



Town of Waynesville, NC

Board of Aldermen – Regular Meeting

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

Date: **May 10, 2016**

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

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(828) 452-2491

aowens@waynesvillenc.gov

A. CALL TO ORDER - *Mayor Gavin Brown*

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

Motion: To approve the minutes of the April 26, 2016 regular meeting and the minutes from the May 3, 2016 special called meeting, as presented [or as corrected].

3. Proclamations
 - a. National Public Works Week – May 15 – 21, 2016
 - b. National Police Week May 15 – 21, 2016 and Peace Officer Memorial Day Thursday, May 19, 2016

B. PRESENTATION

4. Town of Waynesville Wellness Committee Update
James Robertson, President

C. CALLS FOR PUBLIC HEARING

5. Call for Public Hearing to consider a zoning text amendment of Chapter 4.6 of the Town Code regarding mobile food vendors as temporary uses

Motion: To call for public hearing to be held on Tuesday, May 24, 2016 at 6:30 p.m. or as closely thereafter as possible, in the Town Hall Board Room located at 9 South Main Street Waynesville to consider a zoning text amendment of Chapter 4.6 of the Town Code regarding mobile food vendors as temporary uses, as presented.

6. Resolution of Intent to Close an existing Right of Way on Town-owned property and Call for Public Hearing

Motion: To approve the Resolution of Intent to Close an Existing Right of Way on Town Owned Property - the lot labeled Park of the Chestnut Park Subdivision; PIN 8615-09-2533 and to call for public hearing to be held on Tuesday, May 24, 2016 at 6:30 p.m. or as closely thereafter as possible, in the Town Hall Board Room located at 9 South Main Street, Waynesville to gain input from citizens related to this matter, as presented.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

May 10, 2016

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D. NEW BUSINESS

7. Street Closure Request for Academy Street – Waynesville First United Methodist Church

- Pig Pickin' – Church Community Event on Sunday, June 5 beginning at 4pm and ending at 8pm. Close street by 1pm Sunday, June 5.
- Back to School Bash – Church Community Event on Sunday, August 28 beginning at 4 and ending at 7pm. Close street by 1pm Sunday, August 28.
- Trunk or Treat – Community Event on Monday, October 31 beginning at 5pm and ending at 8pm. Close street by 3:30pm, Monday, October 31.

Motion: *To approve the requested closure of Academy Street for the various events for the First United Methodist Church through the remainder of 2016, as presented*

8. Request from Waynesville Garden Club for Arboretum at the Waynesville Recreation Center
Jonathan Yates, Outside Facilities Supervisor, Town of Waynesville
Mountain View Garden Club Representative(s)

Motion: *To approve the request from the Mountain View Garden Club to work with Town of Waynesville staff to develop an arboretum of local plant and tree species around the Waynesville Recreation Center, as presented.*

E. COMMUNICATIONS FROM STAFF

9. Manager's Report – Interim Town Manager Mike Morgan

10. Attorney's Report – Town Attorney Woody Griffin

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

G. CALL ON THE AUDIENCE

H. ADJOURN

**SPECIAL CALLED MEETING – TUESDAY, MAY 17, 2016 AT 6:30 P.M. FOR
CLOSED SESSION FOR INITIAL SCREENING OF APPLICANT INFORMATION
WITH DEVELOPMENTAL ASSOCIATES.**



TOWN OF WAYNESVILLE

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Phone (828) 452-2491 • Fax (828) 456-2000
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CALENDAR May 10, 2016

2016	
Tue, May 10 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, May 14 6:00 AM – 1:00 PM Main Street to Frog Level	Gateway to the Smokies Half Marathon – Haywood Chamber of Commerce - rolling street closures for 13 miles through Haywood County from the intersection of Main & Depot Streets and ending in Frog Level
Tues, May 17 6:30 PM Conf Room, Town Hall	Special Called Meeting – Closed Session – initial screening of Town Manager Applicants with Developmental Associates
Sat, May 21 5:30 – 11:00 PM Laurel Ridge CC	Haywood Healthcare Foundation “Casino Night”
Mon, May 23 6:30 PM Location TBD	Southwestern Commission Board Meeting
Tue, May 24 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, May 28 6:00 – 9:00 PM Downtown	Another Rockin’ Block Party - DWA
Mon, May 30	Memorial Day Holiday Town Offices Closed
Tues, May 31 6:30 PM Conf. Room, Town Hall	Special Called Meeting – Closed Session – secondary screening of Town Manager Applicants with Developmental Associates
Fri, Jun 3 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Sat, Jun 4 Noon Old Armory	Dedication Ceremony for new Public Art Commission piece – a bench by Stefan Bonitz at the Old Armory
Tues, Jun 7 6:30 p.m. Board Room, Town Hall	Special Called Meeting – Public Hearing for Budget FY 16/17
Wed, Jun 8 All Day Raleigh, NC	NCLM Town Hall Day

Sat, Jun 11 10:00 AM – 5:00 PM Downtown	Appalachian Lifestyle Celebration - DWA
Tue, Jun 14 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Wed, Jun 15 5:00 – 7:00 PM Historic Courthouse & Downtown	Elder Abuse Awareness Walk – sponsored by Southwestern Commission Area Agency on Aging, Mountain Projects and the Haywood County Senior Resource Center
Wed – Thur, Jun 15 & 16 8:30 AM – 5:00 PM Municipal Building & Town Hall	Assessment Centers for Town Manager hiring process; review of assessments will be done in special called meetings in closed session on the afternoon of June 16 th
Week of Jun 20 Times and Locations TBA	Special called meeting – Closed Session – Interviews with Candidates for Town Manager
Fri, Jun 24 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Mon, Jun 27 5:30 PM Location TBD	Haywood COG – Haywood County Hosting
Tue, Jun 28 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Jul 1 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Mon, Jul 4	Independence Day Holiday Town Offices Closed
Mon, Jul 4 11:00 AM – 3:00 PM Downtown	Stars & Stripes Celebration – DWA
Fri, Jul 8 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Tue, Jul 12 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, Jul 23 10:00 AM Main Street / Historic Courthouse	Folkmoot USA Parade of Nations & Opening Ceremonies Parade: Line-up at 9:30 AM from Blue Ridge Books/Academy Street Opening Ceremonies: 10:00 AM
Fri, Jul 22 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Tue, Jul 26 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Jul 29 6:30 PM Location TBD	Southwestern Commission Annual Dinner

Sat, Jul 30 10:00AM – 5:00 PM Main Street, Downtown	“Where the World Meets on Main Street” International Day Festival
Fri, Aug 5 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Fri, Aug 5 6:30 – 9:00 PM Historic Courthouse	Mountain Street Dance – DWA
Sat, Aug 6 9:00 AM – 1:00 PM Courthouse Lawn	Sarge’s Annual Downtown Dog Walk
Tue, Aug 9 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Mon, Aug 22 5:30 PM Location TBD	Haywood COG – Maggie Valley Hosting
Tue, Aug 23 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Wed, Aug 31 6:00 PM Waynesville Inn Resort & Spa	Haywood Healthcare Foundation 2016 Annual Gala
Fri, Sep 2 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Fr-Sa, Sep 2-3	47 th Annual Smoky Mountain Folk Festival Lake Junaluska
Mon, Sep 5	Labor Day Holiday Town Offices Closed
Tue, Sep 13 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, Sep 17 6:00 – 9:00 PM Downtown	Block Party - DWA
Mon, Sep 26 6:30 PM Location TBD	Southwestern Commission Board Meeting
Fri, Oct 7 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Sat, Oct 8 10:00 AM – 5:00 PM Main Street, Downtown	33 rd Annual Church Street Art & Craft Show
Tue, Oct 11 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Sat, Oct 15 10:00 AM – 5:00 PM Main Street, Downtown	28 th Annual Apple Harvest Festival – Haywood Chamber of Commerce

Su-Tu, Oct 23-25	NCLM Annual Conference CityVision 2016 Raleigh, NC
Mon, Oct 24 5:30 PM Location TBD	Haywood COG – Waynesville Hosting
Tue, Oct 25 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Nov 4 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Tue, Nov 8 6:30 AM – 7:30 PM All voting precincts	Election Day - General Election
Tue, Nov 8 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fri, Nov 11	Veterans' Day Holiday Town Offices Closed
Th-Fr, Nov 24-25	Thanksgiving Holiday Town Offices Closed
Mon, Nov 28 6:30 PM Location TBD	Southwestern Commission Board Meeting
Fri, Dec 2 5:00 – 9:00 PM Downtown	Art After Dark – Waynesville Gallery Association
Fr-Mo, Dec 2-5	Holly Days Downtown – seasonal events downtown throughout the weekend
Mon, Dec 5 6:00 PM Main Street, Downtown	Waynesville Holiday Parade Line-up begins at 4:30 PM at Walnut and Main Parade begins at 6:00 PM
Sat, Dec 10 5:00 PM Fire Station #1	Waynesville Fire Department Annual Holiday Family Dinner (tent)
Sat, Dec 10 6:00 – 9:00 PM Main Street, Downtown	A Night Before Christmas / Bethlehem Market Place – DWA & First Baptist Church
Tue, Dec 13 6:30 PM Board Room, Town Hall	Board of Aldermen Regular Meeting
Fr-Tu, Dec 23, 26-27	Christmas Holiday Town Offices Closed

2017	
	New Year Holiday Town Offices Closed
	Martin Luther King Jr Holiday Town Offices Closed

Board and Commission Meetings – May/June 2016

ABC Board	ABC Office – 52 Dayco Drive	May 17 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	May 18 – Special Called Meeting 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	May 26 4 th Thursdays 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	June 7 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	May 16 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	May 12 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	May 18 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	June 7 1 st Wednesdays 5:30 PM

BOARD/STAFF SCHEDULE

Th – Sa, Jun 23-25, 2016	Town Manager/ Admin Services Dir.	NCCCCMA Manager's Continuing Ed - Summer Seminar Asheville, NC
Th – Sa, Aug 4-6, 2016	Town Attorney	NC Association of Municipal Attorneys Summer Seminar Asheville, NC
Th – Sa, Aug 18-20, 2016	Admin Svc Dir & Deputy Clerk	NC Association of Municipal Clerks Summer Seminar Asheville, NC

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
April 26, 2016

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, April 26, 2016 at 6:30 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 6:30 p.m. with the following members present:

Mayor Gavin Brown
Alderman Gary Caldwell
Alderman Jon Feichter
Alderman Julia Freeman
Alderman LeRoy Roberson

The following staff members were present:

Mike Morgan, Interim Town Manager
Woodrow Griffin, Town Attorney
Amie Owens, Town Clerk

The following media representatives were present:

Mary Ann Enloe, the Mountaineer

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone to the meeting and noted that there had been several highlighted additions to the calendar including:

- May 3rd – Budget Work Session – special called meeting. Interim Manager Morgan noted that the budget books would be distributed to board members by Thursday, April 28.
- May 7th – The Whole Bloomin’ Thing Festival in Frog Level, sponsored by the Historic Frog Level Merchants Association

2. Adoption of Minutes

Alderman Caldwell made a motion, seconded by Alderman Roberson, to approve the minutes of the April 12, 2016 regular meeting, as presented. The motion carried unanimously.

