



## Town of Waynesville, NC Board of Aldermen – Regular Meeting

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

Date: **January 13, 2015** Time: **6:00 p.m.**

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**(828) 452-2491**

[gowens@waynesvillenc.gov](mailto:gowens@waynesvillenc.gov)

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### **A. CALL TO ORDER - Mayor Gavin Brown**

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

**Motion:** *To approve the minutes of December 9, 2014 (regular meeting) the minutes of the December 9, 2014 (closed session) as presented [or as corrected].*

3. Proclamation – Arbor Day – March 20, 2015

### **B. REPORTS TO THE BOARD**

4. Last Shot Fired – 150<sup>th</sup> Anniversary Celebration – Overview and request for assistance  
Carol Litchfield, Haywood County Historical and Genealogical Society, representing the  
Last Shot Fired Event Planning Committee

### **C. NEW BUSINESS**

5. Award of Bid for new flocculator and flash mixer at Water Treatment Facility

**Motion:** *To approve the award of bid to Jim Myers and Sons in the amount of \$104,335.00 for flocculators and flash mixer at the water treatment plant.*

6. Request for Street Closure – Kids Advocacy Resource Effort (KARE) 5K Run/Walk – Saturday, April 25, 2015 beginning at 8:00 a.m.; Rolling Closure – Main Street; Courthouse to Waynesville Inn and return

**Motion:** *To approve the rolling street closure for the KARE 5K Run/Walk on Saturday, April 25, 2015 beginning at 8:00 a.m. from Main Street to Waynesville Inn and return, as presented.*

**TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA**

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7. Approve amendment to Employment Benefits Article IX of the Town of Waynesville Personnel Policy Manual related to group health insurance and health insurance for retirees

***Motion:*** *To approve the amendment to the Employment Benefits, Article IX of the Town of Waynesville Personnel Policy Manual related to group health insurance and health insurance for retirees, as presented.*

**D. CALLS FOR PUBLIC HEARING**

8. Call for Public Hearing for technical corrections to the Land Development Standards

***Motion:*** *To call for a public hearing on Tuesday, January 27, 2015 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 9 S. Main Street, to consider technical corrections to the Land Development Standards.*

9. Call for Public Hearing for consideration of adoption of amendments to Section 11.5.12 of the Land Development Standards to make Town standards for Political Signs consistent with State regulations

***Motion:*** *To call for a public hearing on Tuesday, January 27, 2015 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 9 S. Main Street, to consider adoption of amendments to Section 11.5.12 of the Land Development Standards to make Town standard for Political Signs consistent with State regulations.*

10. Call for Public Hearing for consideration of adoption of an ordinance to require pawn brokers and second-hand dealers to submit daily pawn and/or purchase transactions to law enforcement through electronic means

***Motion:*** *To call for a public hearing on Tuesday, February 10, 2015, at 6:00 p.m., or as soon thereafter as possible in the Board Room of Town Hall, 9 S. Main Street, to consider adoption of an ordinance to require pawn brokers and second-hand dealers to submit daily pawn and/or purchase transactions to law enforcement through electronic means.*

**E. COMMUNICATIONS FROM STAFF**

11. Mid-Year Departmental Update – Leadership Team
12. Town Attorney – Woody Griffin
13. Town Manager – Marcy Onieal
- Chamber Legislative Agenda - draft

**TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA**

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**F. COMMUNICATIONS FROM MAYOR & BOARD OF ALDERMEN**

**G. CALL ON THE AUDIENCE**

**H. ADJOURN**

***Topics for Upcoming Meetings:***

***Jan 27, 2015      Audit Report  
Public Hearing – LDS updates  
Announcement of Board Retreat***

***Feb 10, 2015      Public Hearing – PD Ordinance update  
Delinquent Tax Postings***

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REGULAR MEETING**  
**December 9, 2014**

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**THE WAYNESVILLE BOARD OF ALDERMEN** held its regular meeting on Tuesday, December 9, 2014 at 7:00 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

Mayor Brown called the meeting to order at 7:00 p.m. with the following members present:

Mayor Gavin Brown  
Alderman Gary Caldwell  
Alderman Julia Freeman  
Alderman J. Wells Greeley  
Alderman LeRoy Roberson

The following staff members were present:

Marcy Onieal, Town Manager  
Woodrow Griffin, Town Attorney  
Amie Owens, Town Clerk

The following media representatives were present:

Maryann Enloe – The Mountaineer  
Becky Johnson – Smoky Mountain News

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting and extended a special welcome back to Maryann Enloe from the Mountaineer who had been absent from recent meetings due to a health concern.

Manager Onieal explained that there had been some calendar updates based on invitations for holiday gatherings. She noted the following calendar events:

- December 11 – Manager Onieal will be in Raleigh as the voting delegate for legislative issues at the NCLM meeting
- December 12 – ARC Christmas – 6:00 p.m. at the First Methodist Church
- December 13 - Firefighters Annual Dinner
- December 13 - Night before Christmas Celebration in downtown Waynesville
- December 20 - REACH holiday gala at Laurel Ridge
- December 23 – Board Meeting cancelled due to holiday proximity

2. Adoption of Minutes

***Alderman Caldwell made a motion, seconded by Alderman Roberson to approve the minutes of the November 11, 2014 (regular meeting) as presented. The motion carried unanimously.***



Mayor Brown thanked the Aldermen and staff for their participation in the parade. He added that everyone he spoke with thought the parade was one of the best ever. Alderman Freeman added her compliments to the Streets and Sanitation department for their swift clean up of the streets immediately following the parade. There was no delay and all looked nice within a few minutes.

## **B. REPORTS TO THE BOARD**

### **3. ABC Board**

Earl Clark, Chairman, provided an annual update from the Waynesville ABC Board. He thanked the Aldermen for their support and the opportunity to tell them what is going on. Mr. Clark noted that while the new store on South Main Street had not achieve their overall 7% projected increase, sales are beginning to bounce back with the past several months showing a 26.25% increase in overall sales. Positive comments regarding the new space and selection have been received.

Mr. Clark explained that three additional part-time clerks were hired when the location moved and this has allowed for more customer interaction. He noted that the selection of beverages has increased due to the additional floor space and customer demand.

Mr. Clark thanked the Aldermen for their willingness to allow the ABC store to withhold distributions during the past two years as they worked to pay down the debt incurred with the new building. He added that an audit was conducted on September 29, 2014 showing that the store was in compliance with all laws, rules and regulations. Some recommendations were made regarding marketing strategy and the need to update the employee handbook and pricing discrepancy policy. A full copy of the audit report will be forwarded to the Aldermen when received.

Mr. Clark concluded by noting that a new flagpole had been placed at the site and customers have commented that this was a nice addition. Mr. Clark asked if there were any questions.

Mayor Brown asked how much of an increase in space was the new building from the old? Mr. Clark replied almost double the size. Alderman Roberson asked if the increase in sales was the result of walk ins or from restaurants serving mixed drinks. Mr. Clark noted that walk in customers were the main source of the increase due in part to the expansion of the inventory. Currently the inventory is over 200,000 units (due to the holidays), but usually runs about 175,000. Manager Onieal inquired if the store could do individual special orders? Mr. Clark noted that there has to be a case of the alcohol ordered, if state doesn't stock it. If the state stocks the beverage, then the store can order a case and sell one bottle and add the remainder to inventory.

Mayor Brown asked about damaged bottles or if a seal is broken, what happens to that inventory? Mr. Clark explained that it has to be sent back to the state and credit is given for the purchase.

Manager Onieal explained that the town did receive some distribution from the ABC store this quarter equaling about \$10,000 which is added to the general fund.

Mayor Brown thanked Mr. Clark and the other members of the ABC Board for their time and for their report. He congratulated them on their continued growth and prosperity.

#### 4. Recreation and Parks Advisory Commission

Kenny Mull, Chairman, provided the annual update from the Recreation and Parks Advisory Commission. Mayor Brown asked how long Mr. Mull had been on the committee. Mr. Mull answered 25 years. He thanked the Aldermen for the opportunity to give a report on what the commission is and has been doing.

