insured" and to comply with all applicable ABC & Health Department regulations in operating outdoors.

MOTION FOR CONSIDERATION: *To adopt Resolution #13-12, authorizing the sale & service of Beer and Unfortified Wine, on a public sidewalk, in a controlled enclosure fronting the Tipping Point Tavern, 188-190 N. Main Street, on Sept 1, 2012 from 6 pm until 12 midnight, as requested and as permitted by Section 42-4 of the Town of Waynesville Code of Ordinances.*

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

- Email from Downtown Waynesville Association, dated 8/23/12
- Map outlining location of Tipping Tavern's proposed sidewalk cafe
- Section 42-4 of the Town's Code of Ordinances, concerning consumption or possession of alcohol while on public streets and sidewalks
- Resolution #13-12

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented.

Marcy Onieal

To: Marcy Onieal (manager@townofwaynesville.org)
Subject: FW: Alcohol sells at Sept 1 Block Party
Importance: High

From: Buffy Phillips [<mailto:dwabuffy@charter.net>]
Sent: Thursday, August 23, 2012 2:49 PM
To: 'Marcy Onieal'; 'Alison Melnikova'; 'Phyllis McClure'
Cc: 'Jon Bowman'
Subject: Alcohol sells at Sept 1 Block Party
Importance: High

Marcy,

Below are the results from our noon meeting today.

Re: Tipping Point Tavern serving alcohol on the sidewalk at the Block Party

After a lengthy discussion, the DWA Executive Board voted to allow Jon Bowman, owner of Tipping Point Tavern to serve alcohol in a confined outside seating area during the Block Party on September 1, 2012 during the event hours (7-10pm).

The Executive Board voted that the following stipulations must be met by the tavern:

1. Tipping Point Tavern must purchase a rider on their insurance policy naming DWA as the additional insured for the event date/hours
2. Tipping Point Tavern must provide a copy of the rider and a copy of their ALE special event permit that they are required to purchase through the State for the Block Party

NOTE: In the coming months, DWA Executive Board will be working on a "per event alcohol policy" that will be presented for approval to the DWA Board of Directors

Buffy

Buffy Phillips
Executive Director
Downtown Waynesville Association
PO Box 1409
Waynesville, NC 28786

www.downtownwaynesville.com

dwabuffy@charter.net
downtownwaynesville@charter.net
828.456.3517

Town of Waynesville Code of Ordinances
Chapter 42 - Offenses and Miscellaneous
5/22/12

Sec. 42-3. - Consuming alcohol or possessing open containers of alcohol while on town recreation facilities.

(a) It shall be unlawful for a person while on the property of the town at any of the town's recreation facilities or parks to possess fortified or unfortified wine, spirituous liquor or any malt beverage in other than the manufacturer's unopened original container.

(b) It shall be unlawful for a person while on the property of town recreation facilities and parks to consume fortified or unfortified wine, spirituous liquor or any malt beverage.

(c) The definitions of fortified or unfortified wine, spirituous liquor and malt beverage shall be the same as the definition in G.S. 18B-101.

(d) Violations of this section shall be misdemeanors, punishable in accordance with section 1-8

(Ord. No. 24-94, §§ 133.01—133.04, 9-27-1994)

Sec. 42-4. - Consumption or possession of alcohol on the public streets and sidewalks of the town.

(a) It shall be unlawful for a person to consume a malt beverage or unfortified wine on the public streets or sidewalks owned, occupied or controlled by the town.

(b) It shall be unlawful for a person to possess an open container of malt beverage or unfortified wine on the public streets or sidewalks owned, occupied or controlled by the town.

(c) It shall be unlawful for any person to possess or consume malt beverages or unfortified wine on public streets, sidewalks, alleys or parking lots which are closed to regular traffic for special events.

(d) For the purpose of this section, the term "open container" means a container with a seal that has been broken or a container other than the manufacturer's unopened original container. The terms "malt beverages" and "unfortified wine" are defined in G.S. 18B-101.

(e) The board of aldermen may adopt a resolution making other provisions for the possession and consumption of malt beverages and/or unfortified wine at special events of the town or at special community festivals. Any resolutions that may be adopted shall provide for the specific times, dates and geographical limitations of the special event or festival.

(f) Violations of subsections (a), (b) and (c) of this section shall be misdemeanors, punishable upon conviction in accordance with section 1-8

(Ord. No. 14-02, 8-13-2002)

Cross reference— Streets, sidewalks and other public places, ch. 46.

Requested Block Party Beer Garden Location
Tipping Point Tavern
188 N Main Street



TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 28, 2012

SUBJECT: Designate Voting Delegate & Alternate for NCLM Conference Oct. 21-23, 2012

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B-4
Department: Administrative Services
Contact: Alison Melnikova, Assistant Town Manager
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: The Town of Waynesville is a member of the North Carolina League of Municipalities (NCLM), which acts as a professional resource, legislative liaison, and lobbying agency on behalf of its 500+ municipal members. As a full member in good standing, the Town has the right and responsibility to cast votes at the annual membership meeting on all matters undertaken by the NCLM board and staff on behalf of its members, most notably a legislative agenda, election of board members and matters of universal interest to cities and towns across the state. This year the annual meeting and conference will be held **October 21-23, 2012 in Charlotte, NC.** Based on who plans to attend the conference and meeting this year, the Board should appoint two of its own members to serve as voting delegate and alternate to represent the Town's interests.

MOTION FOR CONSIDERATION: *To designate [name] as voting delegate and [name] as alternate voting delegate for the North Carolina League of Municipalities Annual Conference Business Meeting and to authorize Town Manager Marcy Onieal to serve as voting delegate in the event of absence of either of the above named individuals.*

FUNDING SOURCE/IMPACT: Cost of registration, travel, lodging (approximately \$500/participant was approved in the adopted FY13 General Fund budget.

ATTACHMENTS:

- NCLM Conference Agenda
- Legislative Policy Proposal Procedure

MANAGER'S COMMENTS AND RECOMMENDATIONS: The Town Manager and Assistant Town Manager will also be attending this meeting. It is suggested that the manager be authorized as alternate voting delegate to serve as delegate only in the event that the appointed elected officials are unavailable or have last minute scheduling conflicts with the meeting. Prior authorization will allow the Town's vote to be recorded without having to hold a special called meeting to appoint another alternate due to any unexpected absences of the voting delegate(s).

Registration deadline is September 17, either on-line at www.NCLM.org or by confirming your attendance with Assistant Town Manager Alison Melnikova.

The deadline for submitting legislative policy proposals to NCLM is August 31, 2012, so if the Board of Aldermen wishes to discuss or address specific legislative priorities at the state level, it should do so immediately.

PRELIMINARY

Schedule

SATURDAY, OCTOBER 20

11:30 a.m. - 7:00 p.m.

2:00 - 5:00 p.m.

SUNDAY, OCTOBER 21

8:00 - 8:30 a.m.

8:30 a.m. - 12:30 p.m.

1:00 - 6:00 p.m.

1:00 - 2:30 p.m.

1:00 - 3:00 p.m.

1:30 - 2:30 p.m.

3:00 - 4:30 p.m.

4:30 - 6:00 p.m.

6:00 - 8:30 p.m.

MONDAY, OCTOBER 22

7:30 a.m. - 7:00 p.m.

7:30 - 8:45 a.m.

7:30 a.m. - 2:00 p.m.

9:00 - 10:30 a.m.

11:00 a.m. - 12:00 noon

12:00 - 1:00 p.m.

1:00 - 2:00 p.m.

1:30 - 5:00 p.m.

1:30 - 4:30 p.m.

2:15 - 3:15 p.m.

3:45 - 4:45 p.m.

6:00 - 9:00 p.m.

TUESDAY, OCTOBER 23

7:30 a.m. - 2:00 p.m.

7:30 - 8:30 a.m.

7:30 - 8:30 a.m.

8:30 - 9:15 a.m.

9:30 - 10:30 a.m.

11:00 a.m. - 12:00 p.m.

12:15 - 1:30 p.m.

12th Annual NCLM Golf Tournament, Dinner and Awards

Golf Club at Ballantyne (registration required)

Conference Registration Open

Conference Registration Open

NCLM Service Center, Email Center and LINC Center Open

Voting Desk Open

Pre-Conference Workshop - "Creating and Maintaining Effective Citizen Advisory Committees"

Exhibit Hall Open

NC Black Elected Municipal Officials Board Meeting

NCLM Nominating Committee Public Hearing

Ethics Training for Elected Officials

NCLM Nominating Committee Public Hearing

Opening Ceremonies and General Session

Pulitzer Prize-winning columnist and MSNBC Contributor **Eugene Robinson** will discuss "Today's News: Who's Up, Who's Down and What's Really Going On."

NCLM Exhibit Hall Reception

NCLM Dinner and Entertainment

Conference Registration Open

NCLM Service Center, Email Center and LINC Center Open

Voting Desk Open

NCLM Exhibit Hall Networking Continental Breakfast

NC Black Elected Municipal Officials Breakfast & Business Meeting

NC Association of Municipal Clerks Breakfast Meeting

Exhibit Hall Open

Opening General Session

Author, humanitarian and 2006 ABC News Person of the Year **Rye Barcott** (currently in the Office of the Chairman & CEO at Duke Energy) will discuss "Leadership When It Matters Most."

Candidates' Forum For Lieutenant Governor and State Treasurer

NCLM Delegates' Luncheon with Candidates for Governor

NCLM Exhibit Hall Dessert Social

Mobile Workshop - Belmont

Parks, Porches and People: How Belmont Renovated and Revitalized Itself

Mobile Workshop - Charlotte

The Evolution of a Neighborhood Through Small Public Grant Programs and Community Engagement

Concurrent Sessions

-Life After (Most) City-Initiated Annexation

-When Disaster Strikes, What Can (and Should) You Do? Legal Authorities

and Responsibilities of City Officials

-Strategic Thinking in Small NC Towns - An Interactive Discussion

-Mastering Water Resources: What Local Leaders Need to Know

Concurrent Sessions

-Save Green by Being "Green" - Beyond Sustainability Planning

-Is It Me or is It You? Creating a Culture of Civility

-Land Use Decisions ARE Local Decisions

-Economic Development Finance

Host City Event - NASCAR Hall of Fame

Attendees will enjoy traditional North Carolina fare in the Hall of Fame's Great Hall, and hear stories of the NASCAR's deep roots in North Carolina's towns. Attendees will have an all-access pass to the Hall's interactive exhibits showcasing the sport's rich past and exciting present.

Conference Registration Open

NCLM Service Center, Email Center and LINC Center Open

Voting Desk Open

NC Women in Municipal Government Breakfast Meeting

NC Resort Towns & Convention Cities Breakfast & Annual Membership Meeting

NCLM Membership Buffet Breakfast

Annual Business Meeting

Concurrent Sessions

-Local Legislative Strategies that (Net)Work

-Reducing Crime Through Community Partnerships: High Point Best Practices

-Alphabet Soup - Exploring Generational Challenges in our Workforce

Concurrent Sessions

-Transportation Issues: The Road to Reform

-Police Liability Issues in Pursuit of Driver Safety

-Health Care Reform: How are Employers to Respond?

Closing Luncheon with Keynote Speaker

Author, entrepreneur and **Marshville Mayor Franklin D. Deese** will discuss his personal story of how he moved from troubled youth to successful entrepreneur and municipal official. His story will motivate you to elevate beyond your personal obstacles.

Full Version | <http://www.ncml.org/legislative-advocacy/pages/whatsnewdetail.aspx>

[Home](#) > [Legislative Advocacy](#)

Request For Legislative Policy Proposals

July 26, 2012

The N.C. League of Municipalities requests your proposals for legislative and regulatory goals it should pursue during the 2013-14 biennium. These proposals are an integral part of the process of determining the League's Municipal Advocacy Goals for 2013-14.

Submit your legislative and regulatory goal proposals here

The League is following the same timeline that two years ago led to the development of the 2011-12 Municipal Advocacy Goals, which have guided the League's advocacy efforts throughout the 2011 and 2012 sessions of the General Assembly.

January-April: Legislative & Regulatory Action Committees meet

June-August: Membership submits proposed goals

August-October: Legislative & Regulatory Action Committees develop & recommend proposed goals

November: League Board of Directors approves proposed goals

December: Goal proposals distributed to League membership

Jan. 24, 2013: League membership debates proposed goals and approves 2013-14 Municipal Advocacy Goals at the Advocacy Goals Conference in Raleigh

Right now, your League needs your input about the issues that it should address during the 2013-14 legislative session and the proposals that it should make for changes to legislation. Proposals can be sent by elected officials and staff of member municipalities, but each proposal must indicate whether the governing body of the submitting official's municipality has voted to approve submission of the proposal. Policy proposals should be submitted via the link below as soon as possible, but no later than August 31, 2012. This is your policy process – please give this thoughtful consideration and participate so that the League speaks for you.

Submit your legislative and regulatory goal proposals here

Posted on July 26, 2012 by Government Affairs Team

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 28, 2012

SUBJECT: Request to exceed maximum allowable Working Capital Retained in FY12 and FY13
(request of the Waynesville ABC Board)

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B--5
Department: Administrative Services & Finance Department
Contact: Marcy Onieal, Town Manager
Eddie Caldwell, Finance Director
Presenter: Marcy Onieal, Town Manager

SUMMARY: In anticipation of building a second, new ABC store on Dayco Drive (between the Hardees and CarWash in the Walmart Shopping Center), the Waynesville ABC Board is requesting permission to withhold general profit distributions to the Town and County retroactively for FY12 and going forward into FY13 and exceed the maximum amount of working capital they are allowed by statute to retain. The Board of Aldermen does not have authority to dictate to the ABC Board how or when to acquire property, borrow money, build a new store or manage daily operations. However, there are four specific areas over which the Board of Aldermen does have statutory authority for ABC activities.

The Board of Aldermen is responsible for:

- 1) Appointing and/or removing from office the members of the local ABC Board
- 2) Setting the level of compensation for service by the local ABC board members and chair
- 3) Changing the formula by which ABC's net profits are distributed back to local government (subject to approval by the Haywood County Board of Commissioners, which currently shares in those distributions)
- 4) Granting authority to exceed the statutory maximum amount of working capital the ABC Board may retain, (which affects the amount of net profit available for distribution, and which may affect the ABC Board's ability to borrow money or carry out property acquisition & construction projects).

It is item number 4, which the Board of Aldermen is being asked to address and take action on.

Maximum allowable working capital (MAWC) is based on a formula established by state statute. For the year ended June 30, 2012 (FY12), the Waynesville ABC Board's MAWC was \$548,878, however, as of that date the ABC Board had accumulated \$637,592, in anticipation of purchasing land and beginning construction on the new store. The difference in those two figures (\$88,714) is net profit, which ordinarily would have been distributed back to the Town of Waynesville during FY12. The Town's FY12 General Fund budget anticipated ABC distributions in excess of \$60,000 to the General Fund, when in fact, the Town received only \$21,280. This amount is down significantly from the average distribution of \$119,212 the Town has received over the past four years (representing the period since gross sales increased as a result of approval in 2007 of mixed beverage sales in the Town of Waynesville). Over the last 10 years, annual ABC distributions to the Town's General Fund have ranged from a low of \$48,000 in FY04 (before mixed beverage sales) to a high of nearly \$150,000 in FY11.