3. Proclamations

a. National Day of Prayer – Thursday, May 5, 2016

Mayor Brown noted that the National Day of Prayer would be Thursday, May 5th and that in Haywood County, there would be an observance at Noon on the Historic Courthouse lawn. The Mayor will read the proclamation aloud as part of that service.

b. Letter Carriers' Food Drive – Saturday, May 14, 2016

Mayor Brown explained that the annual Letter Carriers' Food Drive would be held on Saturday, May 14 and encouraged the board and those in the audience to place non-perishable items at their mailboxes in participation.

B. PRESENTATION

4. Forest Management in the Waynesville Watershed

Dr. Peter Bates, Associate Professor of the Department of Geosciences and Natural Resources at Western Carolina University (WCU) provided an update regarding Forest Management activities in the Waynesville Watershed. Also in attendance was Paul Carlson who was instrumental in the development of water quality and forest management practices and processes at the watershed beginning in 2004.

Dr. Bates thanked the board for the time to provide the update and reminded members of the three areas of property easements including: a forever wild easement, a section with no easement and working forest conservation easement. Dr. Bates noted that the goal of forest stewardship was to maintain a healthy forest by increasing natural diversity allowing for growth that is more resistant and resilient to future forest stresses. He explained that the area had lost much of the tree diversity; diseases that have changed the species; not having wind storms or frequent fires (called disturbances) has resulted in loss of oaks, chestnut and hickory trees. Mountain laurel is spreading and will crowd out other species.

The goal moving forward is to design treatments that mimic natural, stand-level disturbances and facilitate natural patterns of stand development. Dr. Bates offered two options: 1. Do nothing and allow nature to 'take its course' or, 2. Implement treatments at a scale that represents natural rates of disturbances including the harvesting of certain tree areas and planning and planting other species.

Dr. Bates added that WCU will continue to monitor the water quality at the watershed and reported that the water is some of the cleanest anywhere with minimal turbidity. Alderman Feichter asked, what is turbidity? Dr. Bates noted it was the color of water and how much light is blocked. Turbidity is usually an indication of sediment in the water. WCU and the Town both work with Haywood Waterways to monitor fish and other wildlife statistics within the creeks in the area.

Dr. Bates reminded the board about an issue that was noted at the previous board retreat related to white pine harvesting and how to bring the timber out due to concerns about traveling through the easement. Mayor Brown noted that Dr. Bates could work with easement holders who would need to agree and then come to the town to see about moving forward with another foresting

project. Mayor Brown inquired how the choice for the next treatment area would be made. Dr. Bates explained that he has been looking at certain areas based on the identification and GIS coordinates of where oaks are currently and where the mountain laurels are taking over.

Mayor Brown commented that the board was pleased to work with WCU so that students could use the watershed as a hands-on laboratory for learning. Alderman Roberson inquired how long the recovery would be for the oaks. Dr. Bates answered decades due to the fact that oak seedlings usually die out about 1 to 2 feet tall because they do not get the required light.

Alderman Feichter asked, why are we losing the oaks and hickories rather than other species? Dr. Bates answered that these are fire adaptive species and without fire there is no regeneration.

Mayor Brown thanked Dr. Bates and Mr. Carlson for their successful work in the watershed.

C. NEW BUSINESS

5. Rolling Street Closure – SARGE’S 11th Annual Downtown Dog Walk

Mayor Brown explained that the Town had received a request from SARGE’S for their 11th annual downtown dog walk on Saturday, August 6, 2016. This event has been approved for the past 10 years.

Alderman Freeman made a motion, seconded by Alderman Caldwell to approve the rolling street closure of Main Street from Church Street to the Historic Courthouse for the 11th Annual Downtown Dog Walk on Saturday, August 6, 2016 from 9:00 a.m. until 11:00 a.m., as presented. The motion carried unanimously.

6. Request Use of Sulphur Springs Park for Re-enactment and Celebration of Last Shot Fired (request from Col. William Holland Thomas Camp 2231 – Sons of Confederate Veterans)

Manager Morgan noted that a request had been received to use Sulphur Springs Park for a Sons of Confederate Veterans (SOCV) reenactment on May 6th and May 7th. This is for a memorial get together marking the last shot of the civil war that was fired near that location. The camp would like to hold a function from about 3 pm on Friday the 6th to about 3 pm on Saturday the 7th and plan to fire a few "blank" shots from period rifles (powder only, no bullets) for the recreation of the event about 11 am on Saturday. Police and Recreation have both weighed in and as long as proper notification is provided to the surrounding neighborhood regarding firearms display and the necessary port-a-johns are arranged by SOCV. Manager Morgan added that the group would like to do a 21-gun salute at the gravesite of William Holland Thomas in the Greenhill Cemetery at 2:00 p.m., if there are no additional services taking place.

Mayor Brown asked how the neighborhood would be notified about the shots. Ms. Owens would send out a Code Red alert and post to the town website and social media. The Mayor requested that a door hanger be placed on the homes in the surrounding area as another means of communication.

Alderman Feichter made a motion, seconded by Alderman Roberson to approve the function at Sulphur Springs Park from 3:00 p.m. May 6th to 3:00 p.m. on May 7th with approval for the firing of period rifles with no ammunition at 11:00 a.m. in the park and approval for a memorial service at the gravesite of Col. William Holland Thomas with 21-gun salute at 2:00 p.m. in the Greenhill Cemetery if no other services are occurring, as presented. The motion carried unanimously.

D. COMMUNICATIONS FROM STAFF

7. Manager's Report - Interim Town Manager Mike Morgan

Town Hall Day

Manager Morgan noted that June 8th is Town Hall Day in Raleigh. If board members would like to attend, contact Ms. Owens to make reservations. Manager Morgan did note that there would be a potential conflict since June 7th is the public hearing for the budget.

Manager Search

Manager Morgan explained that the job posting for the Town Manager position was on several different sites and list serves. He spoke with Dr. Straus who noted that the quantity of applications is not up where he would like, but quality of the applicants is good.

Miscellaneous items

- The Town received the Medford Grant for \$11,800 which will be used for beautification at Chestnut Park.
- The Elysina Avenue project has been completed and the new paved street looks great.
- An article was published in the Asheville Citizen-Times regarding lead in water lines due to the crisis in Flynt, Michigan. The Town has received calls with concerns related to the water. A response was drafted by David Foster, Public Services Director that is posted on the website. There is no lead in the water; none of the infrastructure has lead. Under federal regulations the Town tests for lead. Manager Morgan added that when there is lead that appears in testing, it is from the fixtures in the home rather than the waterlines.

8. Attorney's report – Town Attorney Woody Griffin

Attorney Griffin had nothing to report.

E. COMMUNICATION FROM THE MAYOR AND BOARD

Mayor Brown noted that he had received a call about the Waynesville Middle School's National Anthem interruption. There was a misunderstanding that this had occurred in Waynesville rather than at the 9/11 Memorial in New York. The Mayor explained the situation to the caller who apologized for the misunderstanding.

Mayor Brown provided a copy of a public information request received from Walt Logan related to agreements with Lake Junaluska officials. As there are no such agreements, a letter to that effect has been sent. Mayor Brown wanted the board to be aware of this request and the research that was done.

Alderman Feichter noted a letter had been received from Jane Bowman regarding trash pick up that had been forwarded to Manager Morgan, David Foster and Police Chief Bill Hollingsed.

Alderman Roberson inquired about the concern from Sharon Smith related to cows in a neighbors yard. Manager Morgan noted that there was not much that can be done as the neighbor is in compliance with the ordinance. Elizabeth Teague, Development Services Director and Fire Chief Joey Webb had met with the neighbor who has the cows and the neighbor is in compliance.

F. ADJOURN

There being no further business to discuss, Alderman Caldwell made a motion, seconded by Alderman Freeman to adjourn the meeting at 7:28 p.m. The motion carried unanimously.

ATTEST

Gavin A. Brown, Mayor

Michael J. Morgan, Interim Town Manager

Amanda W. Owens, Town Clerk

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
SPECIAL CALLED MEETING
MAY 3, 2016

THE WAYNESVILLE BOARD OF ALDERMEN held a special called meeting on Tuesday, May 3, 2016 at 6:30 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 6:30 p.m. with the following members present:

Mayor Gavin Brown
Alderman Gary Caldwell
Alderman Jon Feichter
Alderman Julia Freeman
Alderman LeRoy Roberson

The following staff members were present:

Mike Morgan, Interim Town Manager
Amie Owens, Town Clerk
Eddie Caldwell, Finance Director
Bill Hollingsed, Chief of Police
Joey Webb, Fire Chief
Rhett Langston, Recreation Director
Elizabeth Teague, Development Services Director
David Foster, Public Services Director

The following media representatives were present:

Mary Ann Enloe, the Mountaineer

1. Welcome

Mayor Gavin Brown welcomed everyone to the meeting noting that the specific purpose of this meeting was to discuss the proposed budget for fiscal year 2016/2017. He began by thanking Interim Town Manager Mike Morgan for his willingness to assist the Town and for his diligence in this budget process. Mayor Brown added that the basic job of a local government is to provide services and that is what the Town does well, but services can be expensive.

Alderman Caldwell added that he was appreciative of the budget message as it was very easy to understand.

Alderman Roberson also applauded Manager Morgan noting that he was impressed with the budget message as it was certainly understandable and thanked him for all he had done since assuming the role in February.

2. Budget Presentation

Manager Morgan thanked the board for their compliments and added that having an excellent leadership team makes doing the budget easier. He explained that this was the initial presentation of the proposed budget and he encouraged board members to make changes and recommendations related to how to proceed as this was their budget. Manager Morgan added that the Public Hearing for the proposed budget would be at a special called meeting on June 7th with hopeful budget passage on June 14th at the regular meeting. He commented that having a week to consider the public's comments would allow enough time to make any changes and share the information with the board prior to a vote. The budget must be in place on July 1 per state statute.