Mr. Mull noted that the commission has approved several projects this year including the resurfacing of the tennis courts, new pool lights and remaining as a proud sponsor of the Smoky Mountain 9-ball Tournament and the Special Olympics. The skate park remains as one of the nicest in the region and the mobile restrooms have been helpful not only to park patrons, but have been used to assist others in emergencies and for large community events.

Mr. Mull explained that one consideration for the future is obtaining a new bus to use for program trips. The current bus is utilized a great deal and is showing signs of disrepair. He reported that memberships had been down but are starting to rebound.

Mr. Mull commented that the Aldermen do not typically hear from the Recreation commission as they try to take care of complaints and issues before having to reach out to this Board. The main question that the commission will there ever be another outdoor pool in Waynesville. There is a great deal of cost considerations with such a pool and at this time, it is not feasible.

Manager Onieal added that RFPs will be issued late in the spring to begin the public process for a Recreation Master Plan. Reports to the Aldermen will occur during this process. It is the goal of the Recreation Master Plan to coincide with long-range and capital planning as well as on the programmatic level.

Alderman Greeley added that the recreation department and commission never lose sight of quality of life. Recreation departments are never money makers, but they understand that theirs is a service to the people.

Alderman Freeman added that she never hears negative comments about the recreation department and considers them a shining star. Mr. Mull added that the new sauna project is almost complete.

Manager Onieal added that recreation is an economic development driver and it is the quality of life here that can help attract new jobs and new citizens. The debt for the Recreation

Center building will be retired in three years and this will allow the Recreation Commission to look at their other facilities and use of existing properties in a more holistic manner to ensure that they are meeting the needs of the population.

Alderman Greeley added that he was privy to a thank you note to Lewis Langston from an individual who said he inspired her. That is one of the benefits of recreation center, it is a place for camaraderie.

Mayor Brown thanked Mr. Mull for his presentation and added that the board appreciates what the Recreation and Parks Advisory Commission does and looks forward to a bright future.

#### **C. NEW BUSINESS**

##### **5. Appointment of member to the Waynesville Housing Authority**

Mayor Brown noted that there were three vacancies on the Waynesville Housing Authority. He and the other aldermen have been attempting to find volunteers to fill these vacancies. One application was received from Patsy Dowling, Executive Director, Mountain Projects, Inc. A copy of her application was included in the board packet.

***Alderman Freeman made a motion, seconded by Alderman Greeley to approve the appointment of Patsy Dowling to the Waynesville Housing Authority for the remainder of a five year term to end on June 30, 2019, as presented. The motion carried unanimously.***

##### **6. Approval of Board of Aldermen Regular Meeting Schedule for 2015**

Mayor Brown explained that there was a calendar of regular meetings included in the packet with all meetings on the second and fourth Tuesdays. He called attention to the organizational meeting in December. Mayor Brown polled the board to see if there was any objection to changing the meeting time for the upcoming year to 6:00 p.m. rather than 7:00 p.m., there was no objection.

***Alderman Greeley made a motion, seconded by Alderman Freeman, to approve the Board of Aldermen Regular Meeting Schedule for 2015, including changing the regular meeting time from 7:00 p.m. to 6:00 p.m., as presented. The motion carried unanimously.***

#### **D. COMMUNICATIONS FROM STAFF**

##### **7. Town Attorney – Woody Griffin**

Attorney Griffin had no business to discuss.

8. Town Manager – Marcy Onieal

Cell Tower Site Location Requests. Manager Onieal noted that the two cellular tower requests, one on behalf of Verizon, the other on behalf of US Cellular, are moving forward with lease documents being reviewed.

Audited Financial Statements. Manager Onieal passed out the audited financial statements for FY 2014 to the board to allow for plenty of opportunity to look at them prior to the January 27, 2015 presentation by Ray, Bumgarner and Kingshill, the Town's auditors. She encouraged members to call her or Finance Director Caldwell with any questions.

Wholesale Power Discussion. Manager Onieal explained that the power supply discussion had been temporarily tabled due to Fred Baker's retirement, noting that it was her intent to engage the services of UTech Utility Consultants to complete an operational and technical assessment of the Town's electric system to assist in establishing staffing needs for the department and to supplement the work already being done on the Town's behalf by Nova Energy Consultants, in relation to evaluating the energy services contract proposals, which were received in October. Mayor Brown reminded members about Mr. Baker's retirement reception on Monday, December 15, 2014 from 3:30 – 5:30 p.m. in Town Hall. There will be a brief presentation ceremony at 4:00 p.m.

**E. COMMUNICATIONS FROM MAYOR AND BOARD OF ALDERMEN**

There were no additional reports.

**F. CALL ON THE AUDIENCE**

No one addressed the board.

**G. CLOSED SESSION**

*Alderman Greeley made a motion, seconded by Alderman Roberson to go into closed session, as permitted by NCGS §143-318.11(a)(2), for the purpose of preventing the premature disclosure of an honorary recognition.*

The board entered closed session at 7:50 p.m.

The board returned from closed session at 8:00 p.m.

*Alderman Caldwell made a motion, seconded by Alderman Freeman, to adopt a resolution of honorary recognition. The motion passed unanimously.*

**H. ADJOURN**

*There being no further business to discuss, Alderman Greeley made a motion, seconded by Alderman Roberson, to adjourn the meeting at 8:02 p.m. The motion passed unanimously.*

ATTEST

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Gavin A. Brown, Mayor

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Marcia D. Onieal, Town Manager

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Amanda W. Owens, Town Clerk

# PROCLAMATION

## ARBOR DAY

**Whereas,** In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**Whereas,** the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**Whereas,** Arbor Day is now observed throughout the nation and the world, and

**Whereas,** trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**Whereas,** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**Whereas,** trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

**Whereas,** trees, wherever they are planted, are a source of joy and spiritual renewal,

**NOW, THEREFORE, I,** Gavin A. Brown, Mayor of the Town of Waynesville, do hereby proclaim March 20, 2015 as

## ARBOR DAY

in the Town of Waynesville, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

**Further,** I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

**Dated** this 9th day of December in the year 2014.



Gavin A. Brown

Mayor

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: January 13, 2015**

**SUBJECT:** Award of bid for replacement of flocculators and flash mixer at water treatment plant.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 5-C  
**Department:** Water Treatment Plant  
**Contact:** Kyle H. Cook, Water Treatment Superintendent  
**Presenter:** Marcy Onieal, Town Manager

**BRIEF SUMMARY:**

Bid proposal to replace two (2) horizontal flocculators and one (1) flash mixer at the water treatment plant. Proposal includes delivery, inspection upon delivery, installation review, commissioning and testing supervision and assistance and operator training.

The existing equipment was installed circa 1971.

**MOTION FOR CONSIDERATION:** To approve the award of bid to Jim Myers and Sons in the amount of \$104,335.00 for flocculators and flash mixer at the water treatment plant.

**FUNDING SOURCE/IMPACT:** Water Fund FY 14/15 Budget (\$220,000)

**ATTACHMENTS:**

- Recommendation of Award
- Certified Bid Tabulation

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Manager recommends approval of award of bid as presented.



December 18, 2014

Mr. Fred Baker, PE  
Director of Public Works  
Town of Waynesville  
Post Office Box 100  
Waynesville, North Carolina 28786

RE: Recommendation of Award  
Flocculation and Flash Mixing  
Equipment Replacements  
Water Treatment Plant  
Waynesville, North Carolina

Dear Fred:

Sealed equipment procurement submittals for flocculation and flash mixing equipment were received by our office by close of business on November 26, 2014. Each of the three (3) manufacturers solicited provided a bid for the equipment. The following is a summary of the bid proposals.