ABC Board plans include: 1) purchase of property for \$500,000, with an expected closing date of Sept 10, 2012, 2) borrowing \$1.3 million at 4.15%, fixed rate for 10 years (amortized over 20 years, for a monthly payment of approximately \$8200) and a balloon payment due at maturity, and 3) securing an additional \$150,000 loan or line of credit for purchase of inventory needed to stock the new store. Construction is scheduled to begin this fall, with a projected opening date of July 1, 2013 for the new store. The ABC Board hopes to continue operating two stores, with the older store operating under reduced hours (e.g. 10 am – 6 pm), focusing on the mixed beverage (wholesale) business, while also continuing to serve individual retail customers.

Town staff is still awaiting additional information from outside parties that will provide a more complete financial picture of the ABC board's plans, so that the Board of Alderman can make a well-informed decision as to whether to allow the accumulation of capital in excess of that permitted by statute, while considering the impact the ABC Board's plans will have on the Town's financial condition. Members and staff of the ABC Board are expected to attend the BoA meeting on Tuesday, as are financial representatives from the bank and auditor's office who have been working with the ABC Board on this project. Additional information will be presented at the meeting.

FUNDING SOURCE/IMPACT: The annual distribution of net profits to the town's General Fund from ABC operations has averaged nearly \$120,000 per year over the last four years. Due to financing a major capital project and the anticipated increases in costs associated with operating a newer, larger store while continuing operations at the older second store, it is doubtful that the ABC board will realize any significant net profit during the 10-year period in which the loan is being repaid. In any case, the ABC Board has expressed a priority for retiring debt over distributing net profit for the life of the loan, but is willing to consider the Town's financial expectations in this regard. The ABC Board projects 10-20% growth in gross revenues over the first two years of new store operations. Based on the limited information currently available, one cash flow estimate projects that 12.5% growth in gross sales will be needed to break even on the two-store operation, leaving no funds available for profit distributions. It is reasonable to expect that even under the best of circumstances, the Town will experience a significant, albeit temporary, loss of General Fund revenues and will need to find a means to make up for what is equivalent to more than 1¢ on the tax rate annually. The Town and County share net profit distributions on a two-thirds/one-third basis, so this anticipated loss in revenue will also impact the County's General Fund. Once completed, the property is expected to appraise at a value in the neighborhood of \$1.5 million, but will be exempt from property tax as long as the facility is a publicly-owned property.

MOTION FOR CONSIDERATION: To authorize the Waynesville ABC Board to exceed maximum allowable Working Capital Retained, by withholding customary general distributions to the Town of Waynesville and Haywood County during FY12 and FY13, in anticipation of land acquisition for and construction of a second (new) ABC store on Dayco Road during FY13.

ATTACHMENTS:

- BoA Regular Session Minutes, dated 7/22/08
- NC ABC Commission Notice of Permission to Build, dated 3/17/10
- 04 NCAC 02R .0901 - .0902 regarding borrowing money & maintenance of working capital
- Waynesville ABC Balance Sheet and Income Statement, as of 7/31/12
- Waynesville ABC Board FY12 Annual Audit – Draft, prepared by Underwood, Dills & Assoc.
- 10-Year History of ABC Distributions to Town of Waynesville General Fund (FY03-FY12)
- Cash Flow Projection for ABC operation at July 1, 2013

**Town of Waynesville
History of ABC Distribution - General
As of June 30, 2012**

General distributions received by the town:

FYE	General Distribution Amount
<u>FYE 06 30 2012</u>	<u>21,279.78</u>
Previous four year average	119,212.16
FYE 06 30 2011	148,942.26
FYE 06 30 2010	94,975.77
FYE 06 30 2009	145,770.43
FYE 06 30 2008	87,160.18
FYE 06 30 2007	72,070.69
FYE 06 30 2006	58,173.47
FYE 06 30 2005	48,586.51
FYE 06 30 2004	47,852.21
FYE 06 30 2003	55,119.40

AGENDA
REGULAR MEETING
BOARD OF ALDERMEN
TOWN OF WAYNESVILLE
TOWN HALL
JULY 22, 2008
TUESDAY – 7:00 P.M.

COPY

The Board of Aldermen held a regular meeting on Tuesday, July 22, 2008. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, Kenneth Moore and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Town Clerk Phyllis McClure, Town Attorney Woodrow Griffin and Assistant Town Manager Alison Melnikova. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of May 20, May 21, June 24 and July 8, 2008

Alderman Caldwell moved, seconded by Alderman Moore, to approve the minutes of the May 20, May 21, June 24 and July 8, 2008 minutes as presented. The motion carried unanimously.

➤ Alcoholic Beverage Control Board Request to Increase Capital Fund Amount <➤

Members of the Alcoholic Beverage Control Board asked for time on the Town Board's agenda to discuss the amount of funds the ABC Board is allowed to retain in a capital fund amount. Prior to the recent referendum on Liquor by the Drink, the ABC Board already felt that the size of the store they occupy on Walnut Street was too small and prevented them from carrying the inventory that customers wished them to carry. With the passage of the referendum, the ABC Board feels that there is a definite need to consider a larger facility. This will necessitate some additional funds, and they wish to discuss the current limits on the amount that may be retained in their Capital Funds. Included with your agenda packets, you will find sections of the State Law which set limits on the amount of money which may be retained for capital needs and the section which grants authority to the local governing board to allow that amount to be exceeded.

Mr. Wilson Medford, Chairman of the ABC Board requested that the item be withdrawn from the agenda at this time. Mr. Medford said the item will be presented to the Board at a later time, possibly October.

Clerk's Report Regarding Voluntary Annexation Petition 6.6 Acres at 41 Lansing Road - Richard Miller

At the meeting of July 8, 2008, a petition was received from Mr. Richard Miller asking the Town to annex a 6.6 acre tract of land he owns located at 41 Lansing Road. This tract is located on the north side of the Route 23/74 Bypass in the Shingle Cove Area.

At that time, the Town Board passed a resolution directing Town Clerk Phyllis McClure to

Marcy Onieal

From: Joy Rasmus <wayabc@bellsouth.net>
Sent: Thursday, August 23, 2012 2:45 PM
To: Marcy Onieal
Subject: Fw: ABC Store Approval

Marcy, Here is the approval from the Commission.

----- Original Message -----

From: Herring, Mike
To: Waynesville ABC Board
Cc: wayabc
Sent: Wednesday, March 17, 2010 12:01 PM
Subject: ABC Store Approval

Ms. Joy Rasmus, General Manager
Waynesville ABC Board
379 Walnut Street
Waynesville, NC

Dear Ms. Rasmus,

The ABC Commission, in its meeting today, considered and approved the Waynesville ABC Board's request to purchase property on Dayco Street in West Waynesville, NC for a second ABC store there.

If we can be of further assistance, please let me know.

Sincerely,

Michael C. Herring

Mike Herring
Alcoholic Beverage Control Commission
Administrator
office: 919-779-0700-247
fax: 919-661-5927
Mike.Herring@abc.nc.gov

Excerpt from NC ABC Commission Minutes – March 17, 2010

II. ABC STORE LOCATION – MECKLENBURG COUNTY ABC STORE

Administrator Michael Herring addressed the Commission concerning the proposed location of an ABC Store in Mecklenburg County. On January 21, 2010, the Commission received a letter from Calvin McDougal, the former Chief Executive Officer for the Mecklenburg County ABC Board, requesting approval to lease property for a new ABC Store in Charlotte, North Carolina. The property would be located within Morrocroft Village Shopping Center at 3904 Colony Road, Charlotte, North Carolina. On February 2, 2010, ALE Agent D.J. Hales began an investigation and found that the current site is 5,312 square feet.

The Morrocroft Village Shopping Center is owned by National Real Estate Management Corporation, at 1830 Craig Park Court, Suite 101, St. Louis, Missouri.

The investigation found there are no financial conflicts of interest between the property owners and the Mecklenburg County ABC Board.

The nearest church is Sharon United Methodist Church and is located .2 miles from the proposed location.

The nearest school is Charlotte Country Day School and is located 1.5 miles from the proposed location.

Pursuant to ABC Commission Rules, two Notices of Intent were properly posted on January 20, 2010, in compliance with the ABC Commission's 30-day requirement.

There were no objections to the location.

Mr. Herring recommended that the Commission approve the new location.

Commissioner Lyon made a motion to approve the ABC location. Seconded by Commissioner Guy.

III. ABC STORE LOCATION – WAYNESVILLE ABC BOARD

Administrator Michael Herring addressed the Commission concerning the proposed location of an ABC Store in Haywood County. On February 8, 2010, the Commission received an email from General Manager, Joy Rasmus, with the Waynesville ABC Board, requesting approval to open a second ABC Store in Waynesville, North Carolina. On February 10, 2010, Special Agent S. D. Myers began an investigation and found that the new store would be located at Dayco Street in Waynesville, North Carolina. The proposed location is approximately five miles from the ABC Store operating at 379 Walnut Street.

The property is currently zoned for commercial use. The proposed location is approximately 1.81 acres and the Waynesville ABC Board is negotiating to purchase the land.

The Waynesville ABC Board members submitted ABC Board Member Financial Disclosure Statements indicating that there is no ownership interest in the property.

The nearest church is Faith United Methodist Church and is located .2 miles from the proposed location.

The nearest school is Waynesville Middle School and is located 1.5 miles from the proposed location.

Pursuant to ABC Commission Rules, Notice of Intent were properly posted on February 5, 2010, in compliance with the ABC Commission's 30-day requirement.

There were no objections to this location.

Mr. Herring recommended that the Commission approve the new location.

Commission Lyon made a motion to approve the location. Seconded by Commissioner Guy. So Ordered. Commissioner Lyon stated that he felt that the Financial Disclosure Statement should be with all ABC Store requests. Mr. Herring stated that he would ask that the Alcohol Law Enforcement to incorporate the statements in investigations.

With no further business, the meeting adjourned.

Jonathan S. Williams, Chairman
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by

Tiffany Goodson, Legal Division

04 NCAC 02R .0823 FINAL ADMINISTRATIVE DECISION; ORDER

(a) Right to Submit Proposed Findings. The parties in a hearing conducted under Article 12 shall have an opportunity to file proposed findings of fact and conclusions of law within 30 days of the conclusion of the initial hearing.

(b) Recommended Decision. If a hearing conducted under Article 12 is presided over by a hearing officer, the hearing officer shall issue a recommended decision that contains proposed findings of fact and conclusions of law. The hearing officer shall serve a copy of the recommended decision upon all parties and the members of the Commission who will make the final administrative decision. Service shall be in the manner prescribed in Rule .0821(c) of this Section.

(c) Exceptions. The parties to a case heard under Article 12 shall have the right to file written exceptions to a recommended decision by the hearing officer. Exceptions shall be filed with the Commission within 30 days of receipt of the recommended decision.

(d) Hearing Conducted by Commission. In lieu of assigning a hearing officer to preside over the initial hearing, the Commission may conduct the initial hearing. After the time for the filing of proposed findings of fact and conclusions of law by the parties has expired, the Commission will issue a final administrative decision and order that determines the issues set forth in any prior pre-hearing order.

(e) Petition to Office of Administrative Hearings. In any case heard by the Commission under Article 12 of Chapter 18B of the General Statutes, if the Commission finds evidence of violations of Article 12 of Chapter 18B, or any other ABC law, it may commence proceedings in accordance with the provisions of Rule .0802 of this Section.

History Note: Authority G.S. 18B-203(a)(1),(2); 18B-207; 18B-1205; 18B-1207(c); 150B-23;
Eff. July 1, 1992.

SECTION .0900 - FISCAL RULES FOR LOCAL BOARDS

04 NCAC 02R .0901 BORROWING MONEY

Before a local board borrows money, it shall consider the following factors:

- (1) the number of stores in a service area;
- (2) the estimated population in a service area;
- (3) the location of stores in a service area;
- (4) the nature and amount of the outstanding debt of the local board;
- (5) whether the borrowing is for the purchase of fixed assets, inventory or both;
- (6) the adequacy of the accounting system used or proposed to be used by the local board;
- (7) its compliance with rules of the Commission;
- (8) history of operating profits; and
- (9) projected profits and ability to retire the debt.

History Note: Authority G.S. 18B-702(b),(e);
Eff. January 1, 1982;
Amended Eff. July 1, 1992; May 1, 1984.

04 NCAC 02R .0902 MAINTENANCE OF WORKING CAPITAL

(a) As used in this Rule, "working capital" means the total of cash, investments and inventory less all unsecured liabilities.
(b) A local board shall set its working capital requirements at not less than two weeks' average gross sales of the latest fiscal year nor greater than:

- (1) four months of the latest fiscal year for boards with gross sales less than one million five hundred thousand dollars (\$1,500,000);
- (2) three months of the latest fiscal year for boards with gross sales greater than or equal to one million five hundred thousand dollars (\$1,500,000) and less than fifty million dollars (\$50,000,000); and
- (3) two months of the latest fiscal year for boards with gross sales equal to or greater than fifty million dollars (\$50,000,000).

Gross sales means gross receipts from the sale of alcoholic beverages less distributions as defined in G.S. 18B-805(b)(2),(3), and (4).

(c) A local board is considered insolvent if all of the following conditions apply:

- (1) the local board does not adhere to the working capital requirements as stated in Paragraph (b) of this Rule;
- (2) the local board's current assets are less than the local board's current liabilities and the current portion of long term debt;
- (3) the local board is unable to pay its debts as they fall due; and
- (4) the Commission believes that continued operation of the local board will not lead to profits in the next fiscal year.

(d) As used in this Rule, "long term debt" means the loans and financial obligations lasting over one year.

*History Note: Authority G.S. 18B-100; 18B-203(a)(20); 18B-702(u); 18B-805(d);
 Eff. January 1, 1982;
 Amended Eff. November 1, 2011; July 1, 1992; June 1, 1988; May 1, 1984.*

04 NCAC 02R .0903 DEPOSITS

(a) Each local board shall designate as its official depositories one or more banks, savings and loan associations or trust companies in this State.

(b) The amount of funds on deposit in an official depository or deposited at interest shall be secured as provided in the Rules of the Local Government Commission at 20 NCAC 7.

*History Note: Authority G.S. 18B-702(e);
 Eff. May 1, 1984.*

04 NCAC 02R .0904 INVESTMENTS

(a) Each local board shall adopt an investment program suitable to its own needs and situation. The investment program shall be designed so that investments and deposits at interest can be converted into cash when needed.

(b) The finance officer shall manage the investment program subject to the directives and restrictions imposed by the local board and within the restrictions of applicable statutes.

