



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: **AUGUST 22, 2017**

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

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(828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gavin Brown

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

Motion: To approve the minutes of the August 8, 2017 regular meeting minutes as presented [or as corrected].

B. REQUEST/DISCUSSION

3. Request from Chris Lowe, Boojum Brewing Company, to allow sales of alcohol beginning at 10:00 a.m. as described under Senate Bill 155.

Motion: To call for a public hearing to be held on Tuesday, September 12, 2017 at 6:30 p.m. or as closely thereafter as possible, in the Board Room of Town Hall located at 9 South Main Street, Waynesville to consider approval of an Ordinance to Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises.

4. Discussion of Animals at Street Fairs, Festivals and Parades

Motion: To call for a public hearing to be held on Tuesday, September 12, 2017 at 6:30 p.m. or as closely thereafter as possible, in the Board Room of Town Hall located at 9 South Main Street, Waynesville to consider approval of an amendment to Section 6.6. of the Town of Waynesville Code of Ordinances Animals at Street Fairs, Festivals and Parades.

C. NEW BUSINESS

5. Amendment #2 to the Fiscal Year 2017-2018 Budget Ordinance

A. Pawnbroker Ordinance – change in fees to include fingerprinting fee, administrative fee and operating license fee

B. Cemetery Fee – \$200.00 opening/closing fee of in ground cremations added to be in line with services provided

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

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C. Recreation Grants Received – additional grant funding was received and needs to be reflected in the budget

Motion: *To approve Amendment #2 to the Fiscal Year 2017-2018 Budget Ordinance as it relates to the changes to the fee schedule for the Pawnbroker Ordinance requirements, Cemetery Fees for opening/closing fee of in ground cremations and to increase the line item for grant awards for Recreation and Parks.*

D. COMMUNICATIONS FROM STAFF

6. Manager's Report –Town Manager Rob Hites

7. Attorney's Report – Town Attorney Bill Cannon

E. COMMUNICATIONS FROM THE MAYOR AND BOARD

F. CALL ON THE AUDIENCE

G. ADJOURN



TOWN OF WAYNESVILLE

PO Box 100
16 South Main Street
Waynesville, NC 28786
Phone (828) 452-2491 • Fax (828) 456-2000
www.waynesvillenc.gov

CALENDAR August 22, 2017

2017	
Tues, Aug 22 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Mon, Aug 28 5:30 PM Location TBA	Haywood County Council of Governments (COG) Meeting Haywood County Hosting
Fri, Sept 1 5:00 PM to 9:00 PM Main Street	Art After Dark – sponsored by the Downtown Waynesville Association
Fri, Sept 1 and Sat, Sept 2 Lake Junaluska	48 th Annual Smoky Mountain Folk Festival
Mon, Sept 4	Labor Day Town Offices Closed
Tues, Sept 12 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Sat, Sept 16 6:00 PM Main Street	BLOCK PARTY - sponsored by the Downtown Waynesville Association – partial street closure – Main Street
Tues, Sept 26 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Thurs, Sept 28 5:30 PM 172 N. Main Street	Downtown Waynesville Association – Board of Directors Annual Meeting – RSVP required by Sept 15.
Fri, Sept 29 6:00 to 8:30 PM Main Street	Mountain Street Dance – partial closure of Main Street
Fri, Oct 6 5:00 PM to 9:00 PM Main Street	Art After Dark – sponsored by the Downtown Waynesville Association
Tues, Oct 10 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Sat, Oct 14 10:00 AM to 5:00 PM Downtown	Church Street Art and Craft Show – sponsored by the Downtown Waynesville Association – Street Closure of Main Street from Pigeon Street to Walnut Street