Manager Morgan used a power point presentation to outline key considerations noted within the budget planning process including: where does the money come from – the revenues generated and where does the money go – the expenditures of the funds.

Manager Morgan summarized the budget totals by fund to illustrate the total proposed budget for FY 2016/2017 as follows:

• General Fund	\$14,635,140
• Electric Fund	\$ 9,342,560
• Water Fund	\$ 3,311,990
• Sewer Fund	\$ 2,532,580
Total	\$29,822,270

Manager Morgan explained that the biggest need met by this budget was the addition of eight (8) career fire fighters. He alluded to the information contained in the budget message related to why these additional employees were necessary citing OSHA regulations and noting results of the downtown fire exercise from June 2015. Manager Morgan noted that from the follow up briefing, it took 20 minutes to have enough personnel on scene to safely enter the building. The Town of Waynesville Fire Department Averages 6.5 calls per day. Manager Morgan asked Ms. Owens to start a clock to illustrate the length of time it took to have personnel on scene to enter the building safely.

Manager Morgan continued by noting that no one wants to have an increase in their taxes, but added that the economic impact to this community if a business was lost to a fire outweighed an increase. He provided an example of the tax impact for a \$200,000 property. The calculations were \$95.00 per year or \$7.91 a month or 26 cents a day.

Manager Morgan highlighted the reduction in funding from the state over the past few years which has dramatically impacted municipalities including the loss of state shared revenues, loss of sweepstakes privilege license fees, loss of business privilege receipts, loss of sales tax revenue and loss the ability to annex.

Manager Morgan reminded board members of the initial graphic that showed the various sources of revenue. He added that without transfers from various enterprise funds, the general fund could not meet the operational needs including wages and benefits. Manager Morgan explained the transfer process noting the Town expects to receive \$12,067,790 in general government operating revenue. This operating revenue is supplemented with available fund balance of \$1,084,120 as well as other financing sources, including interfund transfers between the electric fund in the amount of

\$1,275,600, the sewer fund of \$88,310, and the water fund of \$119,320 for a general fund budget totaling \$14,635,140. Manager Morgan added that without these transfers, the Town would need a 22.91 cent tax increase to meet operating needs. He cautioned the board related to transfers and the eligibility for future NC DENR grants.

Manager Morgan then provided the totals for each department noting that the area of Public Safety (i.e. police and fire) is where, rightfully, the majority of the expenditures appear. During this portion of the presentation, Manager Morgan expressed concerns related to the Powell Bill funds. These are funds utilized for street maintenance and have been changed to an appropriation by the General Assembly rather than a formula based on population and street length as in the past. Discussion was held regarding the decrease in paving included in the proposed budget and the need to keep the Powell Bill reserves healthy as there is an upcoming bridge project that will require a 20% match by the Town.

Manager Morgan explained that the employees were the most important and valuable resource for the Town. That being said, the following items were proposed related to human resources:

- 1% Cost of Living for all employees
- 3% Set aside for "career track"
- Elimination of position of Assistant Town Manager
- Elimination of position of HR Director
- Addition of an Administrative Assistant
- Addition of 8 career fire fighters

Manager Morgan concluded his presentation and asked the board if they had any questions or needed any further clarifications.

Public Services Director, David Foster noted that there were several projects that would require use of Powell Bill funds including a pedestrian crossing at Church Street and Howell Mill Road improvements which the town is required to pay by the state.

Alderman Roberson asked if insurance rates would go up if it was shown that staffing was below ideal. **[At this point the 20 minute time limit expired for the example of timing to enter a burning building]** Fire Chief Webb noted that Waynesville had just finished their ISO inspection and received a class 4 rating which was good. Manager Morgan added that there were up to 15 points available for personnel and the Town received only 3.69 points.

Mayor Brown continued the budget discussion by asking about health insurance rates, water and sewer rates, long-term debt and possible changes to the fee schedule for items such as recreation center rates. Finance Director Caldwell explained that there was a zero (0%) increase in rates for the second year in a row for health insurance and brief discussion was held related to considering a self-funding option.

Finance Director Caldwell called attention to section 8, page 46 to illustrate the historical water and sewer rates for the Town. He noted that rather than have citizens pay a large increase (30 – 40%) previous boards had agreed to increase incrementally via direction provided in the 2006 Asset Management Plan. Information related to regional municipalities was included on pages 50-51 of this section.

Finance Director Caldwell addressed the question related to debt by calling attention to pages 52 – 54 in section 8 noting the various projects, the dates of loan maturity, interest rates and payment history. It was noted that it may be possible to look at refinancing of a high interest loan for the fire station. The total debt for the Town is \$12,392,154.72.

Further discussion was held about future considerations such as the renovation of the public services facility, recreation master plan, continued infield development, need for equipment and vehicles as well as larger projects such as Russ Avenue and South Main Street.

The board expressed their appreciation for a thorough budget process and for the participation of department managers and staff. Alderman Freeman expressed her appreciation for the conservatorship of Finance Director Caldwell and staff. She was grateful to see that the Town has not gone backward and fund balance has held steady. Manager Morgan added that the department directors have done an excellent job at monitoring and keeping expenses low.

Alderman Caldwell noted that special appropriations had been a topic of discussion with Manager Morgan and these requests will be considered carefully during this process. Mr. Foster added that he would like to see greater interaction with those who are requesting town in-kind services as part of building projects so that everyone understands the true costs of what the Town is contributing rather than having to remedy a problem with an escalated cost. The board agreed by consensus.

Mayor Brown thanked Manager Morgan and Finance Director Caldwell for the presentation and information about the budget. He thanked the department directors and the media for their participation. Mayor Brown reminded members of the regular meeting on May 10.

F. ADJOURN

There being no further business to discuss, Alderman Caldwell made a motion, seconded by Alderman Freeman to adjourn the meeting at 7:51 p.m. The motion carried unanimously.

ATTEST

Gavin A. Brown, Mayor

Michael J. Morgan, Interim Town Manager

Amanda W. Owens, Town Clerk

PROCLAMATION

PUBLIC WORKS WEEK MAY 15-21, 2016

WHEREAS, the Town of Waynesville relies on Public Works infrastructure to ensure the safety, health, and well-being of its citizens and guests; and

WHEREAS, this year's theme "Public Works – Always There" speaks to the essential nature of Public Works services in support of everyday quality of life; and

WHEREAS, Public Works professionals, managers, administrators, and other allied support in the public and private sector, plan, design, build, operate, and maintain transportation, water supplies, sewage and refuse disposal, public facilities, and other structures and facilities essential to serving Town citizens and guests; and

WHEREAS, our Town is safer and more efficient where citizens can enjoy the quality of life that makes Waynesville special because of the dedication of Public Works professionals; and

WHEREAS, the Town of Waynesville joins the American Public Works Association and other interested agencies and organizations in recognizing the contributions of Public Works professionals to the health, safety, welfare of the Town;

NOW, THEREFORE, I, Gavin A. Brown, Mayor of the Town of Waynesville, do hereby proclaim May 15-21, 2016, as “**PUBLIC WORKS WEEK**” in the Town of Waynesville, and commend its observance to all Town citizens and treasured guests.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the seal of the Town of Waynesville on this the 10th day of May, 2016.

TOWN OF WAYNESVILLE

Gavin A. Brown
Mayor

PROCLAMATION
NATIONAL POLICE WEEK
May 15 – 21, 2016
And
PEACE OFFICERS MEMORIAL DAY
May 19, 2016

WHEREAS, the Congress and President of the United States have designated the week of May 15 – 21, 2016 as National Police Week and Thursday, May 19, 2016 as Peace Officers Memorial Day, and

WHEREAS, the members of the law enforcement play an essential role in safeguarding the rights and freedoms of the citizens of the Town of Waynesville, and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement officers, and

WHEREAS, the men and women of the law enforcement agency of the Town of Waynesville serve the people by safeguarding life and property, protecting them against violence and disorder and providing a vital public service.

NOW, THEREFORE, I, Gavin A. Brown, Mayor of the Town of Waynesville, do hereby proclaim the week of May 15 - 21, 2016 as National Police Week and May 19, 2016 as Peace Officers Memorial Day for the Town of Waynesville and urge all citizens to recognize these officers' faithful and loyal devotion to their responsibilities.

This the 10th day of May, 2016.

TOWN OF WAYNESVILLE

Gavin A. Brown
Mayor

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 10, 2016

SUBJECT: Call for a Public Hearing to be held on May 24, 2016 to consider a text amendment initiated by the Town of Waynesville Planning Board to Board to expand Chapter 4.6 Temporary Uses to clarify and allow more flexibility in permitting Mobile Food vendors within the Town of Waynesville.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C-5
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: The Town has seen increased interest in mobile food vendors and there is a need to ensure that mobile vendors operating within Town limits are compliant with health department requirements and are present within the Town at the permission of property owners, or at the invitation of nearby businesses who have requested this use in an identified public space. Also it is important that mobile food vendors are located in a manner that allows workers access to bathrooms and that assures compliance with applicable building and fire safety codes.

MOTION FOR CONSIDERATION:

To Call for a Public Hearing to be held on May 24, 2016 at the next Board of Aldermen Meeting at 6:30 pm in order to consider a zoning text amendment request to accommodate mobile food vendors within the Town.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Planning Board Minutes and Staff Report
2. Draft Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS:



TOWN OF WAYNESVILLE Planning Board

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Chairman

Patrick McDowell

Planning Board Members

Danny Wingate (Vice)

John Feichter

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

Shell Isenberg

L. Brooks Hale

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 April 18, 2016

THE WAYNESVILLE PLANNING BOARD held a regular meeting on April 18, 2016 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:

Danny Wingate
Bucky Dykes
Anthony Sutton
Phillip Gibbs
Marty Prevost
Shell Isenberg
Robert Herrmann
Patrick McDowell
Brooks Hale

The following staff members were present:

Elizabeth Teague, Development Services Director
Eddie Ward, Deputy Town Clerk
Tom Maguire, Senior Code Enforcement Official
Ron Sneed, Attorney to the Planning Board

2. Adoption of Minutes

A motion was made by Board Member Robert Herrmann, seconded by Board Member Danny Wingate, to approve the minutes of the March 21, 2016 regular meeting as presented. The motion passed unanimously.