*History Note: Authority G.S. 18B-702(e);
 Eff. May 1, 1984.*

Waynesville ABC Board

Balance Sheet

As Of July 31, 2012

Last Seq. #: 960

	Balance	Budget	%Budg
===== Assets =====			
CHECKING AND REPO - BB&T	464,864.80	0	N/A
PAYROLL ACCOUNT	500.00	0	N/A
OTHER INVESTMENT HOME TRUST BANK	0.00	0	N/A
B&B Construction Account	200,000.00	0	N/A
PETTY CASH	25.00	0	N/A
CHANGE FUND	2,300.00	0	N/A
CLAIMS RECEIVALBE-DISTILLERS	246.24	0	N/A
INTEREST RECEIVABLE	0.00	0	N/A
Accounts Receivalbe	0.00	0	N/A
PREPAID INSURANCE	6,109.84	0	N/A
PREPAID RENT	1,900.00	0	N/A
PREPAID OTHER	18,948.49	0	N/A
INVENTORY	128,441.81	0	N/A
WINE INVENTORY	788.24	0	N/A
Total CURRENT ASSETS	824,124.42	0	N/A
LEASEHOLD IMPROVEMENTS	3,308.14	0	N/A
FL TURE AND EQUIPMENT	57,133.75	0	N/A
ACCUMULATED DEPRECIATION	-48,678.00	0	N/A
ACC AMORT-LEASEHOLD IMPROVEMENTS	-3,308.14	0	N/A
Total FIXED ASSETS	8,455.75	0	N/A
Total Assets	832,580.17	0	N/A
===== Liabilities =====			
ACCOUNTS PAYABLE DISTILLERIES	85,713.56	0	N/A
ACCOUNTS PAYABLE MISCELLANEOUS	14,536.11	0	N/A
Accounts Payable Other	0.00	0	N/A
CONTRACT PAYABLE	0.00	0	N/A
DISTRIBUTIONS PAYABLE WAYNESVILLE	52,405.83	0	N/A
DISTRIBUTIONS PAY HAYWOOD COUNTY	29,478.28	0	N/A
DISTRIBUTIONS PAY EDUCATION/REHAB	1,198.42	0	N/A
DISTRIBUTION PAY LAW ENFORCEMENT	1,917.47	0	N/A
FEDERAL INCOME TAX WITHHELD	0.00	0	N/A
FICA TAX PAYABLE	0.00	0	N/A
NORTH CAROLINA INCOME TAX WITHHELD	0.00	0	N/A
GARNISHMENT WAGES	0.00	0	N/A
Health Insurance Payable	15.00	0	N/A
401(k) SUPPLEMENTAL RETIREMENT	0.00	0	N/A
RETIREMENT PAYABLE	0.00	0	N/A
MIXED BEVERAGE HUMAN RESOURCES	189.88	0	N/A

Waynesville ABC Board

Balance Sheet

As Of July 31, 2012

Last Seq. #: 960

	Balance	Budget	%Budg
MIXED BEV DEPT OF REVENUE PAYABLE	1,899.00	0	N/A
NORTH CAROLINA BEVERAGE TAX PAYABLE	40,506.00	0	N/A
ALCHOLIC REHAB PAYABLE	603.03	0	N/A
SALES & USE TAX PAYABLE	32.91	0	N/A
Liquor Sales Tax Payable	0.00	0	N/A
ACCRUED SALARIES	2,382.41	0	N/A
Total Liabilities	230,877.90	0	N/A
===== Equity =====			
RETAINED EARNINGS	846,591.86	0	N/A
	0.00	0	N/A
CURRENT PERIOD PROFIT/(LOSS)	0.00	0	N/A
DISTRIBUTIONS-WAYNESVILLE	-162,467.87	0	N/A
DISTRIBUTIONS HAYWOOD COUNTY	-91,388.18	0	N/A
Total RETAINED EARNINGS	592,735.81	0	N/A
Net Income for Current Period	8,966.46	0	
Total Equity	601,702.27	0	N/A
Total Liabilities and Equity	832,580.17	0	N/A

Waynesville ABC Board
Income Statement
From July 1, 2012 Through July 31, 2012
Last Seq. #: 960

	<u>PTD Post</u>	<u>%Sales</u>	<u>Budget</u>	<u>%Budg</u>	<u>YTD Post</u>
===== Sales =====					
SALES					
LIQUOR SALES	164,624.80	87.8	0	N/A	164,624.80
DISCOUNTS TAKEN	744.29	0.4	0	N/A	744.29
WINE SALES	502.95	0.3	0	N/A	502.95
MIXED BEVERAGE TAX REVENUE	3,797.50	2.0	0	N/A	3,797.50
MIXED BEVERAGE SALES	17,848.50	9.5	0	N/A	17,848.50
MISCELLANEOUS INCOME	0.00	N/A	0	N/A	0.00
INTEREST INCOME	0.00	N/A	0	N/A	0.00
Total Sales	187,518.04	100.0	0	N/A	187,518.04
==== Cost of Sales ====					
COST OF SALES					
COST OF LIQUOR	98,653.72	52.6	0	N/A	98,653.72
WINE COST OF SALES	367.96	0.2	0	N/A	367.96
INVENTORY ADJUSTMENT	0.00	N/A	0	N/A	0.00
BOTTLE AGE	0.00	N/A	0	N/A	0.00
Total Cost of Sales	99,021.68	52.8	0	N/A	99,021.68
Gross Profit	88,496.36	47.2	0	N/A	88,496.36
===== Expenses =====					
OPERATING EXPENSES					
SALARY CHAIRMAN	350.00	0.2	0	N/A	350.00
SALARY MANAGER	5,079.20	2.7	0	N/A	5,079.20
SALARY BOARD MEMBERS	500.00	0.3	0	N/A	500.00
SALARY FINANCE OFFICER	3,753.30	2.0	0	N/A	3,753.30
SALARY CLERKS	10,050.99	5.4	0	N/A	10,050.99
PAYROLL TAXES	1,456.91	0.8	0	N/A	1,456.91
RETIREMENT EXPENSE	1,272.75	0.7	0	N/A	1,272.75
GROUP INSURANCE	3,955.67	2.1	0	N/A	3,955.67
CASH SHORT/(OVER)	-0.26	0.0	0	N/A	-0.26
RENT	1,900.00	1.0	0	N/A	1,900.00
DEPRECIATION	0.00	N/A	0	N/A	0.00
REPAIRS AND MAINTENANCE-B	75.47	0.0	0	N/A	75.47
REPAIRS AND MAINTENANCE-E	0.00	N/A	0	N/A	0.00
UTILITIES	498.89	0.3	0	N/A	498.89
TELEPHONE	310.38	0.2	0	N/A	310.38
INSURANCE AND BOND	0.00	N/A	0	N/A	0.00

Waynesville ABC Board
Income Statement
From July 1, 2012 Through July 31, 2012
Last Seq. #: 960

	<u>PTD Post</u>	<u>%Sales</u>	<u>Budget</u>	<u>%Budg</u>	<u>YTD Post</u>
STORE SUPPLIES	1,388.90	0.7	0	N/A	1,388.90
TRAVEL EXPENSES	0.00	N/A	0	N/A	0.00
LICENSES AND OTHER TAXES	0.00	N/A	0	N/A	0.00
OFFICE SUPPLIES	54.57	0.0	0	N/A	54.57
MAINTENANCE AGREEMENT	0.00	N/A	0	N/A	0.00
BANK CHARGES	2.00	0.0	0	N/A	2.00
BANKCARD CHARGES	2,154.03	1.1	0	N/A	2,154.03
POSTAGE	90.00	0.0	0	N/A	90.00
PROFESSIONAL SERVICES	0.00	N/A	0	N/A	0.00
DUES AND SUBSCRIPTIONS	0.00	N/A	0	N/A	0.00
COMPUTER EXPENSES	0.00	N/A	0	N/A	0.00
GAIN-LOSS ON ASSET DISPOS	0.00	N/A	0	N/A	0.00
MISCELLANEOUS	0.00	N/A	0	N/A	0.00
Total OPERATING EXPENSES	32,892.80	17.5	0	N/A	32,892.80
OTHER DISTRIBUTIONS					
DISTRIBUTION-EDUCATION AN	1,310.11	0.7	0	N/A	1,310.11
DISTRIBUTION-LAW ENFORCEM	2,096.17	1.1	0	N/A	2,096.17
Total OTHER DISTRIBUTIONS	3,406.28	1.8	0	N/A	3,406.28
Total Expenses	36,299.08	19.4	0	N/A	36,299.08
Net Income (Loss) From Op	52,197.28	27.8	0	N/A	52,197.28
===== Taxes =====					
TAXES BASED ON SALES					
MIXED BEV DEPART OF HUMAN	189.88	0.1	0	N/A	189.88
MIXED BEVERAGE DEPT OF RE	1,899.00	1.0	0	N/A	1,899.00
BEVERAGE TAX	40,506.00	21.6	0	N/A	40,506.00
COUNTY REHABILITATION TAX	603.03	0.3	0	N/A	603.03
NC SALES AND USE TAX	32.91	0.0	0	N/A	32.91
Total Taxes	43,230.82	23.1	0	N/A	43,230.82
Net Income/(Loss)	8,966.46	4.8	0	N/A	8,966.46

Waynesville ABC Board
(A component unit of the Town of Waynesville)

Waynesville, North Carolina

Financial Statements

June 30, 2012 and 2011

DRAFT

BOARD OFFICIALS

CHAIRMAN

Earl Clark

MEMBERS

Jack Swanger Raymond Ezell

ADMINISTRATIVE

Joy Rasmus - Manager

Edwin Swanger - Finance Officer

Waynesville ABC Board
(A component unit of the Town of Waynesville)

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June 30, 2012 and 2011

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UNDERWOOD, DILLS & ASSOCIATES, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

154 North Main Street, Suite 7
Waynesville, NC 28786
828.452.5370 Phone
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Independent Auditors' Report

SAM M. UNDERWOOD, CPA
LINDSEY M. DILLS, CPA

Board of Directors
Waynesville ABC Board
Waynesville, North Carolina

We have audited the accompanying financial statements of the Waynesville ABC Board, a component unit of the Town of Waynesville, as of June 30, 2012 and 2011 and for the years then ended, as listed in the table of contents. These basic financial statements are the responsibility of the Waynesville ABC Board management. Our responsibility is to express an opinion on these basic financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the basic financial statements referred to above present fairly, in all material respects, the financial position of the Waynesville ABC Board as of June 30, 2012 and 2011 and the results of its operations and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Management's Discussion and Analysis is not a required part of the financial statements but is supplementary information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit this information and express no opinion thereon.

Our audits were made for the purpose of forming an opinion on the basic financial statements taken as a whole. The supplementary information listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in our audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Underwood, Dills & Associates, P.C.
Underwood, Dills & Associates, P.C.
August 21, 2012

MEMBER:

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS • NORTH CAROLINA ASSOCIATION OF CERTIFIED PUBLIC ACCOUNTANTS

Management's Discussion and Analysis

This section of the Waynesville ABC Board's (*the Board*) financial report represents our discussion and analysis of the financial performance of the Board for the years ended June 30, 2012, 2011, and 2010. This information should be read in conjunction with the audited financial statements included in this report.

Financial Highlights

- For the year ended June 30, 2012, working capital increased approximately 16.7% over the prior period. For the fiscal year ended June 30, 2011, working capital decreased approximately .10% over the prior period. For the year ended June 30, 2010, working capital decreased approximately 14.65% over the prior period.

Overview of the Financial Statements

The audited financial statements of the Waynesville ABC Board consist of 3 components. They are as follows:

- *Management's Discussion and Analysis*
- *Basic Financial Statements*
- *Supplemental Financial Data*

The *Basic Financial Statements* are prepared using the full accrual basis of accounting. They consist of three statements. The first statement is the statement of net assets. Assets and liabilities are classified as current or long-term. This statement provides a summary of the Board's investment in assets and obligations to creditors. Liquidity and financial flexibility can be evaluated using the information contained in this statement.

The next statement is the statement of revenues, expenses, and changes in net assets. This statement is used in evaluating whether the Board has recovered all of its costs through sales. Its information is used in determining credit-worthiness.

The final required statement is the statement of cash flows. This statement reports cash inflows and outflows in the following categories: operating, investing, and financing activities. Based on this data, the user can determine the sources of cash, the uses of cash, and the change in cash.

The notes to the financial statements provide more detailed information and should be read in conjunction with the statements.

The Board has chosen to include some schedules in addition to the information required by generally accepted accounting principles. They include a statement of store expenses and a statement of revenues, expenses, and supplemental budget expenditures which includes a budgeted to actual cost comparison.

Financial Analysis of the Waynesville ABC Board

Net assets are an indicator of the fiscal health of the Board. Assets exceeded liabilities by \$ 667,624, \$566,066, and \$569,190 in 2012, 2011, and 2010, respectively. Following is a summary of the net assets:

Table 1-A
Condensed Statement of Net Assets

	6/30/2012	6/30/2011	\$ Change	% Change
Current assets	\$ 808,994	\$ 861,926	\$ (52,932)	-6.14%
Non-current assets	20,961	12,296	8,665	70.47%
Total assets	<u>829,955</u>	<u>874,222</u>	<u>(44,267)</u>	-5.06%
Current liabilities	162,331	308,156	(145,825)	-47.32%
Invested in capital assets, net of depreciation	8,461	12,296	(3,835)	-31.19%
Restricted net assets for working capital requirements	63,332	62,968	364	0.58%
Unrestricted net assets	<u>595,831</u>	<u>490,802</u>	<u>105,029</u>	21.40%
Total net assets	<u>667,624</u>	<u>566,066</u>	<u>101,558</u>	17.94%
Total liabilities and net assets	<u>\$ 829,955</u>	<u>\$ 874,222</u>	<u>\$ (44,267)</u>	-5.06%

Net assets increased by 17.94% from the fiscal year ended 2011. The change in net assets for fiscal year ended 2012 increased 3,351% over the fiscal year ended 2011.

Table 1-B
Condensed Statement of Net Assets

	6/30/2011	6/30/2010	\$ Change	% Change
Current assets	\$ 861,926	\$ 921,944	\$ (60,018)	-6.51%
Non-current assets	12,296	15,998	(3,702)	-23.14%
Total assets	<u>874,222</u>	<u>937,942</u>	<u>(63,720)</u>	-6.79%
Current liabilities	308,156	368,752	(60,596)	-16.43%
Invested in capital assets, net of depreciation	12,296	15,998	(3,702)	-23.14%
Restricted net assets for working capital requirements	62,968	62,834	134	0.21%
Unrestricted net assets	<u>490,802</u>	<u>490,358</u>	<u>444</u>	0.09%
Total net assets	<u>566,066</u>	<u>569,190</u>	<u>(3,124)</u>	-0.55%
Total liabilities and net assets	<u>\$ 874,222</u>	<u>\$ 937,942</u>	<u>\$ (63,720)</u>	-6.79%

Net assets decreased by .55% from the fiscal year ended 2010. The change in net assets for fiscal year ended 2011 increased 96.83% over the fiscal year ended 2010.

Table 1-C
Condensed Statement of Net Assets

	6/30/2010	6/30/2009	\$ Change	% Change
Current assets	\$ 921,944	\$ 894,262	\$ 27,682	3.10%
Non-current assets	15,998	19,589	(3,591)	-18.33%
Total assets	<u>937,942</u>	<u>913,851</u>	<u>24,091</u>	2.64%
Current liabilities	368,752	246,079	122,673	49.85%
Invested in capital assets, net of depreciation	15,998	19,589	(3,591)	-18.33%
Restricted net assets for working capital requirements	62,834	74,212	(11,378)	-15.33%
Unrestricted net assets	<u>490,358</u>	<u>573,971</u>	<u>(83,613)</u>	-14.57%
Total net assets	<u>569,190</u>	<u>667,772</u>	<u>(98,582)</u>	-14.76%
Total liabilities and net assets	<u>\$ 937,942</u>	<u>\$ 913,851</u>	<u>\$ 24,091</u>	2.64%

Net assets decreased by 14.76% from the fiscal year ended 2009. The change in net assets for fiscal year ended 2010 decreased by 357.87% over the fiscal year ended 2009.