Sat, Oct 21 10:00 AM to 5:00 PM Downtown	29 th Annual Apple Harvest Festival – sponsored by the Haywood Chamber of Commerce – Street Closure of Main Street from Pigeon Street to Walnut Street
Mon, Oct 23 5:30 PM Location TBA	Haywood County Council of Governments (COG) Meeting Town of Waynesville Hosting
Tues, Oct 24 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Tues, Oct 31 5:00 PM to 7:00 PM Main Street	Treats on the Street – sponsored by the Downtown Waynesville Association – street closure of Main Street from Pigeon Street to Depot Street
Fri, Nov 3 5:00 PM to 9:00 PM Main Street	Art After Dark – sponsored by the Downtown Waynesville Association
Fri, Nov 10	Veteran's Day Town Offices Closed
Tues, Nov 14 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Thur & Fri, Nov 23-24	Thanksgiving Town Offices Closed
Fri, Dec 1 to Sun, Dec 31	All Through the Town – a month-long holiday celebration sponsored by the Downtown Waynesville Association
Fri, Dec 1 5:00 PM to 9:00 PM Main Street	Art After Dark – sponsored by the Downtown Waynesville Association
Mon, Dec 4 6:00 PM Main Street	Waynesville Christmas Parade – sponsored by the Downtown Waynesville Association – street closure of Main Street from Walnut Street to Legion Drive
Sat, Dec 9 6:00 PM to 9:00 PM Main Street	A Night Before Christmas – sponsored by the Downtown Waynesville Association – street closure of Main Street from Pigeon to Depot Street
Tues, Dec 12 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Wed, Dec 13 to Sun, Dec 24 Downtown	Twelve Days of Christmas – Magical Moments and Memories Made Here – sponsored by the Downtown Waynesville Association
Mon – Wed, Dec 25-27	Christmas Town Offices Closed

Board and Commission Meetings – August/September 2017

ABC Board	ABC Office – 52 Dayco Drive	Sept 19 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	Sept 5 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	August 24 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	Sept 6 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	Aug 28 – special meeting date 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	Sept 14 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	Sept 20 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	Sept 20 3 rd Wednesdays 3:30 PM

BOARD/STAFF SCHEDULE

Wed – Fri, August 16-18	Town Clerk	Summer Clerk's Academy
Thurs – Fri, August 17-18	Town Manager	Moving son to college
Mon – Fri, August 21 – 25	HR Specialist	Vacation
Mon- Thurs, August 28-31	Administrative Assistant	IIMC Clerks Certification Course – week 3 Chapel Hill, NC
Tues – Fri, Sept 5-8	Town Clerk	Vacation
Mon-Fri., October 23-27	Administrative Assistant	IIMC Clerks Certification Course – week 4 Chapel Hill, NC

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR SESSION MEETING
August 8, 2017

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday August 8, 2017, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Gavin Brown called the meeting to order at 6:30 p.m. with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owen, Assistant Town Manager
Eddie Ward, Town Clerk

The following media representatives were present:

Becky Johnson – The Mountaineer
Cory Vaillancourt – Smoky Mountain News

1. Welcome /Calendar/Announcements

Mayor Gavin Brown welcomed everyone and reminded everyone of the following events on the calendar:

Friday August 11, 2017 – Ribbon Cutting at Elevated Distilling Co. located at 3732 Soco Road, Maggie Valley

Friday September 29, 2017 – Mountain Street Dance, Main Street

Friday September 1st and 2nd – 48th Annual Smoky Mountain Folk Festival

2. Adoption of Minutes

Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman, to approve the minutes of the July 25, 2017 regular meeting, as presented. The motion passed unanimously.

B. PUBLIC HEARING

3. Public Hearing to consider a Petition for Annexation of a Non-Contiguous Satellite Area at 129 Ivey Hill Drive – PIN 8617-11-2183

Assistant Town Manager Amie Owens explained to the Board that Petition for Annexation of a Non-Contiguous Satellite Area is being made by Mr. Eugene Ferguson for the purpose of connecting to the Town's sewer system in accordance with Town policy. Mr. Ferguson's property is adjacent to other satellite areas within the Town's jurisdiction. The property is .047 acres, and is not the commercial property owned by Mr. Ferguson. Ms. Owens stated that a call for Public Hearing had been brought before the Board on July 25, 2017, and all required notifications had been published.

Town Attorney Cannon opened the Public Hearing at 6:32 p.m., and asked if anyone would like to speak.

No one addressed the Board.

Attorney Cannon closed the Public Hearing at 6:33 p.m.

Alderman Julia Freeman made a motion, seconded by Alderman LeRoy Roberson, to approve the Petition for Annexation of a Non-Contiguous Satellite Area at 129 Ivey Hill Drive. The motion passed unanimously.

4. Public Hearing to consider at Petition for Annexation of Contiguous "Satellite" areas at 292 Lickstone Road – PIN 8604-82-6833

Assistant Town Manager Amie Owens told the Board that this Petition for Annexation of Contiguous Satellite from Ms. June Ray is within the Town's Extraterritorial Jurisdiction and is contiguous with properties within the Town's Municipal Boundaries. Water and Sewer services are being provided by the Town near this area and there is potential for service provision and availability connection. Ms. Owens stated that the petition had been before the Board at the July 25, 2017 meeting, and was approved. All required notifications had been published.

Town Attorney Cannon opened the Public Hearing at 6:35 p.m. and asked if anyone would like to speak.

