



## TOWN OF WAYNESVILLE, NC

### Board of Aldermen – Regular Meeting

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

Date: **September 11, 2012** Time: **7:00 p.m.**

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*The agenda and all related documentation may be accessed electronically at [www.townofwaynesville.org](http://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](mailto:townclerk@townofwaynesville.org)*

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#### A. CALL TO ORDER

1. Welcome/Calendar/Announcements – Mayor Gavin Brown  
Mayoral Proclamation – In remembrance of the events of Sept 11, 2001
2. Adoption of Minutes

**Motion:** *To adopt the minutes of August 28, 2012 (regular session) as presented [or as corrected].*

#### B. PRESENTATIONS

3. Town Employees’ Annual “Pack the Pantry” Food Drive Benefitting Haywood Christian Ministries – Dean Trader, Assistant Finance Director
4. Public Art Commission Annual Report – Jan Griffin, Chair

#### C. NEW BUSINESS

5. Public Hearing – Request to Rezone 8.0 Acre Parcel (PIN# 8605-72-8509), located at 75 Giles Street, from Hazelwood Business District to Commercial Industrial (*Request of Rick Wrenn, Manager of Richland Creek LLC*)

**Two Motions:**

- a. *To amend page 5-13 of the 2020 Land Development Plan by adding the following text as the last paragraph under the “Industrial” section: “In addition to the Industrial locations mapped on the Future Land Use Map, other locations, particularly within the railroad corridor, may be*

## TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

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*appropriately designated “industrial” and should be considered on a case-by-case basis, provided that such locations are compatible with existing and planned infrastructure and neighboring existing and planned land use.”*

- b. To adopt **Ordinance No. 14-12**, amending the Town of Waynesville Land Development Map to rezone the 8.0 acre property located at 75 Giles Street from Hazelwood Business District (H-BD) to Commercial Industrial (CI), and finding said action consistent with the Town’s 2020 Land Development Plan.

### 6. Amendment to Sign Ordinance Regarding Political Signage

**Motion:** *To adopt Ordinance No. 15-12, amending Section 15.5.12 of the Town of Waynesville Land Development Standards as presented, for the purpose of regulating political signage in conformance with 2011 NCGA Session Senate Bill 315.*

## D. UNFINISHED BUSINESS

7. Report on Progress of Lake Junaluska Municipal Task Force (LJMTF) & Authorization to Proceed with Consolidation Study – Marcy Onieal, Town Manager

**Motion:** *To endorse the proposal of the Lake Junaluska Municipal Task Force recommending further study as to the feasibility of a merger of the Junaluska and Waynesville communities through annexation; to accept LJMTF’s invitation of partnership in preparing a formal annexation study; and to authorize the town manager to initiate said study to the extent that planning funds from partners and outside grant sources are available and/or already committed.*

## E. COMMUNICATIONS FROM STAFF

- Town Manager – Marcy Onieal
- Town Attorney – Woody Griffin

## F. COMMUNICATIONS FROM THE MAYOR AND BOARD OF ALDERMEN

## G. CALL ON THE AUDIENCE

## H. ADJOURN

## **BOARD OF ALDERMEN**

### **UPCOMING EVENTS**

**Saturday, September 8** – Pet Smart Grand Opening, 9:00 a.m. The Waynesville Police Department will have K9s and officers on hand at the Grand Opening, from 9 a.m. to 5 p.m. They have invited the public to come by to meet them and purchase a t-shirt for \$12. All proceeds to toward the cost of a new K9 officer.

**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 – Saturday, September 20, 21 and 22** – Compost and Mulch Sale

**Monday, September 24** – Groundbreaking Old Town Bank (time TBA)

**Thursday – Saturday, September 27, 28 and 29** – Compost and Mulch Sale

**Thursday, October 4** – Community Food Drive at JV Football Game (Tuscola and Pisgah @ Tuscola)

**Thursday, October 4** – Sarge's 4<sup>th</sup> Annual Furry Friends Benefit Bash, Cork & Cleaver Restaurant, 6:00 p.m.

**Friday, October 5** – Community Food Drive at Varsity Football Game (Tuscola and Pisgah @ Pisgah)

**Saturday, October 6** – Gary and Donna's Wedding

**Wednesday, October 10** – Belk Ribbon Cutting (time TBA)

**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.

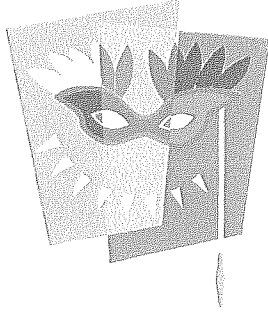
**Saturday, October 20** – Haywood County Apple Harvest Festival, Main Street, 10:00 a.m. – 5:00 p.m.

**Saturday, October 20** – 4<sup>th</sup> Annual ARC of Haywood County "Arc"toberfest, 7 – 11 p.m.

**Sun-Wed, October 21 – 23** – NCLM Annual Conference in Charlotte

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

**Friday, November 9** – National Parks Conservation Association Blue Ridge Parkway Workshop  
NC Arboretum, 8:30 a.m. – 5:30 p.m.



**Fourth Annual Arc of Haywood County  
"Arc" toberfest  
Saturday, October 20, 2012  
7pm-11pm  
The Gateway Club**

**Opportunities to Contribute**

- Purchase of tickets is \$50.00 per person: includes heavy hors d'oeuvres with a cash bar and all the dancing and fun one person can possibly stand! Music provided by "A Social Function" band.
- Sponsor a Table \$500.00 per table: includes recognition of business, organization or individual in center of table and 10 tickets for you and your friends or associates.
- Pay for Hay (similar to sponsor a hole in a golf tournament).
  - Level One: \$100.00
  - Level Two: \$200.00
  - Level Three: \$300.00

Each donor will be recognized with their name in a bale of hay.

**For more information or questions, please contact:  
Rhonda Schandavel at 421-4190 or  
The Arc of Haywood County at 452-1980**



# 4TH ANNUAL FURRY FRIENDS BENEFIT BASH



Thursday, October 4, 2012

Cork & Cleaver Restaurant  
Waynesville Inn, 6 p.m.



- \*Join us for an evening of fabulous food, fun, music, live and silent auctions!
- \*Bring your friends, have a great time and help save Haywood Co. animals.

Tickets \$50.  
Reserved 8-seat tables available for \$450.  
Order tickets with the attached card,  
or purchase at Sarge's Adoption Center,  
256 Industrial Park Dr.; Earthworks~  
downtown Waynesville; or at  
Sarge's web site: [SargeAndFriends.org](http://SargeAndFriends.org)



## EVENT SPONSORS CAN HELP SAVE EVEN MORE!

### ☐ \$1000+ Big Cat Sponsor

Big Cat Sponsors will receive 8 tickets for the event, get 4 Animal Dedication Wall tiles, and see their names prominently displayed in the Furry Friends program.

### ☐ \$500+ Pet Pal Sponsor

Pet Pal Sponsors will receive 4 tickets for the event, get 2 Animal Dedication Wall tiles, and see their names prominently displayed in the Furry Friends program.

### ☐ \$250+ Tail-Wagger Sponsor

Tail-Wagger Sponsors will receive 2 tickets for the event, get 1 Animal Dedication Wall tile, and see their names prominently displayed in the Furry Friends program.

Name you would like on printed materials:

Please complete contact information on reverse side of this card and mail to:

SARF  
PO Box 854  
Waynesville, NC 28786

828-246-9050



## FURRY FRIENDS BENEFIT BASH RESERVATION FORM

Please reserve \_\_\_\_\_ tickets for me at \$50 per person.

☐ I would like to reserve a table for 8 at \$450

Enclosed is: \$ \_\_\_\_\_ Or charge my ☐ VISA ☐ M/C

Card No \_\_\_\_\_ Exp date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Meal selection please indicate quantity of each:

\_\_\_\_\_ NY Strip Steak

\_\_\_\_\_ Mushroom Stuffed Chicken Breast

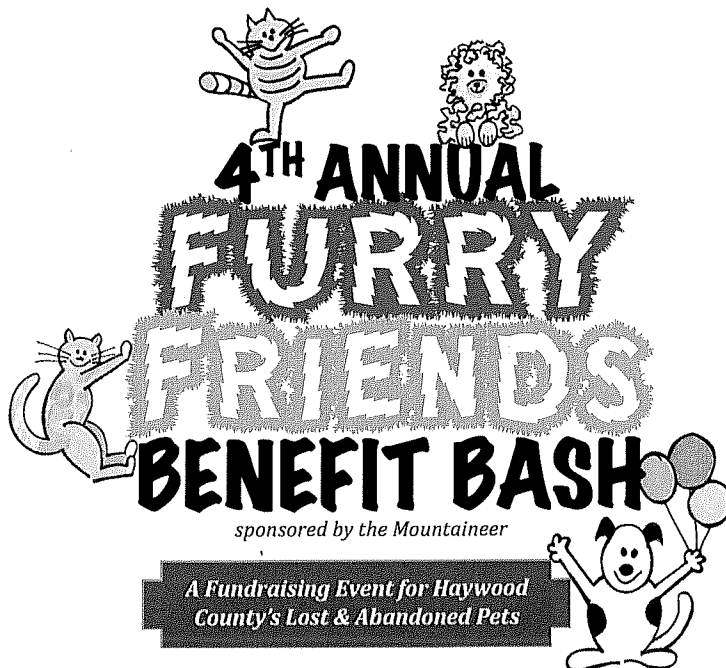
\_\_\_\_\_ Grilled Mahi Mahi

\_\_\_\_\_ Wild Mushroom Ravioli

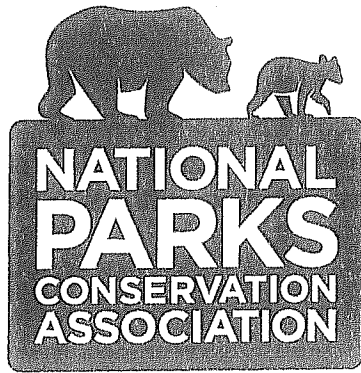
Dinners include side dishes, salad and dessert.  
Cash bar available.

☐ I will not be able to attend, but have enclosed my donation to support Sarge's.

You are invited to...



**SARGE'S**  
ANIMAL RESCUE FOUNDATION  
Saving Animals from Euthanasia



**SAVE THE DATE**  
**NPCA Blue Ridge Parkway Workshop**  
**Friday, November 9<sup>th</sup>, 2012**  
**8:30am to 5:30pm**  
**NC Arboretum, Asheville, NC**

Founded in 1919, NPCA is a leading voice working to protect National Parks from Yosemite to Gettysburg. Representing 750,000 members and supporters in North Carolina and across the nation, NPCA has been active for many years in the conservation of the southern Appalachian region conducting research, designing policy solutions, mobilizing diverse constituencies, and advocating on behalf of our national parks.

**The Blue Ridge Parkway is the single most-visited unit of America's National Park System.**

More people come to the Parkway each year than visit the Grand Canyon, Yosemite, and Yellowstone National Parks combined. Over the past thirty years, more than half a billion tourists and visitors have been drawn to the Parkway - an average of over 17.5 million people each year who spend up to \$2.3 billion dollars in surrounding communities. Unlike a textile mill or an automobile plant, the Parkway cannot be off-shored or out-sourced. It can remain a steady anchor for the region's recreation and tourism economy in perpetuity, *if* we work mindfully and diligently to keep it that way and don't take its gifts for granted.

**The Parkway's relationship to the regional transportation network is at a critical crossroads.**

The purpose of the Parkway, as established by Congress, is to enhance the outstanding scenic and recreational qualities of the corridor that it traverses, *conserving unimpaired* its significant natural and cultural resources, and promoting in perpetuity the public enjoyment and appreciation of the southern Appalachians. As a unit of the National Park system, it is managed as a controlled access scenic motorway, separate and distinct from the regional transportation network, safeguarding a unique type of visitor experience attained through quiet, leisure travel, free from commercial traffic and the congestion of high speed highways. This experience exists nowhere else and is the reason that millions of visitors come to the Parkway year after year.

In contrast, the mission of the regional transportation system is to connect people and places safely and efficiently by means of a high-quality integrated 21st century road network that will facilitate mobility, economic well-being, and quality of life. Under the leadership of the North Carolina Department of Transportation, this mission also includes an emphasis on environmental sensitivity and striving to preserve and enhance the state's natural and cultural resources, while supporting the development of sustainable, vibrant communities.

Though different, these two missions are potentially compatible. However, they will not become so automatically. How can we ensure necessary accessibility and connectivity for the regional transportation system in a way that will not trigger discordant patterns of development along the Parkway that slowly increase the volume of non-visitor traffic, converting the Parkway into a commuter cut through and diminishing the visitor experience?

## **NPCA Blue Ridge Parkway Workshop cont.**

In the absence of forethought, planning and inter-agency collaboration, we could face a future in which either the Parkway becomes an obstruction to needed transportation improvements, or development of the regional transportation system undermines and degrades the very experience that draws millions to the Parkway each year and pumps billions of dollars into the economy.

### **The Solution?**

Through the generous support of the Z. Smith Reynolds Foundation, NPCA has partnered with the Asheville Design Center and the University of Georgia's Center for Remote Sensing and Mapping Science to examine the interface between the Parkway and a range of social, environmental, and transportation factors in order to attempt to envision an environmentally sensitive approach to achieving a transportation system that effectively links one side of the Parkway to the other, without absorbing or impairing the Parkway itself. *We have data and ideas, but we need your help to make them better.*

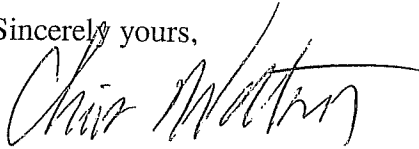
### **What This Workshop Is & Isn't**

It is the presentation of the information that we have gathered and a first attempt to imagine what a context sensitive decision-making process for transportation planning along the Parkway could look like. It is also a fact-finding effort and an attempt to gather a diverse group of knowledgeable people to help us "ground truth" our information and fill in the gaps. This workshop is not a National Park Service sponsored event. It is not an "official" plan. It is not a federal or state planning process. And it is not an ultimate solution, or the last word on the issue.

This workshop is a chance to share what *you* know about the places along the Parkway that are important to *you*.

Please **MARK YOUR CALENDAR** and plan to join us for a stimulating discussion on November 9<sup>th</sup>, 2012. An official invitation and complete details will follow soon.

Sincerely yours,



Chris Watson  
Program Manager, Southeast Regional Office  
National Parks Conservation Association  
706 Walnut Street, Suite 200  
Knoxville, TN 37902  
(865) 329-2424, ext. 24 (best #)  
(865) 292-8811 cell  
[cwatson@npca.org](mailto:cwatson@npca.org)

*To protect and preserve America's National Park System for present and future generations.*

# PROCLAMATION

## IN REMEMBRANCE OF THE EVENTS OF SEPTEMBER 11, 2001

WHEREAS, on September 11, 2001, terrorists attacked America, causing great loss of innocent life and tremendous damage on American soil; and

WHEREAS, the events of that day instantly transformed the lives of Americans, through personal loss and a sense of individual and national vulnerability; and

WHEREAS, many first responders and civilians tirelessly and courageously participated in dangerous rescue and recovery efforts, risking or forfeiting their lives for the safety of others; and

WHEREAS, we pay tribute to the selfless heroes and innocent victims of September 11, 2001, and reaffirm the spirit of patriotism, service and unity that we felt in the days and months that followed; and

WHEREAS, Tuesday, September 11, 2012 will be the 11<sup>th</sup> anniversary of the 9/11 tragedy;

NOW, THEREFORE, the Town of Waynesville Mayor and Board of Aldermen, do hereby proclaim a

### **“Moment of Remembrance”**

on September 11, 2012 in the Town of Waynesville, NC and urge our citizens to dedicate September 11 of each year as a day to mourn, reflect, remember and honor the victims and innocent lives lost as a result of the events of September 11, 2001 and pay tribute to the brave men and women who serve in our nation’s military that were called upon to leave their families and risk their lives to fight and defend America.