Following is a summary of the changes in net assets:

Table 2-A
Condensed Statement of Revenues, Expenses, and Changes in Net Assets

	6/30/2012	6/30/2011	\$ Change	% Change
Operating revenues	\$ 2,139,899	\$ 2,126,468	\$ 13,431	0.63%
Less: taxes on gross sales	493,265	489,938	3,327	0.68%
	<u>1,646,634</u>	<u>1,636,530</u>	<u>10,104</u>	0.62%
Cost of sales	1,123,943	1,120,097	3,846	0.34%
Gross profit	522,691	516,433	6,258	1.21%
Less: operating expenses	376,371	370,315	6,056	1.64%
Income from operations	146,320	146,118	202	0.14%
Non-operating revenues and expenses	382	758	(376)	-49.60%
Change in net assets, before distributions	146,702	146,876	(174)	-0.12%
Distributions	45,144	150,000	(104,856)	-69.90%
Change in net assets	101,558	(3,124)	104,682	3350.90%
Net assets, beginning	566,066	569,190	(3,124)	-0.55%
Net assets, ending	<u>\$ 667,624</u>	<u>\$ 566,066</u>	<u>\$ 101,558</u>	17.94%

Table 2-B
Condensed Statement of Revenues, Expenses, and Changes in Net Assets

	6/30/2011	6/30/2010	\$ Change	% Change
Operating revenues	\$ 2,126,468	\$ 2,107,992	\$ 18,476	0.88%
Less: taxes on gross sales	489,938	474,990	14,948	3.15%
	<u>1,636,530</u>	<u>1,633,002</u>	<u>3,528</u>	0.22%
Cost of sales	1,120,097	1,119,719	378	0.03%
Gross profit	516,433	513,283	3,150	0.61%
Less: operating expenses	370,315	358,833	11,482	3.20%
Income from operations	146,118	154,450	(8,332)	-5.39%
Non-operating revenues and expenses	758	2,118	(1,360)	-64.21%
Change in net assets, before distributions	146,876	156,568	(9,692)	-6.19%
Distributions	150,000	255,150	(105,150)	-41.21%
Change in net assets	(3,124)	(98,582)	95,458	96.83%
Net assets, beginning	569,190	667,772	(98,582)	-14.76%
Net assets, ending	<u>\$ 566,066</u>	<u>\$ 569,190</u>	<u>(3,124)</u>	-0.55%

Table 2-C
Condensed Statement of Revenues, Expenses, and Changes in Net Assets

	6/30/2010	6/30/2009	\$ Change	% Change
Operating revenues	\$ 2,107,992	\$ 2,411,988	\$ (303,996)	-12.60%
Less: taxes on gross sales	474,990	483,094	(8,104)	-1.68%
	<u>1,633,002</u>	<u>1,928,894</u>	<u>(295,892)</u>	-15.34%
Cost of sales	1,119,719	1,319,152	(199,433)	-15.12%
Gross profit	513,283	609,742	(96,459)	-15.82%
Less: operating expenses	358,833	351,161	7,672	2.18%
Income from operations	154,450	258,581	(104,131)	-40.27%
Non-operating revenues and expenses	2,118	4,648	(2,530)	-54.43%
Change in net assets, before distributions	156,568	263,229	(106,661)	-40.52%
Distributions	255,150	225,000	30,150	13.40%
Change in net assets	(98,582)	38,229	(136,811)	-357.87%
Net assets, beginning	667,772	629,543	38,229	6.07%
Net assets, ending	<u>\$ 569,190</u>	<u>\$ 667,772</u>	<u>(98,582)</u>	-14.76%

Following is a breakdown of sales by source:

	6/30/2012	6/30/2011	\$ Change	% Change
Retail liquor sales	\$ 1,916,497	\$ 1,907,959	\$ 8,538	0.45%
Mixed beverage sales	217,100	209,906	7,194	3.43%
Retail wine sales	6,302	8,603	(2,301)	-26.75%
Total revenues	<u>\$ 2,139,899</u>	<u>\$ 2,126,468</u>	<u>\$ 13,431</u>	0.63%
	6/30/2011	6/30/2010	\$ Change	% Change
Retail liquor sales	\$ 1,907,959	\$ 1,880,127	\$ 27,832	1.48%
Mixed beverage sales	209,906	218,470	(8,564)	-3.92%
Retail wine sales	8,603	9,395	(792)	-8.43%
Total revenues	<u>\$ 2,126,468</u>	<u>\$ 2,107,992</u>	<u>\$ 18,476</u>	0.88%
	6/30/2010	6/30/2009	\$ Change	% Change
Retail liquor sales	\$ 1,880,127	\$ 2,194,114	\$ (313,987)	-14.31%
Mixed beverage sales	218,470	206,852	11,618	5.62%
Retail wine sales	9,395	11,022	(1,627)	-14.76%
Total revenues	<u>\$ 2,107,992</u>	<u>\$ 2,411,988</u>	<u>\$ (303,996)</u>	-12.60%

Budgetary Highlights. During each fiscal year, the Board revised the budget on one occasion. Those budget amendments were necessary in order to realign budgeted revenues and expenditures with actual results during each year.

Capital Asset and Debt Administration
Capital Assets

Capital assets increased by 4.14% during the year ended June 30, 2012. Capital assets decreased by 10.78% during the year ended June 30, 2011. Capital assets increased by .60% during the year ended June 30, 2010.

Table 3-A
Summary of Changes in Capital Assets

	6/30/2012	6/30/2011	\$ Change	% Change
Furniture, fixtures, and equipment	\$ 57,133	\$ 57,133	\$ -	0.00%
New facility--construction in progress	2,500	-	2,500	100.00%
Leasehold improvements	3,308	3,308	-	0.00%
Total	<u>\$ 62,941</u>	<u>\$ 60,441</u>	<u>\$ 2,500</u>	4.14%

The Board expects to purchase a tract of land to construct a new store during the coming fiscal year. New facility--construction in progress represents preliminary professional fees paid in connection with this new building.

Table 3-B
Summary of Changes in Capital Assets

	6/30/2011	6/30/2010	\$ Change	% Change
Furniture, fixtures, and equipment	\$ 57,133	\$ 64,438	\$ (7,305)	-11.34%
Leasehold improvements	3,308	3,308	-	0.00%
Total	<u>\$ 60,441</u>	<u>\$ 67,746</u>	<u>\$ (7,305)</u>	-10.78%

The overall decrease in property, plant, and equipment is due to disposals of various old furnishings and computers during the current year.

Table 3-C
Summary of Changes in Capital Assets

	6/30/2010	6/30/2009	\$ Change	% Change
Furniture, fixtures, and equipment	\$ 64,438	\$ 64,036	\$ 402	0.63%
Leasehold improvements	3,308	3,308	-	0.00%
Total	<u>\$ 67,746</u>	<u>\$ 67,344</u>	<u>\$ 402</u>	0.60%

The overall increase in property, plant, and equipment is due to the addition of office furniture.

Debt Administration

As of June 30, 2012, 2011, and 2010 the Board had no outstanding debt.

Economic Factors

The Board has been affected by increasing operating and cost of goods sold and competition from other stores within Haywood County. The Board plans to increase its future sales with the construction of a facility in the new shopping center of the County.

Requests for Information

This report is intended to provide a summary of the financial condition of the Waynesville ABC Board. Questions or requests for additional information should be addressed to:

Joy Rasmus, Manager
Waynesville ABC Board
373 Walnut Street
Waynesville, NC 28786

WAYNESVILLE ABC BOARD
(A component unit of the Town of Waynesville)
Statements of Net Assets
June 30, 2012 and 2011

	<u>2012</u>	<u>2011</u>
ASSETS		
Current assets:		
Cash and cash equivalents	\$ 659,702	\$ 673,182
Inventories	140,222	179,942
Prepaid expenses	8,886	8,639
Other receivables	184	163
Total current assets	<u>808,994</u>	<u>861,926</u>
Noncurrent assets:		
Land purchase deposit	10,000	-
Capital assets, at cost, net of accumulated depreciation	<u>10,961</u>	<u>12,296</u>
Total assets	<u><u>\$ 829,955</u></u>	<u><u>\$ 874,222</u></u>
LIABILITIES		
Current liabilities:		
Accounts payable	\$ 99,312	\$ 163,026
Payroll taxes payable	928	947
Liquor sales tax payable	11,756	13,484
Beverage and excise taxes payable	43,197	43,317
Accrued liabilities	3,732	2,382
Distributions payable	3,406	85,000
Total current liabilities	<u>162,331</u>	<u>308,156</u>
Total liabilities	<u>162,331</u>	<u>308,156</u>
NET ASSETS		
Invested in capital assets, net of accumulated depreciati	8,461	12,296
Restricted for working capital	63,332	62,968
Total restricted net assets	<u>71,793</u>	<u>75,264</u>
Unrestricted	<u>595,831</u>	<u>490,802</u>
Total net assets	<u>667,624</u>	<u>566,066</u>
Total liabilities and net assets	<u><u>\$ 829,955</u></u>	<u><u>\$ 874,222</u></u>

The accompanying notes are an integral part of the financial statements.

WAYNESVILLE ABC BOARD
(A component unit of the Town of Waynesville)
Statements of Revenues, Expenses, and Changes in Net Assets
For the Years Ended June 30, 2012 and 2011

	2012	2011
GROSS SALES		
Liquor sales-regular	\$ 1,916,497	\$ 1,907,959
Mixed beverage sales	217,100	209,906
Wine sales	6,302	8,603
Total gross sales	<u>2,139,899</u>	<u>2,126,468</u>
Deduct taxes on gross sales		
State excise tax	465,252	461,671
Mixed beverage tax (revenue)	18,690	18,665
Mixed beverage tax (human resources)	1,869	1,867
Rehabilitation tax	7,042	7,095
Wine sales tax	412	640
Total taxes on gross sales	<u>493,265</u>	<u>489,938</u>
NET SALES	1,646,634	1,636,530
Deduct cost of sales		
Cost of liquor sold	1,119,399	1,114,030
Cost of wine sold	4,544	6,067
Total cost of sales	<u>1,123,943</u>	<u>1,120,097</u>
GROSS PROFIT ON SALES	522,691	516,433
Deduct operating expenses		
Store expenses	372,536	366,447
Depreciation expense	3,835	3,868
Total operating expenses	<u>376,371</u>	<u>370,315</u>
INCOME FROM OPERATIONS	146,320	146,118
Nonoperating revenues and expenses		
Interest income	382	758
Total nonoperating revenues and expenses	<u>382</u>	<u>758</u>
CHANGE IN NET ASSETS BEFORE DISTRIBUTIONS	146,702	146,876
Deduct program distributions		
Law enforcement	7,319	6,940
Alcohol education	4,575	4,338
Total program distributions	<u>11,894</u>	<u>11,278</u>
Deduct profit distributions		
Town of Waynesville	21,280	88,782
Haywood County	11,970	49,940
Total profit distributions	<u>33,250</u>	<u>138,722</u>
CHANGE IN NET ASSETS	101,558	(3,124)
NET ASSETS, BEGINNING OF YEAR	<u>566,066</u>	<u>569,190</u>
NET ASSETS, END OF YEAR	<u>\$ 667,624</u>	<u>\$ 566,066</u>

The accompanying notes are an integral part of the financial statements.

WAYNESVILLE ABC BOARD
(A component unit of the Town of Waynesville)
Statements of Cash Flows
For the Years Ended June 30, 2012 and 2011

	2012	2011
CASH FLOWS FROM OPERATING ACTIVITIES:		
Cash received from customers	\$ 2,274,141	\$ 2,279,264
Payments for inventory costs	(1,176,969)	(1,117,075)
Payments for beverage taxes	(493,386)	(487,007)
Payments to employees for services	(208,715)	(208,262)
Other operating expenses	(133,728)	(129,307)
Liquor sales tax paid	(135,969)	(152,189)
Net cash provided by operating activities	125,374	185,424
 CASH FLOWS FROM INVESTING ACTIVITIES:		
Interest earned on investments	382	758
Net cash provided by investing activities	382	758
 CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:		
Acquisition and construction of capital assets	(12,500)	(166)
Net cash used by capital and related financing activities	(12,500)	(166)
 CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES:		
Law enforcement distributions	(7,140)	(6,198)
Alcohol education distributions	(4,463)	(5,021)
Profit distributions to primary government	(115,133)	(277,781)
Net cash used by non-capital financing activities	(126,736)	(289,000)
 Net increase in cash and cash equivalents	(13,480)	(102,984)
 Cash and cash equivalents, beginning of year	673,182	776,166
 Cash and cash equivalents, end of year	<u>\$ 659,702</u>	<u>\$ 673,182</u>

The accompanying notes are an integral part of the financial statements.

WAYNESVILLE ABC BOARD
(A component unit of the Town of Waynesville)
Statements of Cash Flows
For the Years Ended June 30, 2012 and 2011

**RECONCILIATION OF INCOME FROM OPERATIONS TO NET CASH
PROVIDED BY OPERATING ACTIVITIES:**

	2012	2011
Income from operations	\$ 146,320	\$ 146,118
Adjustments to reconcile income from operations to net cash provided by operating activities:		
Depreciation expense	3,835	3,868
Change in assets and liabilities:		
(Increase) decrease in inventory	39,720	(43,068)
(Increase) decrease in prepaid expenses	(249)	(223)
(Increase) decrease in other receivables	(21)	325
Increase (decrease) in accounts payable	(63,714)	74,187
Increase (decrease) in payroll taxes payable	(19)	59
Increase (decrease) in sales tax payable	(1,728)	609
Increase (decrease) in beverage and excise taxes payable	(120)	2,931
Increase (decrease) in accrued liabilities	1,350	618
Total adjustments	(20,946)	39,306
Net cash provided by operating activities	\$ 125,374	\$ 185,424

The accompanying notes are an integral part of the financial statements.

Waynesville ABC Board
(A component unit of the Town of Waynesville)
Notes to the Financial Statements
June 30, 2012 and 2011

Note 1. Summary of Significant Accounting Policies

A. Principles used in determining the scope of the entity for financial reporting:

The ABC Board, a component unit of the Town of Waynesville, is a corporate body with powers outlined by General Statutes [Chapter 18B-701]. The town's governing body appoints the ABC Board.

The ABC Board is required by State Statute to distribute its surpluses to the general fund of the Town of Waynesville and Haywood County, which represents a financial benefit to the town and county. Therefore, the ABC Board is reported as a discretely-presented component unit in the Town of Waynesville's financial statements.

B. Organizational History

The Board was organized under the provisions of ACT #AG-3623-L during the 1967 session of the North Carolina Legislature, and implemented by a town-wide election held later that year. The mayor and Board of Alderman of the Town of Waynesville appointed three individuals to serve on the ABC Board with terms of three years, two years and one year.

The ABC Board, as provided by North Carolina Alcoholic Beverage Control laws, operates one liquor store. North Carolina General Statute [18B-805 (c)(2)(3)] requires that the ABC Board expend at least 8% of profits for law enforcement and at least 5% of profits for alcohol education and rehabilitation purposes.

C. Basis of Presentation

All activities of the Board are accounted for within a single proprietary (enterprise) fund. Proprietary funds are used to account for operations that are (a) financed and operated in a manner similar to private business enterprises where the intent of the governing body is that the cost of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or the change in net assets is appropriate for capital maintenance, public policy, management control, accountability, or other purposes.

D. Basis of Accounting

The financial statements have been prepared using the accrual basis of accounting. All sales are made by cash, check, debit or credit card and recorded at the time of sale. Other revenues are recorded when earned. Expenses are recognized when incurred. As permitted, the Board has elected to apply only applicable FASB Statements and Interpretations issued before November 30, 1989 in its proprietary operation, unless those pronouncements conflict with or contradict GASB pronouncements.

E. Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make certain estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the statement of net assets date, and reported amounts of revenues and expenses during the reporting period. Estimates are used to determine depreciation expense, the allowance for doubtful accounts and certain claims and judgment liabilities, among other accounts. Actual results may differ from those estimates.