B. OLD BUSINESS

1. Discussion and feedback on Community Meeting regarding land use along Howell Mill Road Corridor

Ms. Elizabeth Teague, Development Services Director, said several members of the Board had attended the Community Meeting regarding land use along Howell Mill Road Corridor. She wanted to give them an opportunity to discuss and give feedback from that meeting.

Chairman McDowell said he was pleased that there had been a good turnout from the community for the meeting. He said there were strong sentiments from residents about keeping the zoning the same, and concerns about traffic problems. There were also good comments about what they would like to see in the future, and how to maintain the rural feel of the area. Chairman McDowell thanked the staff for a well run meeting.

2. Continuation of Public Hearing to consider zoning map amendment requests for 333 Howell Mill Road, 11 Palmer Hill Road and an unnamed lot on Calhoun Road to be rezoned from Howell Mill Medium Density Residential to Russ Avenue Regional Center Commercial.

Chairman McDowell asked for a motion to resume the Public Hearing from the March 21, 2016 Planning Board meeting.

A motion was made by Board Member Danny Wingate, seconded by Board Member Robert Herrmann, to resume the Public Hearing from March 21, 2016 concerning consideration of zoning map amendment requests for 333 Howell Mill Road, 11 Palmer Hill Road, and an unnamed lot on Calhoun Road to be rezoned from Howell Mill Medium Density Residential to Russ Avenue Regional Center Commercial. The motion passed unanimously.

Ms. Teague stated that after the initial Planning Board Meeting on March 21, 2016, the Tim Shook family, the Tom Moody family, and Ms. Roumalda Mcrorie said they would be open to looking towards a more residentially focused zoning, Urban Residential District, rather than the Russ Avenue Regional Center Commercial. The Urban Residential District is primarily residential but allows more dense residential development. Currently there are two designated Urban Residential Districts in The Town of Waynesville, East Waynesville Urban Residential District (EW-UR), and Hazelwood Urban Residential District (H-UR). Urban Residential allows multi-family developments, bed and breakfasts, adult and child day care, professional services, general commercial less than 100,000 square feet (Hazelwood UR only), cultural and community facility, recreation facility, riding stables, and cemetery. She told the Board that the Hazelwood Urban Residential District does allow small retail under a hundred thousand square feet, whereas the East Waynesville Urban Residential District does

not. She asked for the Board's input as to whether retail is something that might be considered as being appropriate for this district.

The area of Howell Mill Road is convenient to Town and to the Town's recreation Center. A zoning designation of Urban Residential would maintain the residential character of the area but would allow for increased density to take advantage of the area's convenience and pedestrian amenities that are now available as part of the corridor. This could help promote residential development which is walkable to shopping and would connect a sidewalk that leads to the Recreation Center. Ms. Teague said staff felt this district would be consistent with the 2020 Land Use Plan. At the community meeting, several citizens pointed out that the rural and residential nature of the area was identified in the Town's Comprehensive Plan. Also it was abundantly clear that while the upgrade of the roadway will promote increased traffic and development pressure, the overall feeling of the citizens is to maintain the residential nature of the area.

The purpose of this request is to allow the property owners to more easily sell their property given the industrial and commercial structures that are next to them on two sides. The proposed area for rezoning is adjacent to the recently expanded Ingles, and across the road is the DC Plus LLC Packaging warehouse. With these properties, Ms. Teague suggested an Urban Residential Zoning to allow professional offices such as healthcare and business services which can be developed at a residential scale style with only 1 – 2 stories. This would allow greater flexibility while maintaining the residential scale and character of the area.

Ms. Teague brought the Board's attention to a written verification from Mr. Tim Shook and Mr. Thomas Moody that they are agreeable to amending their initial request for consideration to Urban Residential. Also a hand written letter was received from Ms. Mcrorie requesting to amend her request to Urban Residential as well.

Requested Actions:

1. Motion to find/not find the request consistent with the 2020 Land Development Plan by meeting the needs of the residential needs of the community and promoting infill and improving an existing neighborhood area.
2. Motion to recommend approval of the applicants' request for rezoning the property at Howell Mill, Calhoun, and Palmer Hill to (Russ Avenue Regional Center District or) to (Urban Residential District).

Chairman McDowell asked if any of the applicants would like to speak.

Tim Shook
333 Howell Mill Road
Waynesville, NC 28786

Mr. Shook thanked the Board for the opportunity to be able to speak to them about his property and he gave a brief history of his family and property. He stated the property had been zoned commercial in 1993 when his parents owned the property. After he inherited the property, he tried to sell the property several different times. During this time Mr. Shook only had inquiries about purchasing his property as commercial, not residential. He would like to sell for the best use, and for the highest value of the land. Mr. Shook stated that each realtor he had dealt with had advised him that the property needed to be zoned commercial.

Thomas Moody
248 Fairway Hills Dr.
Waynesville, NC 28786

Mr. Moody stated he and Mr. Shook are in a situation where in the past they would not have wanted their property to be zoned commercial any more than anyone else, but things change, and that change has been beyond their control. He said everyone has to adapt to change. Mr. Moody said his property has been on the market as residential for eight years with no success. He asked the Board for their help in granting rezoning of his property so it can be sold.

Pat Shook
333 Howell Mill Road
Waynesville, NC 28786

Ms. Shook gave a brief history of living at the address of 333 Howell Mill Road. She stated that when her in-laws owned the property, no one asked them if they objected to Sonoco or Ingles locating their commercial businesses adjacent and across from their property. She gave many examples of how their property could be used for the Town's benefit if the Board approves the request, and the property is sold.

With no further applicants wishing to speak, Chairman McDowell opened the Public hearing to supporting witnesses.

Karen Hollingsed (Beverly Hanks)
74 North Main Street
Waynesville, NC 28786

Ms. Hollingsed stated she was the real estate agent working with Mr. and Mrs. Shook. She stated the only call she had received about the Shook property was concerning commercial purposes. Being zoned as residential will be very difficult to find a buyer because there are no buffers between the Shook property and Sonoco, Ingles, or the Town's sub station. Ms. Hollingsed said she also represents Ms. Mcrorie with the exclusive right to sell her property. She encouraged the Board to grant the rezoning request.

John Keith (Beverly Hanks)
94 North Main Street
Waynesville, NC 28786

Mr. Keith said he is employed by Beverly Hanks Real Estate, and he is one of two agents in the downtown Waynesville office that is authorized to sell commercial property. Mr. Keith said this wasn't just about someone trying to get the best price for a piece of property and he felt the Shook's had been harmed by not being allowed to rezone their property. Three of the four sides have commercial businesses located on the property. He reminded the Board that being zoned commercial does not mean having a convenience store or drive thru restaurant on the property, it just means that usually it is for multi-family units. Mr. Keith said there had been articles in the newspaper about the

severe housing shortage in Haywood County. He explained that most of the rentals in the community are vacation rentals, not something young people or nurses who move here to work would be interested in. Also, there is a need for progressive living arrangements here in the area instead of having to move to Asheville later in life. He asked the Board to consider the rezoning request for Urban Residential. He feels this is the best compromise for these properties.

Joe Bob Rogers
263 Calhoun Road
Waynesville, NC 28786

Mr. Rogers said this rezoning will affect about one third or more of Calhoun Road if granted. He said the road would need improvements if there are businesses that are developed along Howell Mill with access to Calhoun. Mr. Rogers said he recognized what a hard job the Planning Board members have making decisions like this one. Chairman McDowell thanked Mr. Rogers for his comment.

Ricky Gregory
61 Radio Tower Road
Waynesville, NC 28786

Mr. Gregory asked the Board what else could go there besides the things that had been discussed. He asked specifically about trailer parks, and also about comments made that the Town was under pressure to rezone Howell Mill Road. Mr. Gregory would like to know where the pressure was coming from.

Chairman McDowell explained that this question came up at the Community Meeting and the word pressure was changed to opportunity. The word pressure was used to describe interest in the rezoning along Howell Mill Road.

Ms. Teague relayed other permitted uses that could be allowed in Chapter 2.5.3 of the Land Use Standards if the Urban Residential District rezoning is approved:

1. Business Support Services
2. Adult and child daycare homes
3. Government Services
4. Personal Services
5. Professional Services

It was noted that manufactured homes and manufactured housing is not allowed in Urban Residential Districts.

Ginger Hain
267 Calhoun Road
Waynesville, NC 28786

Ms. Hain said Calhoun Road was a very quiet, pastoral area, and the proposed zoning of Mr. Shook's property would change the nature of the neighborhood. She had a question concerning a Special Use Permit, and how it would help protect the backside of Calhoun Road. Ms. Teague explained that a Special Use Permit (SUP) is a type of permit that is issued by the Planning Board that

will allow the Board to specify special conditions. This could be related to traffic, buffering, additional bicycle and pedestrian facilities, or whatever would create a safer type of development for that particular location. Adjacent property owners would be notified, advertisements would be placed in the newspaper, and the property would be posted so residents would have an opportunity to be present at a Public Hearing. Ms. Hain said she felt that this could be something that could meet the resident's needs.

**John Balentine
274 Calhoun Road
Waynesville, NC 28786**

Mr. Balentine said there were issues on Calhoun Road concerning the ditches and right of ways on the sides of the road. Ms. Teague said that if there were higher density residential, that might prompt an annexation of the area for water and sewer purposes. But that cannot be determined until there is development in the new district.

**Steve Leonard
365 Calhoun Rd
Waynesville, NC 28786**

Mr. Leonard stated he is concerned about the access, right of ways, and the impact of traffic on Calhoun Road. Another concern of Mr. Leonard is the width of the road. He stated that because of the curves in the road, he is worried that Calhoun Road cannot accommodate more traffic.

A motion was made by Board Member Robert Herrmann, seconded by Board Member Danny Wingate to close the Public Hearing. The motion passed unanimously.

A motion was made by Board Member Shell Isenberg, seconded by Board Member Bucky Dykes, to approve the applicants' requests for rezoning the property at Howell Mill, Calhoun, and Palmer Road to Urban Residential District. The motion passed unanimously.

Ms. Teague explained to the Board the process of proceeding to establish the Howell Mill Urban Residential District. She noted that because this would create a new zoning district, "Howell Mill Road Urban Residential District," that ordinance text would have to be developed that reflected the unique nature of the area and specified uses allowed, and incorporated the new District into the Ordinance. She stated that she would bring draft text back to the Planning Board at their next meeting for their review.

3. Public Hearing on a text amendment to Chapter 4.6 of the Town Code of Ordinances Temporary Uses to clarify regulations pertaining to Mobile Food Vendors.