This the 11<sup>th</sup> day of September, 2012.

TOWN OF WAYNESVILLE

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Gavin A. Brown, Mayor

REGULAR MEETING  
TOWN OF WAYNESVILLE  
BOARD OF ALDERMEN  
TOWN HALL – 9 SOUTH MAIN STREET  
AUGUST 28, 2012  
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, August 28, 2012. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Julia Freeman, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager Marcy Onieal, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure, Town Attorney Woodrow Griffin and Planning Director Paul Benson. Mayor Brown called the meeting to order at 7:00 p.m.

Upcoming Events

Mayor Brown said there are several events coming up during September and October, including the Block Party, Community Food Drive, Church Street Art & Craft Show and Haywood County Apple Harvest Festival. Alderman Caldwell said on October 20 ARC of Haywood County will be holding their fourth Annual “Arctoberfest” at The Gateway Club. The band for this fundraising event is “Social Function”. Dressing up in Halloween costumes will be optional.

Staff Recognitions

Town Clerk Phyllis McClure Receives State Certification Designation - Manager Onieal announced that Town Clerk Phyllis McClure has received certification as NC Certified Municipal Clerk. This certification was attained 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. This is a five-year designation with requirements for continuing education. Ms. McClure has been certified as Certified Municipal Clerk and Master Municipal Clerk for a number of years through the International Institute of Municipal Clerks Organization.

Area Wide Optimization Award (AWOP) - Manager Onieal announced that the Town has received the Area Wide Optimization Award through the North Carolina Division of Water Resources Public Water Supply Section. This award recognizes “the exemplary performance of the Town of Waynesville’s surface water treatment facilities” and “is a very significant achievement that represents true value to every user that is connected to Waynesville’s water system”. Manager Onieal recognized Water Treatment Plant Superintendent Kyle Cook for this achievement, adding that this is a great stewardship performed for the citizens.

2012 Gertrude S. Carraway Award of Merit - Manager Onieal announced that Waynesville has been recognized with the 2012 Gertrude S. Carraway Award of Merit from Preservation North Carolina for the renovations of the Waynesville Municipal Building. These 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. Manager Onieal recognized Assistant Town Manager Alison Melnikova for her work in this project and invited the Board to join her in receiving this award in Asheville at The Venue on Friday, September 21 at 11:15 a.m.

Approval of Minutes of July 24, 2012

Alderman Caldwell moved, seconded by Alderman Roberson to approve the minutes of the July 24, 2012 meeting as presented. The motion carried unanimously.

Special Event Request – Permission to Sell/Serve Beer & Wine on a Public Sidewalk during Downtown Waynesville Block Party on September 1

Mr. Jon Bowman requested approval 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 allowed by Section 42-4(e) of the Town Code, during the time of the Block Party from 7:00 p.m. until 10:00 p.m.

Manager Onieal reported that the Downtown Waynesville Association is comfortable with this and has asked that Mr. Bowman add DWA as an “additional insured” on the Tipping Point’s event liability insurance 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. With that caveat, the DWA Board endorsed Mr. Bowman’s request at its regular board meeting of August 23, 2012. Mr. Bowman intends to comply with DWA’s request and all applicable ABC & Health Department regulations in operating outdoors, and is in the process of obtaining appropriate permits from the NC State Alcoholic Beverage Control Commission.

Alderman Roberson asked if allowing the sell/serving of beer & wine on the public sidewalk would restrict sidewalk traffic. Manager Onieal said there is adequate pedestrian access, as the street is closed for the event. Alcohol consumption within this area is closely supervised by staff. The Downtown Waynesville Association Board will continue discussion regarding alcohol sales and service at downtown events and would like to have input on the creation of a town policy and procedure that could be applied systematically when similar requests arise.

Alderman Roberson moved, seconded by Alderman Freeman to adopt Resolution #13-12 authorizing the sale and 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 7:00 p.m. until 10:00 p.m., as requested and as permitted by Section 42-4 of the Town of Waynesville Code of Ordinances. The motion carried unanimously. (Res. No. 13-12)

#### Designate Voting Delegate and Alternate for NCLM Conference October 21-23, 2012

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. One voting delegate and one alternate member should be appointed to represent the Town's interest.

Alderman Roberson moved, seconded by Alderman Caldwell to nominate Alderman Greeley as Voting Delegate and Town Manager Marcy Onieal as Alternate. The motion carried unanimously.

#### Request of the Waynesville ABC Board to Exceed Maximum Allowable Working Capital Retained in FY 12 and FY 13

Manager Onieal explained that the Waynesville ABC Board had discussed plans to build a new store since 2008 and was finally moving forward with plans for construction of a 6000 square foot store on Dayco Drive, located between the Hardees and Car Wash in the Walmart Shopping Center on the west end of Waynesville. The ABC Board intends to pay cash for the purchase of the property, which will require them to retain cash in excess of the maximum amount of working capital allowable by state law. In order to retain excess working capital, the ABC Board must have permission of the Board of Aldermen, since these excess funds would normally be distributed to the Town, and other recipients as general fund revenue on a quarterly basis. The ABC Board has, in fact, already withheld distributions of net profit to the Town and County for this purpose and is seeking permission retroactively to exceed maximum allowable working capital for FY2012 and to withhold any profit distributions through June 30, 2012. 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 removing from office for cause, 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 also to County approval).
- 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).

Manager Onieal said 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, with a 10-year history, ranging from a low of \$47,000 in 2004 to a high of nearly \$150,000 in 2011, noting that this revenue constitutes the equivalent of more than one-cent on the tax rate.

The maximum allowable working capital (MAWC) is based on a formula established by NC State Statute. For the year ended June 30, 2012, 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 Fiscal Year 2012. The Town's Fiscal Year 2012 General Fund budget anticipated ABC distributions in excess of \$60,000. The Town received only \$21,280.

The ABC Board plans to close the property purchase by September 10, 2012, and acquire a construction loan from BB&T in the amount of \$1.3 million at 4.15% for a 10-year term (amortized over 20 years), with a balloon payment due at the end of the term. Waynette Davis, representing BB&T, attended to answer questions. Upon completion of construction, the ABC Board anticipates acquiring a second loan in the amount of \$150,000 for purchase of inventory for the new store, while continuing to operate the old store. Ms. Onieal cautioned that once the ABC Board commits to this project, it is unlikely that ABC will be financially able to provide customary profit distributions to the Town and other recipients for the life of the loan unless an extraordinary increase in gross sales is realized.

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 anticipated loss in revenue will also impact Haywood County's General Fund since the Town and County share net profit distributions on a two-thirds/one-third basis. In addition other agencies and purposes which share in the city and county distributions, such as the public library and county school system, will also suffer loss of revenue.

Ms. Davis indicated that the cash flow projection on which loan approval was granted was based on actual historical financial data from FY10 & 11, and that net cash after operations, including operating expenses, state taxes and required statutory distributions was \$134,810. Future revenues were calculated based on a 10% increase in gross revenue in year one and 20% increase



in the second year, with the bank requiring a 10% contingency set-aside to cover operating costs in the event gross revenues failed to meet projections. She acknowledged however, that the loan was qualified solely on the basis of operating capacity, without considering the need to provide for general profit distributions back to the City and County. It was noted that the 10% contingency set aside is the reason the ABC board was requesting permission to exceed maximum working capital and that without this additional cash set-aside, they would not qualify for the loan.

Alderman Greeley asked what would happen if the ABC Store was unable to make their loan payments, specifically the balloon payment due at the end of 10 years. Ms. Davis said that the building itself would be considered as collateral, and that the equity injection of 10% cash set-aside would create the cushion necessary to make monthly payments if revenues failed to meet operating costs. Alderman Freeman asked if there is an early payoff penalty. Ms. Davis said there is a prepayment penalty during the first five years of 1%. At the end of the ten year loan term, if unable to make the balloon payment, then ABC would have to refinance the outstanding balance, but ABC board members expressed their belief that they will be able to pre-pay additional principal over the life of the loan, reducing the balance due in year 10.

Manager Onieal said that once ABC uses its excess working capital (or cash reserve) to pay for the property, it will be quite some time before the ABC operation rebuilds working capital to a level that would require input or approval from the Board of Aldermen, therefore, this is probably the only time in the foreseeable future that the Board of Aldermen will have the opportunity and responsibility to exercise administrative and financial stewardship over a major public revenue stream, which is guaranteed to disappear in the short term, and very likely to decline significantly for as much as five, ten or twenty years, if this construction project is undertaken as planned. Alderman Wells said in another year the Board of Aldermen may potentially have to face the request to withhold distributions again. Manager Onieal clarified that scenario is unlikely, as the Board of Aldermen has no authority to require ABC to make discretionary distribution of net profits, so long as ABC maintains working capital in an amount between the minimum required and the maximum allowed by statute. For that to happen, the ABC operation would have to generate sufficient profit to have paid off its construction loan, met annual operating costs each year, and set aside a cash reserve in excess of \$550,000 before permission of the Board of Aldermen is required again. She reminded the board that the board's decision tonight could negatively impact revenue streams not only for the Town, but for other agencies which receive a portion of those profit distributions, noting that these agencies are probably not even yet aware of ABC's plans, as there has been no publicity or formal communication. The distribution formula is 64% to the Town of which 5% goes to the Haywood County Library, 15% is reserved for Economic Development, 5% is reserved for recreation activities and the 75% remainder goes to the general fund. Of the 36% of the total that goes to Haywood County, 50% is reserved for the Board of Education and 50% goes to the county's General Fund.

Mayor Brown said the ABC Board is required to maintain two weeks of revenue sales and maximum is three months. In 2003 they had \$70,000; 2005 up to \$389,000; \$545,000 in 2009 and have been building up over the past ten years. The long range decision to be made by the board is to forego short term gain for what is hopefully a long term gain.

ABC Board Chair Earl Clark said he has been on the ABC board about 10 years and a new location for the ABC Store was considered even during the 1980's. The ABC Store has been in the same location since 1967, operating within the same square footage. Now Waynesville allows mixed beverages, and local breweries have added items that the ABC Store does not have room to stock. Constructing a new store will cut their revenues short for the first few years, but it is felt in the long run that the revenues will be much more. They have worked very hard on this for about three years and they felt that it would be better to build a new building that would fit in with the town and look good. The Board has looked at several properties with buildings already existing, but remodeling can be a problem. Appraisal on the property being considered was performed last Monday and results should be known by September 4. Ms. Davis said the loan can be finalized on the property once the appraisal is received. Mr. Clark said Architect Randy Cunningham is designing the new building, consisting of 6,600 square feet, including the 3,000 square foot sales floor. The current location totals approximately 3,400 square feet.

Mayor Brown said in 2008 or 2009 the ABC Board began searching for property. In 2008 the ABC Board came before the Board of Aldermen with a similar request to retain excess working capital, but was asked to come back with a solid financial plan, which they are doing tonight. Approval to build a second store was also needed from the State ABC Commission, which was received in March, 2010. The ABC Board has a five-year lease with Bill Norris for the current store location, which expires in September 2012. A request was made to extend the lease for one year with the option for four additional years because ABC does not want to be obligated to operate two stores for a full five years. Once the new store is completed, ABC intends to operate two stores for anywhere from a few months up to a year or 18 months to test the profitability and feasibility of maintaining two locations indefinitely, and will close the old store if it proves unprofitable. There will be at least 25 parking spaces at the new location. Mayor Brown said this would be a nice addition for the west end of town to show that this end of town is a good place to do business. Mr. Clark said allowing mixed beverages helped the ABC Store sales, and if new restaurants were developed that serve mixed beverages, this will also help.

There was discussion regarding how privatization could affect the ABC Store.

ABC Board member Raymond Ezell said if they were able to operate two stores they would not need the same amount of square footage and could operate on one shift, reducing overhead expenses. Their main goal is to make sure they can fund the debt service, pay off the loan principal and operate in an efficient manner and, if possible, return money to the town and

county as they have in the past, but probably not in the amounts that they have in the past. They have been told that their sales would probably increase 15 – 20 percent, but they are basing their plans on an annual increase of 5%.

Alderman Roberson asked if there were any thoughts of distributions returning sooner. Chairperson Earl Clark said that is what they are hoping to do.

Raymond Ezell said the ABC Board would like to retain the \$90,000 they have built up now, which otherwise would by statute have to be distributed to the Town. This would be used as capital and next year there probably wouldn't be any distribution either. He felt that after reevaluating at the end of the following year, as long as ABC is on good sound financial footing they could consider resuming some distributions. Earl Clark expressed appreciation to the Board for considering their request, adding that they are currently waiting on the property appraisal before continuing forward and would like to see this approved.

Alderman Greeley moved, seconded by Alderman Roberson, 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 Fiscal Year 2012 and Fiscal Year 2013, in anticipation of land acquisition for and construction of a second (new) ABC store during Fiscal Year 2013. The motion carried unanimously.

#### Reappointment of Raymond Ezell to Alcoholic Beverage Control Board

Raymond Ezell 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. In addition, applications on file from six individuals were submitted to the Board of Aldermen for consideration.

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.

Alderman Roberson moved, seconded by Alderman Caldwell to reappoint Raymond Ezell to the Alcoholic Beverage Control Board, for another three-year term, ending June 30, 2015. The motion carried unanimously.

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

A public hearing on this matter was conducted by the Board of Aldermen at a regular meeting on July 10, 2012, with the board voting 3-2 in favor of the requested rezoning (Aldermen Caldwell, Freeman & Greeley in favor and Mayor Brown & Alderman Roberson opposed). In order to adopt or amend an ordinance on a first reading there must be an affirmative vote equal to, or greater than, two-thirds of the actual membership of the Board of Aldermen. The motion may pass on a second reading with affirmative votes of a simple majority.

Alderman Caldwell moved, seconded by Alderman Freeman 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 Hazelwood Urban Residential/Mixed Use Overlay to South Main Street Business. The motion carried with three (3) affirmative votes (Aldermen Greeley, Freeman and Caldwell) and two (2) opposing votes (Alderman Roberson and Mayor Brown) (Ord. No. 13-12)

Report of Planning Board Approval of Minor Revisions to the Ingles Conditional Development (CD) Master Plan on Russ Avenue

In February, 2011, the Board of Aldermen approved a Conditional Development Master Plan for Ingles Markets and rezoned property at 201 Barber Boulevard as the Russ Avenue Regional Center Conditional District. Ingles has submitted proposed changes to the previously approved Plan. The proposed changes are not "substantial" as defined by the Land Use Code and require no action by the Board of Aldermen. The Planning Board unanimously approved the proposed changes at their meeting on August 20, 2012.

Planning Director Paul Benson said the biggest change being proposed by Ingles Markets is the relocation of the convenience store. They plan to move the gas station from its location behind the HomeTrust Bank to another location closer to Russ Avenue. The only other changes were to remove the proposed 20,000 sq. ft. garden center and reduce the square footage of the Ingles store from 120,000 to 106,000. Both changes would lessen the impact of the store. They are extending the sidewalk that ended behind the bank and the sidewalk now follows the side road behind the bank and along the Russ Avenue frontage in front of the convenience store. Landscaping and street trees are to be installed. No modification of parking lot buffers was requested, but trees were redistributed. One condition added by the Board in February 2011 was to add a transit stop which is shown on the plan between Belk and Ingles. No new roads are shown as a result of the change, but some traffic will be shifted. The main entry is from Barber Boulevard. There is an existing road behind the bank coming down on the north side of bank to Russ Avenue that is right/in-right-out only. These roads are already in place and will provide access for the convenience store.