Bidder	Total Bid Price
Jim Myers and Sons	\$104,335.00
Enviropax	\$112,775.00
WesTech	\$150,348.00*

\*Bid submitted did not include a price for the flash mixer

The above bids, with the one exception noted, included the provision of two (2) flocculators and one (1) flash mixer including delivery, inspection upon delivery, installation review, commissioning and testing supervision and assistance, and operator training. The bid proposals also included proposed times for submittal of shop drawings upon notice of award and delivery of the equipment after approval of shop drawings. For the two (2) complete bids received, both proposed a product delivery time of 112 days upon approval of shop drawings. Jim Myers and Sons proposed a shop drawing delivery time of 56 days whereas Enviropax proposed a delivery time of 30 days. A certified bid tabulation is enclosed for your reference.



Mr. Fred Baker, PE  
December 18, 2014  
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Jim Myers and Sons of Charlotte, North Carolina submitted the low bid in the amount of \$104,335.00. While their bid proposal did include a longer lead time on shop drawing submittals, their experience with horizontal flocculators is extensive, and this additional time does not appear to be detrimental to the overall project schedule. The low bid amount is less than the budgetary costs used to develop the total project cost. We therefore recommend award of the equipment procurement package to Jim Myers and Sons for the bid amount of \$104,335.00.

Fred, we have appreciated the opportunity to assist you with this project and look forward to moving forward with the installation phase of the project in the spring.

Sincerely,  
McGILL ASSOCIATES, P.A.

A handwritten signature in black ink, appearing to read 'Mike Dowd', is written over the printed name.

MIKE DOWD, PE  
Project Manager

Enclosure: Certified Bid Tabulation

cc: Kyle Cook, Town of Waynesville

**CERTIFIED BID TABULATION**  
**WATER TREATMENT PLANT MIXING EQUIPMENT**  
**TOWN OF WAYNESVILLE**

Bid Items	Jim Myers and Sons P.O. Box 240038 Charlotte, NC 28224	Enviropax 3609 South West Temple Salt Lake City, UT 84115	WesTech 3665 S. West Temple Salt Lake City, UT 84115
DESCRIPTION	Total Price	Total Price	Total Price
Furnish and Deliver Flocculation Equipment	\$80,530.00	\$97,225.00	\$145,844.00
Furnish and Deliver Flash Mixing Equipment	\$21,325.00	\$13,050.00	No Bid
All Other Services Including Factory Testing, Equipment Inspection Upon Delivery, Installation Review, Commissioning and Testing Supervision and Assistance, and Operator Training as Required by Section 01662	\$2,500.00	\$2,500.00	\$4,504.00
<b>TOTAL BID PRICE</b>	<b>\$104,355.00</b>	<b>\$112,775.00</b>	<b>N/A</b>

**Contract Times**

DESCRIPTION			
Shop Drawing Delivery, from Notice to Proceed	56 days	30 days	60 days
Equipment Delivery, from Approval of Shop Drawings	112 days	112 days	140 days

  
**McGill**  
 ASSOCIATES  
 Engineering • Planning • Finance  
 55 Broad Street  
 Asheville, North Carolina 28801

This is to certify that the bids tabulated herein were received by close of business on the 26th day of November, 2014, at the offices of McGill Associates in Asheville, North Carolina.



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: January 13, 2015**

**SUBJECT:** Request Temporary Rolling Street Closure – KARE Annual 5K Race

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 6-C  
**Department:** Administrative Services  
**Contact:** Marcy Onieal, Town Manager  
**Presenter:** Marcy Onieal, Town Manager

**BRIEF SUMMARY:**

Occasionally organizations request a street closing for a block party, parade, foot or bike race, or other event and the Town tries to accommodate those requests whenever possible.

A request from **Kid's Advocacy Resource Effort (KARE)** to conduct a 5K foot race and fun run (fundraiser) from the Courthouse along Main Street to Country Club Road and back on Saturday, April 25, 2015 beginning at 8:00 a.m. This closure will be a rolling closure with police escort at front and rear of the runners, and one lane open to vehicular traffic during the entire race.

**MOTIONS FOR CONSIDERATION:** *To approve rolling street closure for the KARE 5K Run/Walk on Saturday, April 25, 2015 beginning at 8:00 a.m. from Main Street to Waynesville Inn and return, as presented.*

**FUNDING SOURCE/IMPACT:** No direct costs for this annual event. The Town will provide in-kind support for traffic control, event security, emergency response and sanitation.

**ATTACHMENTS:**

- KARE 5K request email
- Letter
- Registration Page

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Currently, only the Board of Aldermen has the authority to close a public street for special events, and it has generally granted permission for events that have broad public appeal without disrupting emergency services or the lives and livelihoods of residents and businesses in the surrounding area. Manager recommends approval of the street closures as presented.

P.O. Box 1392  
Waynesville, NC 28786  
FAX (828) 456-8905



(828) 456-8995

2015

Dear Mayor Brown and Board of Alderman:

On April 25th, 2015 KARE would like to host our third annual 5Kare and Fun Run to benefit child abuse victims and families. The route will be from Main Street (in front of Badcock) to the beginning of Country Club Drive and back to Badcock. We worked with the Waynesville Police Department last year to use this route and everything went smoothly. The roads would only need to be closed from 8:30AM to 10:30AM; opening the roads back up as runners passed the streets coming back toward Badcock. We will provide volunteers that the police department can utilize in the closing of the side streets during the race.

Please let us know if you have any questions about the event or the route. Please consider approving our race.

Kids Advocacy Resource Effort, is Haywood County's nationally accredited Children's Advocacy Center and an affiliate member of Prevent Child Abuse North Carolina. We are a non-profit 501(c) 3 organization that was founded in 1991. KARE works with and for child victims of abuse. Since our beginning, KARE has been working to fulfill the mission of "Ending child abuse and neglect through: Advocacy, Education and Support." While we have made great strides in providing programs to further our goal, we still have much to do to ensure the safety and well being of our community's children.

Thank you for supporting us in our fight to end child abuse.

Sincerely,

Paige Gilliland  
Family and Victim Advocate

Amie Owens

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**From:** Paige Gilliland <epjones@karehouse.org>  
**Sent:** Friday, January 02, 2015 12:59 PM  
**To:** Amie Owens  
**Cc:** 'Julie Schroer'  
**Subject:** 5K for KARE on Main Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Afternoon,

We had spoken about getting the 5K for KARE approved for this April 25, 2015. We plan on having the same route as the past two years, starting in front of the Justice Center to Country Club Drive and back. The registration will begin at 8am, the 1 mile fun run (Justice Center to Bogarts and back) at 8:30am and the 5K will begin at 9:00am. We should be completely finished and cleaned up by 11:00 that morning. We will use the Badcock parking lot for parking and will be placing a port-o-john in the parking lot for racers to use. We have worked with the Waynesville Police Department and provided volunteers for the past two years and it has seemed to go very well. Please let me know if you need additional information for town board approval. The link to registration page is below:

<http://www.karehouse.org/2015-5kare.html>

We look forward to working with you again this year.

Thank You,  
Paige Gilliland

Family and Victim Advocate  
Forensic Interview Specialist  
KARE  
(828)456-8995 ext 203  
[epjones@karehouse.org](mailto:epjones@karehouse.org)

"A Person's a Person No Matter How Small"- Dr. Suess




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**\*\* REGISTER HERE \*\* (/2015-5kare-registration.html)**

**Fabulous 5K**

The 5KARE runs through historic Downtown Waynesville.





**Fantastic Fun Run (1K)**

Wear your favorite superhero costume and compete for a best costume award or just run/walk for fun.

Children and adults are encouraged to participate and we will have craft capes for children to wear if they do not have a costume.

**Schedule: \*Rain or Shine\***  
 8:00 am: Race Day Registration/Check-In (Badcock parking lot)  
 8:30 am: 1KARE Fun Run Start  
 9:00 am: 5KARE Start

**Awards:**  
 Awards will be presented to the top male and female finishers in each age group as well as Top Male & Female, and Top Masters (40+) Male & Female

**Race Packets:**  
 Race packets will not be mailed. Numbers can be picked up on Friday, 4/24 in Downtown Waynesville at the corner of Main & Depot Streets from 3:00—7:00 OR on Race Day at the registration table.