Chairman McDowell asked Ms. Teague to give background on this text amendment. Ms. Teague said the subject of Food Trucks and Vendors and how they are allowed in the Town's jurisdiction has been discussed at the last two Planning Board meetings. These discussions have been

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in response to several requests recently for permission to operate Food Trucks and Carts inside the Town. Ms. Teague is presenting a text amendment recommendation to the Town's Code of Ordinances based on Planning Board comments and staff's opinion.

Ms. Teague stated that as previously noted, mobile vendors must be in compliance with health department requirements and they must have permission of property owners, or by invitation of nearby businesses who have requested this use in an identified public space. They must be located in a manner that allows workers access to bathrooms and must be in compliance with applicable building and fire codes.

Ms. Teague told the Board that staff felt that the accommodation of mobile food vendors as temporary uses is consistent with the 2020 Plan as long as the Town can manage regulation of how and where food vendors can set up and how the area is maintained as far as litter control, signage, smell, noise, traffic and parking, safety, and look. Mobile food vendors will enhance local business economy and not detract or create a negative impact.

There has been much concern that mobile food vendors could set up on a location indefinitely. Mobile vending units are regulated by the North Carolina Administrative Code, with specific requirements for push carts, and mobile food units. Push carts or food truck or trailer are regulated by the health department, and mobile units must have approved commissaries to provide servicing areas and support for that unit. Also, a food truck or trailer is licensed by the NCDMV. A permanently placed food truck or trailer would require that the truck be converted to a permanent structure, abiding by Town development standards such as setbacks, landscaping, signage and would have to be de-licensed from the NCDMV. A mobile food unit must be physically moved periodically, and must be considered a temporary use.

Ms. Teague discussed the amended language in Chapter 4.6 Temporary Uses. Her staff recommendation is that she believes that mobile vending units can enrich the Town of Waynesville, and can be successful in Waynesville by being mobile.

The Board had several questions for Ms. Teague concerning time frames for Temporary Use Permits.

Requested Actions:

1. Motion to find/not find the attached text amendment consistent with the 2020 Land Development Plan.
2. Motion to recommend to the Board of Aldermen approval of the draft text amendment as presented (or amended).

A motion was made by Board Member Marty Prevost, Seconded by Board Member Anthony Sutton to open the Public Hearing. The motion passed unanimously.

**Glenna Young
677 Mountain Lake Drive
Waynesville, NC 28786**

Ms. Young, co-owner of MA's kitchen, thanked the Board Members, and Town staff who have visited her at her business to see what they are trying to accomplish. Ms. Young said she had paid all

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required fees such as taxes, permit fees and insurance for her trailer and equipment. She gave a brief description of her business and its operations. She asked the Board to consider the amendment because she says her business is unique. Ms. Young spoke to how all businesses do not look alike, and how her business does not fit into Main Street. She said she felt her business was not a detriment to the Town in any way.

David Young
384 Thomas Park Drive
Waynesville, NC 28786

Mr. Young thanked everyone for hearing him again. Mr. Young said he had only moved forward with the food truck after conversations with the Development Services office. It was after they had already started with the food truck that the difficulties came up. If he had known he was going to come before the Board three times discussing the same issue, he would not have gone forward with the project. He addressed the definition of mobile food truck in the NC Administrative Code as *A food establishment or push cart designed to be readily moved and vending food*. He said the Code does not say it has to be moved at any time. He said that Branner Avenue where his business is located has many vacant and abandoned houses. He does not consider his food truck a detriment to the area. Mr. Young wants to keep his truck in his parking lot and not move it. He said he is faced with leaving Waynesville to another location where he can make more money.

A motion was made by Board Member Shell Isenberg, seconded by Board Member Danny Wingate to close the Public Hearing. The motion passed unanimously.

There was much discussion among the Board about the pros and cons of making the Food Truck at Mad Anthony's becoming permanent and making exceptions for them in the amendment.

Tom Maguire (Chief Building Inspector)
9 South Main Street
Waynesville, NC 28786

Mr. Maguire explained some of the Building Code violations that were associated with Mad Anthony's that did not apply to the Food Truck itself.

Anthony Sutton asked if the Board would adjust the text to include the provision that food trucks be at least 50' from an existing restaurant during operational hours. Phillip Gibbs added that he thought this was a good idea for the Town's brick and mortar restaurants. Bob Hermann also brought up the time frame of 180 days to ask the Board to consider reducing the requirement for renewing permits for those food trucks on the same property their commissary as in the Mad Anthony request. There was additional discussion among the Board members.

A motion was made by Anthony Sutton, and seconded by Phillip Gibbs to add the requirement that mobile food vendors be at least 50' away from restaurants in operation. The motion passed unanimously.

A motion was made by Bob Hermann, and seconded by Brooks Hale, to eliminate the time limit for mobile vending units on the same lot as their commissary. The motion passed unanimously.

D. ADJOURN

With no further business, the consensus of the Board was to adjourn at 7:10 p.m.

Patrick McDowell, Chairman

Eddie Ward, Deputy Clerk

Planning Board Staff Report

Consideration for initiation of a text amendment to the town's Temporary Use regulations concerning mobile food vendors

April 18, 2016

Agenda Item: Text Amendment Request of the Planning Board to expand Chapter 4.6 Temporary Uses to allow Mobile Food vendors.

Background:

The purpose and intent of the Town Ordinances are to secure the health safety and welfare of the citizens of the Town. At the last two Planning Board meetings Town staff asked the Planning Board for their feedback on Food trucks and food carts in response to recent requests and to clarify the ordinance by specifically addressing how mobile food vendors (food trucks, trailers and food carts) are allowed within Town jurisdiction. Staff is now bringing forward a recommended text amendment to the Town Code of Ordinances based on Planning Board comments and staff's opinions.

Also at the last meeting on March 21st, the Planning Board was asked to consider an alternate text amendment request submitted by hand at the meeting by David Young of Mad Anthony's and this is also attached. This draft was also considered by staff in developing the text amendment before you.

As noted previously, there is a need to ensure that mobile vendors operating within Town limits are compliant with health department requirements and are present within the Town at the permission of property owners, or at the invitation of nearby businesses who have requested this use in an identified public space. Also it is important that mobile food vendors are located in a manner that allows workers access to bathrooms and that assures compliance with applicable building and fire safety codes. When these requirements are met, mobile vendors can add diversity and interest to commercial areas as well as convenience, and service to nearby business.

Consistency with 2020 Land Development Plan:

The 2020 Development Plan provides an economic vitality goal to "strengthen a broad-based economy in Waynesville comprised of vibrant and expanding manufacturing, retail, agricultural, services, governmental and construction services" (4-19). Creating opportunities for food service that can support existing commercial properties and efforts, and enhance business districts, can certainly be considered supportive of that goal. At the same time, the Town Plan also provides a land use goal to "promote orderly growth, development and enhanced land values by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community" (4-2).

The Plan called for the Town to “provide design guidelines to control development in appropriate areas and incorporate design criteria into the Town’s development ordinances” (4-6). The Town has implemented such design guidelines and worked with local property and business owners to promote attractive commercial areas and to protect community character successfully. Therefore regulation of how and where food vendors can set up and how the area is maintained (litter control, signage, smell, noise, traffic and parking, safety, look) are also important. Mobile food vendors, whether in the form of a food truck, trailer or cart should enhance the local business economy and be suitable to its surroundings, and should not detract or create a negative impact.

As long as the Town can manage these types of uses with balance for positive economic impact, safety and sensitivity to a location’s surroundings, then the accommodation of mobile food vendors as temporary uses is consistent with the 2020 Plan.

Staff Recommendation:

Since our last meeting, I have conferred with state and local officials and heard a variety of opinions. I am concerned that in our desire to accommodate mobile food vending, an expectation has been created that mobile food vendors could set up on a location indefinitely. Mobile vending units are regulated by Section 15A NCAC 18A of the North Carolina Administrative Code. There are specific requirements for pushcarts (Section .2671) and specific requirements for mobile food units (Section .2672), and any pushcart or food truck or food trailer that are regulated by the Health Department as mobile units must have approved “commissaries” to provide servicing areas and support for that unit. A food truck or trailer is further licensed by the NCDMV as a vehicle or trailer for roadway travel and commercial use.

In seeking clarification from the Department of Insurance, staff was informed by Chief Building Code Consultant Mike Hamm, P.E. of the Manufactures Building Division that:

“There are no HUD or Modular Building Codes that regulate Mobile Food Units or Mobile Kitchens. These units would be regulated by the NCDMV and the local Health Department. The Manufactured Building division would only be involved if an approved modular manufacturer built a permanent structure for use as a modular food or kitchen unit that was 3rd party inspected in the manufacturing plant and labeled with a NC modular validating stamp. An existing mobile food or kitchen unit that is converted to a permanent structure would be regulated by the NC Building Codes subject to local inspection and approval.” (April 8, 2016).

The placement of a food truck or trailer permanently at a location would require that the truck or trailer be converted into a permanent structure, and this could happen with some creative engineering and structural enhancements that bring it into compliance with Health Department requirements and state building codes. In that case, the resulting structure would also have to comply with all of the Town development regulations as much as any building or addition would, including setbacks, landscaping, signage, and other rules that may apply. They would also have to be de-licensed from the NCDMV.

Otherwise, mobile food units and pushcarts are fabricated and regulated to be mobile. They are not designed or built to be permanent and do not comply with state and local building and safety codes as permanent structures. I don't believe therefore that we can consider them as anything other than temporary uses under our ordinances. Mobile food units should not be used as "work-arounds" to avoid building, safety and zoning regulations. I would also not recommend that a temporary use be allowed to become a permanent feature on a location by default: administratively allowing a temporary permit to be renewed again and again. A mobile food unit must be physically moved periodically or should be required to comply with building, zoning, floodplain and other codes that may apply at any given location. I would also be concerned with allowing food trucks to operate on extended time frames that are much longer than other temporary uses. This raises questions of both precedence and equity.

I believe that mobile vending units can enrich the Town by allowing them the full extent of the existing temporary use period and to operate at the invitation of the underlying property owner (private or public) outside of special events. If a property owner would like to continuously invite a food truck to be present on their property, than they can do so, it just should not be the same vendor at the same location beyond the 180 day period currently allowed. A mobile food vendor that would like to set up at the same location as its commissary can also be allowed, but still only as a temporary use. This means that the food vending unit would have to discontinue for periods of time during the year, or move to another location for part of the year - perhaps allowing the property at which the commissary is located to host a different food vendor. I believe that mobile food vendors can be successful in Waynesville by being mobile – even if they stay at a maximum for the existing temporary periods on any given site.