Former Mayor Henry Foy said Ingles has always tried to get a service station in. They have done a nice job where their store is located, but as they get down to the Russ Avenue area it tends to fall apart. Mr. Foy felt that the design does not conform to the Town's Land Use Plan with all the asphalt in front of the building. He added that the appearance of the HomeTrust Building made a quality piece of property fronting Russ Avenue. The fuel pumps have been run parallel with Russ Avenue and he does not feel that the pumps should be located at Russ Avenue. His suggestion was to send this back to the drawing board and ask Ingles to put the convenience store back to its original proposed location.

Mayor Brown said a gas station is allowed in that district. As Paul Benson has pointed out to him this is a land use issue.

Philan Medford asked to look at the public transit shelter location, adding that she is thrilled that sense of place will get to witness the first transit shelter on a project. Location matters – a suitable location should be useful for all patrons and meet ADA criteria. Transit services a wide variety of people. Some details to consider are that some patrons use carts for walking, others use motorized carts, but both require close proximity to the grocery store and to leave their carts. Some people can be mobility challenged. Ms. Medford said she did not see bike racks on the plan. Mr. Benson said they are on another sheet. They were not included on the first approval because they were not required, but have since been added.

Ms. Medford said she is thrilled that Waynesville is one of the few towns in NC that has earned Tree City USA recognition, but felt that Ingles has failed on the choice of tree species and location of trees. The Community Appearance Commission worked very hard to recommend and use different species of trees in different locations and specific design principles were drawn from various methods such as using deciduous trees which are effective as a canopy to reflect heat. Ms. Medford said there is plenty of room and setback to allow a second row of trees and there is adequate space to place trees between the sidewalk and shrubs.

Paul Benson said there was a lot of discussion during the land development process and they decided to get away from such rigid street tree requirements. The Horticulturist recommended a more diverse process and has been replacing some of the trees along Russ Avenue as needed.

Philan Medford expressed concern regarding trees designated for the Ingles project. Ms. Medford gave examples of street trees for Russ Avenue and suggested that Town Horticulturist Jonathan Yates diplomatically address the street trees at the Ingles site. Ms. Medford felt that there should be some mitigation between town staff and developers and two rows of trees would have been better. Mayor Brown deferred this issue to Mr. Benson and the Planning Board.

Mayor Brown asked about the transit location. Paul Benson said Ingles' attorney said they would be able to provide a transit stop but they would need to look at a location.

Alderman Roberson asked why they decided to move the convenience store. Mr. Benson said he understood that Ingles wanted to have better exposure for the convenience store.

No action was necessary. These changes were unanimously recommended by the Planning Board at their meeting on August 20, 2012.

#### Attendance of Southwestern Commission – Region A Meeting

Mayor Brown reported that several Waynesville representatives attended the Southwestern Commission Region A Meeting in Cherokee On Monday evening, August 27. Waynesville was described as the most vibrant community he has been. Other towns have done a good job as well, but he feels fortunate to be a part of Waynesville.

#### Comments Regarding Recent Meeting at Lake Junaluska

Town resident Pat Maier said she attended the recent meeting at Lake Junaluska where Town Staff presented information about Waynesville. Ms. Maier knows several residents of Lake Junaluska and has had conversations with many of the residents. Ms. Maier said residents were totally blown away and impressed with the presentation that was given there by the town manager and staff.

#### Adjournment

Alderman Greeley moved, seconded by Alderman Caldwell to adjourn the meeting at 8:24 p.m. The motion carried unanimously.

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Phyllis R. McClure  
Town Clerk

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Gavin A. Brown  
Mayor

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**FOR BOARD INFORMATION**  
**Meeting Date: September 11, 2012**

**SUBJECT:** Public Art Commission Annual Report Presentation

**AGENDA INFORMATION:**

**Agenda Location:** Presentations  
**Item Number:** B-4  
**Department:** Administrative Services  
**Contact:** Alison Melnikova, Assistant Town Manager  
**Presenter:** Jan Griffin, Public Art Commission Chairman

**BRIEF SUMMARY:** Earlier this year Town Manager Marcy Onieal recommended that the Board of Aldermen receive annual reports from each of the appointed boards and commissions. The current plans of the Waynesville Public Art Commission made that Commission a logical board to begin this rotation. Later this week the WPAC will advertise for artist submissions for another major piece of original artwork, to be installed in the Minipark in August 2013, with the theme of *Wildflower of the Smokies*. After *Wildflowers of the Smokies* is successfully installed in 2013, the WPAC plans to move out of downtown and next commission a piece for installation in Hazelwood or Frog Level.

The WPAC was established in 2006 to recommend guidelines and procedures for the planning, development, acquisition, display, and maintenance of public art. This was the formalization of the vision that began with *StreetScapes*, the wildly successful temporary public art program that enhanced downtown Waynesville from 1999 to 2004. Since 2008 the WPAC has commissioned three significant works: *Old Time Music* by Stefan Bonitz, *Folkmoot* by Wayne Trapp, and a hand-constructed railing for *Art Connects the Parks*. Its members have also envisioned and overseen the student paver design contest for the Town Hall/Police Department/Development Office project and the replica arch recently installed in the Mini-Park.

At Tuesday's meeting Public Art Commission Chairman Jan Griffin will present an overview of the plans of the WPAC for the next 18 months. Fundraising for *Wildflower*, community outreach, and additional long-range planning will keep this group of nine dedicated volunteers busy.

**MOTION FOR CONSIDERATION:** *Report only, no action required*

**FUNDING SOURCE/IMPACT:** Since the WPAC was created in 2006, no Town funds have been used for the actual purchase of any public art pieces - the members of the WPAC raise the funds needed for each commission through private donations. The Town provides administrative support and annual funding to the WPAC to assist with fundraising, signage, and publication costs. In fiscal year 2013 the WPAC received \$5,000 as part of the Town's Annual Budget process, the same amount requested and received in fiscal year 2012.

**ATTACHMENTS:**

- WPAC Art Project Implementation Policy, adopted July 9, 2009
- Information on the 2013 *Wildflowers of the Smokies* project
- Site plan photos of the Mini-Park and the project location

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



Waynesville, North Carolina

## Wildflowers of the Smokies Call to Artists

### Summary

The entire *Call to Artists*, including the site plan with dimension and photos is available at [www.townofwaynesville.org](http://www.townofwaynesville.org)

*The mission of the Waynesville Public Art Commission is to engage the community and enrich public spaces through original art that celebrates Waynesville's historic, cultural, natural and human resources.*

### Project Overview

The Public Art Commission of Waynesville, North Carolina is issuing a call for artists for its fourth commissioned public art project. The theme of the piece is *Wildflowers of the Smokies*, specifically wildflowers and flowering plants, to honor the historic connection between the Great Smoky Mountains National Park and the Town of Waynesville.

The selection process is managed by the Waynesville Public Art Commission, a non-profit commission of citizens appointed by the Waynesville Board of Aldermen.

### Artist Eligibility

The Call is open to all professional artists, or teams of artists, over the age of 18, residing in the 25 North Carolina Counties that comprise the Blue Ridge National Heritage Area: Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey.

### Commission

The commission to the selected artist is **\$12,500.00**. This commission includes all costs to the artist: i.e., materials for entire piece, mounting materials, installation, transportation, insurance\*, travel, and sales tax.

*\*Insurance during fabrication, transportation, and installation. Upon final installation and acceptance by a Town representative, insurance becomes responsibility of the Town.*

The selected artist will be responsible for:

1. Proposal development
2. Fabrication and installation
3. Professional images and materials documentation
4. Attendance at the Fundraising event



## Project Background

The project site is the “Mini-Park” located at the corner of North Main and Depot Streets in downtown Waynesville. The Mini-Park is the site of an artistic railing (commissioned in 2010), and an arched sign installed in honor of a similar sign that stood over Main Street. Both pieces have a theme of connecting Waynesville to Great Smoky Mountains National Park. The Commission is looking for a sense of diverse elements coming together to reinforce the connection between the town’s Main Street and the Great Smoky Mountains National Park.

The Great Smoky Mountains National Park is an International Biosphere Reserve and a World Heritage Site with historical family homesteads, biological diversity, and Southern Appalachian culture. One symbol of the biological diversity is the number of flowering plants found within the National Park - over 1,500 flowering plant species have been identified within its boundaries.

## Project Description

The Commission is seeking a durable multidimensional piece with texture and depth in its design. Artists are encouraged to use mixed media, including but not limited to combinations of metal, glass, or tile. Painted wood is discouraged.

The piece shall be located on the south side of the park, in what is now a raised flower bed. A stucco wall is located directly behind the planter, which may be used in the design and installation. A freestanding piece, anchored in the planting bed, is also encouraged.

The theme is *Wildflowers of the Smokies*, but other natural elements may also be incorporated, including but not limited to sunset/sunrise, clouds, trees, lakes, and mountains. While the main theme is flora, with an emphasis on wildflowers, the piece may be an abstract representation and specific wildflower species do not have to be recognizable.

## Project Schedule

|                              |  |
|------------------------------|--|
| <b>January 4, 2013</b>       | Application deadline                     |
| <b>January 17, 2013</b>      | Finalists notified                       |
| <b>March 16, 2013</b>        | Finalist presentations to Advisory Panel |
| <b>April 1, 2013</b>         | Artist notification *                    |
| <b>Date to be determined</b> | Fundraising event                        |
| <b>September 17, 2013</b>    | Installation                             |
| <b>September 20, 2013</b>    | Unveiling and Grand Reception            |

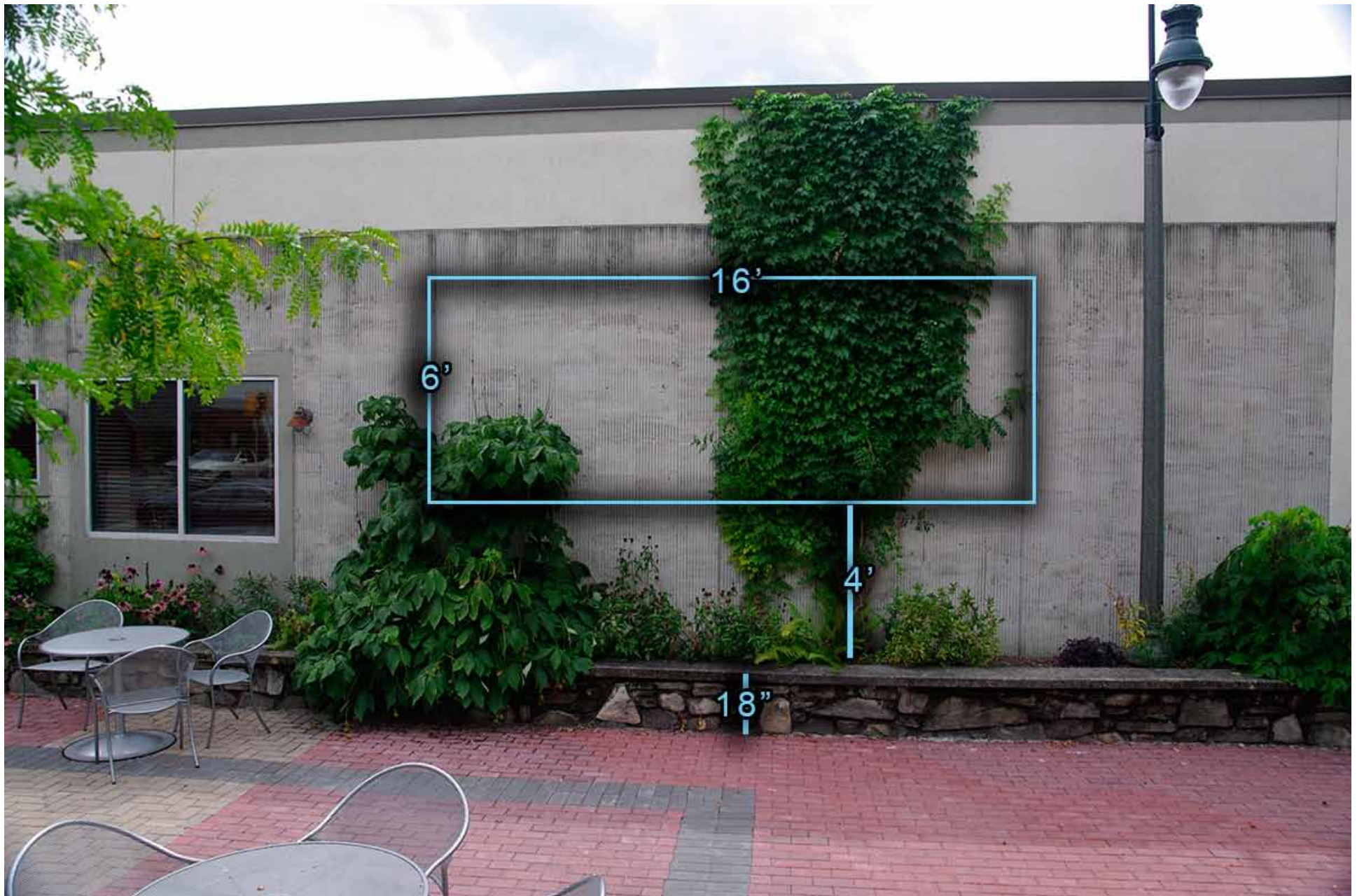
- \* After considering the presentations by the finalists, and the feedback received from the Citizen Advisory Panel, the WPAC will present a recommended artist and design to the Board of Aldermen. The final selection and decision to award a contract to an artist will be made by the Board of Aldermen at a regularly scheduled meeting on or about March 26, 2013.

**Waynesville Public Art Commision, “*Wildflowers of the Smokies*”**  
Art Piece for Mini-Park ~ Guide to Dimensions and Placement





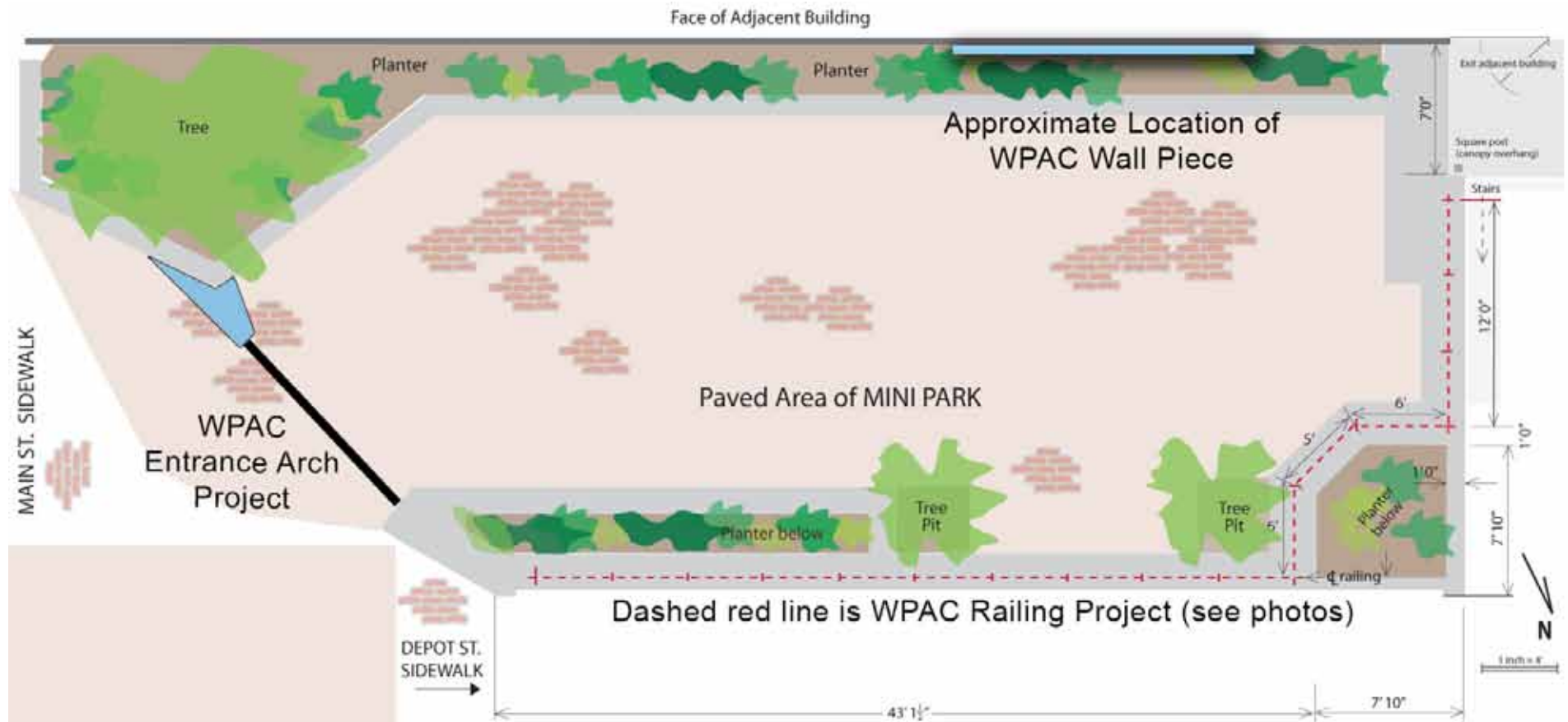
Waynesville Public Art Commision, Art Piece for Mini-Park  
See “Notes” on last page for more details.