Waynesville ABC Board
(A component unit of the Town of Waynesville)
Notes to the Financial Statements
June 30, 2012 and 2011

Note 1. Summary of Significant Accounting Policies, continued

F. Assets, Liabilities, and Net Assets

(1) Deposits

All deposits of the ABC Board are made in board-designated official depositories and are collateralized as required by State law [G.S. 159-31]. The ABC Board may designate, as an official depository, any bank or savings association whose principal office is located in North Carolina. Also, the ABC Board may establish time deposit accounts such as NOW and SuperNOW accounts, money market accounts, and certificates of deposit.

All the ABC Board's deposits are either insured or collateralized by using one of two methods. Under the Dedicated Method, all deposits that exceed the Federal Depository Insurance Coverage levels are collateralized with securities held by the ABC Board's agent in the ABC Board's name. Under the Pooling Method, which is a collateral pool, all uninsured deposits are collateralized with securities held by the State Treasurer's agent in the name of the State Treasurer. Since the State Treasurer is acting in a fiduciary capacity for the ABC Board, these deposits are considered to be held by the ABC Board agent in the ABC Board's name. The amount of the pledged collateral is based on an approved averaging method for non-interest bearing deposits and the actual current balance for interest-bearing deposits. Depositories using the Pooling Method report to the State Treasurer the adequacy of their pooled collateral covering uninsured deposits. The State Treasurer does not confirm this information with the ABC Board or the escrow agent. Because of the inability to measure the exact amount of collateral pledged for the ABC Board under the Pooling Method, the potential exists for under-collateralization, and this risk may increase in periods of high cash flows. However, the State Treasurer of North Carolina enforces strict standards of financial stability for each depository that collateralizes public deposits under the Pooling Method.

At June 30, 2012, the ABC Board's deposits had a carrying amount of \$657,377 and a bank balance of \$636,619. At June 30, 2011, the ABC Board's deposits had a carrying amount of \$670,857 and a bank balance of \$663,484. The Board maintains a cash balance at a financial institution which exceeds the Federal Deposit Insurance Corporation coverage of \$250,000. At June 30, 2012 the Board's uninsured cash balance was \$386,619. At June 30, 2011 the Board's uninsured cash balance was \$300,108.

(2) Investments

State law [G.S. 159-30(c)] authorizes the ABC Board to invest in obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States; obligations of the State of North Carolina; bonds and notes of any North Carolina local government or public authority; obligations of certain non-guaranteed federal agencies; certain high quality issues of commercial paper and banker's acceptances; and the North Carolina Capital Management Trust (NCCMT), an SEC registered (2a-7) money market mutual fund.

The ABC Board's investments with a maturity of more than one year at acquisition and non-money market investments are carried at fair value as determined by quoted market prices. The NCCMT Cash Portfolio's securities are valued at fair value, which is the NCCMT's share price. The NCCMT Term Portfolio's securities are valued based at fair value, which is the NCCMT's share price. Money market investments that have a remaining maturity at the time of purchase of one year or less and non-participating interest earnings and investment contracts are reported at amortized cost.

Waynesville ABC Board
(A component unit of the Town of Waynesville)
Notes to the Financial Statements
June 30, 2012 and 2011

Note 1. Summary of Significant Accounting Policies, continued

(3) Cash and Cash Equivalents

For purposes of the statements of cash flows, the ABC Board considers all highly liquid investments (including restricted assets) with a maturity of three months or less when purchased to be cash equivalents.

(4) Inventories

Inventories are valued at the lower of cost (FIFO) or market.

(5) Property Plant and Equipment

	Beginning Balances	Increases	Decreases	Ending Balances
Capital assets not being depreciated:				
Construction in progress	\$ -	\$ 2,500	\$ -	\$ 2,500
Total capital assets not being depreciated	-	2,500	-	2,500
Capital assets being depreciated:				
Furniture and fixtures	57,133	-	-	57,133
Leasehold improvements	3,308	-	-	3,308
Total capital assets being depreciated	60,441	-	-	60,441
Less accumulated depreciation for:				
Furniture and fixtures	44,837	3,835	-	48,637
Leasehold improvements	3,308	-	-	3,308
Total accumulated depreciation	48,145	3,835	-	51,980
Total capital assets being depreciated, net	12,296			8,461
Proprietary activity capital assets, net	<u>\$ 12,296</u>			<u>\$ 10,961</u>

Property and equipment are stated at cost and are being depreciated over their useful lives on a straight-line basis as follows: furniture and equipment over 3-10 years and leasehold improvements over 10 years.

When an asset is disposed of, the cost of the asset and the related accumulated depreciation is removed from the books. Any gain or loss on disposition is reflected in the earnings for the period.

(6) Net Assets

Net assets consist of the following:

- a. Invested in capital assets, net of related debt—This component of net assets consists of capital assets, including any restricted capital assets, net of accumulated depreciation and reduced by the outstanding balances of any borrowings that are attributable to the acquisition, construction, or improvement of those assets. If there are significant unspent related debt proceeds at year-end, the portion of the debt attributable to the unspent proceeds is not included in the calculation of invested in capital assets, net of related debt. Rather, that portion of the debt is included in the same net assets component as the unspent proceeds.

Waynesville ABC Board
(A component unit of the Town of Waynesville)
Notes to the Financial Statements
June 30, 2012 and 2011

Note 1. Summary of Significant Accounting Policies, continued

(6) Net Assets, continued

b. Restricted for working capital—North Carolina Alcoholic Beverage Control Commission Rule [.0902] defines working capital as the total of cash, investments and inventory less all unsecured liabilities. An ABC Board shall set its working capital requirements at not less than two weeks' average gross sales of the last fiscal year and not greater than four months' average gross sales of the last fiscal year. Average gross sales means gross receipts from the sale of alcoholic beverages less distributions required by State law [G. S. 18B-805 (b), (2), (3), and (4)].

c. Unrestricted net assets—This component of net assets consists of net assets that do not meet the definition of *restricted* or *invested in capital assets, net of related debt*.

Note 2. Pension Plan Obligations

A. Local Government Employees' Retirement System

Plan Description. The ABC Board contributes to the statewide Local Government Employees' Retirement System (LGERS), a cost-sharing multiple-employer defined benefit pension plan administered by the State of North Carolina. LGERS provides retirement and disability benefits to plan members and beneficiaries. Article 3 of G. S. Chapter 128 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly. The Local Governmental Employees' Retirement System is included in the Comprehensive Annual Financial Report (CAFR) for the State of North Carolina. The State's CAFR includes financial statements and required supplementary information for LGERS. That report may be obtained by writing to the Office of the State Controller, 1410 Mail Service Center, Raleigh, North Carolina 27699-1410 or by calling (919) 981-5454.

Funding Policy. Plan members are required to contribute six percent of their annual covered salary. The ABC Board is required to contribute at an actuarially-determined rate. The ABC Board's current rate for employees is 7.29% of annual covered payroll. The contribution requirements of members and of the ABC Board are established and may be amended by the North Carolina General Assembly. The ABC Board's contributions to LGERS for the years ended June 30, 2012 and 2011 were \$14,208, and \$12,992, respectively. The contributions made by the ABC Board equaled the required contributions for each year.

B. Death Benefits

The Board has also elected to provide death benefits to employees through the Death Benefit Plan for members of the Local Governmental Employees' Retirement System (Death Benefit Plan), a multiple-employer, State-administered, cost-sharing plan funded on a one-year term cost basis. The beneficiaries of those employees who die in active service after one year of contributing membership in the System, or who die within 180 days after retirement or termination of service and have at least one year of contributing membership service in the System at the time of death are eligible for death benefits. Lump sum death benefit payments to beneficiaries are equal to the employee's 12 highest months salary in a row during the 24 months prior to the employee's death, but the benefit may not exceed \$50,000 or be less than \$25,000. All death benefit payments are made from the Death Benefit Plan. The Board has no liability beyond the payment of monthly contributions. The contributions to the Death Benefit Plan cannot be separated between the post-employment benefit amount and the other benefit amount.

Waynesville ABC Board
(A component unit of the Town of Waynesville)
Notes to the Financial Statements
June 30, 2012 and 2011

Note 3. Commitments

The ABC Board has elected to pay the direct cost of employment securities benefits in lieu of employment security taxes on payroll. A liability for benefit payments could accrue in the year following discharge of employees.

Note 4. Leases

The ABC Board has an operating lease for a facility at 373 Walnut Street, Waynesville. The lease is a five-year lease expiring September 30, 2012.

<u>Fiscal Year Ending</u>	<u>Lease Payment Schedule</u>
2013	5,700

The ABC Board is responsible for utilities and insurance.

Note 5. Vacation and Sick Leave Compensation

ABC Board employees may accumulate up to thirty days earned vacation and such leave is fully-vested when earned. Accumulated earned vacation at June 30, 2012 and 2011, respectively, amounted to approximately \$14,799 and \$17,689. The current portion of the accumulated vacation pay is not considered to be material.

Each regular, full-time employee shall be entitled to one day of sick leave pay per year of employment, with five sick days granted for the first complete year of service. Employees may use no more than ten days of sick pay per year. Upon termination of employment unused sick leave pay will not be paid. Upon the recommendation of the Manager-Supervisor, the Board may grant additional sick leave to any employee when the circumstances warrant. Since the Board has no obligation for accumulated sick leave until it is actually taken, no accrual for sick leave has been made.

Note 6. Distributions of Income

The ABC Board has made distributions for the years ended June 30, 2012 and 2011 as follows:

	<u>2012</u>	<u>2011</u>
64% Town of Waynesville	\$ 21,280	\$ 88,782
36% Haywood County	11,970	49,940
	<u>\$ 33,250</u>	<u>\$138,722</u>

State law [G.S. 18B-805] requires that the minimum distribution set aside in (c)(1) and any profit remaining after deducting amounts required for law enforcement and alcohol education and retaining proper working capital, be paid quarterly to the appointing authority.

Waynesville ABC Board
(A component unit of the Town of Waynesville)
Notes to the Financial Statements
June 30, 2012 and 2011

Note 7. Law Enforcement and Alcohol Education Expenses

The ABC Board is required by law to expend at least 8% of its profits for law enforcement and not less than 5% for alcohol education. Profits are defined by law for these calculations as change in net assets before law enforcement and educational expenses, less the 3 ½% markup provided in G. S.18B-804(b)(5) and the bottle charge provided for in G. S.18B-804(b)(6b).

	<u>2012</u>	<u>2011</u>
Profits before distributions:	\$ 146,702	\$ 146,876
Less: 3 ½ % tax and bottle charge	<u>64,052</u>	<u>63,727</u>
Profit subject to expense percentages:	\$ 82,650	\$ 83,149
Law enforcement expenditures	\$ 7,319	\$ 6,940
-actual (percent of profit)	8.85%	8.34%
Provision for alcohol education and rehabilitation	\$ 4,575	\$ 4,338
-actual (percent of profit)	5.53%	5.21%

Note 8. Disbursement of Taxes Included in Selling Price

A state excise tax, at the rate of 30% on the retail (net sales) price is charged monthly on liquor sales (excluding wine sales). Transactions for this account for 2012 and 2011 are summarized as follows:

	<u>2012</u>	<u>2011</u>
Taxes payable, beginning of year	\$ 40,748	\$ 38,103
Taxes collected during the year	465,252	461,671
Taxes remitted to Department of Revenue	(465,341)	(459,026)
Taxes payable, end of year	<u>\$ 40,659</u>	<u>\$ 40,748</u>

The excise tax is computed in accordance with G. S. 18B-805(i).

The accrued North Carolina excise tax at June 30, 2012 was remitted to the North Carolina Department of Revenue on July 5, 2012.

Waynesville ABC Board
(A component unit of the Town of Waynesville)
Notes to the Financial Statements
June 30, 2012 and 2011

Note 8. Disbursement of Taxes Included in Selling Price, continued

A bottle charge of one cent on each bottle containing 50 milliliters or less and five cents on each bottle containing more than 50 milliliters is collected and distributed monthly to the County Commissioners for alcohol education and rehabilitation. For the fiscal year, payments to the County were based on the following bottle sales:

Regular Bottles	123,743	@	5 cents	=	\$	6,187
Mixed Beverage Bottles	9,941	@	5 cents	=		497
Miniature Bottles	35,821	@	1 cent	=		358
						<hr/>
Total payment for the year						\$ 7,042

A "mixed beverage tax" at the rate of \$20 per 4 liters is charged on the sale of liquor to be resold as mixed beverages. One-half of the mixed beverage tax is submitted monthly to the Department of Revenue. Five-percent of the mixed beverage tax is submitted monthly to the Department of Human Resources.

The mixed beverage tax for the year was:

Department of Revenue (50%)	\$	18,690
Department of Human Resources (5%)		1,869
Profit Retained (45%)		16,821
		<hr/>
Total	\$	37,380
		<hr/>

Note 9. Surcharge Collected

The total amount of surcharge collected for the fiscal year was \$11,766. (This is based on 85 cents per case.)

Note 10. Liquor Sales Tax

The total amount of sales tax collected by the ABC Board and remitted to the Department of Revenue for the fiscal year was \$134,242. The current sales tax rate is 7%.

Note 11. Retail Outlet

The ABC Board operates one store which is located at 373 Walnut Street, Waynesville, North Carolina.

Waynesville ABC Board
(A component unit of the Town of Waynesville)
Notes to the Financial Statements
June 30, 2012 and 2011

Note 12. Working Capital

The ABC Board is required by the Alcoholic Beverage Control Commission rule [.0902] to set its working capital requirements at not less than two weeks average gross sales of the last fiscal year. (Gross sales are gross receipts from the sale of alcoholic beverages less distributions as defined in G. S. 18B-805 (b)(2), (3) and (4)).

The board's position on this requirement is as follows:

	<u>2012</u>	<u>2011</u>
Minimum Amount	\$ 63,332	\$ 62,968
Maximum Amount	548,878	545,724
Actual Amount	637,592	544,968

The Board has met the minimum amount of working capital. The Board has exceeded the maximum amount of working capital allowed in anticipation of the acquisition and construction of a new facility. The Board was granted special permission to forego distributions by the appointing authority.

Note 13. Breakage Expense

Breakage expense absorbed by the board for the year was \$0.

Note 14. Risk Management

The ABC Board is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The ABC Board has commercial property, general liability, worker's compensation and employee health coverage. The Board also has liquor legal liability.

There have been no significant reductions in insurance coverage from coverage in the prior year and settled claims have not exceeded coverage in any of the past three fiscal years.

In accordance with G.S. 18B-700(i), each Board member and the employees designated as the general manager and finance officer are bonded in the amount of \$50,000 secured by a corporate surety.

SUPPLEMENTARY INFORMATION

(The following schedules are information that the ABC Commission requires.)