**Age Groups: Male & Female**  
 0-14   15-19   20-29   30-39   40-49   50-59  
 60-69   70-79   80+

**Fees:** \$10.00 - Children 12 and under  
 \$20.00 - Pre registration through 4-14-2015  
 \$25.00 - After 4-14-2015 and on race day\*

**Event:** 5KARE   1KARE  
 Phantom (I support the cause but cannot attend; please mail my t-shirt)  
**Shirt Size:** S   M   L   XL   XXL  
 \*T-shirts will be available to pre-registered runners first, then as available after 4-14-15\*

In consideration and acceptance of this entry to the 2015 5KARE Road Race, I waive any and all claims for myself and my heirs and assigns against the sponsors and officials of the above mentioned race for injury or illness which may result from my participation. I also know that road racing is a strenuous sport and further state that I am in proper physical condition to participate in this event. I also give permission for the use of my name and likeness in any broadcast, telecast or public account of this event, including any printed promotions in subsequent years.

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Signature [Parent/Guardian if under 18]

MAKE CHECKS PAYABLE AND SEND TO:  
 KARE, PO BOX 1392, Waynesville, NC 28786  
 For more information, visit our website at [www.karehouse.org](http://www.karehouse.org) or  
 Contact Julie Schroer at 828-456-8995 or [jschroer@karehouse.org](mailto:jschroer@karehouse.org)

The 5KARE is a fundraiser for KARE, a nationally accredited Child Advocacy Center that serves all of Haywood County and its mission is to "end child abuse and neglect through advocacy, education and support".

Proudly powered by Weebly ([http://www.weebly.com/?utm\\_source=internal&utm\\_medium=footer&utm\\_campaign=2](http://www.weebly.com/?utm_source=internal&utm_medium=footer&utm_campaign=2))

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: January 13, 2015**

**SUBJECT:** Approve amendment to Employment Benefits Article IX of the Town of Waynesville Personnel Policy Manual related to group health insurance and health insurance for retirees

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 7-C  
**Department:** Administrative Services  
**Contact:** Margaret Langston, Human Resources Director  
**Presenter:** Marcy Onieal, Town Manager

**BRIEF SUMMARY:**

There was some outdated information included in the group health insurance and health insurance for retirees section of the personnel policy manual that required revision. Additions to the policy include requisite language regarding HIPAA and the Affordable Health Care Act of 2014 and the deletion of the two tiered benefits which are now combined into a single benefit structure.

Clarification of health insurance for retirees who had met the 30 year service requirement but would not be aged 55 at the time of separation and the desire to continue to supply insurance until they reach 65 based on the fact they had served at least 15 years of their 30 years with the Town.

**MOTIONS FOR CONSIDERATION:** *To approve the amendment to the Employment Benefits, Article IX of the Town of Waynesville Personnel Policy Manual related to group health insurance and health insurance for retirees, as presented.*

**FUNDING SOURCE/IMPACT:** Any additional costs would be health insurance premiums and claims incurred for those retirees who had achieved the requisite years of service and qualifications under the state retirement system but were not age 55 at the time of retirement. The number of individuals who would be impacted by this is minimal.

**ATTACHMENTS:**

- Revised policy
- Tracked changes to policy

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Manager recommends approval of revisions as presented.

**Section 1     Group Health Insurance for Active Employees (As amended 01-13-2015)**

Medical coverage will be made available to all regular full-time, permanent part-time employees and their eligible dependents. Medical coverage is provided at *no cost* for the employee. Dependent coverage is provided at a cost to employees. Employees with working spouses whose employers offer group health coverage must elect medical coverage through their employer and are therefore ineligible to participate in the Town's health plan. Non-working spouses can be covered as eligible dependents and are subject to the Town's fee structure plan for dependents. Medical coverage will be effective on the first day of the month, following sixty (60) days of consecutive employment.

Specific information on health insurance benefits is available in the Town's, "Group Insurance Benefits Brochure" which is provided during employee orientation. Additional information may also be obtained from the Human Resource Manager. The Town reserves the right to re-evaluate healthcare benefits and to make changes in coverage and rates at its discretion without prior notice to employees.

The Town will comply with the Health Insurance Portability and Accountability Act of 1996, (HIPAA) regarding protected health information and other requirements. Consult the Human Resources Department for more information.

**Section 2   Health Insurance For Retirees (As amended 01-13-2015)**

Retirees must meet the Local Governmental Employees Retirement System or the Law Enforcement Officers Retirement System's eligibility guidelines for retirement.

- 1) A Retiree who has achieved ten (10) or more years of service with the Town, not including any accumulated sick or vacation time, and has reached 55 years of age will receive health insurance coverage, *at no cost* to the retiree, until the retiree reaches age 65 or until the retiree becomes Medicare eligible through a disability at an earlier age.
- 2) A Retiree who has achieved 25 or more years of service with the Town, not including any accumulated sick or vacation time, will receive health insurance coverage for a maximum period of ten (10) years from their official retirement date, regardless of the age at which the employee retires, *at no cost* to the retiree. At the conclusion of the ten (10) year period, the retiree (if he/she chooses) will be allowed to pay the cost of group health premium and maintain coverage in the Town's health insurance program until age 65, or until employee becomes Medicare eligible through a disability at an earlier age.



- 3) A Retiree who has achieved 30 or more years of service under the Local Governmental Employees Retirement System or the Law Enforcement Officers Retirement system, with at least half (15 years) of the service time with the Town, not including any accumulated sick or vacation time, will receive health insurance coverage from their official retirement date, regardless of the age at which that employee retires, *at no cost* to the retiree, until the retiree reaches age 65 or until the retiree becomes Medicare eligible through a disability at an earlier age.

The Town reserves the right to change benefits at its discretion without prior notice to retirees.

**Section 1     Group Health Insurance for Active Employees (BoardAs amended 12/13/0501-13-2015)**

**~~2-Tier Healthcare Rate Plan for employees hired prior to January 1, 2006, and employees hired after January 1, 2006.~~**

-Medical coverage will be made available to all regular full-time, permanent part-time employees and their eligible dependents. Medical coverage is provided at *no cost* for the employee. Dependent coverage is provided at a cost to employees. Employees with working spouses whose employers offer group health coverage must elect medical coverage through their employer and are therefore ineligible to participate in the Town's health plan. Non-working spouses can be covered as eligible dependents and are subject to the Town's fee structure plan for dependents. Medical coverage will be effective on the first day of the month, following sixty (60) days of consecutive employment.

**Tier 1 – Healthcare Fee Structure**

~~Employees hired prior to January 1, 2006 with dependents. Dependent costs are set by the Board, based on class of coverage selected. Tier I rates for dependent coverage are available in the Human Resources Department.~~

**Tier 2 – Healthcare Fee Structure**

~~Employees hired on or after January 1, 2006 with dependents. Dependents costs are set by the Board, based on class of coverage selected. Tier 2 rates for dependent coverage are available in the Human Resources Department.~~

~~Employees in both tier groups are subject to the same eligibility guidelines for coverage.~~

Specific information on health insurance benefits is available in the Town's, "Group Insurance Benefits Brochure" which is provided during employee orientation. Additional information may also be obtained from the Human Resource Manager. The Town reserves the right to re-evaluate healthcare benefits and to make changes in coverage and rates at its discretion without prior notice to employees.

The Town will comply with the Health Insurance Portability and Accountability Act of 1996, (HIPAA) regarding ~~pre-existing-protected health information and other requirements, health conditions.~~ Consult the Human Resources Department for more information.

Section 2 Health Insurance For Retirees (BoardAs amended ~~1201-13-2015/13/05~~)

~~Health Insurance for retirees is limited to a maximum of ten (10) years regardless of the years of service with the Town. Cobra (Consolidated Omnibus Reconciliation Act) allows for continuation of health coverage at the retiree's expense for a specified time period, following termination of group coverage.~~

Retirees must meet the Local Governmental Employees Retirement System or the Law Enforcement Officers Retirement System's eligibility guidelines for retirement.