Waynesville Public Art Commision, Art Piece for Mini-Park  
View showing WPAC railing art project.





*See "Notes" on last page.  
See "Wildflowers of the Smokies  
Call to Artists" from the WPAC  
for detailed project information and requirements.*

**Notes for “*Wildflowers of the Smokies*  
*Call to Artists*”**  
**Mini-Park, Corner of Depot St. and N. Main St., Waynesville, NC**

1. Area available for use is approximately 6 feet tall by 16 feet long. (see attached photos)
2. Artwork should be designed to roughly fit the allotted 6’x16’ area, but does not have to follow the rectangular shape. It can be a diptich, triptich, etc. The Commission is seeking a durable multidimensional piece with texture and depth in its design. Artists are encouraged to use mixed media, including but not limited to combinations of metal, glass, or tile. Painted wood is discouraged.
3. Overgrown vegetation on wall shown in photos will be removed, and suitable vegetation will be maintained in the planter.
4. Wall is made of concrete with vertical “ribs” spaced approx 1” apart and 1” depth. Attachment of art to wall is possible with proper standoffs and attachment points that allow access to bolts or screws.
5. Art piece may be made freestanding with a base approximately 4 feet over top of flower bed soil, and include an extension approximately 16-18 inches long for anchorage in the flower bed. Extension must be reasonably rust-proofed for durability.
6. Wall faces approximately north east, getting morning and some early afternoon sunlight.
7. Durability and mainenance requirments will be a consideration.
8. Please see “*Wildflowers of the Smokies Call to Artists*” for detailed project information and submission requirements.
9. Questions regarding the site and placement logistics of the artwork may be addressed to Ed Kelley, [ed@theridgerunner.com](mailto:ed@theridgerunner.com).
10. Questions regarding the submission process or any details of the Call to Artists should be directed to Jan Griffin, Chairman of the Public Art Commission at (828) 246-8188 or [griffin918@bellsouth.net](mailto:griffin918@bellsouth.net)

Waynesville Public Art Commission  
P.O. Box 100  
Waynesville, NC 28786

[WPAC@townofwaynesville.org](mailto:WPAC@townofwaynesville.org)



# **Waynesville Public Art Commission**

## **Art Project Implementation**

Adopted July 9, 2009

### **Methods for Selection of Artist/Artist Teams and/or Artworks**

An artwork may be commissioned for a site using a variety of methods. Open competitions will be widely publicized. Announcements will inform artists of the method of selection and of submission requirements. These methods will include, but not be limited to:

Request for Qualifications (RFQ): Artists are asked to submit slides and/or examples of their previous work and professional history. The Commission will review all initial applications and choose three finalists to present their proposals. The Commission may request the aide of additional members of the community, town staff, town government, arts professionals as needed to assist in choosing finalists.

Limited Call: Artists identified by the WPAC are invited to submit qualifications and/or site specific proposals.

Request for Proposals (RFP): Artists are asked to submit a detailed proposal for a specific site.

The WPAC will determine the amount of an honorarium to give an artist to develop a proposal; no artist will be asked to work on behalf of the Town of Waynesville or the WPAC without compensation. All proposals requested by the WPAC for a public art commission will be delivered in a standard and uniform manner as determined by the WPAC.

## **Advisory Selection Panel**

The WPAC will choose Selection Panel members from a reference list that is kept continually updated, taking into account the needs of each individual project. This Panel may be comprised of representatives of WPAC, community residents, designated project architect or landscape architect, representatives from appropriate Town department(s) where the project will be sited (if applicable), to insure a cross section of the community is represented in the decision process. The panel will also include a significant percentage of arts professionals: visual artists, educators, curators, architects and arts administrators whenever possible based on availability.

The responsibilities of the Selection Panel is to become familiar with the designated public art project, review all artist submitted materials and offer their opinion to assist WPAC in their final selection and recommendation to the Town Board of Aldermen.

Each panel member serves for the duration of the specific project and is encouraged to participate in any community forum concerning this or other art projects as well as participating in the dedication ceremonies for the projects.

## **Design Processes and Approvals**

The following typical phases of design, fabrication and installation shall guide all WPAC art projects:

### **Scope of Preliminary Design**

Once an artist has been selected and a contract executed, the artist will work with the WPAC to complete a scope of services that will include but not be limited to:

- . The identification of any special studies relevant to the successful execution of the artwork(s) and all necessary consultants to the artist or the project.
- . Design documents that fix and describe the size and character of the artwork with respect to their relationship to the project site
- . A preliminary fabrication schedule that considers any new or renovated building construction
- . Scaled drawings
- . A written statement describing the concept for the artwork
- . Colored drawings or computer-generated color images in plan and elevation, and/or three-dimensional models of the proposed artwork.

This work will be presented by the artist and reviewed by the WPAC as well as any other relevant parties identified in the contract. The artist will also present and review this work with public constituencies as recommended by the WPAC.



### Scope of Final Design

Upon written approval of Preliminary Design, and as defined in the artist's contract, the artist may commence Final Design. Final Design documents shall consist of:

- . Detailed drawings of the artwork showing material selections and finish specifications
- . Final color and material samples
- . Proposed methods of fabrication
- . A cost estimate that details the final costs associated with completing the artwork including design, fabrication, transportation, delivery installation and post-installation maintenance of the artwork as recommended by the artist if applicable.
- . A written final recommendation of all of the required processes and an estimate of annual costs to maintain the artwork in a "like new" condition in the climate and environment of Waynesville, North Carolina. Such estimate should include, but is not limited to, labor-hours for typical custodial/grounds workers, materials, special equipment and attention of inspection by art experts.
- . A written description of the artwork appropriate for public dissemination.

Any building code review will be completed during this phase of work. Final design drawings shall also detail all interface between the artwork and building architecture, structure, mechanical electrical and plumbing systems, and other construction elements as may be required. The artist shall present the above deliverables to the WPAC for review and approval and review this information with public constituencies as recommended by the WPAC.

### Scope of Fabrication Services

Upon written approval of the Final Design, and as defined in the artist's contract, the artist shall commence Fabrication of the artwork. Services to be completed during Fabrication include:

- . Final schedules for delivery and installation of the artwork
- . Coordination with the project architect and/or the Town should new construction or renovation be occurring at the public art site; and, drawings will illustrate the support system for the artwork and the building structure to which the artwork will be attached (the artist shall be provided with all relevant specifications and construction drawings for those sites where the artwork will be installed.)
- . It is understood that the artist will fabricate or cause to have fabricated artwork in accordance with previously approved design proposals; any significant change or deviation in the scope, design, color, size, material, texture or location of the artwork must be approved by the WPAC and the Town in advance and in writing.

The artist is expected to provide progress reports and photographic documentation of the work to the WPAC and the Town at 50% and 75% completion.

### Delivery and Installation

The artist is responsible for providing detailed descriptions and installation instructions for the artwork, including recommended equipment and site preparation. The artist will supervise or cause to be supervised the packing, crating, and transportation of the art to the project site. The artist will oversee the installation of the artwork in accordance with previously approved delivery and installation schedules. This work shall be coordinated with the Town and any on-going construction at the project site, if applicable. All artwork commissioned or purchased by the Town at the recommendation of the WPAC shall be free of liens.

### Documentation

The artist is responsible for the delivery of two sets of 35 mm color slides or digital images taken from three different viewpoints of each of the artworks; two sets of 8 x 10 glossy black and white prints of each of the artworks taken from different viewpoints; and, a set of three different views of each of the artworks in digital form. These products must be of sufficient quality to serve as a guide to future conservation.

### Contractual Obligations

The contract between the artist and the Town of Waynesville shall articulate compensation and payment schedules; title obligations; warranties; insurance thresholds; indemnification clauses; notices of and procedures for termination; suspension of performance; delays; copyright provisions; credits; repair and maintenance; waivers; governing law; assignment; amendments; non-discrimination clauses; mediation remedies and other articles as deemed relevant and necessary by the WPAC, the artist, and/or the Town of Waynesville.

### Public Information Forums

During the life of the public art project it may be advisable for the WPAC to hold public forums concerning proposed designs for public artwork. The WPAC should take advantage of all opportunities to solicit public opinion and response.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: September, 2012**

**SUBJECT:** Public Hearing – Request to Rezone 8.0 acre parcel (PIN 8605-72-8509) located at 75 Giles Street from Hazelwood Business District (H-BD) to Commercial Industrial (CI) (*Request of Rick Wrenn, Manager, Richland Creek LLC*)

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** C-5  
**Department:** Planning & Development Services  
**Contact:** Paul Benson, Planning Director  
**Presenter:** Marcy Onieal, Town Manager

**BRIEF SUMMARY:** The subject property is the former site of the A.C. Lawrence Leather Co., a tannery located south and west of the Hazelwood central business area, bordered by the Norfolk Southern railroad and Browning Branch. The property is currently occupied by a 12,000 square foot warehouse with a building value of \$60,000 and a land value of \$517,500 and is zoned **Hazelwood Business District (H-BD)**. The Purpose and Intent of this district as established by the Land Development Standards (Section 2.3.6.B.):

The H-BD is a small scale center for business, retail and institutional activity serving the residents of Hazelwood, Plott Creek, Eagles Nest and other surrounding neighborhoods. A broad mixture of uses is permitted, but development in the future must be sensitive in design and provide for a high level of pedestrian safety and comfort. The large undeveloped tracts of land in this district must be well connected both to the neighborhood and the center as they develop. On-street parking is permitted and encouraged on many streets. Articulation in this area should occur at the scale of the pedestrian with buildings built at the scale of a neighborhood center. Connections among properties within this district and to surrounding districts are very important.

The requested **Commercial Industrial (CI)** zoning district has the following Purpose and Intent as established by the Land Development Standards (Section 2.3.8.A.):

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

**MOTION FOR CONSIDERATION:**

- 1) *To amend page 5-13 of the 2020 Land Development Plan by adding the following text as the last paragraph under the “Industrial” section: “In addition to the Industrial locations mapped on the Future Land Use Map, other locations, particularly within the railroad corridor, may be appropriately designated “industrial” and should be considered on a case-by-case basis, provided that such locations are compatible with existing and planned infrastructure and neighboring existing and planned land use.”*
- 2) *To adopt **Ordinance No. 14-12**, amending the Town of Waynesville Land Development Map to rezone the 8.0 acre property located at 75 Giles Street from Hazelwood Business District (H-BD) to Commercial Industrial (CI), and finding said action consistent with the Town’s 2020 Land Development Plan.*

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

**ATTACHMENTS:**

- Rezoning Application
- Planning Staff Report to Planning Board
- Minutes from regular meeting of Waynesville Planning Board on August 20, 2012
- Draft ordinance
- Maps

**MANAGER’S COMMENTS AND RECOMMENDATIONS:** At its regular meeting of August 20, 2012, the Planning Board voted unanimously to recommend this rezoning request be approved, and in addition, that the 2020 Land Development Plan be amended to recognize the goal of promoting commercial and industrial development within the Norfolk Southern Railroad corridor. Manager recommends approval as presented.

**TOWN OF WAYNESVILLE PLANNING DEPARTMENT****Application for Land Development Standards Map Amendment**

Application is hereby made on July 30, 20 12 to the Town of Waynesville for the following map amendment:

Property owner of record: Richland Creek LLC

Address/location of property: 75 Giles Place

Parcel identification number(s): 8605-72-8509

Deed/Plat Book/Page, (attach legal description): 464/634

The property contains 8 acres.

Current district: Hazelwood Town Center

Requested district: Commercial Industrial

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

On-going historical industrial use, proximity to the railroad and follows the recommendation of Land Development Standards Steering Committee in 2011.

**Applicant Contact Information**

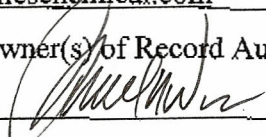
Applicant Name (Printed): Richland Creek / Rick Wrenn

Mailing Address: PO Box 370 Waynesville, NC 28786

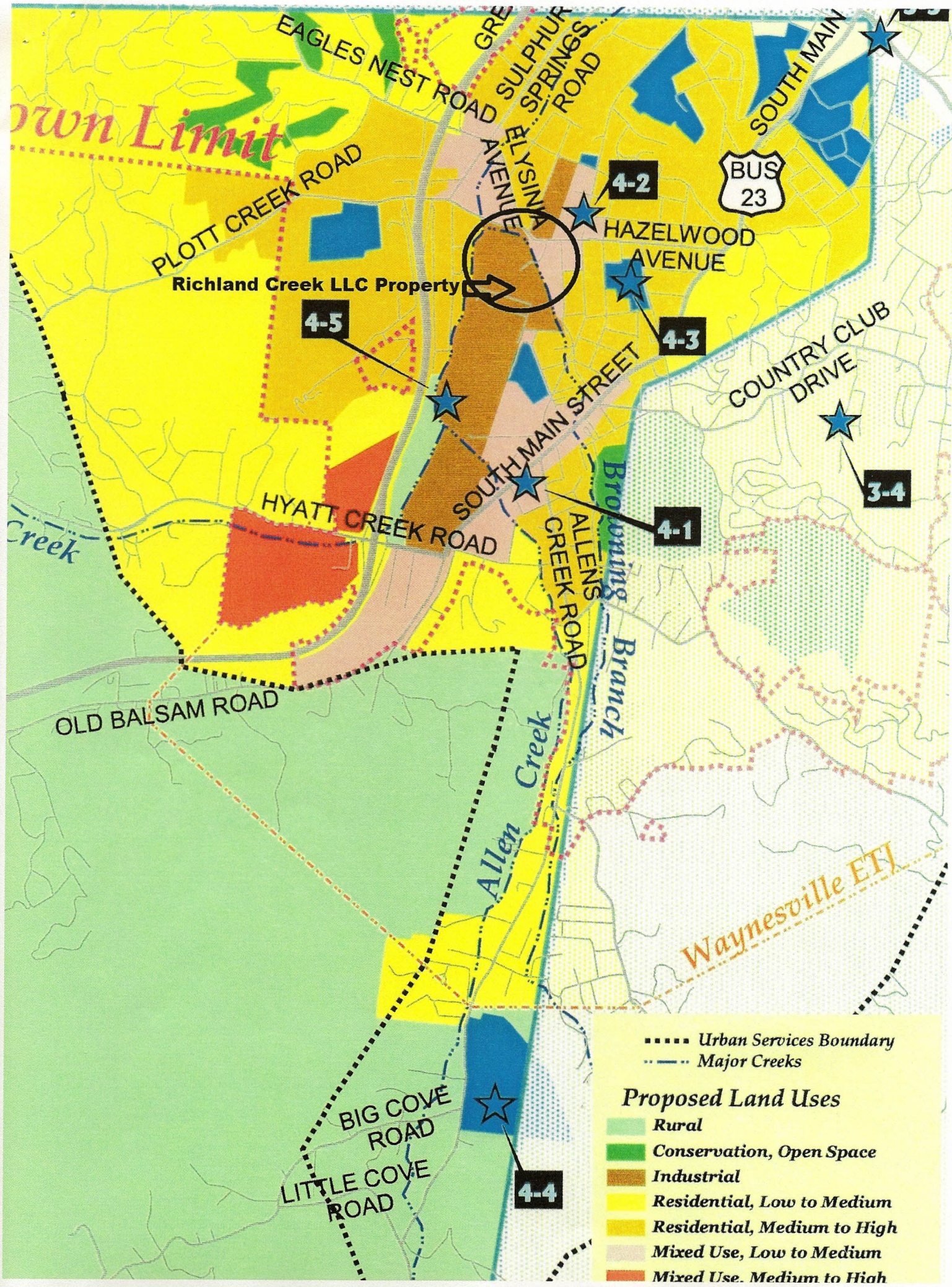
Phone(s): 828-452-4784 828-734-0962 (MATT HAYNES)