**Michael Contino
154 Grandview Circle
Waynesville, NC**

Mr. Contino stated that he lived in the Grandview Community next to the property of Ms. June Ray. He said that the Grandview area is a safe place to live, and he is concerned that Ms. Ray might establish a mobile home park or affordable housing on her property if it is annexed. He said he and many of his neighbors do not wish to have either of these possible developments next to their homes because it would lower their property values, and bring unwanted people into the area.

Mr. Contino told the Board that the residents of the area are not opposed to Ms. Ray receiving Municipal Services on her property, but they are opposed to a mobile home park being placed next to their well established, quiet community.

**Thurmond Blaine
14 Grandview Circle
Waynesville, NC**

Mr. Blaine told the Board that his property joined the property of Ms. June Ray that is up for annexation. He stated that he is afraid that a mobile home park that is owned by Ms. Ray on the property would be expanded onto the property next to him if it is annexed. Mr. Blaine said that Grandview Circle is predominately occupied by retired people, and is very quiet. He feels that any kind of affordable housing or mobile home park, would bring kids into the area, and they do not want that. Another concern of Mr. Blaine is the lowering of property value to those who are adjacent to the proposed annexed area. He is very much opposed to the annexation of this property.

Town Manager Rob Hites explained to Mr. Contino and Mr. Blaine that in order for a mobile home park to be placed on this property, there would be many steps to follow, including zoning for the property. Appropriate zoning would have to be in place that would allow mobile homes on Ms. Ray's property. He told them that as of now, the property is located in Haywood County, and there are no zoning regulations for Haywood County. If Ms. Ray wanted to establish a mobile home park or affordable housing, the first steps would to apply for rezoning through the Development Services Department, and the required notices would have to be published.

Town Attorney Cannon closed the Public Hearing at 6:43 p.m.

Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter, to approve the Petition for voluntary annexation of a Contiguous "Satellite" area at 292 Lickstone Road – PIN 8604-82-6833. The motion passed unanimously.

5. Public Hearing to consider the Ordinance to amend Chapter 14 Business-Article V. Pawnbrokers and Secondhand Dealers

Captain Bryan Beck of the Police Department stated that he and Chief Bill Hollingsed, Town Manager Hites, and Town Attorney Bill Cannon had gone over the revised Ordinance Chapter 14 Business-Article V. Pawnbrokers and Secondhand Dealers, and feel that it should not be a burden to any Pawnbroker or Secondhand Dealer to obtain a license to operate. He said the fee schedule would be very inexpensive. Captain Beck said the most affected would be Mr. Crawford who is the only Pawnbroker in the Town, and Captain Beck had contacted him and asked him to attend the Board meeting if he had any problems with the amended Ordinance. He had not heard back from Mr. Crawford. Captain noted that a period of seven days had been added for electronic downtime as was discussed in the Board Meeting of July 25, 2017.

Town Attorney Bill Cannon opened the Public Hearing at 6:45 p.m. and asked if anyone wished to speak.

No one addressed the Board

Town Attorney Bill Cannon closed the Public Hearing at 6:46 p.m.

Alderman Julia Freeman made a motion, seconded by Alderman Jon Feichter to approve the amendment to Chapter 14 Business – Article V. Pawnbrokers and Secondhand Dealers as presented. The motion passed unanimously.

Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter, to direct the Town Manager to update the FY 2017-2018 fee schedule to match the requested fee structure in the ordinance. The motion passed unanimously.

C. NEW BUSINESS

6. Appointments to Boards and Commissions

The Board appointed by ballot the following people to serve on various Boards and Commissions to serve a three year term ending on June 30, 2020:

ABC BOARD (1Vacancy)

Jack Swanger

HISTORIC PRESERVATION COMMISSION (3 Vacancies)

Glenn Duerr
William (Bill) Revis
Virgil Messer

PLANNING BOARD (3 Vacancies)

Patrick McDowell
Robert Herrmann
Jason Rogers

PUBLIC ART COMMISSION (4 Vacancies)

Jan Griffin
Sarah Jane League
Steve Lloyd
Lindsey Solomon

RECREATION ADVISORY BOARD (4 Vacancies)

Kenny Mull
Michelle Claytor
Gary (Mackie) McKay
Dan Schultz

WAYNESVILLE HOUSING AUTHORITY (1 Vacancy)

Thomas Shaw

D. COMMUNICATIONS FROM STAFF

7. Managers Report – Town Manager Rob Hites

Manager Hites reported that Elizabeth Teague, Development Services Director, had received a call from the MPO concerning the newly acquired properties not being included in the Feasibility Study that was submitted for the building of the walking trails. He said that the Town was going to re-evaluate the connection from the Junaluska trail to the Schulhofer property, and then connect the Queen

property for this study. The NCDOT has said that once this is done, the engineering could possibly be funded for the design.