Health Benefits for Retirees hired prior to January 1, 2006

- 1) A retiree who has achieved ten (10) or more years of service with the Town, not including any accumulated sick or vacation time, and has reached 55 years of age will receive health insurance coverage, *at no cost* to the retiree, until the retiree reaches age 65 or until the retiree becomes Medicare eligible through a disability at an earlier age.
- 2) A Retiree who has achieved ~~2530~~ or more years of service ~~with the Town~~under the Local Governmental Employees Retirement System or the Law Enforcement Officers Retirement system, with at least half (15 years) of the service time with the Town, not ~~including any accumulated sick or vacation time,~~ will receive health insurance coverage ~~for a maximum period of ten (10) years~~ from their official retirement date, ~~—regardless of the age at which that employee retires,~~ *at no cost* to the retiree, until the retiree reaches age 65 or until the retiree becomes Medicare eligible through a disability at an earlier age.. At the — conclusion of the ten (10)-year period, the retiree (if he/she chooses) will be allowed to — pay the cost of the group health premium and maintain coverage in the Town's health insurance program until age 65, or until employee becomes Medicare eligible — through a disability at an earlier age.

The Town reserves the right to change benefits at its discretion without prior notice to retirees.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: January 13, 2015**

**SUBJECT:** Consideration of amendments to the Land Development Standards to make technical corrections.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 7-D  
**Department:** Development Services  
**Contact:** Paul Benson, Town Planner  
**Presenter:** Paul Benson, Town Planner

**BRIEF SUMMARY:**

Staff has identified 11 technical errors and inconsistencies in the Land Development Standards and has proposed amendments to correct these errors and inconsistencies. These amendments do not create substantive changes to the regulations.

At their regular meeting of October 20, 2014 the Planning Board voted unanimously to recommend that these amendments be adopted.

See attached staff report for the list of specific amendments.

**MOTION FOR CONSIDERATION:** To call for a public hearing on Tuesday, January 27, 2015 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 9 S. Main Street, to consider technical corrections to the Land Development Standards.

**FUNDING SOURCE/IMPACT:** None.

**ATTACHMENTS:**

- Staff report
- October 20, 2014 Planning Board Minutes

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Approve changes as submitted.

## Staff Report

Subject: Miscellaneous LDS text amendments

Applicant: Staff initiated

Meeting Date: January 13, 2015

## Background:

Following are technical amendments to correct mistakes or inconsistencies within the Land Development Standards as explained below:

1. Table 2.2 - correct the district names from East Waynesville Residential and Hazelwood Residential to East Waynesville *Urban* Residential and Hazelwood *Urban* Residential”.
2. Sections 3.5.9.A.1 and 3.5.9.B.2 – change references to 8.4.2.A for Type A Buffer instead of 8.4.2.C to be consistent with the standard as stated in text.
3. Section 5.5.3 - change description of “Townhouse Buildings” from two or more attached units to *three (3)* or more attached units to be consistent with the definition of Chapter 17.
4. Table 6.6.2.E – delete unnecessary and confusing text: “(For R and SR Districts, See 6.8.1)”.
5. Section 9.8.1 B. - clarify the intent to require driveway permits for all streets “public *and private*”. (In general private streets are required to meet the same standards as public streets.)
6. Section 9.8.3.A. - clarify the intent to exempt single family driveways from minimum width standards: “...*excepting driveways serving a single dwelling unit from the minimum width standard.*”
7. Section 11.7.3.B. – change sidewalk clearance for Pedestrian Signs from 7’ to 8’ to be consistent with the standard of Section 11.7.2.H. for Attached Signs and other state and national standards.
8. Section 12.6.2 – change the erroneous value for the constant in the average slope formula from 0.023 to 0.0023 as correctly stated in the written description of the formula.
9. Sections 14.3.2.B and 14.4.2.C. – correct the reference to the NC General Statute governing appointments to Planning Board and Board of Adjustment from 160A-32 to 160A-362.
10. Section 15.3.3 - change reference to “City Council” to “Board of Aldermen”.
11. Section 17.4 change the definition of Family Subdivision for consistency to that of Section 6.2.1.B.5.

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD  
REGULAR MEETING  
Town Hall – 9 South Main St., Waynesville, NC 28786  
October 20, 2014

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**THE WAYNESVILLE PLANNING BOARD** held a regular meeting on Monday October 20, 2014 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

**1. Welcome/Calendar/Announcements**

Vice Chairman Jon Feichter welcomed everyone and called the meeting to order at 5:30 p.m. The following members were present:

Marty Prevost  
Jon Feichter  
Shell Isenberg  
Robert Herrmann  
Brooks Hale  
Bucky Dykes

The following staff members were present:

Eddie Ward, Deputy Town Clerk  
Jason Rogers, Codes Administrator

**2. Minutes of August 18, 2014**

***Board Member Brooks Hale made a motion, seconded by Board Member Robert Herrmann, to approve the minutes of August 18<sup>th</sup> 2014. The motion passed unanimously.***

**B. NEW BUSINESS**

**3. Consideration of Text Amendments to correct technical errors in the Land Development Standards**

Vice Chairman Jon Feichter asked Jason Rogers, Codes Administrator, to give a background Report on the items for consideration concerning technical errors found in the Land Development Standards. Mr. Rogers explained that several technical errors had been found and needed to be "cleaned up". He went over the eleven items that had been found technically wrong and gave a brief explanation of each. The list of eleven items is included in these minutes.



*A motion was made by Board Member Marty Prevost, seconded by Board Member Bucky Dykes, to accept Text Amendments to correct technical errors in the Land Development Standards. The motion passed unanimously.*

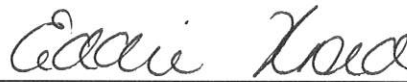
**C. ADJOURN**

*With no further business, a motion was made by Board Member Brooks Hale, Seconded by Board Member Marty Prevost to adjourn at 5:45 pm. The motion passed unanimously.*



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Jon Feichter, Vice Chairman



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Eddie Ward, Deputy Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: January 13, 2015**

**SUBJECT:** Consideration of amendment of Section 11.5.12 of the Land Development Standards to make Town standards for Political Signs consistent with State regulations.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 8-D  
**Department:** Development Services  
**Contact:** Paul Benson, Town Planner  
**Presenter:** Paul Benson, Town Planner

**BRIEF SUMMARY:**

In response to changes in State law regarding political signs adopted in 2011 that pre-empted local regulation the Town adopted amendments to eliminate conflicts between Town and State standards; however different standards were maintained for non-State system streets.

In the election held since this change it has become clear that the inconsistencies between Town and State standards are confusing and largely ineffective. Therefore staff has initiated and the Planning Board has recommend adoption of the attached amendment that would make Town standards completely consistent with State standards.

This change would open the rights-of-way of non-State streets to political signs and eliminate the requirement for \$100 deposits for signs outside of State highway and street rights-of-way.

Since most primary roads are State owned and since permission is required from adjoining property owners this amendment is expected to have little impact on the actual numbers of political signs that are legally posted, and would serve to eliminate confusion stemming from inconsistency in the standards. As for the deposit, many national campaigns were not paying deposits and political parties were paying the deposit for multiple candidates so the deposit was difficult to administer fairly. Most importantly, there have been virtually no problems with the removal of political signs whether or not a deposit was paid.

At their regular meeting of November 17, 2014 the Planning Board voted to recommend that these amendments be adopted.



**MOTION FOR CONSIDERATION:** Motion: To call for a public hearing on Tuesday, January 27, 2015 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 9 S. Main Street, to consider adoption of amendments to Section 11.5.12 of the Land Development Standards to make Town standard for Political Signs consistent with State regulations.

**FUNDING SOURCE/IMPACT:** None.

**ATTACHMENTS:**

- November 17, 2014 Planning Board Minutes

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Approve recommendations as presented.