Email: mhaynes@gileschemical.com

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

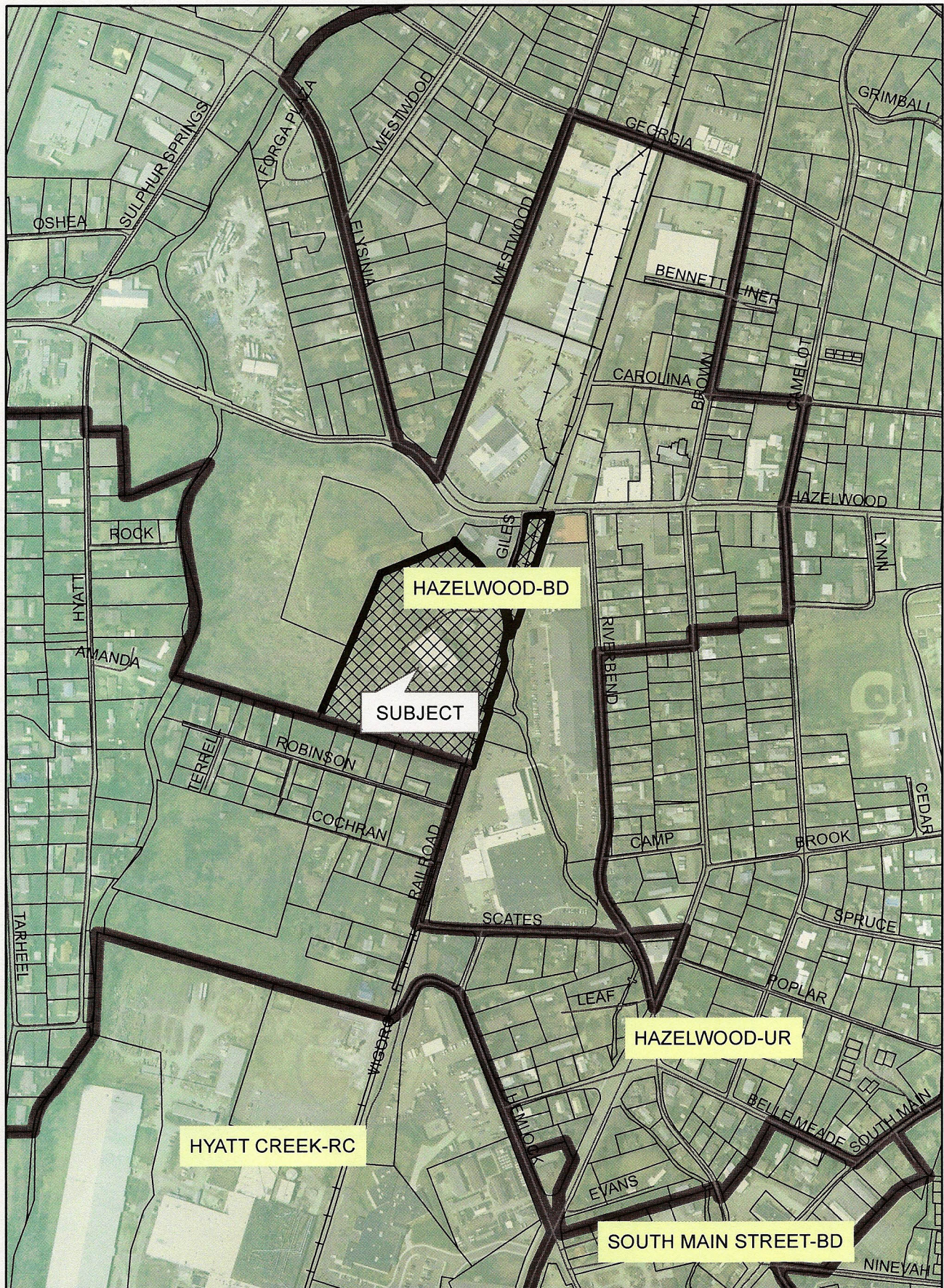
  
**Note: Map Amendment Requests require a fee based on the size and number of lots being requested for amendment. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Planning Department, 9 South Main Street, Waynesville,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







Richland Creek LLC / Rick Wrenn Rezoning Request  
75 Giles Place





## STAFF REPORT

**Agenda Item:** Richland Creek/Rick Wrenn Rezoning Request  
**Location:** 75 Giles Street  
**Properties:** 1  
**Size:** 8.0 acres  
**Owner(s):** Richland Creek LLC  
**Proposed Zoning:** Commercial Industrial (CI)

### Background

The subject property is located south and west of the Hazelwood central business area. It is bordered by the Norfolk Southern railroad and Browning Branch. It is the former site of the A.C. Lawrence Leather Company/tannery.

The property is currently occupied by a 12,000 square foot warehouse with a building value of \$60,000 and a land value of \$517,500 according to Haywood County GIS records.

The subject property is currently zoned Hazelwood Business District (H-BD). The Purpose and Intent of this district as established by the Land Development Standards (Section 2.3.6.B.):

The H-BD is a small scale center for business, retail and institutional activity serving the residents of Hazelwood, Plott Creek, Eagles Nest and other surrounding neighborhoods. A broad mixture of uses is permitted, however, development in the future must be sensitive in design and provide for a high level of pedestrian safety and comfort. The large undeveloped tracts of land in this district must be well connected both to the neighborhood and the center as they develop. On-street parking is permitted and encouraged on many streets. Articulation in this area should occur at the scale of the pedestrian with buildings built at the scale of a neighborhood center. Connections among properties within this district and to surrounding districts are very important.

The requested Commercial Industrial (CI) zoning district has the following Purpose and Intent as established by the Land Development Standards (Section 2.3.8.A.):

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



## **2020 Land Development Plan**

Under North Carolina law local municipal zoning is required to be based on an adopted comprehensive land development plan. In Waynesville this document is: Waynesville: Our Heritage, Our Future, 2020 Land Development Plan. According to this plan, specifically Map 15, planned land use for the subject property is primarily "Industrial" with a small area of the site between Browning Branch and Hazelwood Avenue designated as "Mixed Use, Low to Medium (see attached map). This map also contains Highlighted Goals and Objectives. Goal 4-5 is "Promote the reuse of vacant or underutilized industrial land".

### **Staff Recommendation:**

Staff recommends approval of this request for the majority of the site west of Browning Branch with the small portion of the site between Browning Branch and Hazelwood Avenue remaining zoned as is (H-BD). This fits with the 2020 Plan and meets the recent direction from the Land Development Standards Revision Steering Committee that the Town rezone property suitable for industrial development within the corridor served by the railroad. This site does have railroad access. It would also make the existing use of warehousing a conforming use.

Preserving the small area of H-BD at the eastern end of the property would preserve the corridor of this district along Hazelwood Avenue and would not hamper the ability of the applicant to use the property for CI type uses.

### **Suggested Action:**

- \* 1. Motion to amend Page 5-13 of the 2020 Plan by adding the following text as the last paragraph under the "Industrial" section:

*"In addition to the Industrial locations mapped on the Future Land Use Map, additional locations, particularly within the railroad corridor, may be appropriate and should be considered on a case-by-case basis provided that such locations are compatible with existing and planned infrastructure and neighboring existing and planned land use."*

2. Motion to recommend that the portion of PIN 8605-72-8509, located at 75 Giles Place, west of Browning Branch be rezoned from Hazelwood Business District to Commercial Industrial.

REGULAR MEETING  
TOWN OF WAYNESVILLE  
PLANNING BOARD  
TOWN HALL - 9 SOUTH MAIN STREET  
AUGUST 20, 2012  
MONDAY - 5:30 PM

The Planning Board held a regular meeting on Monday, August 20, 2012. Members present were Lee Bouknight, Brooks Hale, Marty Prevost, Don Stephenson, Jon Feichter, and Chairman Patrick McDowell. Also present were Planning Director Paul Benson, and Administrative Assistant Eddie Ward. The meeting was called to order at 5:30 PM by Chairman McDowell.

Approval of Minutes of May 21, 2012

Lee Bouknight moved, seconded by Don Stephenson to approve the minutes of May 21, 2012 as presented. The motion passed unanimously.

Consideration of amendment to text of the Land Development Standards Section 11.5.12 - Political Signs

Paul Benson, Planning Director, explained that the State of North Carolina amended the State Governing Regulations to exempt political signs along state highways from local government control. In being consistent with state law, this amendment adds to the Land Development Standards 11.5.12 - Political Signs sub paragraph "F" stating that political signs located along state highways are exempt from the section and are regulated by North Carolina G. S. 136.32. The Town's sign ordinance will still be in full force for Town maintained roads. Time periods for this law call for the political signs to be displayed during a period beginning 30 days prior to the beginning of "one stop" early voting and conclude 10 days after the election.

A motion was made by Marty Prevost, and seconded by Brooks Hale to approve the amendment to the Land Development Standards Section 11.5.12 - Political Signs. The motion passed unanimously.

Public Hearing: Ingles Conditional District Master Plan Change Request at 201 Barber Boulevard - Russ Avenue Regional Center - Conditional District

Chairman McDowell asked Mr. Benson to give a background report concerning an amendment to the Ingles Conditional District Master Plan that had been approved last year. Mr. Benson stated that during the review process, the Town requested, and Ingles agreed, to dedicate a right of way for a new street to the north side, and to locate a public transit shelter on the site. Ingles is now proposing a slight reduction in the grocery store, and removing the garden center, and also relocating the convenience store gas station from the site between Belk and the rear of the Hometrust Bank, to the site north of the bank, facing Russ Avenue. Building design, parking, and landscaping for the main parking lot and grocery store remains unchanged. Ingles is requesting an alternative compliance for



landscaping around the convenience store. The Town requested a row of canopy trees between the sidewalk and the street. Evergreen shrubs are also required with a seven and one half foot buffer area along the parking lot with a canopy tree every thirty feet. This constitutes two rows of trees fairly close together. Ingles is asking to move the trees around to the side or rear because of visibility concerns at the convenience store. Mr. Benson stated the language for alternative compliance allows vegetation to be shifted around to the sides.

Board Member Marty Prevost had questions about the entrance to the convenience store. Mr. Benson said there would be no change to the existing roads. Access to the convenience store would be one of two ways, the road behind Hometrust Bank, or the unnamed road off Russ Avenue, between the convenience store and the bank. The entrance from Russ Avenue would be right in, right out only. Traffic traveling south on Russ Avenue would have to enter through the main entrance.

There was discussion about the entrances to the grocery store and convenience store.

Chairman McDowell then asked if anyone had any comments. The first person to speak was Mike Egan, 318 North Witted St, Hendersonville, NC, representing Ingles Markets, Inc. Mr. Egan gave a brief history of the project. He stressed the benefits of the expansion of Ingles for the Town of Waynesville, including redesign of the existing parking area, adding trees and landscaping, and new sidewalks. In addition, approximately 50 new jobs will be created, along with sales tax revenues.

Mr. Egan stated that in re-evaluating the most efficient use of the land, Ingles decided to redesign the store by reducing the square footage by fourteen thousand square feet, eliminating the garden center, and relocating the convenience store.

Marty Prevost had a question concerning the Belk building. Mr. Egan said the building was owned by Ingles and would be integrated into the project with sidewalks connecting the entire site. Ms. Prevost also asked if plans had changed for the transit stop. Mr. Egan said no.

Don Stephenson asked if the reason for moving the trees was visibility. Mr. Egan said the original plan included sixteen trees and they felt that would be very dense. Rather than ask to completely eliminate the trees, Ingles would like to move the trees to the side or rear.

The Board had questions concerning the locations of the gas pumps on the project site. The primary question was about if a sufficient amount of area had been allowed for a gas tanker to access the convenience store pumps in the new location. Mr. Egan assured the Board allowance had been made for large trucks.

Chairman McDowell opened the Public Hearing for comments.

The first person to speak was John Burgin, 275 Wildcat Road, Waynesville, NC. Mr. Burgin stated he managed, for his family trust, the property on which the existing Arby's restaurant is located. Mr. Burgin had addressed the Planning Board and Ingles at an earlier meeting about a connecting road between his property and Ingles access road. At that time, he said the Planning Board had granted the request and it had gone to the Town Board of Aldermen.

Mr. Benson said the minutes for the Board of Aldermen would have to be reviewed in order to ascertain if that condition had been brought to them. In making their motion, the connector road was not included as a requirement on Ingles plan. Mr. Egan stated that Ingles was willing to discuss the road issue with Mr. Burgin, but Ingles does not feel it is proper for the Town to make this a condition for the project.

Tim Shook, Calhoun Road, Waynesville, NC, asked a question about an access point located on Calhoun Road. Mr. Egan stated that no access point was proposed there.

There was much discussion among the Board members about the access road, the Russ Avenue Corridor, and future plans.

Chairman McDowell closed the Public Hearing.

A motion was made by Brooks Hale and seconded by Lee Bouknight to grant Ingles the 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. The motion passed unanimously.

Public Hearing: Consider request from Rick Wrenn of Richland Creek LLC for amendment to Town of Waynesville Land Development (Zoning) Map - PIN 8605 72 8509 located at 75 Giles Place (8acres) - from Hazelwood Business District (H - BD) to Commercial Industrial (CI)

Chairman McDowell asked Mr. Benson to present background information for the request by Rick Wrenn of Richland Creek LLC for rezoning.

Mr. Benson explained that Giles Chemical uses an existing warehouse and an office building located at 75 Giles place. This property consists of approximately eight acres and is located beside the "Old Tannery." The office area is currently under renovation. The property is currently zoned Hazelwood Business District (HBD). Hazelwood Business District is a Central Business District, with primarily retail and service uses. In the 2020 Land Development Plan, this area west of Browning Branch Road is shown to be Industrial and to the east of Browning Branch Road along Hazelwood is shown to be Mixed Use Commercial. The property is bordered by the Norfolk Southern Railroad.



Mr. Benson stated that in the State of North Carolina, zoning is required to follow a comprehensive Land Use Plan. The Town of Waynesville's 2020 Land Development Plan is showing Industrial Use in this case, which is fitting with the plan. The principal focus in this area will be on industrial development. For future development, high design and performance standards will be important because this district is one of the major entrances into Waynesville. Connections among properties within this district, and to surrounding districts, are very important.