Manager Hites said that the Town has been searching for a mason for the new bathrooms located in Hazelwood. Hopefully John Burgin will be able to line up a mason through his contacts.

8. Attorney's Report – Town Attorney Bill Cannon

Attorney Cannon thanked the Board for sending him to the North Carolina Association of Municipal Attorney's conference. He said it was an excellent conference.

E. COMMUNICATIONS FROM STAFF

Alderman LeRoy Roberson stated that he attended a meeting of the MPO Prioritization Subcommittee and the Town had been approved for \$100,000.00 in funds for preliminary engineering for the Hazelwood Avenue Park and feasibility study for the Recreation Park to Woodland Drive, and will go before the MPO for final approval. If approved, the funds will need to be spent in 10 years.

Assistant Manager Amie Owens stated that an issue on Boyd Avenue was being handled.

F. CALL ON THE AUDIENCE

G. ADJOURN

With no further business, Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman to adjourn the meeting at 7:01 p.m. The motion passed unanimously.

ATTEST

Gavin Brown, Mayor

Robert W. Hites, Jr., Town Manager

Eddie Ward, Town Clerk

**“Sunday Brunch Law” permitting the sale
Of fortified and unfortified wine, malt beverages and
Mixed drinks on Sunday’s beginning at 10:00 am
S155**

The legislature passed a bill that adds significant alterations to the sale of alcohol in the State.

The most publicized section of the bill gives local governments the right to permit restaurants, hotels, eating establishments, food businesses, private clubs, convention centers, and community theaters to sell fortified and unfortified wines, malt beverages, and mixed drinks beginning at 10:00 am on Sundays providing the requisite local government adopts an ordinance permitting such sales. This is the **ONLY** section where Local Governments are given the authority to permit the businesses’ activity.

Permitting businesses to dispense alcoholic beverages at 10:00 am on Sundays also includes permitting the off premises sale of malt beverages, fortified and unfortified wines for permittees of such beverages at 10:00 am on Sundays. The bill does **NOT** give local governments the opportunity to mix and match the type of establishment or the types of alcoholic beverages permitted. If the municipality permits the sale of alcoholic beverages starting at 10:00 am on Sundays, it applies to all holders of permits. Not only can a person obtain malt beverages, fortified and unfortified wines in restaurants, they may also purchase them in any establishment that holds such a permit.

The bill also permits the filling of “Crowlers” at 10:00 am on Sundays.

Senate Bill 155 amends chapter 18B in a number of areas by either clarifying existing law or adding new sections. These sections have been ratified by the General Assembly and are not subject to local amendment or approval. We may experience the impact of several of these statutes in our upcoming festival seasons.

In section (18B-1114.7) the bill permits “the tasting” of spirituous liquors at street fairs, agricultural fairs, conventions, etc. Such “tastings” are only permitted in governing units that permit mixed beverages. The section stipulates that:

- Tasting can only be provided at no charge to the consumer.
- No more than .25 ounces of liquor can be tasted at a time.
- No more than 1.00 ounce of liquor can be consumed by any one person.
- Liquor tastings must be carried out in a designated “tasting area”.
- Liquor companies may provide point of sale advertising materials and advertising specialties to consumers at the tastings.

The section permitting “tastings” is not subject to local government approval. If you permit the sale of mixed beverages the “free tasting” section applies. Permits for these events are issued by the NC Dept. of Revenue.

In a companion section (18B-1114.1) current law permits “The holder of an unfortified winery permit, a limited winery permit, a viticulture/enology course authorization, or a wine producer permit may obtain a winery special permit allowing the winery or wine producer to give free tastings of its wine, and to sell its wine by the glass or in closed containers, at trade shows, conventions, shopping malls, wine festivals, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, farmer’s markets, and other similar events approved by the Commission. A winery special event permit is valid only in a jurisdiction that has approved the establishment of ABC stores or has approved the sale of unfortified wine.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2017-87
SENATE BILL 155**

**AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOLIC BEVERAGE
CONTROL COMMISSION LAWS.**

The General Assembly of North Carolina enacts:

DISTILLERY PERMIT AMENDMENTS

SECTION 1.(a) G.S. 18B-1105 reads as rewritten:

"§ 18B-1105. Authorization of distillery permit.