WAYNESVILLE ABC BOARD
Schedules of Store Expenses
For the Years Ended June 30, 2012 and 2011

	<u>2012</u>	<u>2011</u>
Salaries		
Chairman	4,200	4,200
Board Members	6,000	6,000
Supervisor	53,007	52,176
Assistant Manager	39,300	38,651
Clerks	107,547	107,906
Payroll taxes	15,334	15,304
Retirement expenses	14,208	12,992
Group insurance	47,820	45,502
Bank service charges	97	1,421
Computer services	183	211
Credit card fees	26,595	26,208
Dues and subscriptions	409	402
Insurance and bond expense	6,058	5,136
Licenses and other taxes	125	125
Maintenance agreement	4,005	4,222
Miscellaneous expenses	222	208
Office supplies and postage	1,108	1,328
Professional services	6,505	6,045
Rent	22,800	22,800
Repairs and maintenance	765	635
Store supplies	5,727	3,976
Telephone	3,812	3,485
Travel	135	642
Utilities	6,574	6,872
Total expenses	<u>\$ 372,536</u>	<u>\$ 366,447</u>

Waynesville ABC Board
Schedule of Revenues and Expenses--Budget and Actual
For the year ended June 30, 2012
With Comparative Actual Amounts for the Year Ended June 30, 2011

	2012		Variance	2011
	Original Budget	Actual	Favorable (Unfavorable)	Actual
REVENUES				
Operating revenues				
Liquor sales--regular	\$ 1,913,667	\$ 1,916,497	\$ 2,830	\$ 1,907,959
Mixed beverage sales	215,433	217,100	1,667	209,906
Wine/mixer sales	8,400	6,302	(2,098)	8,603
Total operating revenues	2,137,500	2,139,899	2,399	2,126,468
Non-operating revenues				
Interest on investments	800	382	(418)	758
Total non-operating revenues	800	382	(418)	758
Total budgeted revenues	2,138,300	2,140,281	1,981	2,127,226
EXPENDITURES				
Taxes based on revenue				
State excise tax	463,797	465,252	(1,455)	461,671
Mixed beverage tax (revenue)	18,900	18,690	210	18,665
Mixed beverage tax (human resources)	1,900	1,869	31	1,867
Rehabilitation tax	7,200	7,042	158	7,095
Wine/mixer sales tax	720	412	308	640
Total taxes based on revenue	492,517	493,265	(748)	489,938
Cost of goods sold	1,171,000	1,123,943	47,057	1,120,097
Operating expenses				
Salaries	213,670	210,054	3,616	208,933
Payroll taxes and other benefits	78,520	77,362	1,158	73,798
Bank service charges	3,000	97	2,903	1,421
Computer services	300	183	117	211
Credit card fees	28,000	26,595	1,405	26,208
Dues and subscriptions	420	409	11	402
Insurance	5,900	6,058	(158)	5,136
Licenses and other taxes	425	125	300	125
Maintenance agreement	4,950	4,005	945	4,222
Miscellaneous	19,450	222	19,228	208
Office supplies and postage	1,750	1,108	642	1,328
Professional services	6,500	6,505	(5)	6,045
Rent	22,800	22,800	-	22,800
Repairs and maintenance	2,700	765	1,935	635
Store supplies	5,525	5,727	(202)	3,976
Telephone	4,025	3,812	213	3,485
Travel expenses	1,010	135	875	642
Utilities	8,000	6,574	1,426	6,872
Total operating expenses	406,945	372,536	34,409	366,447

Waynesville ABC Board
Schedule of Revenues and Expenses--Budget and Actual
For the year ended June 30, 2012
With Comparative Actual Amounts for the Year Ended June 30, 2011

	2012			2011
	Budgeted	Actual	Variance Favorable (Unfavorable)	Actual
Total expenses other than depreciation	2,070,462	1,989,744	80,718	1,976,482
Supplemental budget expenditures				
Capital outlay				
Equipment purchase	-	-	-	166
Deposit for land purchase	-	10,000	(10,000)	-
New facility--preliminary costs	-	2,500	(2,500)	-
Total capital outlay	-	12,500	(12,500)	166
Profit distributions				
Law enforcement	5,427	7,319	(1,892)	6,940
Alcohol education & rehabilitation	3,391	4,575	(1,184)	4,338
Haywood County	37,773	11,970	25,803	49,940
Town of Waynesville	21,247	21,280	(33)	88,782
Total profit distributions	67,838	45,144	22,694	150,000
Total supplemental budget expenditure:	67,838	57,644	10,194	150,166
Total expenses and supplemental budget expenditures	2,138,300	2,047,388	90,912	2,126,648
Excess of revenues over (under) expenses and supplemental budget expenditures	-	92,893	92,893	578
Revenues over (under) other financing source	\$ -	\$ 92,893	\$ 92,893	\$ 578
Reconciliation of modified accrual basis to full accrual basis:				
Excess of revenues over expense and supplemental budget expenditures				\$ 92,893
Add: total capital outlay				12,500
Less: depreciation				(3,835)
Net change in assets				\$ 101,558

UNDERWOOD, DILLS & ASSOCIATES, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

154 North Main Street, Suite 7
Waynesville, NC 28786
828.452.5370 Phone

828.452.9628 Fax

To Board of Directors
and Management of Waynesville ABC Board



SAM M. UNDERWOOD, CPA
LINDSEY M. DILLS, CPA

In planning and performing our audit of the financial statements of the business-type activities of Waynesville ABC Board as of and for the year ended June 30, 2012, in accordance with auditing standards generally accepted in the United States of America, we considered Waynesville ABC Board's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Waynesville ABC Board's internal control. Accordingly, we do not express an opinion on the effectiveness of the Waynesville ABC Board's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses and therefore there can be no assurance that all such deficiencies have been identified. However, as discussed below, we identified certain deficiencies in internal control that we consider to be material weaknesses and other deficiencies that we consider to be significant deficiencies.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the following deficiencies in Waynesville ABC Board's internal control to be material weaknesses:

Ability to prepare financial statements and note disclosure deficiency

A system of internal control over financial reporting does not stop at the general ledger. It includes controls over financial statement preparation, including footnote disclosures. A control deficiency exists when the client does not have controls over the preparation of the financial statements that would prevent or detect a misstatement in the financial statements. The fact that the auditor prepares the financial statements may mean they are correct, but it does not eliminate the control deficiency. An auditor cannot be considered part of the client's internal control. Thus, controls over the financial statement preparation function that exist in the auditor's firm cannot be considered. Only the controls that the client has in place can be considered in determining whether there is a control deficiency and its severity. It is important for the client to know that even if the auditor prepares the statements and the related notes, the client remains responsible for them. Management and those charged with governance need to be made aware of the possible consequences of not correcting control deficiencies.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the following deficiencies in Waynesville ABC Board's internal control to be significant deficiencies:

Segregation of duties

There is a potential for internal control problems because of the small size of the staff which makes it technically impossible to fully segregate duties in such a manner as to achieve a workable set of checks and balances. The purpose behind the need for checks and balances is to reduce possibilities for errors arising from such causes as misunderstanding of instructions, mistakes of judgment, and personal carelessness, distraction or fatigue. Even procedures whose effectiveness depends on segregation of duties can be circumvented by collusion.

This communication is intended solely for the information and use of management, the Board of Directors, and others within the organization, and is not intended to be and should not be used by anyone other than these specified parties.

Underwood, Dills & Associates, P.C.

Waynesville, North Carolina

August 21, 2012

-22-

MEMBER:

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS • NORTH CAROLINA ASSOCIATION OF CERTIFIED PUBLIC ACCOUNTANTS

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 28, 2012

SUBJECT: Reappointment of Raymond Ezzell to Waynesville Alcoholic Beverage Control (ABC) Board (*request of the Waynesville ABC Board*)

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B--6
Department: Administrative Services
Contact: Phyllis McClure, Town Clerk
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: Raymond Ezzell was appointed in 2009 to a three-year term on the Waynesville ABC Board, which expired on August 15. The ABC Board has requested his re-appointment for the sake of continuity, in light of the current board's extensive work to secure property and develop construction plans for a second ABC store during FY13. Currently on file in the Town Clerk's office are applications from six individuals for appointment to the ABC Board:

1. Lee Bouknight (*currently serving on Planning Board*)
2. Theophilus W. Camlin
3. Raymond Ezzell (*currently serving on ABC Board; desires re-appointment*)
4. G. Edward, Moore
5. Paul Kenneth Pratt
6. Crystal Shuler (*town employee, currently ineligible to serve due to conflict of interest*)

The new term for this vacancy will expire on June 30, 2015 in keeping with the board-adopted change in appointment procedure that calls for all board and commission appointments to run concurrent with the Town's fiscal year (July 1 – June 30). The continuing members of the ABC Board are Earl Clark (chair) and Jack Swanger.

MOTION FOR CONSIDERATION: To reappoint Raymond Ezzell to the Waynesville ABC Board for a three-year term, ending June 30, 2015, as requested.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

- 6 Applications on File

MANAGER'S COMMENTS AND RECOMMENDATIONS: Applications on file are somewhat dated. None of these applicants (other than Mr. Ezzell) has been contacted for a background check or to ascertain whether their interest and applications are still current. If you feel comfortable re-appointing Raymond Ezzell, as requested by the ABC Board, then I recommend going ahead and taking action. If the board prefers to appoint another candidate, then I would recommend tabling this item until staff have had the opportunity to contact the remaining candidates and conduct appropriate background checks.



Town of Waynesville

APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS

NAME Lee Bouxnight
STREET ADDRESS 208 Joy Lane
MAILING ADDRESS WAYNESVILLE NC 28786
PHONE 828-456-3624

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

<input checked="" type="checkbox"/> Alcoholic Beverage Control Board	<input type="checkbox"/> Historic Preservation Commission
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Community Appearance Commission	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Waynesville Housing Authority

I am interested in serving on this board or commission because: Waynesville Needs My Knowledge Regarding - NC ABC Commission - Permittes - Tolerance - Sales - Service - Possession - Employee Education - Audits - Funds Distribution And other Aspects of the Control Boards Policies

I have experience/expertise in the following areas and/or have served on the following board or commission: Waynesville Planning Board - Employed by the ABC Board For Five Years - An Understanding of Current Permittes And The Entire Waynesville Area

I feel that I can contribute the following to this board or commission Honesty, Fairness, Control of All Resources and Compliance with All Regulations.

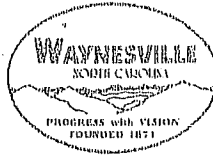
Tell us about yourself and your background: Retired US Postal Service (29 Years)
Former Chf. BPOE 1769 - Ares Restaurant / Lounge
AAS Business - AAS Postal Management Retired 20 Years
District Appeals Board 569 Selective Service
Treasurer Mt Olive Baptist Church - Treasurer Pigeon Community NC.
Charter Member Pigeon Community Lions Club

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

Lee Bouxnight
Signature

04/02/04
Date

- Return to Town Clerk's Office -



Town of Waynesville

APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS

NAME Theophilus W. (Wallie) Camlin
STREET ADDRESS 47 Meadowood Ln. (Auburn Park)
MAILING ADDRESS 47 Meadowood Ln., Waynesville, NC 28786
PHONE 828-452-0719
E-MAIL ted.camlin@yahoo.com

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

<input checked="" type="checkbox"/> Alcoholic Beverage Control Board	<input type="checkbox"/> Pedestrian Plan Steering Committee
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Community Appearance Commission	<input type="checkbox"/> Public Art Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> Waynesville Housing Authority

I am interested in serving on this board or commission because: Having grown up here and recently returned permanently, I have a strong commitment to the progress and betterment of Waynesville and its future.

I have experience/expertise in the following areas and/or have served on the following board or commission: Past chairman of Ducks Unlimited (largest sponsor chapter in the state), past president of Kinston/Lenoir County Wildlife Club, served on the Chamber of Commerce Committee of One Hundred Board.

I feel that I can contribute the following to this board or commission as I have been a business owner, and have been in Sales/Management for over 30 years, I have vast promotional and management skills, with a no-nonsense attitude.

Tell us about yourself and your background: Veteran, Equipment and Services Sales Management over 30 years, General/Operations Manager for the largest independent oil company / convenient store chain in the southeastern USA, Have organized and chaired a number of fund raising events.

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

W Camlin
Signature

10/15/08
Date 8-4-09

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

- Return to Town Clerk's Office -



Town of Waynesville

APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS

NAME RAYMOND M. FIZEL
STREET ADDRESS 409 LONGVIEW DR. WAYNESVILLE, NC 28786
MAILING ADDRESS (same)
PHONE 452-4261
E-MAIL REZEL2454@CHARTER.NET

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Alcoholic Beverage Control Board | <input type="checkbox"/> Pedestrian Plan Steering Committee |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Community Appearance Commission | <input type="checkbox"/> Public Art Commission |
| <input type="checkbox"/> Firemen's Relief Fund Board | <input type="checkbox"/> Recreation & Parks Advisory Commission |
| <input type="checkbox"/> Historic Preservation Commission | <input type="checkbox"/> Waynesville Housing Authority |

I am interested in serving on this board or commission because: THE ABC STORE NEEDS NEW QUARTERS THAT ARE BIGGER AND EASY TO LOCATE.

I have experience/expertise in the following areas and/or have served on the following board or commission: I HAVE NOT SERVED ON ANY BOARDS. I'M A RETIRED FEDERAL LAW ENFORCEMENT AGENT AND HAVE 30+ YEARS OF LISTENING TO PEOPLE AND DRAWING ON WHAT I HAVE HEARD.

I feel that I can contribute the following to this board or commission: PRESENTING AN ASSESSMENT OF THE PICTURE THAT WILL BE HONEST AND IN THE BEST INTEREST OF ALL THE CITIZENS OF WAYNESVILLE COUNTY.

Tell us about yourself and your background: MARRIED 42 YEARS, 3 SONS. RETIRED U.S. POSTAL INSPECTOR, TRAINED POLYGRAPH EXAMINER, SUPERVISED COMPLEX INVESTIGATIONS, LOOK AT SITUATIONS OBJECTIVELY AND RENDER A HONEST OPINION

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

Signature Raymond M. Fizel

Date Aug 25, 2008
Aug. 4, 2009

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

- Return to Town Clerk's Office -

POB 100, 16 SOUTH MAIN ST., WAYNESVILLE, NC 28786 • PHONE (828) 456-3515 • FAX (828) 456-2000

Appointed 8-11-09

APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS

NAME G. Edward Moore
 STREET ADDRESS 168 Byron Street
 MAILING ADDRESS Waynesville, NC 28784
 PHONE 828 734 4879
 E-MAIL gemgm1@bellsouth.net

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

<input checked="" type="checkbox"/> Alcoholic Beverage Control Board	<input type="checkbox"/> Pedestrian Plan Steering Committee
<input checked="" type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Community Appearance Commission	<input type="checkbox"/> Public Art Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input checked="" type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> Waynesville Housing Authority

I am interested in serving on this board or commission because: I enjoy community involvement and feel as I can offer a new perspective and inject a diverse opinion.

I have experience/expertise in the following areas and/or have served on the following board or commission: Art Center, Recreation, Social Services and other Core organizations

I feel that I can contribute the following to this board or commission: A diverse opinion that is lacking on most boards in town

Tell us about yourself and your background: I am an Electrician at Evergreen Packaging where I have been employed for 29 years. I am a member of Mt. Olive Baptist Church where I serve as Clerk, Trustee and in other capacities. I am a member of the Alpha Phi Alpha Fraternity, Inc. and have many years of various educational courses.

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

G. Edward Moore
 Signature

9-8-09
 Date

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

- Return to Town Clerk's Office -



Town of Waynesville

APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS

NAME PAUL KENNETH PRATT
STREET ADDRESS 618 EAST STREET WAYNESVILLE, NC (19 years)
MAILING ADDRESS 618 EAST STREET WAYNESVILLE, NC
PHONE 828-452-9300 828-400-9159 (cell)
E-MAIL pkp28786@yahoo.com

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Alcoholic Beverage Control Board | <input type="checkbox"/> Pedestrian Plan Steering Committee |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Community Appearance Commission | <input type="checkbox"/> Public Art Commission |
| <input type="checkbox"/> Firemen's Relief Fund Board | <input type="checkbox"/> Recreation & Parks Advisory Commission |
| <input type="checkbox"/> Historic Preservation Commission | <input type="checkbox"/> Waynesville Housing Authority |

I am interested in serving on this board or commission because: I SEE THE ABC BOARD AS BEING ABLE TO CONTRIBUTE TO THE COMMUNITY ESPECIALLY IN THAT IT IS A METHOD TO GIVE POSITIVE CASH FLOW BACK WITHOUT PROPERTY TAXES.