Chairman McDowell then asked if anyone from Giles Chemical would like to speak. Matt Haynes, spoke on behalf of Rick Wrenn of Richland Creek LLC. Mr. Haynes stated that the intention of Giles Chemical was to zone this property for the best use, with a long range term in mind. Giles has no projects in mind as of now for the property, and currently the property is being cleaned and some remodeling of the office is taking place. A railroad spur is located on the property and Mr. Haynes feels Industrial Use is the best zoning for the property.

Mr. Benson answered questions from the board about the buffer required for this property.

Chairman McDowell opened the Public Hearing for comments.

Glenn Toller, 363 Brunswick Dr, Waynesville, NC, stated he owned the property adjoining Richland Creek LLC. He has been developing property in Waynesville for many years. He said he has no problem with the request for rezoning from Giles, and will support Giles in any way he can.

Chairman McDowell closed the Public Hearing.

A motion was made by Jon Feichter to amend Page 5-13 of the 2020 Land Development Plan by adding the following text as the last paragraph under the industrial section: "In addition to the industrial locations mapped on the Future Land Use Map, additional locations, particularly within the railroad corridor, may be appropriate and should be considered on a case-by-case basis provided that such locations are compatible with existing and planned infrastructure and neighboring existing and planned land use." The motion was seconded by Marty Prevost and approved unanimously.

A motion was made by Marty Prevost to recommend that the portion of PIN 8605-72-8509, located at 75 Giles Place, west of Browning Branch Road be rezoned from Hazelwood Business District (H-BD) to Commercial Industrial (CI). The motion was seconded by Don Stephenson and approved unanimously.

#### Other Business: Planning Board Vacancies, Future Agendas

In other business, Mr. Benson mentioned that currently there were two vacant seats on the Planning

Board. Because of relocating, Board Member Ron Reid notified Mr. Benson he could only serve through October 2012, meaning there will be three open seats. Also, agenda packets were sent by e-mail for this meeting, and if anyone prefers hard copies in the future, please let Mr. Benson or Eddie Ward know.

Adjournment

With no further business, a motion was made to adjourn at 6:35 PM by Lee Bouknight and seconded by Brooks Hale. The motion carried unanimously.

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Patrick McDowell  
Chairman

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Eddie Ward  
Administrative Assistant

**ORDINANCE NO. 14-12**

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT MAP OF THE  
TOWN OF WAYNESVILLE FOR PROPERTY LOCATED AT  
75 GILES STREET**

**WHEREAS**, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulation and district classifications from time to time in the interest of the public health, safety and welfare; and

**WHEREAS**, this Ordinance is consistent with the Town's 2020 Land Development Plan; and

**WHEREAS**, the Town of Waynesville Planning Board has reviewed the proposed ordinance and recommends its enactment by the Board of Aldermen; and

**WHEREAS**, after notice duly given, a public hearing was held on Tuesday, September 11, 2012;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:**

**Section One.** Page 5-13 of the Town of Waynesville 2020 Plan is amended by adding the following text as the last paragraph under the "Industrial" section:

*"In addition to the Industrial locations mapped on the Future Land Use Map, additional locations, particularly within the railroad corridor, may be appropriate and should be considered on a case-by-case basis provided that such locations are compatible with existing and planned infrastructure and neighboring existing and planned land use."*

**Section Two.** The zoning classification of that certain real property located at 75 Giles Street is hereby changed from Hazelwood Business District (H-BD) to Commercial Industrial (CI). Said properties are also identified on Haywood County Tax Maps by means of the Parcel Identification Number 8605-72-8509.

**Section Three.** The Office of Planning Director is hereby authorized and directed to modify the Town's Official Zoning Map consistent with this Ordinance.

**Section Four.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

**Section Five.** All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section Six.** This ordinance shall be in full force and effect from and after the date of adoption.

**ADOPTED** this 11<sup>th</sup> day of September, 2012.

TOWN OF WAYNESVILLE

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Gavin A. Brown, Mayor

ATTEST:

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Phyllis R. McClure, Town Clerk

APPROVED AS TO FORM:

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Woodrow H. Griffin, Town Attorney



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: September 11, 2012**

**SUBJECT:** Report on Progress of Lake Junaluska Municipal Task Force & Authorization to Proceed with Consolidation Study

**AGENDA INFORMATION:**

**Agenda Location:** Unfinished Business  
**Item Number:** D-7  
**Department:** Administrative Services  
**Contact:** Marcy Onieal, Town Manager  
**Presenter:** Marcy Onieal, Town Manager

**BRIEF SUMMARY:** The Lake Junaluska Municipal Study Task Force has been meeting since late April, 2012, examining which options of governance and service provision offer the best future for the Lake Junaluska community. The study identified four specific options for consideration:

- 1) Remain unincorporated and change nothing
- 2) Transfer control of water/sewer systems
- 3) Incorporate LJA as a town
- 4) Merge with the Town of Waynesville through annexation

At Lake Junaluska's request, the town manager and staff made a public presentation about merger options and municipal services to nearly 150 LJA residents and Task Force members on August 9, 2012, and the manager followed with a similar presentation to members of Waynesville Rotary Club on August 31, 2012, receiving positive feedback from audience members on both occasions. After lengthy discussion at its meeting of September 5, 2012 with all voting members present, the Task Force voted unanimously to remove Options 1 and 2 from further consideration, and to request that the Town of Waynesville partner with Lake Junaluska to further explore the annexation option by initiating a consolidation study and beginning more formal discussion (both unilateral and bilateral) of the specific issues and areas of interest or concern, which must be addressed before an agreement to merge could be fully negotiated.

The Task Force has recommended that the Community Council/LJA Board authorize funds and staff to work with Town of Waynesville staff to develop a scope of work and request for qualifications (RFQ) for the purpose of securing outside engineering and consulting assistance, as needed, to determine projected costs and benefits to each community of a merger through annexation. The Town has already approved limited funding for this purpose in the adopted budget. The Task Force is aiming for formal action by its appointing Board in early October. The Town of Waynesville has made clear that any investment of Town time, staff or resources in further study or serious pursuit of annexation would come only with a formal invitation from LJA. That invitation is now imminent.

After a brief progress report by the manager and LJA staff at Tuesday's board meeting, it is hoped that the board of aldermen will spend quality time discussing this matter and provide some direction to staff for moving forward, because it appears that formal engagement with Lake Junaluska around this issue is proceeding more quickly than perhaps originally anticipated. Although formal action by the Board is not required at this point, it is in the interest of public awareness and transparency that this item has been placed on your agenda for discussion and consideration.

**MOTION FOR CONSIDERATION:**

*To endorse the proposal of the Lake Junaluska Municipal Task Force recommending further study as to the feasibility of a merger of the Junaluska and Waynesville communities through annexation; to accept LJMTF's invitation of partnership in preparing a formal consolidation study; and to authorize the town manager to initiate said study to the extent that planning funds from partners and outside grant sources are available and/or already committed.*

**FUNDING SOURCE/IMPACT:** An annexation study is expected to cost in the neighborhood of \$40-50k, with costs to be shared by the Town of Waynesville and Lake Junaluska Assembly. Some grant funding may be available from the NC Rural Center for planning purposes specifically related to water and sewer infrastructure, which would offset a portion of the cost of a study for both partners.

**ATTACHMENTS:**

- Map of proposed annexation area
- Comparative Statistics at a Glance
- Manager's PPT presentation to Waynesville Rotary, dated 8/31/12 (abbreviated version)

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Adopt motion as presented.

## **Planning Board Staff Report**

Subject: **Consideration of amendment to text of the Land Development Standards**

Section: **11.5.12 Political Signs**

Applicant: **Staff initiated**

Date: **August 20, 2012**

### **Background:**

Last year the NC General Assembly amended state law to limit local government authority to regulate political signs along State highways (G.S. 136-32). Within the Town of Waynesville there are many State highways including: Duckett Cove Road, Davis Cove Road, Camp Branch Road, Lickstone Road, Pinewood Drive, Allens Creek Road, Piney Mountain Road, Hyatt Creek Road, Welch Street, Plott Creek Road, Will Hyatt Road, Sulphur Springs Road, Eagles Nest Road, Little Mountain Road, Chestnut Park Drive, Sylvan Street, Dolan Road, Frazier Street, Howell Mill Road, Calhoun Road, Leatherwood Road, Felmet Street, Bible Baptist Drive, Phillips Road, Bradley Street, Jule Noland Drive, Children Street, Brookside Court, Farley Street, Old Balsam Road, Walnut Street, Shingle Cove Road, Raytown Heights, East Street, Sunnyside Road, Test Farm Road, Russ Avenue, Pigeon Street, North and South Main Street.

Accordingly, this staff-initiated amendment to Section 15.5.12 of the Land Development Standards:

1. exempts political signs on the rights-of-way of State highways pursuant to state law,
2. changes the time period for placement of political signs from 60 days before the election to 30 days before "one stop" early voting, and removal after the election from 14 days to 10 days. This actually shortens the existing period since early voting begins 19 days before the election (total 49 days v. 60) and by 4 days after the election.
3. eliminates language for runoff elections, since above periods will apply to all elections: primary, general and runoff.

### **Staff Recommendation:**

North Carolina has a relationship between state and local government known as "Dillon's Rule" meaning that the state has complete preeminence over local governments. The theory is that the state creates municipal corporations and it has full control over them. In this case the Town no longer has legal authority to regulate political signs along State highways, so we really have no choice but to amend our ordinance accordingly. Note that the Town retains full control over political signs located everywhere else.

Political signs along State highways are now regulated by State law which does impose size and placement restrictions and significantly requires the permission of adjacent property owners. Political signs are not permitted on limited-access highways such as the Smoky Mountains Expressway.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

SENATE BILL 315  
RATIFIED BILL

AN ACT TO PERMIT CAMPAIGN SIGNS IN HIGHWAY RIGHTS-OF-WAY WITH  
REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-32 reads as rewritten:

"§ 136-32. ~~Other than official signs prohibited.~~ Regulation of signs.

(a) Commercial Signs. – No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial ~~advertising~~ or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without ~~authority~~ authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. – During the period beginning on the 30<sup>th</sup> day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10<sup>th</sup> day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.
- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.

(e) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply."



**SECTION 2.** This act becomes effective October 1, 2011, and applies to any primary or election held on or after that date.

In the General Assembly read three times and ratified this the 28<sup>th</sup> day of July, 2011.

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Walter H. Dalton  
President of the Senate

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Thom Tillis  
Speaker of the House of Representatives

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Beverly E. Perdue  
Governor

Approved \_\_\_\_\_m. this \_\_\_\_\_ day of \_\_\_\_\_, 2011

#### 11.5.12 Political Signs

- A. Such signs shall not be illuminated.
- B. Political signs may not be located within a public street right-of-way and shall not be attached to trees or utility poles or on publicly-owned property.
- C. Such signs may not exceed six (6) square feet in area and four (4) feet in height if freestanding.
- D. Political signs may be displayed during a period beginning ~~sixty (60)~~ 30 days prior to the beginning date of "one-stop" early voting under G.S. 163-227.2 ~~an election~~ and concluding ~~fourteen (14)~~ ten (10) days after the election. ~~In the event of a runoff election, political signs for the candidates involved may remain on display may remain until fourteen (14) days after the runoff election.~~
- E. Any person wishing to erect political signs must first make application to the Administrator which application shall include a deposit that shall be returned to the applicant upon removal of all signs.
- F. Political signs located along State highways are exempt from this section and are instead regulated by G.S 136-32.

**ORDINANCE NO. 15-12**

**AN ORDINANCE AMENDING THE TEXT OF THE LAND DEVELOPMENT  
STANDARDS OF THE TOWN OF WAYNESVILLE REGULATING  
POLITICAL SIGNS TO CONFORM WITH  
NORTH CAROLINA GENERAL STATUTE 136-32**

**WHEREAS**, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulation and district classifications from time to time in the interest of the public health, safety and welfare; and

**WHEREAS**, this Ordinance is consistent with the Town's 2020 Land Development Plan; and

**WHEREAS**, the Town of Waynesville Planning Board has reviewed the proposed ordinance and recommends its enactment by the Board of Aldermen; and

**WHEREAS**, after notice duly given, a public hearing was held on Tuesday, September 11, 2012;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:**

**Section One.** The existing text of Paragraph D of Section 11.5.12 of the Town of Waynesville Land Development Standards be replaced with the following:

"Political signs may be displayed during a period beginning thirty (30) days prior to the beginning date of "one-stop" early voting under G.S. 163-227.2 and concluding ten (10) days after the election."

**Section Two.** The follow text be added as new Paragraph F of Section 11.5.12:

"Political signs located along State highways are exempt from this section and are instead regulated by G.S 136-32."

**Section Three.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

**Section Four.** All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section Five.** This ordinance shall be in full force and effect from and after the date of adoption.

**ADOPTED** this 11<sup>th</sup> day of September, 2012.

TOWN OF WAYNESVILLE

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Gavin A. Brown, Mayor

ATTEST:

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Phyllis R. McClure, Town Clerk

APPROVED AS TO FORM:

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Woodrow H. Griffin, Town Attorney



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: September 11, 2012**

**SUBJECT:** Report on Progress of Lake Junaluska Municipal Task Force & Authorization to Proceed with Consolidation Study

**AGENDA INFORMATION:**

**Agenda Location:** Unfinished Business  
**Item Number:** D-7  
**Department:** Administrative Services  
**Contact:** Marcy Onieal, Town Manager  
**Presenter:** Marcy Onieal, Town Manager

**BRIEF SUMMARY:** The Lake Junaluska Municipal Study Task Force has been meeting since late April, 2012, examining which options of governance and service provision offer the best future for the Lake Junaluska community. The study identified four specific options for consideration:

- 1) Remain unincorporated and change nothing
- 2) Transfer control of water/sewer systems
- 3) Incorporate LJA as a town
- 4) Merge with the Town of Waynesville through annexation

At Lake Junaluska's request, the town manager and staff made a public presentation about merger options and municipal services to nearly 150 LJA residents and Task Force members on August 9, 2012, and the manager followed with a similar presentation to members of Waynesville Rotary Club on August 31, 2012, receiving positive feedback from audience members on both occasions. After lengthy discussion at its meeting of September 5, 2012 with all voting members present, the Task Force voted unanimously to remove Options 1 and 2 from further consideration, and to request that the Town of Waynesville partner with Lake Junaluska to further explore the annexation option by initiating a consolidation study and beginning more formal discussion (both unilateral and bilateral) of the specific issues and areas of interest or concern, which must be addressed before an agreement to merge could be fully negotiated.

The Task Force has recommended that the Community Council/LJA Board authorize funds and staff to work with Town of Waynesville staff to develop a scope of work and request for qualifications (RFQ) for the purpose of securing outside engineering and consulting assistance, as needed, to determine projected costs and benefits to each community of a merger through annexation. The Town has already approved limited funding for this purpose in the adopted budget. The Task Force is aiming for formal action by its appointing Board in early October. The Town of Waynesville has made clear that any investment of Town time, staff or resources in further study or serious pursuit of annexation would come only with a formal invitation from LJA. That invitation is now imminent.

After a brief progress report by the manager and LJA staff at Tuesday's board meeting, it is hoped that the board of aldermen will spend quality time discussing this matter and provide some direction to staff for moving forward, because it appears that formal engagement with Lake Junaluska around this issue is proceeding more quickly than perhaps originally anticipated. Although formal action by the Board is not required at this point, it is in the interest of public awareness and transparency that this item has been placed on your agenda for discussion and consideration.