- (a) Authorized Acts. — The holder of a distillery permit may do any of the following:
- (1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor.
 - (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations.
 - (3) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.
 - (4) Sell spirituous liquor distilled at the distillery in closed containers to visitors who tour the distillery for consumption off the premises. Sales under this subdivision are allowed only in a county where the establishment of a county or municipal ABC store has been approved pursuant to G.S. 18B-602(g) and are subject to the time and day restrictions in G.S. 18B-802. Spirituous liquor sold under this subdivision shall (i) be listed as a code item for sale in the State, (ii) be sold at the price set by the Commission for the code item pursuant to G.S. 18B-804(b), and (iii) have affixed to its bottle a sticker that bears the words "North Carolina Distillery Tour Commemorative Spirit" in addition to any other labeling requirements set by law. Consumers purchasing spirituous liquor under this subdivision are limited to purchasing, and the selling distillery is limited to selling to each consumer, no more than ~~one bottle~~ five bottles of spirituous liquor per 12 month period. The distillery shall use a commonly adopted standard point of sale system to maintain searchable electronic records captured at the point of sale, to include the purchaser's name, drivers license number, and date of birth for at least 12 months from the date of purchase. The Commission shall adopt rules regulating the retail sale of spirituous liquor under this subdivision.
 - (5) Conduct consumer tastings in accordance with G.S. 18B-1114.7.
- (b) Distilleries for Fuel Alcohol. — Any person in possession of a Federal Operating Permit pursuant to Title 27, Code of Federal Regulations, Part 19 (April 1, 2010 Edition), shall obtain a fuel alcohol permit before manufacturing any alcohol. The permit shall entitle the permittee to perform only those acts allowed by the Federal Operating Permit, and all conditions of the Federal Operating Permit shall apply to the State permit."
- SECTION 1.(b)** G.S. 18B-804 is amended by adding a new subsection to read:



"§ 18B-804. Alcoholic beverage pricing.

(a) Uniform Price of Spirituous Liquor. – The retail price of spirituous liquor sold in ABC stores and permitted distilleries shall be uniform throughout the State, unless otherwise provided by the ABC law.

(b) Sale Price of Spirituous Liquor. – The sale of spirituous liquor, including antique spirituous liquor, sold at the uniform State price shall consist of the following components:

- (1) The distiller's or the antique spirituous liquor seller's price.
- (2) The freight and bailment charges of the State warehouse as determined by the Commission.
- (3) A markup for local boards as determined by the Commission.
- (4) The tax levied under G.S. 105-113.80(c), which shall be levied on the sum of subdivisions (1), (2), and (3).
- (5) An additional markup for local boards equal to three and one-half percent (3 1/2%) of the sum of subdivisions (1), (2), and (3).
- (6) A bottle charge of one cent (1¢) on each bottle containing 50 milliliters or less and five cents (5¢) on each bottle containing more than 50 milliliters.
- (6a) The bailment surcharge.
- (6b) An additional bottle charge for local boards of one cent (1¢) on each bottle containing 50 milliliters or less and five cents (5¢) on each bottle containing more than 50 milliliters.
- (7) A rounding adjustment, the formula of which may be determined by the Commission, so that the sale price will be divisible by five.
- (8) If the spirituous liquor is sold to a mixed beverage permittee for resale in mixed beverages, a charge of twenty dollars (\$20.00) on each four liters and a proportional sum on lesser quantities.
- (9) If the spirituous liquor is sold to a guest room cabinet permittee for resale, a charge of twenty dollars (\$20.00) on each four liters and a proportional sum on lesser quantities.

(b1) Price of Spirituous Liquor Sold at Distillery. – When the holder of a distillery permit sells spirituous liquor distilled at the distillery pursuant to G.S. 18B-1105(a)(4), the retail price of the spirituous liquor shall be the uniform State price set by subsection (a) of this section. However, the holder of the distillery permit shall not be required to remit the components of the price set forth by subdivisions (2), (3), (5), (6), (6a), (6b), and (7) of subsection (b) of this section.

(c) Sale Price of Fortified Wine. – The sale price of fortified wine shall include the tax levied by G.S. 105-113.80(b), as well as State and local sales taxes.

(d) Repealed by Session Laws 1985, c. 59, s. 2."

SECTION 1.(c) G.S. 18B-800 reads as rewritten:

"§ 18B-800. Sale of alcoholic beverages in ABC stores.

(a) Spirituous Liquor. – Except as provided in ~~Article 10~~ Articles 10 and 11 of this Chapter, spirituous liquor may be sold only in ABC stores operated by local boards.

...."