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD  
REGULAR MEETING  
Town Hall – 9 South Main St., Waynesville, NC 28786  
November 17, 2014

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**THE WAYNESVILLE PLANNING BOARD** held a regular meeting on Monday November 17, 2014 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

**A. CALL TO ORDER**

**1. Welcome/Calendar/Announcements**

Chairman Patrick McDowell welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Patrick McDowell  
Jon Feichter  
Shell Isenberg  
Robert Herrmann  
Brooks Hale  
Bucky Dykes  
Danny Wingate

The following staff members were present:

Eddie Ward, Deputy Town Clerk  
Paul Benson, Interim Planning Director

**2. Minutes of October 20, 2014**

***Board Member Robert Herrmann made a motion, seconded by Board Member Bucky Dykes, to approve the minutes of October 20th, 2014 as presented. The motion passed unanimously.***

**B. NEW BUSINESS**

**3. Public Hearing: Miscellaneous Land Development Standards text amendments to correct technical errors**

Chairman Patrick McDowell asked Interim Planning Director, Paul Benson, to go over the items needing correction. Mr. Benson said that these were primarily “housekeeping” amendments to correct mistakes or inconsistencies within the Land Development Standards. He said Jason Rogers had gone over the items, and the Board had voted to amend the Land Development Standards in the meeting held on October 20, 2014. He asked if Board members had any questions concerning the Miscellaneous Land Development Standards text amendments. No one had any questions.

Chairman McDowell opened the Public Hearing. No one had any comments. Chairman McDowell closed the public hearing.

**4. Public Hearing: Permit political signs along Town maintained street right of ways under the same standards as State streets**

Mr. Benson explained that the Political Sign amendment entails a substantive change since it would permit political signs along Town maintained street rights-of-ways under the same standards as State streets. He said most thoroughfares in the Town of Waynesville are State maintained, so the change is not expected to be significant. The change offers the advantage of consistency in Town and State regulation of these signs.

Currently, The Town of Waynesville requires a \$100.00 deposit for any political sign placed inside Town Limits. This has been difficult to administer and track, especially during national elections, and it has become very ineffective.

Mr. Benson said that now there is a dual system in place, regulating Town rights of way, and regulating State rights of way. That makes enforcing political signage very difficult. Following State standards on all streets for political signs will clear up any controversy, and make enforcing the placement and removal of political signs much easier.

There was much discussion concerning the \$100.00 fee and if the Town profited from that money. They discussed the possibility of the \$100.00 being a fee instead of a deposit.

Chairman McDowell opened the Public Hearing. No one had any comments. Chairman McDowell closed the Public Hearing.

***Board Member Robert Herrmann made a motion, seconded by Board Member Danny Wingate, to amend the text of the Land Development Standards of the Town of Waynesville, regulating political signs to conform to North Carolina General Statute 136-32. The motion passed with six ayes (Danny Wingate, Bucky Dykes, Robert Herrmann, Shell Isenberg, Brooks Hale, and Patrick McDowell), and one nay (Jon Feichter).***

Chairman McDowell said that with the passing of Board Member Lee Bouknight, a new Vice Chairman needed to be appointed for the Board. Board Member Herrmann nominated Board Member Danny Wingate. The consensus of the Board was to appoint Mr. Wingate as Vice Chairman.

Mr. Benson said that unless there was some urgent business that needed the Board's attention, the meeting scheduled for December 22, 2014 would be cancelled.

**C. ADJOURN**

***With no further business, a motion was made by Board Member Danny Wingate, seconded by Jon Feichter to adjourn at 5:53 p.m. The motion passed unanimously.***

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Patrick McDowell, Chairman

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Eddie Ward, Deputy Town Clerk

# Memo



**TO:** Ms. Onieal, Town Manager

**FROM:** W. H. Hollingsed, Chief of Police *WHH*

**DATE:** January 06, 2015

**SUBJECT:** Pawn / Precious Metals Ordinance

In May 2012, the Police Department submitted a Draft Ordinance pertaining to Pawn Shops and Precious Metals Dealers in Waynesville. Currently, there is no requirement for businesses in the Town of Waynesville that either pawn items or buy and sell precious metals to electronically submit the required records. Presently, pawn shops and second hand dealers complete paper "pawn tickets" when purchasing or pawning merchandise. The Police Department must then drive to each of these shops and businesses and collect these tickets. The tickets are then brought back to the Police Department, where they are manually entered into a database by our Records Clerk, Kristie Holcombe. Kristie advises that she enters at least 250 transactions into the database every month.

The Police Department is requesting that the town consider adopting an Ordinance which would require all Pawn Dealers and Second-hand Dealers (with noted exemptions) to electronically submit all transactions through Leads On-Line. The Police Department currently subscribes to Leads On-Line, which costs the agency approximately \$4200.00 per year. There is absolutely no cost to businesses that subscribe and participate. When the data is entered into the Leads On-Line system by the business owner or employee, it is immediately accessible by law enforcement. This is an outstanding tool to locate stolen property that has been pawned or sold. In fact, just today, an employee from Aaron's Rental came into the Police Department to report that a 55" RCA Flat Screen Television had been stolen. While the report was being taken, a check was initiated in Leads On-Line. It immediately showed that the television had been recently sold at a Pawn Shop in Canton. In addition, the entire Jennifer Green Elliott case was initiated through information received from Leads On-Line.

There are several local municipalities that require the use of Leads On-Line, including Asheville, Hendersonville, Sylva, and Franklin. I have included copies of their Ordinances in this packet.

The attached sample Ordinance would assist the Police Department in a number of ways. First, and most importantly, it would greatly assist our Officers and Detectives in solving criminal incidents and cases. The accurate and timely acquisition of data and information from local businesses to successfully recover stolen property, especially jewelry, which can be legally melted down after only a 7 day holding period, is vitally important. In addition, the electronic submission of information will greatly reduce the number of man hours that it takes for members of the Police Department to drive to these establishments, pick up the paper tickets, and then manually enter the information and data into the system.

Thank you for your consideration in this matter. If you have additional questions or concerns, please contact me at your convenience.

## ORDINANCE NO.

### AN ORDINANCE TO REQUIRE PAWNBROKERS AND SECOND-HAND DEALERS TO SUBMIT DAILY PAWN AND/OR PURCHASE TRANSACTIONS TO LAW ENFORCEMENT THROUGH ELECTRONIC MEANS

**WHEREAS**, the Town of Waynesville has the authority, pursuant to North Carolina General Statutes 160A-194 and 160A-211, to regulate and license businesses in the interest of the public health, safety and welfare; and

**WHEREAS**, this Ordinance is neither consistent with nor inconsistent with other official plans of the Town of Waynesville

**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 14-106. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Second-hand dealer* means any person, sole proprietorship, partnership, joint venture, corporation, company, association or any other form of organization whose regular business is buying, selling, bartering, exchanging, or accepting for sale on consignment, in any manner, at retail or wholesale, or otherwise dealing for profit in, second-hand goods.

*Second-hand goods* means tangible personal property from the public previously used, rented, owned or leased (excluding property required to be registered by the NCDOT- Division of Motor Vehicles, clothing, shoes, books, and animals).

*Fixed location* means any site occupied by a second-hand dealer as the owner or lessee of the site under a lease or rental agreement providing for occupation of the site by the secondhand dealer for a total duration of not less than 364 days.

*Precious metals dealer.* See definition provided under N.C.G.S. § 66-164.

*Secondary metals recycler.* See definition provided under N.C.G.S. § 66-11.

#### **Section 14-107. Exemptions.**

The following businesses/persons shall be exempt from the provisions of this article unless otherwise regulated under N.C.G.S. § 66-11 (regulated metals), N.C.G.S. §66-163 et seq. (regulated precious metals) or N.C.G.S. 91A (Pawnbrokers and Cash Converters):

- (1) A person or business whose only business transactions with second-hand goods in the Town consist exclusively of donated items and/or purchases from 501(c)(3) organizations; or
- (2) A person or business whose only business transactions with second-hand goods in the Town consist of the sale of personal property acquired for household or other personal use such as garage sales, yard sales, estate sales and/or auctions held by a licensed auctioneer; or
- (3) A person or business whose only business transactions with second-hand goods in the Town consist of a display space, booth or table maintained for displaying or selling merchandise at any trade show, convention, festival, fair, flea market, swap meet or similar event that is not in a fixed location.
- (4) Fixed location antique dealers whose sole business involves the buying, selling, and trading of antiques.
- (5) Businesses whose sole business involves the buying selling, and trading of consignment clothing, shoes, books, etc.
- (6) Auction house businesses whose sole business involves the buying, selling, and trading of property by auction open to the public.