Staff recommends the attached ordinance be considered for adoption to the Town Board of Aldermen.

Requested Actions:

1. Motion to find/not find the attached text amendment consistent with the 2020 Land Development Plan.
2. Motion to recommend to the Board of Aldermen approval of the draft text amendment as presented (or amended).

Text Amendment to Replace Chapter 4.6 Temporary Uses with amended language (in italics) as follows:

4.6 - Temporary Uses.

4.6.1 General Standards/Permits Requirement.

- A. All permitted temporary uses listed in this section require a temporary use permit that shall be reviewed and issued by the Administrator.
- B. Temporary use permits shall be issued for no more than one hundred and eighty (180) days within a calendar year on any individual lot *unless otherwise specified within this section.*
- C. ~~Reserved.~~ *Exemptions. Temporary uses associated with special events approved by the Town Manager, seasonal farmer's markets approved by the Town Manager and produce stands in conjunction with crop production.*
- D. The property on which a temporary use is proposed must contain sufficient space to support the temporary use.
- E. No temporary use shall be located closer than ~~two hundred (200)~~ *fifty (50)* feet to a dwelling unit. Yard sales are excluded from this requirement.
- F. Parking must be adequate to support the proposed temporary use.
- G. Restroom facilities, if needed, must be provided.
- H. Plans for security and safety must be provided.
- I. All associated approvals inspections and permits required by the building code, fire marshal, *county health department or Town Manager* must be received prior to issuance of the temporary permit.
- J. *Temporary uses must manage waste, trash, recycling or other debris created by the use.*

4.6.2 Temporary Uses Allowed in All Districts.

- A. Permitted Temporary Uses: Civic/cultural events, and yard sales are allowed in all Districts.
- B. Time Limit: Civic/cultural events - thirty (30) days; yard sales - four (4) days.

4.6.3 Temporary Uses Allowed in ~~All~~ Nonresidential Districts.

- A. ~~Permitted Temporary Uses:~~ Permitted Temporary uses allowed in all Districts except for the residential districts include: circuses, carnivals, fairs, religious services and similar types of events; the sale of agricultural products including Christmas trees; and tent sales.
- B. Time Limit: Such events shall be allowed for no more than thirty (30) days *but may be renewed by the Administrator.*

4.6.4 Temporary Uses with Specific Requirements.

A. Contractor's Office and Equipment/Storage Sheds.

1. Contractor's office and/or equipment/storage sheds may be placed in any District temporarily on the site of construction of a development for which a certificate of land development standards compliance has been issued.
2. Time Limit: Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one (1) year as and if approved by the Administrator. All temporary construction buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a certificate of occupancy or completion of the project, whichever comes first.

B. Real Estate Office in a Construction Trailer or Temporary Modular Unit.

1. One (1) temporary structure, such as a construction trailer or temporary modular unit may be used as a real estate sales office in any new construction project in any District. Such a temporary structure shall be used for the sale of units within that project only.
2. Time Limit: Temporary real estate offices in construction trailers or temporary modular units may remain on the site for no more than one (1) year or until one-half (½) of the units for the project are completed, whichever occurs first.

C. Real Estate Office in a Model Home: A model dwelling may be used as a real estate sales office in a new residential development in any District. Such a model home/sales office may be used for the sale of units within that project only.

D. Mobile Food Vendors

1. *Mobile food vendor, including food trucks, trailers and pushcarts may be placed in any commercial-industrial, regional center or business district. A permit is only valid for one location. Vendors wanting to serve at multiple locations need individual permits for each site. It shall be unlawful for any vendor to sell or offer to for sale any food or beverage without first obtaining a permit pursuant to this section.*
2. *Time Limit: Such uses shall be allowed for 90 days and may be renewed by the Administrator on a one time basis for up to one hundred and eighty (180) days on any specific site. Allowable days do not have to be contiguous if an alternate schedule is approved by the Administrator and accompanies the permit. Special events do not count toward this limit.*
3. *A mobile Food Vendor must present written documentation of the property owners' permission and a copy of its Health Department Permit at the time of application.*

4. *Permission to utilize public parking or sidewalk areas must be approved by the Town Manager and at the request of a sponsoring business owner adjacent to the proposed location. Within the Main Street Public Services District, vendors are permitted on private property only. The Town may require a lease agreement and fees in certain cases.*
5. *No mobile food vendor shall:*
 - a) *Leave a mobile food unit or pushcart unattended, or store, park or leave a mobile food unit or pushcart overnight within any public right-of-way or public property.*
 - b) *Leave any location without removing and disposing of all trash or refuse.*
 - c) *Pour waste products (including hot water or drainage from coolers) down a storm drain.*
3. *Property owners or sponsoring adjacent businesses must make their restroom facility available for mobile food vendor staff.*
4. *All food service operations must obtain an approved mobile food service permit from the Haywood County Health Department or concurrence from the Haywood County Health Department that the vendor has met the equivalent requirements from another county. Permits must be posted on the mobile food vendor vehicle so that they are visible to the public.*
6. *Signage associated with mobile food vendors must abide by the sign regulations as specified in ordinance 11.5.14(H), and shall not be lit or have more than one (1) sign per street frontage. Vehicular signs do not count toward this limit.*
8. *Exhaust outlets shall be located not less than 10 feet from any structure or building.*

17.33 – Definitions, Use Type.

Mobile Food Vendor. *A mobile food vendor is a person or organization that sells food out of a portable vehicle, cart, or trailer. Examples include food trucks, food trailers and food pushcarts.*

Adjustment to the Town Fee Schedule:

Temporary Use Permits

\$50 application fee

AN ORDINANCE AMENDING THE WAYNESVILLE CODE OF ORDINANCES

MOBILE FOOD VENDORS

Sec [] Mobile food vendor sales.

It shall be lawful for mobile food vendors to sell or offer for sale food or beverages on public or private property within the Central Business District only under the conditions set forth herein.

Definitions:

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

Beverages shall mean drinkable, nonalcoholic liquids prepared for immediate human consumption and may be served only in cans, Styrofoam or plastic cups.

Food shall mean food prepared for immediate human consumption, including condiments and prepackaged foods, all as allowed by the North Carolina Department of Human Resources, Division of Health Services.

Mobile food unit shall mean a vehicle mounted, vehicle towed, or vehicle carried, food service establishment designed to be readily moved and which is defined in 15A NCAC 18A.2601.

Push Cart

Mobile food vendor shall mean a person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a Mobile Food Unit or Push Cart.

Permit required.

It shall be unlawful for any mobile food vendor to sell, or offer for sale, any food or beverage without first obtaining a permit pursuant to this section from the city manager, or his /her designee.

Exceptions:

- (1) Mobile food vendors who sell within a special event venue as defined in the Waynesville Code of Ordinances section [] shall not be required to obtain a permit.
- (2) Mobile food vendors operating for thirty (30) days or less may obtain a Temporary Use Permit as defined in Section [].

All mobile food vendors shall maintain permits required by the Haywood County Health and Human Services Agency or the applicable agency of the resident county of the mobile food vendor, and shall at all times comply with all North Carolina Department of Human Resources, Division of Health Services regulations, 15A NCAC 18A. 2650 et. seq.

Permit application.

Application shall be accompanied by payment of a fifty dollar (\$50.00) permit fee annually for each mobile food vendor.

The application for a permit shall include:

- (1) The name, home and business address of the applicant, the name and address of the owner of the Mobile Food Unit, or of the Pushcart to be used in the operation of the vending business if other than the applicant;
- (2) A copy of any approval required by the Haywood County Health and Human Services Agency pursuant to the rules governing the sanitation of restaurants and other food handling establishments.
- (3) Proof of an insurance policy, issued by an insurance company licensed to do business in the State of North Carolina, protecting the permittee from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. If the Mobile Food Unit or Push Cart are to be used on public property, such insurance shall name the town as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the town. Such insurance shall afford minimum limits of one hundred thousand dollars (\$100,000.00) per person bodily injury, three hundred thousand dollars (\$300,000.00) per occurrence bodily injury, and twenty-five thousand dollars (\$25,000.00) per occurrence property damage.

All items listed in the permit application are required annually for renewal of permit.

Prohibited conduct.

No mobile food vendor shall:

- (1) Vend on any paved or traveled portion of a street or on any sidewalk where vending is otherwise prohibited.
- (2) Leave any Mobile Food Unit or Pushcart unattended on a town right of way or street.
- (3) Store, park or leave any Mobile Food Unit or Pushcart overnight on any right of way or Sidewalk. *CLAY*
- (4) Sell food or beverages for immediate consumption unless the vendor has available for public use their own, or a public, litter receptacle which is adequate and available for the vendor's patron's use and being no more than ten (10) feet distant from the Pushcart or Mobile Food Unit.
- (5) Leave any location without first picking up, removing and disposing of all trash or refuse.

- (6) Violate any federal, state, county or city law or regulation that pertains to food, beverages or the preparation or selling thereof.
- (7) Pour waste products, (including hot water and drainage from coolers) down a storm drain.
- (8) Vend within fifty (50) feet of the entrance to any restaurant during the restaurant's business hours without the written permission of the owner.
- (9) In the event it becomes necessary for the regulation of traffic or the safety or convenience of pedestrians, any law enforcement officer of the town may direct vendors to move to another location. No person may refuse to comply with a lawful order of a law enforcement officer when the order is given under the authority of this section.

Planning Board Staff Report

Consideration for initiation of a text amendment to the town's Temporary Use regulations concerning mobile food vendors

April 18, 2016

Agenda Item: Text Amendment Request of the Planning Board to expand Chapter 4.6 Temporary Uses to allow Mobile Food vendors.

Background:

The purpose and intent of the Town Ordinances are to secure the health safety and welfare of the citizens of the Town. At the last two Planning Board meetings Town staff asked the Planning Board for their feedback on Food trucks and food carts in response to recent requests and to clarify the ordinance by specifically addressing how mobile food vendors (food trucks, trailers and food carts) are allowed within Town jurisdiction. Staff is now bringing forward a recommended text amendment to the Town Code of Ordinances based on Planning Board comments and staff's opinions.

Also at the last meeting on March 21st, the Planning Board was asked to consider an alternate text amendment request submitted by hand at the meeting by David Young of Mad Anthony's and this is also attached. This draft was also considered by staff in developing the text amendment before you.