SECTION 1.(d) The Alcoholic Beverage Control Commission shall adopt temporary rules to amend its rules consistent with this section.

SECTION 1.(e) This section becomes effective July 1, 2017.

CREATE SPIRITUOUS LIQUOR SPECIAL EVENT PERMIT TO ALLOW DISTILLERIES TO GIVE FREE TASTINGS

SECTION 2.(a) G.S. 18B-301 reads as rewritten:

"§ 18B-301. Possession and consumption of fortified wine and spirituous liquor.

...

(e) Incident to Sale. – It shall be lawful to possess fortified wine and spirituous liquor at any place, such as an ABC store, where possession is a necessary incident to lawful sale. Consumption at such a place shall be unlawful unless the establishment has a permit authorizing consumption on the premises as well as sale.

(f) Unlawful Possession or Use. – As illustration, but not limitation, of the general prohibition stated in G.S. 18B-102(a), it shall be unlawful for:

- (1) Any person to consume fortified wine, spirituous liquor, or mixed beverages or to offer such beverages to another ~~person~~ person at any of the following places:
 - a. On the premises of an ABC ~~store, or store.~~
 - b. Upon any property used or occupied by a local ~~board, or board.~~
 - c. On any public road, street, highway, or ~~sidewalk, sidewalk, unless a~~ consumer tasting authorized by G.S. 18B-1114.7 is being conducted.

...."

SECTION 2.(b) G.S. 18B-902(d) is amended by adding new subdivisions to read:

"(d) Fees. – An application for an ABC permit shall be accompanied by payment of the following application fee:

- (1) On-premises malt beverage permit – \$400.00.
- (2) Off-premises malt beverage permit – \$400.00.
- (3) On-premises unfortified wine permit – \$400.00.
- (4) Off-premises unfortified wine permit – \$400.00.
- (5) On-premises fortified wine permit – \$400.00.
- (6) Off-premises fortified wine permit – \$400.00.
- (7) Brown-bagging permit – \$400.00, unless the application is for a restaurant seating less than 50, in which case the fee shall be \$200.00.
- (8) Special occasion permit – \$400.00.
- (9) Limited special occasion permit – \$50.00.
- (10) Mixed beverages permit – \$1,000.
- (11) Culinary permit – \$200.00.
- (12) Unfortified winery permit – \$300.00.
- (13) Fortified winery permit – \$300.00.
- (14) Limited winery permit – \$300.00.
- (15) Brewery permit – \$300.00.
- (16) Distillery permit – \$300.00.
- (17) Fuel alcohol permit – \$100.00.
- (18) Wine importer permit – \$300.00.
- (19) Wine wholesaler permit – \$300.00.
- (20) Malt beverage importer permit – \$300.00.
- (21) Malt beverage wholesaler permit – \$300.00.
- (22) Bottler permit – \$300.00.
- (23) Salesman permit – \$100.00.
- (24) Vendor representative permit – \$50.00.
- (25) Nonresident malt beverage vendor permit – \$100.00.
- (26) Nonresident wine vendor permit – \$100.00.
- (27) Any special one-time permit under G.S. 18B-1002 – \$50.00.
- (28) Winery special event permit – \$200.00.
- (29) Mixed beverages catering permit – \$200.00.
- (30) Guest room cabinet permit – \$1,000.
- (31) Liquor importer/bottler permit – \$500.00.
- (32) Cider and vinegar manufacturer permit – \$200.00.
- (33) Brew on premises permit – \$400.00.

- (34) Wine producer permit – \$300.00.
- (35) Wine tasting permit – \$100.00.
- (36) Repealed by Session Laws 2005-380, s. 1, effective September 8, 2005, and applicable to wine shipper permit applications submitted on or after that date.
- (37) Wine shop permit – \$100.00.
- (38) Winemaking on premises permit – \$400.00.
- (39) Wine shipper packager permit – \$100.00.
- (40) Malt beverage special event permit – \$200.00.
- (41) Malt beverage tasting permit – \$100.00.
- (42) Spirituous liquor tasting permit – \$100.00.
- (43) Antique spirituous liquor permit – \$100.00.
- (44) Spirituous liquor special event permit – \$200.00.
- (45) Special auction permit – \$750.00."

SECTION 2.(c) Article 11 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-1114.7. Authorization of spirituous liquor special event permit.

(a) Authorization. – The holder of a supplier representative permit, brokerage representative permit, or distillery permit issued under G.S. 18B-1105 may obtain a spirituous liquor special event permit allowing the permittee to give free tastings of its spirituous liquors at trade shows, conventions, shopping malls, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, and other similar events approved by the Commission.