- (7) Businesses whose sole business involves the buying, selling, and trading of property registered by the state Department of Transportation , Division of Motor Vehicles.

**Section 14-108. Electronic recordkeeping required.**

(a) Secondary metals recyclers and precious metal dealers shall obtain the statutorily-required information for each purchase transaction. All other secondhand dealers shall obtain the following information when purchasing, bartering, exchanging, or accepting for sale on consignment items from a seller:

1. A clear and accurate description of the property, including model and serial number if indicated on the property
2. The name, residence address, phone number and date of birth of the seller;
3. The date and time of the sale;
4. Type of identification and the identification number accepted from the seller;
5. A description of the seller, including approximate height, weight, sex and race; and
6. Amount of consideration given for the property.

(b) All second-hand dealers shall electronically submit the information required in subsection (a) above to the Waynesville Police Department in a manner authorized by the Chief of Police within twenty-four (24) hours of the transaction.

(c) In the event that a technological failure prevents a second-hand dealer from reporting electronically, the second-hand dealer shall immediately notify the Waynesville Police Department of the failure and have physical records of the information required in subsection (a) available each regular business day for inspection and pickup by the Waynesville Police Department. Upon resolution of the technological failure, the second-hand dealer shall submit the required information



electronically to the Waynesville Police Department from each regular business day the technological failure existed.

(d) Any secondhand dealer, with the exception of secondary metal recyclers, convicted of violating any provision of this article shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). Secondary metal recyclers convicted of violating any provision of this article shall be subject to the provisions set forth in N.C.G.S. §66-11(f).

**Section 14-109.** 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 14-110.** All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 14-110.** This ordinance shall be in full force and effect from and after the date of adoption.

## **Precious Metal Permit Process**

Effective October 1, 2009 North Carolina legislators amended North Carolina general statutes 66-164 and 66-165 relating to the purchase of precious metals. Beginning October 1, 2009 any person engaging in the business of purchasing precious metals must obtain a precious metal permit. Precious metal dealers licensed prior to October 1, 2009 must comply with the ratified bill beginning January 1, 2010.

The below listed work sheet only serves as a quick reference guide to these statutes. Precious Metal dealers should review and follow the attached legislative laws for precious metal regulations.

Compliance with the Precious Metals Law is the responsibility of the business owner. Each business is advised to consult with their attorney to ensure that they are meeting the requirements of the statute. Information provided here is only intended as a guide.

### **Precious Metal Dealers**

Precious metal dealer is defined as a person who purchases precious metals from the public, other than by an exempted transaction, in the form of jewelry, flatware, silver services, or other forms and holds himself or herself out to the public by signs, advertising, or other methods as engaging in such purchases, including any independent contractor purchasing precious metals under any arrangement in any department store.

If you purchase any precious metals you must have a permit with the exception of purchases of coins, medals, medallions, tokens, numismatic items, art ingots, or art bars. Businesses that primarily conduct transactions such as coins, non-precious metal jewelry, antiques, tools, electronic equipment, etc. that are not related to the purchase of precious metals must still maintain a precious metals permit if they purchase non-exempt precious metals.

This law does not apply to Pawn Shops which are governed by North Carolina General Statute 91A.

### **Precious Metals**

Precious metals are defined as gold, silver, platinum, and palladium.

### **Owner Requirements**

Each owner/dealer, co-owner, and stockholder who owns 10% or more of a business that purchases precious metals must complete the precious metal permit application packet to include:

- Recent photograph of applicant (labeled)
- A full set of fingerprints of the applicant. (Applicant fingerprint card)
- Complete application form # 1 for owners and form # 2 for co-owners
- Consent to Criminal History Check form # 8

- Permit applications must be notarized or completed under oath
- Individual permits are required for each location where business is conducted
- There is a 30 Day waiting period before permits are issued. (Permit renewals do not require the 30 day waiting period)
- Permits are valid for 12 months
- Cost of each permit is \$180.00, payable to the City of Asheville
- Certified Check or Money Order for each owner/co-owner in the amount of \$38.00 made payable to the N.C. S.B.I. (Criminal History Fee)

### **Employee Requirements**

Every employee engaged in the purchase of precious metal must, within 2 days of employment, complete an employee registration process packet for the issuance of a permit. The application packet must include:

- Recent photograph of employee (labeled)
- A full set of fingerprints of the applicant. (Applicant fingerprint card)
- Completed employee registration form # 3
- Consent to Criminal History Check form # 8
- Cost of Employee permit is \$10.00 for the first year, payable to the City of Asheville
- The annual renewal fee for each employee is \$3.00
- Certified Check or Money Order for each employee in the amount of \$38.00 made payable to the N.C.S.B.I. (Criminal History Fee)

### **Business Privilege License**

Precious metal dealers must also obtain a business privilege license. Business privilege licenses authorizes the permittee to conduct any business, trade, profession, occupation, or selling of goods within the City of Asheville corporate limits.

- Privilege license are issued through the City of Asheville's customer service division and are valid from July 1-June 30 of each year
- Privilege licenses must be renewed each year
- Business privilege license information and applications are available at:

[http://www.ashevillenc.gov/business/business\\_in/business\\_licenses/](http://www.ashevillenc.gov/business/business_in/business_licenses/)

or at:

City of Asheville  
Customer Service Division  
60 Court Plaza, Asheville NC 28801  
828-251-1122

## **Record Keeping Requirements**

- See law GS 66-169
- Records of purchases must be turned into or mailed to the Asheville Police Department within 48 hours of the purchase, mail to:

Asheville Police Department  
PO Box 7148  
Asheville NC 28802  
Attention: Precious Metal Records

A valid description shall include each of the following applicable and available items of information: the manufacturer's name, the model, the model number, the serial number, and any engraved numbers or initials found on the items; the date of the transaction; the name, sex, race, residence, telephone number and driver's license number of the person selling the items purchased; and the signature of both the dealer or registered employee and the seller. In the event the seller cannot furnish valid, unexpired photographic identification in the form of a driver's license, State-issued identification card, passport, or military identification card, the dealer shall require two forms of positive identification. A date of birth is also requested by A.P.D.



- The City of Asheville is in the process of enacting a City Ordinance that will require all transactions to be uploaded to L.E.A.D.S. Online



QuickStart for  
Businesses 4.5.06.pdf

[www.leadsonline.com](http://www.leadsonline.com)

The Asheville Police would like for businesses to sign up for Leads Online, this will manage your purchases and meet the requirements of sending your records within the 48 hours of purchase to APD as Leads Online is real time. This is FREE to the business.

## **Items not to be modified**

- All purchases must be maintained for a period of 7 days in the original condition on the licensed premises or other location specified in the permit application.

### **Miscellaneous**

Upon completion of all requirements of the permit process, the packet can be delivered to the Asheville Police Department during business hours Monday – Friday. Applicants may also mail the completed packet to:

Asheville Police Department  
PO Box 7148  
Asheville NC 28802  
Attention Precious Metals

The requirements of photographs may be met by the submission of any type of photo as long it accurately resembles the applicant. (i.e. Polaroid, printed digital, etc.) Please label the photograph with the name of the applicant.

The requirement of fingerprints may be met by visiting the City-County Bureau of Identification located at 20 Davidson Dr. in Asheville. CCBI is located in the same building as the Buncombe County Detention Facility. Contact number 828-250-4664. Cost of obtaining the prints through CCBI is \$10.00. (CCBI is located behind City Hall and the Courthouse).

Out of town applicants may inquire at their local law enforcement agency for assistance.

ARTICLE V. REQUIRED REPORTING BY CERTAIN BUSINESSES

Sec. 22-117. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fixed location* means any site occupied by a secondhand dealer as the owner or lessee of the site under a lease or rental agreement providing for occupation of the site by the secondhand dealer for a total duration of not less than 364 days.