As noted previously, there is a need to ensure that mobile vendors operating within Town limits are compliant with health department requirements and are present within the Town at the permission of property owners, or at the invitation of nearby businesses who have requested this use in an identified public space. Also it is important that mobile food vendors are located in a manner that allows workers access to bathrooms and that assures compliance with applicable building and fire safety codes. When these requirements are met, mobile vendors can add diversity and interest to commercial areas as well as convenience, and service to nearby business.

Consistency with 2020 Land Development Plan:

The 2020 Development Plan provides an economic vitality goal to "strengthen a broad-based economy in Waynesville comprised of vibrant and expanding manufacturing, retail, agricultural, services, governmental and construction services" (4-19). Creating opportunities for food service that can support existing commercial properties and efforts, and enhance business districts, can certainly be considered supportive of that goal. At the same time, the Town Plan also provides a land use goal to "promote orderly growth, development and enhanced land values by preserving and improving Waynesville's existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community" (4-2).

The Plan called for the Town to “provide design guidelines to control development in appropriate areas and incorporate design criteria into the Town’s development ordinances” (4-6). The Town has implemented such design guidelines and worked with local property and business owners to promote attractive commercial areas and to protect community character successfully. Therefore regulation of how and where food vendors can set up and how the area is maintained (litter control, signage, smell, noise, traffic and parking, safety, look) are also important. Mobile food vendors, whether in the form of a food truck, trailer or cart should enhance the local business economy and be suitable to its surroundings, and should not detract or create a negative impact.

As long as the Town can manage these types of uses with balance for positive economic impact, safety and sensitivity to a location’s surroundings, then the accommodation of mobile food vendors as temporary uses is consistent with the 2020 Plan.

Staff Recommendation:

Since our last meeting, I have conferred with state and local officials and heard a variety of opinions. I am concerned that in our desire to accommodate mobile food vending, an expectation has been created that mobile food vendors could set up on a location indefinitely. Mobile vending units are regulated by Section 15A NCAC 18A of the North Carolina Administrative Code. There are specific requirements for pushcarts (Section .2671) and specific requirements for mobile food units (Section .2672), and any pushcart or food truck or food trailer that are regulated by the Health Department as mobile units must have approved “commissaries” to provide servicing areas and support for that unit. A food truck or trailer is further licensed by the NCDMV as a vehicle or trailer for roadway travel and commercial use.

In seeking clarification from the Department of Insurance, staff was informed by Chief Building Code Consultant Mike Hamm, P.E. of the Manufactures Building Division that:

“There are no HUD or Modular Building Codes that regulate Mobile Food Units or Mobile Kitchens. These units would be regulated by the NCDMV and the local Health Department. The Manufactured Building division would only be involved if an approved modular manufacturer built a permanent structure for use as a modular food or kitchen unit that was 3rd party inspected in the manufacturing plant and labeled with a NC modular validating stamp. An existing mobile food or kitchen unit that is converted to a permanent structure would be regulated by the NC Building Codes subject to local inspection and approval.” (April 8, 2016).

The placement of a food truck or trailer permanently at a location would require that the truck or trailer be converted into a permanent structure, and this could happen with some creative engineering and structural enhancements that bring it into compliance with Health Department requirements and state building codes. In that case, the resulting structure would also have to comply with all of the Town development regulations as much as any building or addition would, including setbacks, landscaping, signage, and other rules that may apply. They would also have to be de-licensed from the NCDMV.

Otherwise, mobile food units and pushcarts are fabricated and regulated to be mobile. They are not designed or built to be permanent and do not comply with state and local building and safety codes as permanent structures. I don't believe therefore that we can consider them as anything other than temporary uses under our ordinances. Mobile food units should not be used as "work-arounds" to avoid building, safety and zoning regulations. I would also not recommend that a temporary use be allowed to become a permanent feature on a location by default: administratively allowing a temporary permit to be renewed again and again. A mobile food unit must be physically moved periodically or should be required to comply with building, zoning, floodplain and other codes that may apply at any given location. I would also be concerned with allowing food trucks to operate on extended time frames that are much longer than other temporary uses. This raises questions of both precedence and equity.

I believe that mobile vending units can enrich the Town by allowing them the full extent of the existing temporary use period and to operate at the invitation of the underlying property owner (private or public) outside of special events. If a property owner would like to continuously invite a food truck to be present on their property, than they can do so, it just should not be the same vendor at the same location beyond the 180 day period currently allowed. A mobile food vendor that would like to set up at the same location as its commissary can also be allowed, but still only as a temporary use. This means that the food vending unit would have to discontinue for periods of time during the year, or move to another location for part of the year - perhaps allowing the property at which the commissary is located to host a different food vendor. I believe that mobile food vendors can be successful in Waynesville by being mobile – even if they stay at a maximum for the existing temporary periods on any given site.

Staff recommends the attached ordinance be considered for adoption to the Town Board of Aldermen.

Requested Actions:

1. Motion to find/not find the attached text amendment consistent with the 2020 Land Development Plan.
2. Motion to recommend to the Board of Aldermen approval of the draft text amendment as presented (or amended).

Text Amendment to Replace Chapter 4.6 Temporary Uses with amended language (in italics) as follows:

4.6 - Temporary Uses.

4.6.1 General Standards/Permits Requirement.

- A. All permitted temporary uses listed in this section require a temporary use permit that shall be reviewed and issued by the Administrator.
- B. Temporary use permits shall be issued for no more than one hundred and eighty (180) days within a calendar year on any individual lot *unless otherwise specified within this section.*
- C. ~~Reserved.~~ *Exemptions. Temporary uses associated with special events approved by the Town Manager, seasonal farmer's markets approved by the Town Manager and produce stands in conjunction with crop production.*
- D. The property on which a temporary use is proposed must contain sufficient space to support the temporary use.
- E. No temporary use shall be located closer than ~~two hundred (200)~~ *fifty (50)* feet to a dwelling unit. Yard sales are excluded from this requirement.
- F. Parking must be adequate to support the proposed temporary use.
- G. Restroom facilities, if needed, must be provided.
- H. Plans for security and safety must be provided.
- I. All associated approvals inspections and permits required by the building code, fire marshal, *county health department or Town Manager* must be received prior to issuance of the temporary permit.
- J. *Temporary uses must manage waste, trash, recycling or other debris created by the use.*

4.6.2 Temporary Uses Allowed in All Districts.

- A. Permitted Temporary Uses: Civic/cultural events, and yard sales are allowed in all Districts.
- B. Time Limit: Civic/cultural events - thirty (30) days; yard sales - four (4) days.

4.6.3 Temporary Uses Allowed in ~~All~~ Nonresidential Districts.

- A. ~~Permitted Temporary Uses:~~ Permitted Temporary uses allowed in all Districts except for the residential districts include: circuses, carnivals, fairs, religious services and similar types of events; the sale of agricultural products including Christmas trees; and tent sales.
- B. Time Limit: Such events shall be allowed for no more than thirty (30) days *but may be renewed by the Administrator.*

4.6.4 Temporary Uses with Specific Requirements.

A. Contractor's Office and Equipment/Storage Sheds.

1. Contractor's office and/or equipment/storage sheds may be placed in any District temporarily on the site of construction of a development for which a certificate of land development standards compliance has been issued.
2. Time Limit: Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one (1) year as and if approved by the Administrator. All temporary construction buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a certificate of occupancy or completion of the project, whichever comes first.

B. Real Estate Office in a Construction Trailer or Temporary Modular Unit.

1. One (1) temporary structure, such as a construction trailer or temporary modular unit may be used as a real estate sales office in any new construction project in any District. Such a temporary structure shall be used for the sale of units within that project only.
2. Time Limit: Temporary real estate offices in construction trailers or temporary modular units may remain on the site for no more than one (1) year or until one-half (½) of the units for the project are completed, whichever occurs first.

C. Real Estate Office in a Model Home: A model dwelling may be used as a real estate sales office in a new residential development in any District. Such a model home/sales office may be used for the sale of units within that project only.

D. *Mobile Food Vendors*

1. *Mobile food vendor, including food trucks, trailers and pushcarts may be placed in any commercial-industrial, regional center or business district. A permit is only valid for one location. Vendors wanting to serve at multiple locations need individual permits for each site. It shall be unlawful for any vendor to sell or offer to for sale any food or beverage without first obtaining a permit pursuant to this section.*
2. *Time Limit: Such uses shall be allowed for 90 days and may be renewed by the Administrator on a one time basis for up to one hundred and eighty (180) days on any specific site. Allowable days do not have to be contiguous if an alternate schedule is approved by the Administrator and accompanies the permit. Special events do not count toward this limit.*
3. *A mobile food unit operating on the private property of its commissary shall be exempt from the time limit, provided that the mobile food unit is kept in good repair at all times,*

is located in the rear or side yard of the property, and does not exceed the allowable signage for the business on the lot (staff recommendation in red).

4. *A mobile Food Vendor must present written documentation of the property owners' permission and a copy of its Health Department Permit at the time of application.*
5. *Permission to utilize public parking or sidewalk areas must be approved by the Town Manager and at the request of a sponsoring business owner adjacent to the proposed location. Within the Main Street Public Services District, vendors are permitted on private property only. The Town may require a lease agreement and fees in certain cases.*
6. *No mobile food vendor shall:*
 - a) *Leave a mobile food unit or pushcart unattended, or store, park or leave a mobile food unit or pushcart overnight within any public right-of-way or public property.*
 - b) *Leave any location without removing and disposing of all trash or refuse.*
 - c) *Pour waste products (including hot water or drainage from coolers) down a storm drain.*
3. *Property owners or sponsoring adjacent businesses must make their restroom facility available for mobile food vendor staff.*
4. *All food service operations must obtain an approved mobile food service permit from the Haywood County Health Department or concurrence from the Haywood County Health Department that the vendor has met the equivalent requirements from another county. Permits must be posted on the mobile food vendor vehicle so that they are visible to the public.*
6. *Signage associated with mobile food vendors must abide by the sign regulations as specified in ordinance 11.5.14(H), and shall not be lit or have more than one (1) sign per street frontage. Vehicular signs do not count toward this limit.*
8. *Exhaust outlets shall be located not less than 10 feet from any structure or building.*

17.33 – Definitions, Use Type.