I have experience/expertise in the following areas and/or have served on the following board or commission: AS OWNER OF MY OWN BUSINESS (HYDRO PRESSURE SERVICES) FOR 25 YEARS - YOU MUST MAKE TOUGH DECISIONS WITH PROFIT INVOLVED. I WAS COMMITTEE CHAIR OF BSA CLUB SCOUTS 307 FOR 5 YEARS; CHAIR BSA 370 FOR 3 YEARS.

I feel that I can contribute the following to this board or commission: BEING OPEN MINDED BUT ALSO AS A PERSON THAT WANTS TO CONTRIBUTE TO THE COMMUNITY.

Tell us about yourself and your background: AFTER LEAVING WCU, I WORKED IN MANAGEMENT (RETAIL & RESTAURANTS) IN NEWTON, TX. I RETURNED TO THE MOUNTAINS, I LOVE LIVING HERE MORE THAN ANYWHERE ELSE. I MARRIED PAMTOMASELLO PRATT AND HAVE RAISED 3 CHILDREN (DONNIE - 22 yrs, ANGIE - 20 yrs - KENNY TYRES) WHO HAVE ONLY OVER

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

Paul Pratt
Signature

8-21-08
Date 8-6-09

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

- Return to Town Clerk's Office -

Thank you
Allen S. J.
8-29-08

ATTENDED WAYWOOD county schools - which I consider EXCELLENT schools.
AS THEY ARE WINDING DOWN THEIR school CAREERS I FIND MYSELF WITH MORE
TIME TO BE ABLE TO CONTRIBUTE TO THE COMMUNITY. I ATTEND COVENANT PRESBYTERIAN
Church. HAVE IN THE PAST BEEN CUB SCOUT LEADER FOR 5 YEARS, BOY SCOUT
ASST. LEADER FOR 3 YEARS. I HAVE COACHED MANY SOCCER TEAMS (AYSO & NCYSA)
I HAVE ALWAYS ASSISTED WITH YOUNG PEOPLE IN MANY WAYS. I WANT TO
THANK-YOU FOR THIS OPPORTUNITY TO APPLY FOR A POSITION ON THE ABC BOARD.



APPLICATION FOR APPOINTMENT TO BOARDS/COMMISSIONS

NAME CRYSTAL SHULER
STREET ADDRESS 41 BURKE Street, WAYNESVILLE NC 28786
MAILING ADDRESS SAME
PHONE 828-734-3081
E-MAIL CShuler233@gmail.com

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

<input checked="" type="checkbox"/> Alcoholic Beverage Control Board	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Public Art Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> Waynesville Housing Authority

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

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

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

Tell us about yourself and your background: See Attachment

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

Crystal Shuler
Signature

11-3-2012
Date

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

- Return Application to Town Clerk's Office -

Attachment for Appointment to ABC Board Application

I am interested in serving on the ABC Board because I would like to see more community involvement from the local board. For example community awareness programs or projects aimed at local teenagers. That typically is not something we have seen in the past from our local board. The Town of Waynesville can profit from responsible sales and distribution of alcoholic beverages while serving our community well at the same time. I would like to seek new and improved ways to serve those who purchase distilled spirits in our town. I would like to find ways to implement modern day strategies and still maintain morals and ethics while doing it.

I have experience that would make me an asset to the local ABC board. I have been a police officer for over 15 years. I have knowledge of ABC laws as well as rules and regulations of the state ABC Commission. I have had years of training pertaining to alcohol laws and enforcement. I have an outstanding working relationship with the State Agents who oversee alcohol enforcement. They also serve as an approachable source of knowledge that I maintain present day relationships with.

I feel I can contribute to the board by already having working relationships with local retailers. I work best in an open team setting which is what local boards consist of. Citizens need to be well informed about societal issues and alcohol sales will always remain a top issue. I already work with the citizens in Waynesville on many issues from fund raising to volunteering and community education on various topics.

My background consists of being in law enforcement since I graduated college. I currently reside in the Auburn Park area of Waynesville. I am married to a detective with the Maggie Valley Police Department and have 2 children. They are 12 and 9 and attend school inside the city limits. I am a Master Police Officer with the Waynesville Police Department. I was approached by the President of Mothers Against Drunk Driving in Western North Carolina about an appointment to the local ABC board. After speaking with several members of the community who have an interest in alcohol sales, I decided to send in the application.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 28, 2012

SUBJECT: Second Reading – request to rezone 0.3 acre lot at 154 Hemlock Street (PIN #8605-80-2744) from Hazelwood Urban Residential/Mixed Use Overlay to South Main Street Business (*request of property owner Wanda S. Brooks*)

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: C-7
Department: Planning & Development Services
Contact: Paul Benson, Planning Director
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: Upon properly advertising and conducting a public hearing on this matter at the regular Board of Aldermen meeting of July 10, 2012, the board voted 3-2 in favor of the requested rezoning (Mayor Brown and Alderman Roberson opposed).

No ordinance may be adopted or amended on a first reading (the date on which the item is introduced – in this case, July 10, 2012) except by affirmative vote equal to, or greater than, two-thirds of the actual membership of the Board of Aldermen. To meet this standard for the five-member Waynesville Board of Aldermen would require either 4 or 5 affirmative votes on a first reading. Before this rezoning can take effect, therefore, the motion must come back to the board for a second reading. A motion may pass on second reading with affirmative votes of a simple majority (at least three affirmative votes). If the motion fails to achieve an affirmative vote from a simple majority on the second reading, then the ordinance or amendment does not pass and will not go into effect.

Tonight is the second reading for the request to re-zone Wanda Brooks' property at 154 Hemlock Street from Hazelwood Urban Residential to South Main Street Business (H-UR/MXO to SM-BD)

MOTION FOR CONSIDERATION: *To find the requested rezoning consistent with the Town's adopted 2020 Land Development Plan; and to adopt an amendment to the Land Development Standards Map, rezoning property at 154 Hemlock Street from H-UR/MXO to SM-BD as presented.*

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

- NCGS §160A-75, regarding voting requirements for the Board of Aldermen
- Agenda Packet Item B-4 from BoA regular meeting, dated 7/10/12

MANAGER'S COMMENTS AND RECOMMENDATIONS: The property owner has been notified of the requirement that this item come back before the board for a second reading.

§ 160A-75. Voting.

No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e1). In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council. (1917, c. 136, subch. 13, s. 1; C.S., s. 2821; 1971, c. 698, s. 1; 1973, c. 426, s. 16; 1979, 2nd Sess., c. 1247, s. 7; 1983, c. 696; 2001-409, s. 9; 2005-426, s. 5.1(a).)

PLANNING BOARD STAFF REPORT

Agenda Item: Rezoning request
Location: 154 Hemlock Street
Size: 0.3 acre
PIN: 8605-80-2744
Owner: Wanda Brooks

Requested zoning change: from Hazelwood Urban Residential District, Mixed-Use Overlay (H-UR/MXO) to South Main Business District (SM-BD)

Existing Zoning: The Hazelwood Urban Residential district permits single and multi-family residential development at densities of up to 24 units per acre. In addition, the Mixed-Use Overlay adds a limited range of non-residential uses (Government Services, Personal Services, Professional Services, Studios, and General Commercial uses with less than 100,000 square feet). These non-residential uses are limited to properties at the intersection of two public streets or certain properties fronting South Main Street between Virginia Avenue and Mississippi Avenue.

Requested Zoning: The South Main Business District permits a wide range of non-residential uses including office, service, commercial, light manufacturing, wholesaling and distribution as well as single and multi-family residential with no density limitations.

2020 Land Development Plan: indicates that this property is to be developed for medium to high density residential use (Map 15). This is part of a large residential area including properties along Brown Avenue, Camelot Drive and Virginia Avenue. The existing zoning follows this plan.

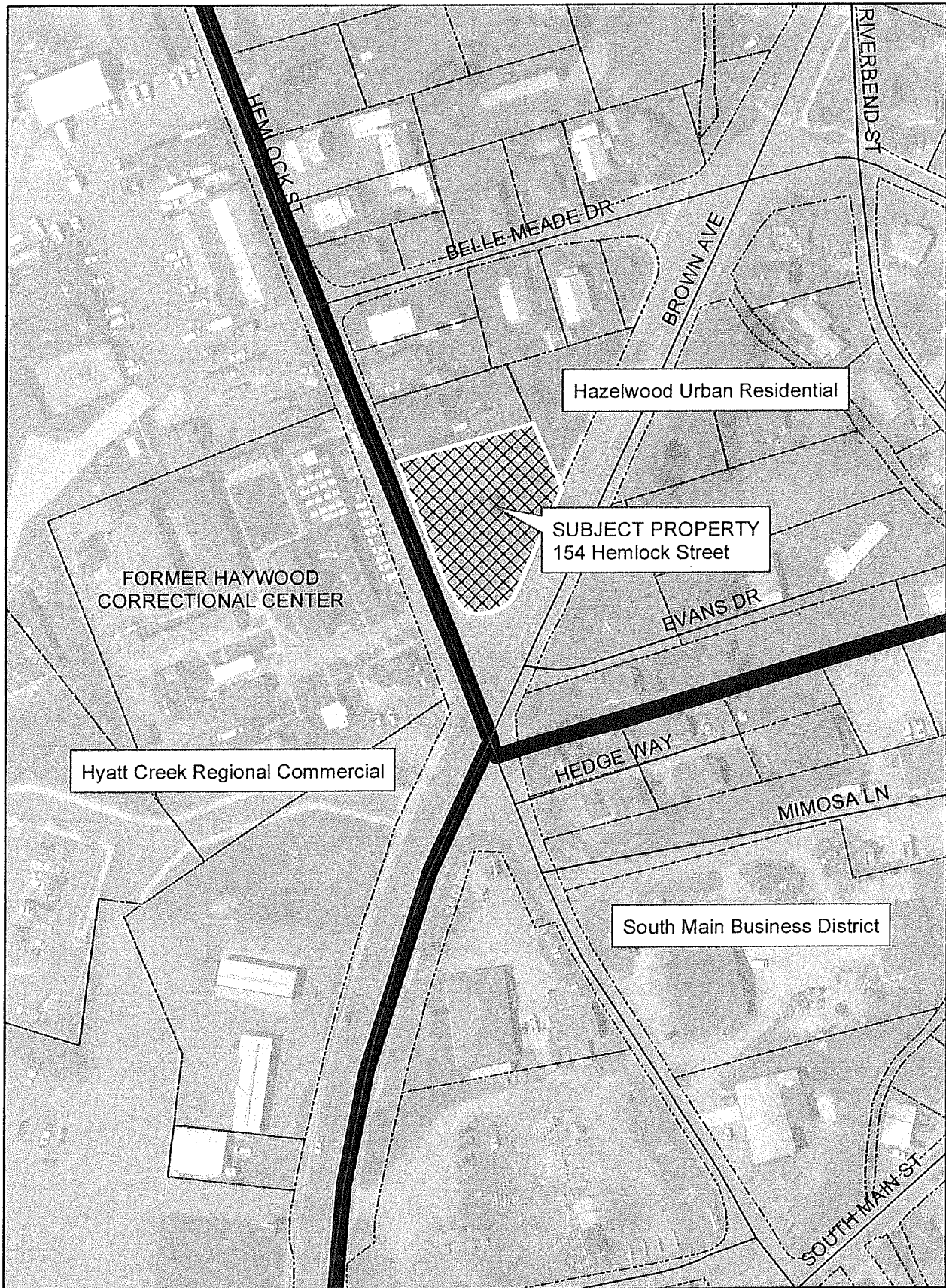
Zoning pattern: This property is bordered on three sides (north, east and south) by the H-RM district. To the west, across Hemlock Street at the site of the former Haywood Correctional Facility, the zoning is Hyatt Creek Regional Center

Surrounding development: The subject property is currently in commercial use as a location for temporary events. Property to the north is single-family residential as is the remainder of the property within the block bounded by Hemlock, Brown and Belle Meade. Property to the south across the 4-lane Brown Avenue is residential along Evans Drive, but becomes commercial from Hedge Way to South Main Street.

Recommendation: The requested zoning district does not fit the Town's adopted Land Development Plan. The property already enjoys location within the Hazelwood Urban Residential Mixed-Use Overlay district which permits General Commercial uses along with a variety of Governmental, Personal and Professional Services by virtue of its location at the intersection of two public streets. The property is adjacent to single-family residential and is located within a block of residential use. For these reasons, staff recommends that the zoning remain unchanged.



Brooks Rezoning Request 154 Hemlock Street



REGULAR MEETING
TOWN OF WAYNESVILLE
PLANNING BOARD
TOWN OF WAYNESVILLE
TOWN HALL - 9 SOUTH MAIN ST
MAY 21, 2012
MONDAY - 5:30 PM

The Planning Board held a regular meeting on Monday, May 21, 2012. Members present were Lee Bouknight, Gary Sorrells, Brooks Hale, Ron Reid, Marty Prevost, Don Stephenson, Jon Feichter, and Chairman Patrick McDowell. Also present were Planning Director Paul Benson, and Administrative Assistant Eddie Ward.

Approval of Minutes of February 20, 2012

Gary Sorrells moved, seconded by Brooks Hale to approve the minutes of February 20, 2012 as presented. The motion passed unanimously.

For the first item on the agenda, Ms. Wanda Brooks, the applicant for the rezoning, was not present when the meeting was called to order. Board member Don Stephenson suggested to Chairman McDowell to go to the second item on the agenda, and give Ms. Brooks time to arrive.

Reorganization of Planning Board Members to comply with Land Development Standards

Chairman McDowell explained the current composition of the Planning Board. He said there are four members representing Haywood County, and five members representing the Town of Waynesville. When the new Land Development Standards were adopted, a revision was made to have less representation from Haywood County and more from the Town.

Mr. Benson said the new ordinance follows the language of the State of North Carolina law. If there is extraterritorial jurisdiction, the County is entitled to one appointment automatically. Extra appointments are given depending on the population of the extraterritorial jurisdiction relative to the population of the Town of Waynesville. Therefore, the Town will have seven members and the County will have two appointees. Two Haywood County appointees terms are expiring May 31, 2012, Jim Francis and Gary Sorrells. They will be replaced with two appointees from the Town. Mr Benson explained that Town Manager Marcy Onical is looking at staggered terms to make the terms overlap and to make terms expire on June 30th for all boards.

Chairman McDowell and other members of the Board expressed their appreciation to Gary Sorrells and Jim Francis for the years each had served on the Board.

Ms. Wanda S Brooks arrived at 5:45 pm.

Public Hearing: Consider request from Wanda S. Brooks for amendment to the Town of Waynesville Zoning Map - PIN 8605- 80 -2744 located at 154 Hemlock Street (0.3 acre) - from Hazelwood Urban Residential (H-UR) to South Main Street Business District (SM - BD)

Chairman McDowell asked Mr. Benson to give a staff report on this request. Mr. Benson said the property was located across the street from the site of the former Haywood Correctional Facility. This property has been used for a variety of businesses and is now semi vacant. The current zoning is the Hazelwood Urban Residential District, Mixed Use Overlay. The base district permits single and multifamily residential development and in addition, the Mixed Use Overlay adds a limited range of non residential uses. These are limited to properties at the intersection of two public streets, and properties fronting South Main between Virginia Avenue and Mississippi Avenue.

The requested zoning is the South Main Business District which permits a wider range of non residential uses, including office, service, commercial, light manufacturing, wholesale operations, as well as single and multi family residential with no density limitation.