*Pawnbrokers*. See definition provided under G.S. 91A-3(4).

*Precious metals dealer*. See definition provided under G.S. 66-164.

*Secondary metals recycler*. See definition provided under G.S. 66-1.

*Secondhand dealer* means any person, sole proprietorship, partnership, joint venture, corporation, company, association or any other form of organization whose regular business is buying or exchanging, in any manner, at retail or wholesale, or otherwise dealing for profit in, secondhand goods. Included within this definition and article are those entities subject to and regulated under G.S. ch. 91A (pawnbrokers and cash converters), G.S. 66-11 (regulated metals) and G.S. 66-163 et seq. (regulated precious metals).

*Secondhand goods* means tangible personal property from the public previously used, rented, owned or leased (excluding property required to be registered by the state department of transportation, division of motor vehicles, such as clothing, shoes, books, and animals).

*Seller* means any person or business which does not meet the definition of a secondhand dealer and sells and/or exchanges secondhand goods to a secondhand dealer.  
(Ord. of 3-1-2012, § 11-40, 3-1-2012)

Sec. 22-118. Exemptions.

(a) The following businesses/persons shall be exempt from the provisions of this article unless otherwise regulated under G.S. ch. 91A (pawnbrokers and cash converters), G.S. 66-11 (regulated metals) or G.S. 66-163 et seq. (regulated precious metals):

- (1) A person or business whose only business transactions with secondhand goods in the town consist exclusively of donated items and/or purchases from 501(c)(3) organizations.
- (2) A person or business whose only business transactions with secondhand goods in the town consist of the sale of personal property acquired for household or other personal use such as garage sales, yard sales, estate sales and/or auctions held by a licensed auctioneer.

- (3) A person or business whose only business transactions with secondhand goods in the town consist of a display space, booth or table maintained for displaying or selling merchandise at any trade show, convention, festival, fair, flea market, swap meet or similar event that is not in a fixed location.
  - (4) Fixed location antique dealers whose sole business involves the buying, selling and trading of antiques.
  - (5) Businesses whose sole business involves the buying, selling, trading, and selling on consignment of clothing, shoes, books and animals.
  - (6) Auction house businesses whose sole business involves the buying, selling and trading of property by auction open to the public.
  - (7) Businesses whose sole business involves the buying, selling, and trading of property registered by the state department of transportation, division of motor vehicles.
- (b) Purchase or exchange transactions with a fair market value totaling less than \$25.00 shall be exempt from the provisions of this article unless otherwise regulated under G.S. ch. 91A (pawnbrokers and cash converters), G.S. 66-11 (regulated metals) or G.S. 66-163 et seq. (regulated precious metals).  
(Ord. of 3-1-2012, § 11-41, 3-1-2012)

**Sec. 22-119. Electronic recordkeeping required.**

- (a) Every secondhand dealer shall obtain the statutorily-required information for each purchase transaction.
- (b) All secondhand dealers shall further obtain the following information when purchasing or exchanging secondhand goods from a seller at the secondhand dealer's place of business:
  - (1) A clear and accurate description of the property, including model and serial number if indicated on the property;
  - (2) The name, residence address, phone number and date of birth of the seller;
  - (3) The date and time of the sale;
  - (4) Type of identification and the identification number accepted from the seller;
  - (5) A description of the seller, including approximate height, weight, sex and race; and
  - (6) Amount of consideration given for the property.
- (c) All secondhand dealers shall, within 48 hours of the transaction, electronically submit the information required in subsections (a) and (b) of this section to the town police department. At the designation of the police chief, such transmissions shall be made to the agency or company that the police department contracts to provide online data pertaining to reported stolen goods.



(d) In the event that a secondhand dealer does not have online access or a technological failure prevents a secondhand dealer from reporting electronically, the secondhand dealer shall immediately notify the police department of the failure and have physical records of the information required in subsections (a) and (b) of this section submitted each regular business day to the police department. Upon resolution of the technological failure, the secondhand dealer shall submit the required information electronically to the police department from each regular business day the technological failure existed.

(e) Any secondhand dealer, with the exception of secondary metal recyclers, convicted of violating any provision of this article shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00. Secondary metal recyclers convicted of violating any provision of this article shall be subject to the provisions set forth in G.S. 66-11(f).  
(Ord. of 3-1-2012, § 11-42, 3-1-2012)



## ARTICLE II. - PAWNBROKERS

### FOOTNOTE(S):

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**State Law reference—** Pawnbrokers Modernization Act of 1989, G.S. 91A-1 et seq.

### **Sec. 42-36. - Adoption of state provisions.**

The city adopts the provisions of G.S. 91A-1 et seq., the Pawnbrokers Modernization Act of 1989.

(Code 1971, §§ 21-1—21-4)

## ARTICLE III. - ELECTRONIC RECORD-KEEPING AND TRANSMITTAL REQUIREMENTS FOR CERTAIN BUSINESSES

### **Sec. 42-37. - Definitions.**

*Cash converter* shall have the same meaning as defined in Chapter 91A of the North Carolina General Statutes or any successor statute.

*Pawnbroker* shall have the same meaning as defined in Chapter 91A of the North Carolina General Statutes or any successor statute.

*Pawnshop* shall have the same meaning as defined in Chapter 91A of the North Carolina General Statutes or any successor statute.

*Precious metals dealer* shall have the same meaning as defined in Chapter 66 of the North Carolina General Statutes or any successor statute.

*Secondary metals recycler* shall have the same meaning as defined in Chapter 66 of the North Carolina General Statutes or any successor statute.

(Ord. No. 12-0824, § 1, 8-2-12)

### **Sec. 42-38. - Electronic record keeping.**

Every owner or operator of a cash converter business, pawnbroker, pawnshop, precious metals dealer or secondary metals recycler subject to this article shall maintain an electronic inventory tracking system that is capable of delivery and transmission of all information required by G.S. 91A-7 or 91A-7.1 (in the case of cash converters, pawnbrokers and pawnshops) or G.S. 66-169 (in the case of precious metals dealers) or G.S. 66-11 (in the case of secondary metals dealers) by computer to the entity designated by the city police department.

(Ord. No. 12-0824, § 1, 8-2-12)

### **Sec. 42-39. - Electronic transmittal of required records.**

Every owner or operator of a cash converter business, pawnbroker, pawnshop, precious metals dealer or secondary metals recycler subject to this article is required to upload the information required by G.S. 91A-7 or 91A-7.1 to the entity designated by the city police department within one business day of receipt of the goods purchased or pawned.

*(Ord. No. 12-0824, § 1, 8-2-12)*

## **Haywood Chamber of Commerce 2015 State Top Priorities**

### **Tax Modernization/Fiscal Issues**

The Haywood Chamber supports:

- Developing and maintaining a state budget to allow better predictability and planning for businesses, state agencies and state funded institutions
- Support tax modernization reform efforts in a tax system that strengthens and broadens the tax base resulting in lower rates for businesses and individuals and ensuring no specific business is targeted

### **Economic Development**

The Haywood Chamber supports:

- Economic Development incentives and other tools to keep North Carolina and Haywood County competitive in the attraction and retention of existing businesses and jobs
- Supports and recommends Job Development Investment Grant (JDIG) at the start of the 2015 legislative session
- Additional 2% sales tax for Haywood County to keep Haywood County competitive with surrounding counties

### **Regulatory Reform**

The Haywood Chamber supports:

- Continued improvement of the state's business climate through the removal of regulatory barriers that adversely impact business and job growth

### **Healthcare**

The Haywood Chamber supports:

- Increasing access to affordable healthcare

- Continue with the restricting of Medicaid to enhance regional healthcare delivery without negatively impacting our local hospitals and healthcare providers

### **Education/Workforce Training**

The Haywood Chamber supports:

- Closing the salary gap for North Carolina educators with the goal of meeting the national average within the next five years

### **Transportation and Infrastructure**

The Haywood Chamber supports:

- The acceleration of the I-26 Connector Project
- Increase broadband for the underserved and unserved

Tuesday, January 06, 2015