Mobile Food Vendor. *A mobile food vendor is a person or organization that sells food out of a portable vehicle, cart, or trailer. Examples include food trucks, food trailers and food pushcarts.*

Adjustment to the Town Fee Schedule:

Temporary Use Permits

\$50 application fee

**A RESOLUTION OF INTENT TO CLOSE AN UNNAMED RIGHT-OF-WAY
ON THE LOT LABELED PARK - CHESTNUT PARK SUBDIVISION; PIN 8615-09-2533**

WHEREAS, the Town of Waynesville wishes to close an un-opened and un-named portion of right-of-way that is located within their lot labeled Park – Chestnut Park Subdivision on Chestnut Park Drive; and

WHEREAS, NCGS 160A-299 requires that the Town of Waynesville Board of Aldermen must adopt a resolution of intent to close any right-of-way in order to notify abutting property owners and the public of this petition and to call for a public hearing to consider this action; and

WHEREAS, the Town must send notice to all abutting property owners by registered or certified mail advising them of the day, time and place of the public hearing, enclosing a copy of the Resolution of Intent, and advising them that the question as to closing that unnamed right-of-way on the property of lot labeled Park – Chestnut Park Subdivision on Chestnut Park Drive; and

WHEREAS, the Town shall post adequate notices on the applicable right-of-way as required by N.C. G.S. 160A-299; and

WHEREAS, the Town Board shall give full and complete consideration of the matter and grant full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said right of way in a public hearing;

NOW, THEREFORE, the Board of Aldermen of the Town of Waynesville do adopt this Resolution of Intent to Close this right-of-way and in so doing, direct Town staff to mail notices, post the property, and advertise a public hearing to consider the matter, and to schedule this public hearing for May 24, 2016. After such hearing the Board may consider taking action to close said right-of-way and authorize the Mayor and the Town Clerk to execute any necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the right of way in accordance with the provision of N.C.G.S. 160A-299.

This the 10th Day of May, 2016.

TOWN OF WAYNESVILLE

Attest:

Gavin A. Brown, Mayor

Amanda Owens, Town Clerk

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right- of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

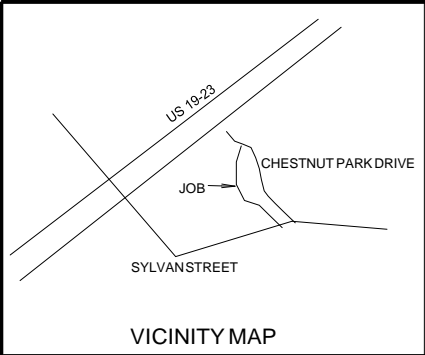
(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage,

pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



I, D. BRET HENSON CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION :THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN REFERENCED DOCUMENTS: THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 ; THAT THIS PLAT MEETS THE REQUIRMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYINGIN NORTH CAROLINA . THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS47-30 AS AMENDED. WITNESS MY ORGINAL SIGNATURE,REGISTRATION NUMBER AND SEAL THIS 7 DAY OF MARCH, A.D., 2016

PLS 3282

I, REVIEW OFFICER OF HAYWOOD COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING

REVIEW OFFICER DATE

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

THIS PLAT IS PRESENTED FOR REGISTRATION AND RECORDED IN THIS OFFICE IN PLAT CABNET_____, SLOT_____, THIS____ DAY OF_____, 2016. AT_____, AM PM

REGISTER OF DEEDS

CURVE TABLE					
Id	Delta	Radius	Degree	Chord	Ch Bear
C1	04°27'20"	2350.22'	02°26'16"	182.72'	S 56°23'31" E
C2	14°21'24"	735.32'	07°47'31"	183.77'	S 46°59'09" E
C3	20°13'32"	650.71'	08°48'18"	228.51'	S 49°55'13" E

LINE TABLE		
Id	Bearing	Distance
L1	S 62°32'31" E	20.73'
L2	S 58°37'11" E	11.52'
L3	S 80°07'44" W	65.05'
L4	N 10°48'48" W	38.07'
L5	N 63°28'19" W	30.00'

OWNER OF RECORD

TOWN OF WAYNESVILLE

WAYNESVILLE TOWNSHIP HAYWOOD COUNTY, N.C.

MARCH 7, 2016

SCALE 1" = 60'

DB 892 PG. 2147

TAX MAP & PIN 8615-09-2533

D. BRET HENSON SURVEYING

655 WILSON COVE ROAD CANTON, NORTH CAROLINA 28716

828-648-7474 OR 828-734-7165

- NORTH IS PLAT NORTH OF PLAT BOOK A PAGE 94
- AREA BY CC METHOD
- PROPERT/PROJECT IS SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS OF WAY OF RECORD.
- THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA
- THIS SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING ONE.



IPF IRON PIN OR PIPE FOUND
IPS IRON PIN OR PIPE SET
RRS RAIL ROAD SPIKE
F/COR FENCE CORNER POST
R/W RIGHT OF WAY
NFNS NOTHING FOUND
NOTHING SET
OTP OPEN TOP PIPE
RBS REBAR SET
RBF REBAR FOUND

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 10, 2016

SUBJECT: Proposed Arboretum at Waynesville Recreation Center

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: D-8
Department: Asset Services-Outside Facilities
Contact: Julie Grasty, Asset Services Manager
Jonathan Yates, Outside Facilities Supervisor
Presenter: Jonathan Yates, Outside Facilities Supervisor

BRIEF SUMMARY: The Mountain View Garden Club approached the Town with a donation and project request. A collectively agreed project was to implement a Town Arboretum and approved plant species list.

MOTION FOR CONSIDERATION:

Motion: To approve the request and donation from the Mountain View Garden Club to begin work with Town of Waynesville staff to develop an arboretum of local plant and tree species around the Waynesville Recreation Center, as presented.

FUNDING SOURCE/IMPACT: The Town will receive an initial \$ 2,000.00 donation from the Mountain View Garden Club after July 1, 2016 to help the specific project.

ATTACHMENTS:

PowerPoint Presentation

MANAGER'S COMMENTS AND RECOMMENDATIONS: Manager recommends approval of this project as a means to continually beautify the area around the Waynesville Recreation Center.

TOWN OF WAYNESVILLE ARBORETUM

Presented by Jonathan Yates

May 10, 2016



Vision Statement

- ▶ “A place to experience a unique botanical and recreation area in a mountain town setting”.

The Mission

- ▶ “To enhance the landscape of the Town of Waynesville’s Parks and Recreation area, by transforming it into an exceptional arboretum setting”.

WHAT IS AN ARBORETUM?

- ▶ Arboretum - A place where trees, shrubs, and herbaceous plants are cultivated for scientific and educational purposes.
- ▶ A place where trees and plants are grown in order to be studied or seen by the public.

PROJECT LOCATION(S):

- ▶ 285 Vance Street – 20.46 acres. (Tennis Courts)
- ▶ 430 Vance Street -23.08 Acres (Recreation Center)
- ▶ The site is approximately 43.54 acres, encompassing a portion of the Richland Creek bottomland with surrounding hill sides.



EXECUTIVE SUMMARY

- ▶ Efforts to establish an arboretum and botanical garden system for education, research, and public outreach have been underway for several years at Town of Waynesville, but never have been fulfilled.
- ▶ The Town of Waynesville Horticulture Department (Asset Services) and the Mountain View Garden Club will be collaborating to develop a comprehensive master plan for design and initial establishment, operation, and funding of such an arboretum system.

THE NEED / PROPOSAL

Need

For several years, there has been the ever-increasing need to create an arboretum and botanical garden system at Town of Waynesville's Recreation Park. A master plan for an arboretum has never been generated that fully addresses fund-raising strategies as well as horticulture and landscape architecture, natural resources, sustainability, and wildlife conservation.

Proposal

To develop an arboretum on municipal grounds that will provide educational opportunities, provide recreational benefit, as well as improving the overall aesthetic value of the grounds.

SITE ADVANTAGES

- ▶ Town of Waynesville's Greenway Trail System, walking track
- ▶ Paved access, paved parking
- ▶ 2 streams (Richland Creek & Shelton Branch)
- ▶ Forested areas with mature timber, pre-existing landscape beds
- ▶ Picnic areas / shelters
- ▶ Playgrounds (2 – Bilo Side & Marshall Street)
- ▶ Dog park, skate park
- ▶ Soccer & softball fields
- ▶ Basketball, volleyball, & tennis courts
- ▶ Disc golf courses

“NICHE”

- ▶ Q:What makes this proposed arboretum different than other local / regional arboretums and/or gardens?
- ▶ A:Diverse opportunities to recreate and educate will allow this arboretum to have immediate utility and public appeal

TOWN OF WAYNESVILLE INVOLVEMENT

- ▶ Implement Plan throughout
 - ▶ Identification Signs (Design and installation)
 - ▶ New landscapes / planting areas
 - ▶ New planters @ Recreation Center Building entrance
 - ▶ Evergreen buffer on NE property line.
- ▶ Provide progress reports & receipts
- ▶ Maintain / improve existing landscaped and/or natural areas

MOUNTAIN VIEW GARDEN CLUB INVOLVEMENT

- ▶ Design / Committee / Volunteer
- ▶ Fiscal Year June 1 – May 31
- ▶ Looking to invest ~\$2000.00 during 2016-2017 fiscal year.
- ▶ Seek grant opportunities
 - ▶ WNC Community Foundation
 - ▶ Haywood Foundation
 - ▶ Medford Endowment
 - ▶ Urban and Community Forestry (Tree City status helps with this one)

GOALS & OBJECTIVES

- ▶ Conduct a discovery walking tour with Mountain View Garden Club of project area.
- ▶ Jonathan Yates, Bill Litty - April 14, 2016 @ 10:00 a.m.
- ▶
- ▶ Presentation of Arboretum Plans to Town of Waynesville Board of Aldermen for review.
- ▶ Jonathan Yates, Bill Litty – May 10, 2016
- ▶
- ▶ Presentation of Arboretum Plans to Mtn.View Garden Club members for review.
- ▶ Jonathan Yates, Bill Litty – May 12, 2016
- ▶
- ▶ Recreation Map / Update Current Tree Inventory
- ▶ WNC-GIS – (Jonathan Yates) – complete by June 30, 2016
- ▶
- ▶ – Planning / Design / Grant Writing / Timeline
- ▶ Mountain View Garden Club

COLLABORATING ENTITIES

- ▶ Town of Waynesville Horticulture Department (Asset Services)
- ▶ Mountain View Garden Club

Potential Collaborating Entities

- ▶ Haywood Community College (Horticulture/Forestry students)
- ▶ Haywood Waterways
- ▶ Boy Scouts of America