The 2020 Land Development Plan Land Use Maps indicate the property is to be developed for residential use. The existing zoning follows this plan. The boundaries follow the center line of the roads. The staff does not recommend a change to the business district for this particular property.

Chairman McDowell then asked Ms. Brooks if she would like to speak. Ms. Brooks stated that if her property were rezoned, other opportunities could be opened to her and the neighborhood. She said she had grown up in that neighborhood, and she wanted the area to be improved and get away from the low end residential designation. Ms. Brooks explained that several property owners adjacent to her want to be rezoned and then sell the property as commercial.

Board member Jim Francis asked if there had been any resistance from her neighbors in regards to the rezoning. Ms. Brooks said no.

Board member Ron Reid had questions about what Ms. Brooks would like to see happen with her property. She replied she wanted to be open for whatever came along. She said she had been dealing with the mortgage on this property for over a year and needed to get the building leased. She would like something nice to be in the neighborhood. Mr. Reid also expressed concerns about the amount of parking that is required for a business.

Chairman McDowell said that lines have to be placed somewhere, and generally center of roads make good boundaries. He also stated that rezoning to commercial for other parcels could not be discussed because applications for other properties had not been submitted. He expressed concerns that some of the main reasons for Ms. Brooks making application to be rezoned commercial is the desire to sell the property. Ms. Brooks stated that interest in selling was not this parcel, but another. This property is planned to be leased.

Chairman McDowell asked if there were any other questions or comments, and then closed the public hearing.

A motion was made by Marty Prevost to deny the request from Ms. Wanda Brooks for an amendment to the Town of Waynesville Zoning Map - PIN 8605- 80- 2744 located at 154 Hemlock Street (0.3 acres) from Hazelwood Urban Residential (H-UR) to South Main Street Business District (SM-BD). Lee Bouknight seconded the motion. The motion carried to deny the application with seven ayes (Bouknight, Prevost, Stephenson, Sorrells, Feichter, Reid and McDowell) and two nays (Francis and Hale).

Adjournment

With no further business, a motion was made to adjourn by Brooks Hale and seconded by Gary Sorrells. The motion carried unanimously and the meeting was adjourned at 6:15 p.m.

Patrick McDowell
Chairman

Eddie Ward
Administrative Assistant

June 7, 2012

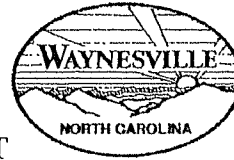
To Whom It May Concern:

On May 21, 2012 I went before the planning board for the Town Of Waynesville and my request to rezone 154 Hemlock Street was recommended to be denied. I would like to take the next step and request a public hearing before the Mayor and Board of Alderman as soon as possible.

Thank You,

A handwritten signature in cursive script that reads "Wanda Brooks". The signature is written in dark ink and is positioned above the printed name.

Wanda Brooks



TOWN OF WAYNESVILLE PLANNING DEPARTMENT

Application for Land Development Standards Map Amendment

Application is hereby made on 4/19, 2012 to the Town of Waynesville for the following map amendment:

Property owner of record: Wanda S. Brooks
Address/location of property: 154 Hemlock Street, Waynesville, NC
Parcel identification number(s): 8605-80-2850 2744
Deed/Plat Book/Page, (attach legal description): Book 718 Page 2201
The property contains 0.3 acres.
Current district: Hazelwood Urban Residential
Requested district: South Main St. Business District

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

To open more options for the building - Has been vacant for approx 1 1/2 years.

Applicant Contact Information

Applicant Name (Printed): Wanda S. Brooks
Mailing Address: PO Box 306, Hazelwood, NC 28733
Phone(s): 828/226-1657
Email: brooksgetaway@yahoo.com
Signature of Property Owner(s) of Record Authorizing Application:
Wanda S Brooks

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.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
FOR BOARD INFORMATION**

Meeting Date: August 28, 2012

SUBJECT: Report of Planning Board Approval of Revisions to the Ingles Conditional Development (CD) Master Plan at 201 Barber Blvd and Russ Avenue

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: C-8
Department: Planning & Development Services
Contact: Paul Benson, Planning Director
Presenter: Paul Benson, Planning Director

BRIEF SUMMARY: In February, 2011, the Board of Aldermen approved a Conditional Development (CD) Master Plan for Ingles Markets and rezoned property at 201 Barber Boulevard as the Russ Avenue Regional Center Conditional District. Ingles has proposed changes to the previously approved Master Plan as outlined on the staff report and plan sheets attached. Staff will provide a larger display of the site plan during the meeting.

The Town's adopted Land Use Code, Section 15.15.3 prescribes an administrative process and procedure for reviewing and approving changes to an adopted CD Master Plan, calling for varying levels of involvement by the Planning Board and/or Board of Aldermen depending on the proposed scope of change. In this case the proposed changes are not "substantial" as defined by the LUC, and therefore require no action on the Board's part. The Planning Board unanimously approved the proposed changes at its regular meeting of August 20, 2012.

MOTION FOR CONSIDERATION: N/A

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:


- LUC - Section 15.15.3
- Staff Report to Planning Board, dated 8/20/12
- MasterPlan & Landscape Plan (Sheets: C-106, C-107, C-108, L-1, L-2)

MANAGER'S COMMENTS AND RECOMMENDATIONS: For information purposes only; no action required.

development shall adhere to all applicable provisions and standards of this section and the applicable CD Master Plan.

B. Substantial Changes: Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Aldermen as an amended Conditional District. The following changes to a CD Master Plan shall require approval by the Board of Aldermen:

1. Land area being added or removed from the Conditional District.
2. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.
3. A change in land use or development type beyond that permitted by the approved Master Plan.
4. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
5. When there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan.
6. When the total floor area of a commercial or industrial classification is increased more than 10 percent beyond the total floor area last approved by Board of Aldermen.

 **C. Additional Changes:** All other changes to a CD Master Plan shall receive approval by the Planning Board. However, if in the judgment of the Planning Board, the requested changes alter the basic development concept of the CD, the Planning Board may require concurrent approval by the Board of Aldermen.

D. Rescission of Conditional Districts: The Applicant shall secure a valid building or construction permit(s) within two (2) years from date of approval of the Conditional District unless otherwise specified. If such project is not complete or a valid building or construction permit is not in place at the end of the two (2) year period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Board of Aldermen. The Board of Aldermen may then rescind the Conditional District, or extend the life of the Conditional District for a specified period of time. The rescission of a Conditional District shall follow the same procedure as was needed for approval.

15.16 Vested Right

15.16.1 Purpose and Applicability

The zoning vested right is a right which is established pursuant to NCGS 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan. Obtaining a zoning permit or preliminary plat subdivision approval through the vested rights procedure gives the applicant the right to start construction of the development as approved an additional two (2) to five (5) years to begin and/or complete work as appropriate.

whether permitted, by right or conditional, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District;

5. A proposed development schedule if the project is to be phased.

15.15.2 Formal Review

- A. **Procedure:** The procedure for approval shall follow the procedure outlined in Section 15.14, Text & Map Amendments (Rezoning).
- B. **Reviewing Agency:** The Planning Board shall review the Conditional District application and shall make a recommendation relevant to the following: Uses proposed, compatibility with surrounding property, area impacts and adequate facilities, infrastructure, etc., building and site design, immediate context and compatibility, etc.
- C. **Decisions:** Decisions by the Board of Commissioners shall be by majority vote, unless a valid Protest Petition in accordance with Section 15.14.3 has been filed, in which case, a 3/4 majority vote of eligible members shall be required for approval.
- D. **Fair and Reasonable Conditions:** The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Board of Aldermen (with mutual approval of the applicant) may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any conditions and site-specific standards proposed by either the Planning Board or the Board of Aldermen prior to final action. In accordance with G.S. 160A-382(b).
- E. **Additional Review:** Site Plans and Subdivisions that implement approved CD Master Plans shall be approved by the Administrator and are not subject to the procedures of Section 15.8.2 or 15.9.2.

➤ 15.15.3 Effect of Approval/Changes

The applicant may proceed with development only after approval of the Conditional District Master Plan by Board of Aldermen, followed by approval of any necessary Site Plans or Subdivision Plats, except that all subsequent approvals shall be completed by the Administrator. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.

- A. **Final Approval by Stages:** If so reflected on the Master Plan, the Board of Commissioners may allow the staging of final development. Each phase of

Planning Board Staff Report
Ingles Conditional District Master Plan Change Request
August 20, 2012

Project: Reconstruction / expansion of existing grocery and new convenience store with gasoline pumps
Location: 201 Barber Boulevard (off Russ Avenue)
District: Russ Avenue Regional Center – Conditional District

Background:

In February of 2011, the Town rezoned the property at 201 Barber Boulevard to a conditional district based on a Master Plan showing redevelopment of the Ingles grocery store and construction of a new convenience store with gas pumps. This approval contained modifications of the requirements for parking lot location, (permitting all parking in front), and for parking lot landscaping, (permitted a reduction of 30% of the required parking lot shade trees). During the review process the Town requested and Ingles agreed to dedicate right-of-way for a new street to the north side of the site, and to locate a public transit shelter on the site.

Ingles has now proposed changes to the previously approved Master Plan as follow:








1. The gross floor area of the redeveloped grocery store would be reduced from 119,848 square feet to 105,816 square feet – a reduction of 14,023 square feet.
2. The proposed garden center of 23,728 has been removed from the plan.
3. The convenience store has been relocated to the western corner of the property directly fronting on Russ Avenue.
4. A small parcel (0.08 acre) has been added to the district, (PIN: 8616-21-8928) located at the entrance to the site, but no changes are proposed on that parcel.

Staff Review Comments:

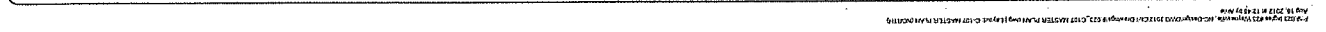
The primary change to the Master Plan is the relocation of the convenience store/gas pumps to a site fronting Russ Avenue. This necessitates streetscape improvements to Russ Avenue, and changes traffic flow patterns on the site. Building design, parking and landscaping for the grocery store and main parking lot remain substantially unchanged. Building design for the convenience store remains unchanged as well. See attached staff review notes.

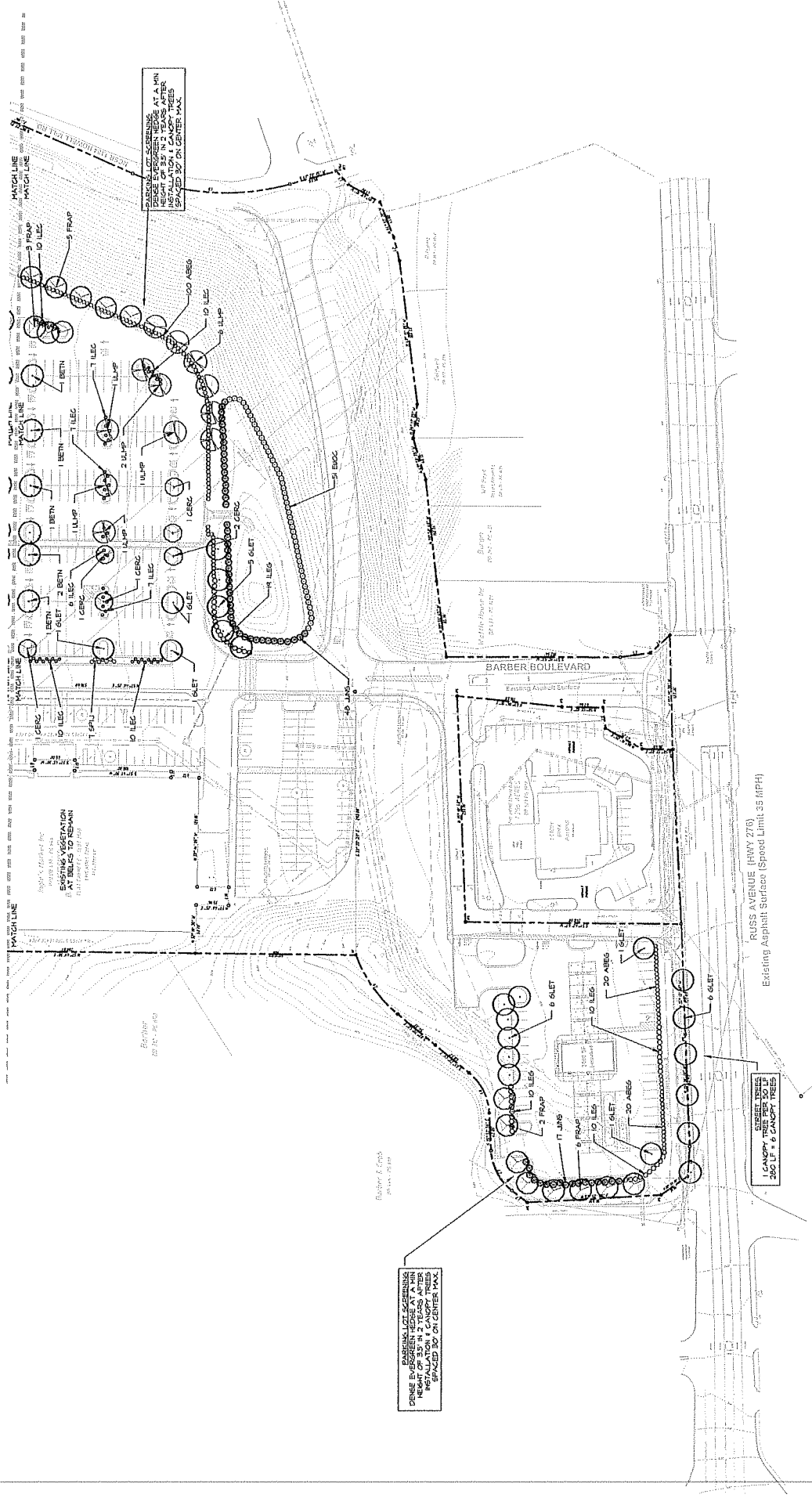
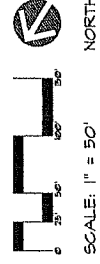
Staff Recommendation:

The staff views both the original Master Plan and the requested changes as a significant upgrade over the current development with the addition of landscaping, pedestrian facilities and new commercial buildings. The staff therefore recommends approval of the revised Master Plan, specifically Sheets C-107 Master Plan North, C-108 Master Plan South and Sheets L-1 Landscape Plan North and L-2 Landscape Plan South, provided that all issues identified in the staff review notes are addressed.

	ASPHALT - OVERLAY (1/2")		6" HEAVY DUTY CONCRETE PAVING
	ASPHALT - STANDARD DUTY		SIDEWALK CONCRETE
	ASPHALT - HEAVY DUTY	=====	PROPOSED CURB AND GUTTER
	EXISTING CONCRETE PAVING	-----	PROPERTY LINE
			PROPOSED PARKING COUNT

MASTER PLAN (NORTH)	C-107	STORE # 21 WAYNESVILLE NORTH CAROLINA
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PLANT SCHEDULE (for entire site)

[illegible]

LANDSCAPING AREA
LANDSCAPING AREA REQUIRED = 15,904 SF
LANDSCAPING AREA PROVIDED = 21,246 SF

TREE PLANTINGS
TOTAL TREES PROPOSED = 00
MEDIUM TREES PROPOSED = 00
LARGE TREES PROPOSED = 00
LARGE PARKING LOT TREES = 34
SMALL PARKING LOT TREES = 10
25% OF THE TOTAL PROPOSED PARKING LOT TREES ARE SMALL TREES