(b) Limitations. – Any consumer tasting is subject to the following limitations:

- (1) The permit holder or the permit holder's authorized agent shall conduct the consumer tasting and the permit holder shall be solely responsible for any violations of this Chapter occurring in connection with the consumer tasting.
- (2) The spirituous liquor shall be poured only by either (i) the permit holder conducting the consumer tasting or (ii) an employee or authorized agent of the permit holder conducting the consumer tasting who is at least 21 years of age.
- (3) Each consumer shall be limited to one 0.25 ounce tasting sample of any product made available for sampling at the consumer tasting, and the total amount of the tasting samples offered to and consumed by each consumer shall not exceed 1.0 ounce of spirituous liquor in any calendar day.
- (4) The permit holder shall not offer tasting samples to, or allow consumption of tasting samples by, any consumer who is visibly intoxicated.
- (5) The permit holder shall not offer tasting samples to, or allow consumption of tasting samples by, any consumer under the legal age for consuming spirituous liquor. The person pouring the spirituous liquor shall be responsible for verifying the age of the consumer being served by checking the identification of the consumer.
- (6) The permit holder shall not charge a consumer for any tasting sample.
- (7) A venue allowing tastings shall designate a tasting area within the venue that enables the permit holder to ensure that the consumer tasting is being conducted in compliance with this section. Consumers shall only be allowed to consume tasting samples within the designated tasting area.
- (8) A consumer tasting shall not be allowed unless the venue is located in a jurisdiction that has approved the sale of mixed beverages.
- (9) The permit holder may provide point-of-sale advertising materials and advertising specialties to consumers at the consumer tasting.

- (10) The permit holder shall maintain for a period of at least one year a record of each consumer tasting conducted. The record shall include the date of the consumer tasting, the time of the consumer tasting, an identification of the venue at which the consumer tasting was held, an identification of the spirituous liquor that was provided for tasting at the consumer tasting, and the name of any person who poured spirituous liquor at the consumer tasting. The permit holder shall allow the ABC Commission to inspect those records at any time.

ALLOW SALE OF SPECIFIED ALCOHOLIC BEVERAGES AT AUCTION BY LICENSED AUCTIONEERS

SECTION 3.(a) G.S. 18B-603(f) reads as rewritten:

"§ 18B-603. Effect of alcoholic beverage elections on issuance of permits.

...
(f) Permits Not Dependent on Elections. – The Commission may issue the following kinds of permits without approval at an election:

- (1) Special occasion ~~permits; permits.~~
- (2) Limited special occasion ~~permits; permits.~~
- (3) Brown-bagging permits for private clubs and congressionally chartered veterans ~~organizations; organizations.~~
- (4) Culinary permits, except as restricted by ~~subdivision (d)(5); subdivision (d)(5).~~
- (5) Special one-time permits issued under ~~G.S. 18B-1002; G.S. 18B-1002.~~
- (6) All permits listed in ~~G.S. 18B-1100; G.S. 18B-1100.~~
- (7) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for tourism ABC ~~establishments; establishments.~~
- (8) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for tourism ~~resorts; resorts.~~
- (9) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for historic ABC establishments.
- (10) Special auction permits issued under G.S. 18B-1002.1."

SECTION 3.(b) G.S. 18B-1002(a)(4) reads as rewritten:

"(a) Kinds of Permits. – In addition to the other permits authorized by this Chapter, the Commission may issue permits for the following activities:

- ...
(4) A permit may be issued to a collector of ~~wine or wine,~~ decorative decanters of spirituous ~~liquor—liquor,~~ or antique spirituous liquor authorizing that person to bring into the State, transport, or possess as a collector, a greater amount of those alcoholic beverages than is otherwise authorized by this Chapter, or to sell those alcoholic beverages in a manner prescribed by the Commission."

SECTION 3.(c) Article 10 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-1002.1. Special auction permit.

(a) Permit Authorized. – A permit may be issued upon application to an auction firm or auctioneer licensed by the North Carolina Auctioneers Commission pursuant to Chapter 85B of the General Statutes to allow the licensed auction firm or auctioneer to sell at auction items described in G.S. 18B-1002(a)(4). An auction held under this section may receive competing bids that are in person or by telephone, fax, or online.

(b) Conditions of Permit. – A permit issued under this section is valid only for the auction specified in the permit. Any sales under this permit are subject to the purchase restrictions in G.S. 18B-303.

(c) Administrative Procedure. – Denial or revocation of a permit under this section does not entitle the applicant or permittee to a hearing under Chapter 150B of the General Statutes."