**MOTION FOR CONSIDERATION:**

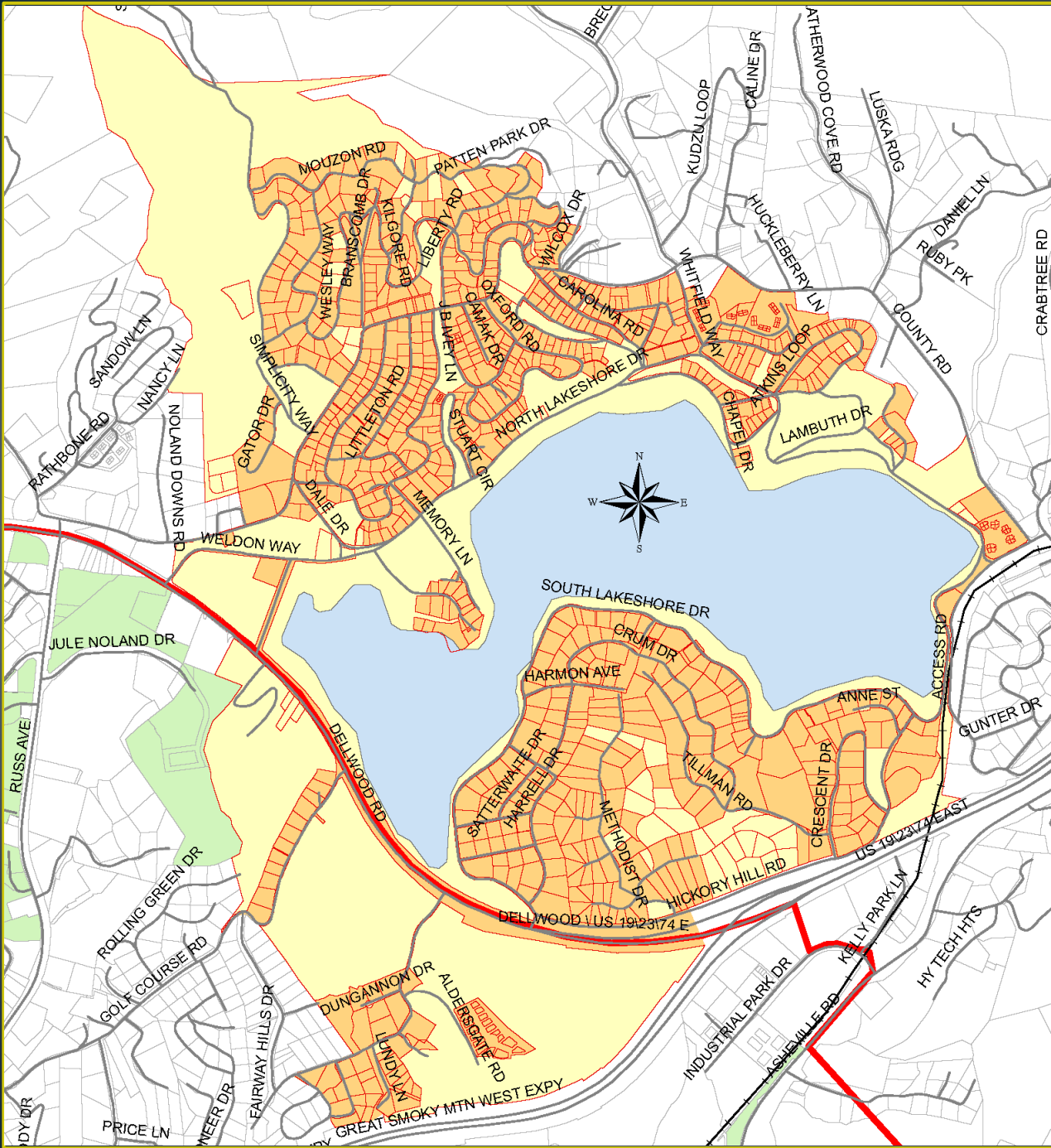
*To endorse the proposal of the Lake Junaluska Municipal Task Force recommending further study as to the feasibility of a merger of the Junaluska and Waynesville communities through annexation; to accept LJMTF's invitation of partnership in preparing a formal consolidation study; and to authorize the town manager to initiate said study to the extent that planning funds from partners and outside grant sources are available and/or already committed.*

**FUNDING SOURCE/IMPACT:** An annexation study is expected to cost in the neighborhood of \$40-50k, with costs to be shared by the Town of Waynesville and Lake Junaluska Assembly. Some grant funding may be available from the NC Rural Center for planning purposes specifically related to water and sewer infrastructure, which would offset a portion of the cost of a study for both partners.

**ATTACHMENTS:**

- Map of proposed annexation area
- Comparative Statistics at a Glance
- Manager's PPT presentation to Waynesville Rotary, dated 8/31/12 (abbreviated version)

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Adopt motion as presented.





# Lake Junaluska


## Assumed Area of Annexation or Incorporation


Map prepared by the Town of Waynesville . LJA  
parcel identifications provided by Lake Junaluska  
Public Works Director Buddy Young  
♦ August 9, 2012 ♦


**Legend**


Waynesville ETJ

LJA parcels

Parcels

LJA ownership

Lake Junaluska Fee Area

Waynesville

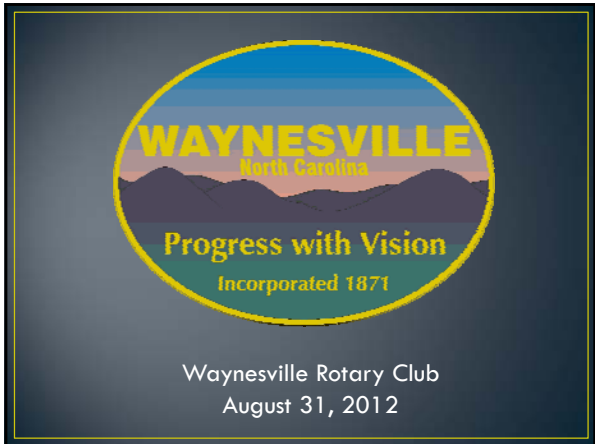
# STATS AT A GLANCE

## Town of Waynesville & Lake Junaluska

(All figures projected as of January 1, 2013)

|   | TOW   | LJA  |
|---|---|--|
| <b>Form of Government</b>   | Town-wide<br>Elections-at-Large<br>4-yr concurrent terms<br>Council-Manager<br>form of govt | SEJ-Methodist Church<br>LJA Board of Directors<br>JACC<br>LJAPOO<br>Municipal Study Task Force |
| <b>Fiscal Year</b>  | Jul 1-Jun 30  | Jan 1-Dec 31   |
| <b>Total # Employees</b>  | 160 FT/74 PT  | 12   |
| <b>Total # FTEs</b>   | ≈ 180 – 200 FTEs  | 12   |
| <b>Annual Operating Budget – 2013 est.</b>  | \$30 million  | \$1.2 – 2.0 Million  |
|   |   |  |
| <b>Population (2012 NC certified est.)</b>  | 9,922   | ≈816   |
| <b>Registered Voters (Haywood Co. Elections Bd)</b>   | 6,848   | 630  |
| <b>Area in Square Miles</b>   | 8.76  | 1.40   |
| <b># Property Parcels -Total</b>  | 6,006   | 1,051  |
| <b># SFRs (Single-Family Residential Parcels)</b>   | 3,246   | 780 res/661 SFR  |
|   |   |  |
| <b>Mean Value SFRs</b>  | \$172,300   | \$232,534  |
| <b>Median Value SFRs</b>  | \$123,700   | \$215,500  |
| <b>Total Assessed Property Value (taxable)</b>  | \$1.147 billion   | \$192 million  |
| <b>Tax Rate or Equivalent (per \$100) *</b>   | .4082   | .3900/.3975/.4725  |
|   |   |  |
| <b>Revenue generated by 1¢ on the tax rate<br/>(at 40.82¢/\$100 &amp; 95.54% collection rate)</b> | \$105,569   | \$18,379   |
| <b>Total New Property Tax Revenue/yr<br/>(after annexation/incorporation)</b>                     | ≈\$750,000  | ≈\$715,000-\$870,000   |
| <b>Annual Tax Assessment *<br/>(Typical SFR based on \$200,000 valuation)</b>                     | \$816   | \$780 - \$945  |
| <b>Solid Waste Fee/mo<br/>(Typical SFR)</b>   | \$9.00  | \$13.86  |
| <b>Combined Monthly Water/Sewer Bill<br/>(Typical SFR Cost/5000gal/month)</b>                     | \$37.53   | \$55.00 - \$73.78  |

**Note:** Lake Junaluska figures were taken either directly from the LJA Municipal Study and presentations prepared by Andrew D'Adesky and Buddy Young, Spring/Summer, 2012 or derived from data contained therein. Where noted by asterisk, Lake Junaluska rates reflect the range of proposals for municipal status under consideration by LJA.



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**Junaluska Municipal Study - Why Now?**

1. LJA 100<sup>th</sup> Anniversary 2013 – Vision for the future
2. Legal challenges
  - NC Supreme Court, 2009 – service charge affirmed
  - NC Utility Commission, 2011 – rates/policy exempted
  - NC General Assembly, 2012 – annexation laws changed
3. Business Model challenges
  - Increased Competition in Leisure/Conference Industry
  - Modern Expectations vs. Dated Facilities & Amenities
  - Down Economy/Declining denominational \$\$ support
  - Aging Infrastructure/Increasing Operating Costs
  - Acting like a town w/o benefits of a town
  - Incompatible Mission

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**Mission Statement**

*“ . . . To be a place of Christian hospitality where lives are transformed through renewal of soul, mind and body . . .*

*. . . A place of spiritual enrichment, leader development and transformation . . .*

*. . . To provide hospitality, creativity & excellence in all we do.”*

The logo for Lake Junaluska Conference & Retreat Center. It features a circular emblem with a cross and a landscape. To the right of the emblem, the text "Lake Junaluska" is written in a bold, serif font, and "Conference & Retreat Center" is written in a smaller, sans-serif font below it.

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## Municipal Study Task Force

12 Members + 3 ex officio  
4 public meetings since April 25, 2012  
9 strategic plans

### Objectives

*What is best for the future for the LJA community?*

- To receive community input
- To review strategic studies/examine all options
- To listen & educate
- To report & recommend to JACC/LJA BoD

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## LJA STRATEGIC PLANS

1. Municipal Study – 2012
2. Water & Sewer System Assessment & Appraisal – 2012
3. Water & Sewer 10-yr Capital Improvements Plan – 2012
4. Stormwater Management Plan – 2012
5. Lake Sediment Management Study – 2012
6. Strategic Pavement Condition Survey – 2011
7. Strategic Equipment Assessment – 2011
8. Hydropower Feasibility Study – 2010
9. Traffic & Parking Report – 2008

<http://www.lakejunaluska.com/community-plans/>

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## OPTIONS

1. Remain Unincorporated (no change)
2. Transfer Control of Water/Sewer Systems
3. Incorporate as a Town
4. Merge with Town of Waynesville through Annexation

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### Shared History & Identity

- Sewer Treatment Plant - joint project
- TOW already provides water/sewer/fire protection
- Greenway provides physical connection
- Common Schools – LJ Elementary & Tuscola
- LJ & TOW residents & visitors already shop, live, work, worship, recreate, engage culturally, host one another in the neighboring community



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### Methods of Merging

1. Merge selected services via contract or transfer of assets
2. Incorporate first, then merge two incorporated municipalities
3. Voluntary Annexation – Contiguous Areas
4. Voluntary Annexation – Satellite (Non-contiguous areas)
5. Involuntary Annexation
6. Special Legislative Act of NC General Assembly

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### Methods of Merging



#### Annexation by Special Legislative Act of NC General Assembly

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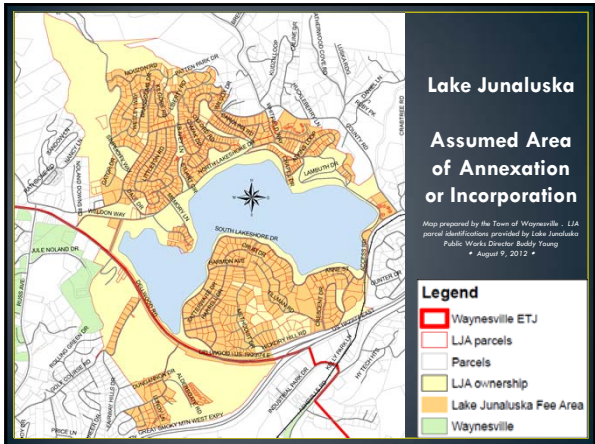
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| Comparative Stats At a Glance  |   |  |  |
|--|---|--|--|
|  | Town of Waynesville   |  | Lake Junaluska   |
| Form of Government   | Town-wide Elections at Large 4-yr concurrent terms Council Manager form of govt |  | SE2 Methodist Church LJA Board of Directors JACC LJA/PO Municipal Study Task Force |
| Fiscal Year  | Jul 1-Jun 30  |  | Jan 1-Dec 31   |
| Total # Employees  | 368/774 P/T   |  | 12   |
| Total # FTEs   | ~ 180 ~ 200 FTEs  |  | 12   |
| Annual Operating Budget - 2013 est.  | \$30 million  |  | \$1.2 - 2.0 Million  |
| Population (2012 NC certified est)   | 9,622   |  | ~780   |
| Registered Voters  | 6,848   |  | 630  |
| Area in Square Miles   | 8.76  |  | 1.40   |
| # Property Parcels - Total   | 6,096   |  | 1,051  |
| # SFRs (Single-Family Residential Parcels)   | 3,246   |  | 780 res/661 SFR  |
| Mean Value SFRs  | \$172,300   |  | \$232,534  |
| Median Value SFRs  | \$123,700   |  | \$215,000  |
| Total Assessed Property Value (taxable)  | \$1.847 billion   |  | \$192 million  |
| Tax Rate or Equivalent (per \$100) *   | .4862   |  | .3902/ .3975/ .4725  |
| Revenue generated by S/C on the tax rate (at 40.824/5100 & 95.54% collection rate) | \$106,569   |  | \$18,179   |
| Total New Property Tax Revenue/yr (after annexation/incorporation)                 | ~\$700,000  |  | ~\$715,000-\$870,000   |
| Annual Tax Assessment *  | \$816   |  | \$780 - \$945  |
| Solid Waste Fee/ton (typical SFR)  | \$9.00  |  | \$13.86  |
| Combined Monthly Water/Sewer Bill (typical SFR Cost/5000gal/month)                 | \$37.53   |  | \$55.00 - \$73.78  |

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**What would LJA get for its investment in the Town of Waynesville?**  
*Higher level of Service/Lower Cost*

- Full range of high quality municipal services
- Reasonable tax rate (lower than projected assessment fees)
- Lower Water/Sewer Rates  
(TOW's rates currently less than peer agencies in NC and lower than LJA projections under any other scenario)
- Lower Sanitation Fees than LJA currently paying or projecting
- Separate Fire Protection Fee eliminated

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### What would LJA get for its investment in the Town of Waynesville?

- Other Benefits
  - deductibility of property tax for individuals
  - revenue and financing streams not currently available to LJA
  - economies of scale/operational efficiency/cost sharing
  - better resourced/increased purchasing power
  - technical expertise and adequate staffing w/o new costs
  - no start up costs (as w/ incorporation)
  - administrative & governance framework established
  - planning/zoning/inspections to accommodate needs of LJA
  - LJAPOO & restrictive covenants may remain in place
  - strong LJA identity reinforced
  - return to their central mission
  - reduced operating costs for LJA

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### What would Waynesville get for its investment in LJA?

- Increase in property tax base & revenue, more than enough to offset increased operating costs
- Physical Assets/Equipment of value to the Town
- Potential boost in resources allocated on per capita basis
  - e.g. sales tax, Powell Bill
- Allows for future growth w/o getting hemmed in by new corporate boundary
- Opportunity to provide municipal services to other unincorporated areas desiring service or annexation
- Allows for extension of ETJ, if desired
- Experienced LJA employees familiar w/unique demands of the area
- Good growth/Good match
- Civic/Cultural Engagement by a desirable population

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### Interests/Concerns

#### For LJA?

- Fear of being "gobbled up" / loss of unique identity
- Change
- No turning back once annexed
- Shift in relationships/authority/control

#### For Waynesville?

- The unknowns
- Aging infrastructure potentially in need of repair/upgrade
- Modest increase in workload in some depts
- Procedural, legal, \$\$, PR challenges associated with unique merger
- That current citizens bear no undue costs as a result of merger

#### For Both?

- Ensuring public understanding and broad support before committing
- Breaking new ground in the realm of annexation procedure

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Is a merger of Lake Junaluska and  
Town of Waynesville a good idea?

**WE DON'T KNOW YET!**

(BUT WE'D LIKE TO FIND OUT)

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**What Next ?**

LJA and Waynesville must answer the following  
questions in their own best interests:

- 1) Is a merger financially feasible?
- Long-term benefits must outweigh short-term costs
  - More due diligence/hard data are needed
  - Determining will require a consolidation/annexation study (\$40-50K minimum)
- 2) Is it politically & emotionally palatable?
- Support of 60% or more from LJA residents required to annex
  - Much emotional investment in matters of identity, control, perception, tradition
  - Anti-annexation sentiment at state level has resulted in procedural moving target
  - LJA-TOW talks may arouse interest/fear from parties not currently at the table

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**What Next ?**

Both LJA and Waynesville must answer the following  
in their own best interests:

- 3) What's negotiable and what's a deal-killer?
- Annexation Boundaries
  - Which assets will remain private (LJA), which public (TOW)
  - Scope of CIP projects & time-frame for improvement
  - Purchase of assets vs. transfer of assets
  - Employment guarantees
  - Pre-established level of public support to proceed
  - Time-frame for committing to a decision or to action
  - Is it an all or nothing proposition?
  - Legal Entanglements/Outside Agencies' Authority/Influence
  - Level of Support for/against other options in the Municipal Study
  - Other ??

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### Consolidation Study

- Financial Issues
  - Review LJR Budgets, Financial Audits & Debt
  - Evaluate Contracts/Insurance
  - Revise revenue estimates based on actual data
  - Formulate long-range financial analysis & plan
- Infrastructure Issues
  - Review all Existing Plans & Studies to Identify Operational & Capital Concerns
  - Independent Infrastructure Assessment
  - Street Survey for Powell Bill Eligibility
  - Revise cost estimates for infrastructure improvements
- Legal/Liability Issues
  - Annexation procedures/Statutory Standards Statement
  - Rights of Way and Easements
  - Ownership/Transfer of assets
  - Outstanding litigation or potential litigation
  - Evaluate HR obligations & staffing levels
- Operational Issues
  - Develop service delivery plan & budgets for all departments

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### LJA 2012 TIMELINE

- Sept 5next public meeting of Task Force
- Late SeptLJA poll of Junaluska residents
- Sept/OctConsultation with UNC School of Government
- OctTask Force/JACC to recommend to LJA BoD
- Late FallEither additional study/public discussion OR  
LJA begins pursuit of one of four options
- NovIf annexation is preferred option, then TOW/LJA  
begin serious due diligence

**Your opinion matters!**  
Contact Waynesville Board of Aldermen

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## Questions?



[www.townofwaynesville.org](http://www.townofwaynesville.org)  
[www.lakejunaluska.com](http://www.lakejunaluska.com)  
828-452-2491

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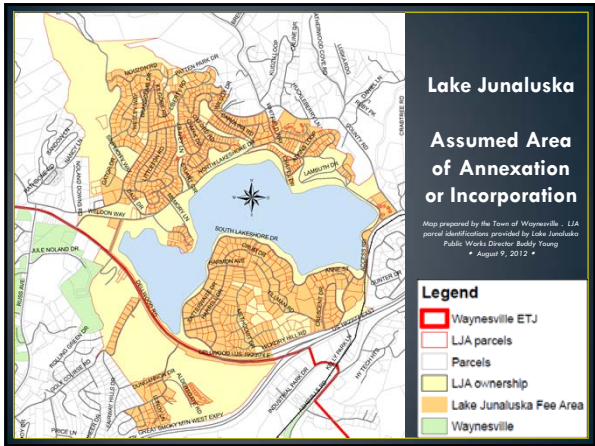
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**Governing Structure**  
**Council-Manager Form of Gov't**

**Board of Aldermen (focused on Vision/Policy/Communication)**

**Mayor:** Gavin Brown

**Aldermen:** Gary Caldwell, Julia Freeman, Wells Greeley, LeRoy Roberson

- Elected at-large
- Serve 4-year concurrent terms
- Next election is November 2015

**Town Manager (focused on Analysis/Strategy/Implementation)**

- Marcy Onieal appointed by BoA April, 2012
- Serves indefinite term "at-will"
- Directs day-to-day operations of the Town
- 7 Depts • 160 FT / 70 PT employees • \$30M annual budget

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### Snapshot of Waynesville

TOW Operating Budgets for the year ending June 30, 2012

|               |                   |
|---------------|-------------------|
| General Fund  | 14,186,410        |
| Water Fund    | 3,099,500         |
| Sewer Fund    | 2,186,990         |
| Electric Fund | 2,769,310         |
| <b>TOTAL</b>  | <b>29,242,210</b> |

Full Range of Municipal Services

Police ♦ Fire ♦ Parks & Recreation

Planning & Development ♦ Finance ♦ Administrative Services

♦ Public Works ♦

Electric ♦ Water ♦ WW Treatment ♦ W/S Maintenance ♦ Sanitation ♦ Streets

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### Administrative Services

Elected Officials: Mayor & Aldermen

Employees: 4 FT / 3 PT

- Town Manager
- Town Attorney
- Assistant Town Manager
- Town Clerk
- Human Resources Director
- 2 PT Admin Assts.



Leadership Team: 17

- 7 Department Directors
- 10 Operational Division Managers
- Highly Trained & Experienced
- Collectively avg 24 yrs municipal mgmt experience
- Town could accommodate LJA w/o adding admin personnel

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### Finance Department

Finance Director Eddie Caldwell

14 Full-Time Employees

- Finance Director
- Asst Finance Director
- Tax Collector
- Purchasing Supervisor
  - Assistant Purchasing Agent
  - Warehouse Clerk
- Accounts Payable Clerk
- Utility Billing Clerk
- 3 Customer Service Reps
- 3 Meter Readers



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### Finance Department

**Departmental Functions:**

- Accounting
- Budgeting
- Financial Reporting/Audit
- Grant Writing
- Program/Budget/Rate Analysis
- Central Purchasing & Contracting
- Payroll Processing

**Workload Indicators:**

- Property tax bills – 7,581 /yr (mailed Aug/Sept; due the first week in January)
- Utility bills – 86,000/yr (billed monthly & past due 26 days from bill date)
- Invoices – 7,200/yr
- A/P checks – 3,309/yr
- Payroll checks – 6,358/yr
- Wire transfers – 591 /yr

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### Finance Department

**Payment methods**

- In person – Finance Department, 280 Georgia Avenue
- Drive Thru – Same location
- Drop Boxes – Currently 2 locations; would add drop box in LJA
- Mail Payment
- Automatic Bank Draft
- Online/Electronic Payments
  - All major credit cards (M/C, Visa, Discover, Amex)
  - Electronic check (fee of 50¢ per transaction)
  - Utility payments (fee of \$3.95 per transaction)
  - Tax payments (fee of 3% of total amount)

**Office Hours :** 8:30 a.m. to 5:00 p.m.

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### Waynesville Fire Department

Chief Joey Webb

- Provided protection to LJA for 50+ years
- Two Fire Stations
- 10 Career Firefighters,
- 4 PT, 30 Volunteers



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## Waynesville Fire Department



- Average of 22 calls for service annually.
- March 2012 First Responder Program with career firefighters.
- Average response time for all calls in LJA is 6.6 minutes.
- Other services provided include Fire Inspections, Pre-Incident Planning, and Fire & Life Safety Education.

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## Waynesville Police Department

Chief Bill Hollingsed

- 34 FT/10PT sworn officers
  - Patrol Division
  - Criminal Investigations Division
  - Administrative Division
  - Communications Section
- 25,000 Calls for Service/Year
- Avg Response Time: 3:17 minutes
- Patrol Zones
  - Zones 1, 2, 3 in Waynesville; Zone 4 to be added for LJA
  - Staffed by officer assigned to each zone and "floating" Patrol Sergeant



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## Waynesville PD-Junaluska Squad

Zone 4 would encompass the identified LJA area, the Laurels of Junaluska, and the satellite annexations along Dellwood Road



Addition of Zone 4 would require hiring and/or transferring officers to the Patrol Division in order to adequately staff the new Patrol Zone.

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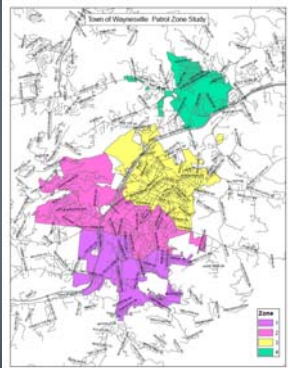
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## Patrol Zone 4

**High Level of Service**  
**Low Response Time**

- Law Enforcement (Criminal) Calls
- Traffic Accidents (injury and non-injury)
- Police Service Calls  
(Assist Motorists/Residents/Staff, Financial Courier Escorts, Medical Calls, Alarms, Water Incidents, House Checks, etc.)
- Selected Traffic Enforcement (S.T.E.P.)  
(on request of staff or residents)
- Special Event & Conference Security  
(in partnership with LJA Security, off-duty Waynesville PD Officers, or on-duty Officers as necessary)



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## Additional Services Provided by the WPD

**Criminal Investigations Division**  
Lieutenant & 6 Investigators trained through NC Criminal Investigators Certification Program. In-house Fingerprint Examiner

**K-9 Program**  
Narcotics Detection, Explosives Detection & Tracking. K-9s & their handlers certified through the United States Police Canine Association

**Special Response Team / Crisis Negotiators**  
Special training & equipment to handle Critical Incidents. Team trains & competes annually on National and International levels



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## Additional Services Provided by the WPD

- **Civilian Police Academy (CPA)**  
7-week program designed to familiarize residents with all aspects of law enforcement. CPA Alumni work with the Police Department in a variety of functions.
- **Bike Patrol**  
Provides increased community contact and visibility, better mobility during events and in crowds, and serves as a pro-active presence in residential and business areas.
- **Crime Prevention Unit**  
Provides Security Surveys and CPTED (Crime Prevention Through Environmental Design) for both residential and commercial property owners.
- **Community Forum**  
Members of this forum are appointed by the Mayor, the Board of Aldermen, and the Town Manager to assist the Police Department in identifying problems throughout our community and finding solutions to these problems. Every neighborhood and business area within the town is represented on the Community Forum. This panel gives a voice to every area within the town and assists the Police Department in the implementation of crime solving strategies.



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### Planning & Zoning

Planning Director – Paul Benson  
Zoning Administrator – Byron Hickox



Historic Preservation Commission plaque dedication at Historic Landmark

**Local & Regional Planning:**  
Historic Preservation Commission  
Zoning Board of Adjustment  
Planning Board  
French Broad River MPO  
Haywood Greenways Advisory Council  
Southwest Commission COG

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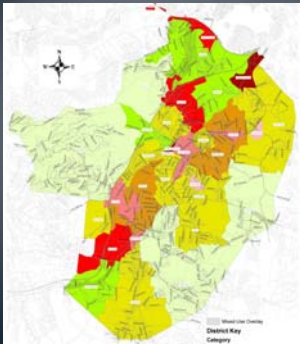
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### Planning & Zoning



**Functions:**

- GIS Mapping
- Land Use Planning
- Development Review
- Flood Plain Administration
- Transportation Planning
- Historic Preservation
- Greenway & Pedestrian Planning
- Statistical Research
- Grant Writing
- Community & Economic Development
- Staff Liaison-Outside Studies & Plans

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### Code Enforcement & Building Inspections

Building Inspectors: Jason Rogers, David Kelly  
Code Enforcement Officer: Jody Nichols  
Office Manager: Eddie Ward

**Functions:**

- Building Permits
- Building Inspections
- Minimum Housing Code Inspections
- Nuisance codes enforcement:
  - junked cars
  - overgrown lots
  - trash
  - noise
- Health & Safety Compliance
- ADA Accessibility & Compliance



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## Parks & Recreation

Director Rhett Langston

- 15 FT & 57 PT employees
- Maintains over 39 acres of parks
- 135,000+ visitors to Rec Ctr (2011)
- 36,000 visitors to Old Armory Ctr (2011)

Waynesville Parks and Recreation Offers...

Waynesville Recreation Ctr - 64,000 sf Indoor 6-lane pool • Indoor Water Park • State-of-the-art Electronic & Resistance Exercise Equipment • Free Weights • Massage Therapy Room • Gym with 2 basketball courts • Aerobics Room • Racquetball Courts • Game Room Spin Cycle Room • 1/10-mile Indoor Track • Multipurpose Rooms with Kitchen



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- Old Armory Recreational Center – Senior Programs • Congregate Meal Site • Computer Lab • Pottery Workshop & Kiln • Gym Special Interest Classes • Cafeteria
- Greenway
  - 1 handicapped-accessible fishing pier
  - 3 playgrounds
  - 2 outdoor volleyball courts
  - 2 softball fields
  - 1 tee ball field
  - 2 soccer fields
  - 5 picnic shelters
  - 2 dog parks
  - 5 neighborhood parks
  - 2 outdoor basketball courts
  - 6 tennis courts

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The Waynesville Parks & Recreation Department takes great pride in offering fit & fun programs for all ages throughout the year!

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## Public Works

Director & Town Engineer:  
Fred Baker

- Solid Waste/Sanitation Svcs
- Street Maintenance
- Water Production
- Wastewater Treatment
- Water/Sewer Maintenance
- Electric Division
- Engineering
- Development Review



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# Solid Waste & Sanitation Services

- Residential Trash
  - Residential Recycling Blue Bags
  - Yard Waste/Bulky Items
  - Leaves vacuumed by route
  - Residential Fee
  - Commercial service provided
- |                        |
|------------------------|
| Weekly                 |
| Weekly                 |
| Semi-monthly           |
| mid-Oct to mid-Feb     |
| \$9.00/month           |
| Commercial rates apply |



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# Street Maintenance

## Types of Roads in Town

- Town-Maintained Streets
- NCDOT State-Maintained Roads (e.g. Dellwood & County Rd)
- Private Roads
- No such thing as "County Roads"
- Powell Bill is a source of revenue, not a type of street

## Responsibilities

- Routine Resurfacing/Patching
- Sidewalk Construction & Repair
- Curbs, Drainage, Ditches
- Right-of-way Maintenance
- Bridge Inspections & Maintenance
- Street Sweeping
- Snow Removal



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# Water Production & Distribution

- 8.0 MGD production capacity
- 3.18 MGD average daily production
- 120 miles of water line (2" - 30" dia.)
- 6.0 MG system storage (3)-2.0 MG ground storage tanks)
- 13 pump stations and small tanks (1.0 MG capacity/5 HP to 75 HP)
- \$3 million annual budget
- \$13 million 20-yr CIP
- 6313 customers



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## Wastewater Treatment

- 6.0 MGD sewage treatment capacity
- 3.17 MGD avg daily flow
- 70 miles of sanitary sewer (6" - 30" dia.)
- 100% Gravity-fed/no pump stations
- \$2 million annual budget
- \$20 million 20-yr CIP
- 4,732 customers



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Is a merger of Lake Junaluska and  
Town of Waynesville a good idea?

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