SECTION 3.(d) This section becomes effective October 1, 2017.

ALLOW THE SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS, SUBJECT TO LOCAL GOVERNMENT APPROVAL

SECTION 4.(a) G.S. 18B-1004(c) reads as rewritten:

"§ 18B-1004. Hours for sale and consumption.

...
(c) Sunday Hours. – ~~It~~ Except as authorized pursuant to G.S. 18B-112(b1), 153A-145.7, or 160A-205.3, it shall be unlawful to sell or consume alcoholic beverages on any licensed premises from the time at which sale or consumption must cease on Sunday morning until 12:00 Noon on that day."

SECTION 4.(b) Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-145.7. Hours of certain alcohol sales.

In accordance with G.S. 18B-1004(c), a county may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001."

SECTION 4.(c) Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-205.3. Hours of certain alcohol sales.

In accordance with G.S. 18B-1004(c), a city may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001."

SECTION 4.(d) G.S. 18B-112 is amended by adding a new subsection to read:

"(b1) In accordance with G.S. 18B-1004(c), the Eastern Band of Cherokee Indians tribe may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under the authority of G.S. 18B-112(d)."

AUTHORIZE SALE OF CROWLERS BY RETAIL PERMITTEES

SECTION 5.(a) G.S. 18B-1001 reads as rewritten:

"§ 18B-1001. Kinds of ABC permits; places eligible.

When the issuance of the permit is lawful in the jurisdiction in which the premises are located, the Commission may issue the following kinds of permits:

- (1) **On-Premises Malt Beverage Permit.** – An on-premises malt beverage permit authorizes (i) the retail sale of malt beverages for consumption on the premises, (ii) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of malt beverages in a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. It also authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

- a. ~~Restaurants;~~ Restaurants.
- b. ~~Hotels;~~ Hotels.

- c. Eating ~~establishments~~; establishments.
 - d. Food ~~businesses~~; businesses.
 - e. Retail ~~businesses~~; businesses.
 - f. Private ~~clubs~~; clubs.
 - g. Convention ~~centers~~; centers.
 - h. Community ~~theatres~~; theatres.
 - i. Breweries as authorized by G.S. 18B-1104(7) and (8).
- (2) Off-Premises Malt Beverage Permit. – An off-premises malt beverage permit authorizes (i) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, (ii) the retail sale of malt beverages in a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:
- a. Restaurants.
 - b. Hotels.
 - c. Eating establishments.
 - d. Food businesses.
 - e. Retail businesses.
 - f. The holder of a brewing, distillation, and fermentation course authorization under G.S. 18B-1114.6. A school obtaining a permit under this subdivision is authorized to sell malt beverages manufactured during its brewing, distillation, and fermentation program at one noncampus location in a county where the permittee holds and offers classes on a regular full-time basis in a facility owned by the permittee.
- (3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items

transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

- a. ~~Restaurants;~~ Restaurants.
- b. ~~Hotels;~~ Hotels.
- c. ~~Eating establishments;~~ Eating establishments.
- d. ~~Private clubs;~~ Private clubs.
- e. ~~Convention centers;~~ Convention centers.
- f. ~~Cooking schools;~~ Cooking schools.
- g. ~~Community theatres;~~ Community theatres.
- h. ~~Wineries;~~ Wineries.
- i. Wine producers.

- (4) Off-Premises Unfortified Wine Permit. – An off-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, (ii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship unfortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another off-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by off-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The permit may also be issued to the holder of a viticulture/enology course authorization under G.S. 18B-1114.4. A school obtaining a permit under this subdivision is authorized to sell wines manufactured during its viticulture/enology program at one non-campus location in a county where the permittee holds and offers classes on a regular full-time basis in a facility owned by the permittee. The permit may also be issued for a winery or a wine producer for sale of its own unfortified wine during hours when the winery or wine producer's premises is open to the public, subject to any local ordinance adopted pursuant to G.S. 18B-1004(d) concerning hours for the retail sale of unfortified wine. A winery obtaining a permit under this subdivision is authorized to sell wine manufactured by the winery at one additional location in the county under the same conditions specified in

G.S. 18B-1101(5) for the sale of wine at the winery; provided, however, that no other alcohol sales shall be authorized at the additional location. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision.

- ...
- (16) Wine Shop Permit. – A wine shop permit authorizes (i) the retail sale of malt beverages, unfortified wine, and fortified wine in the manufacturer's original container for consumption off the premises, (ii) the retail sale of malt beverages or unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas in a ~~cleaned, sanitized, resealable~~ cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) wine tastings on the premises conducted and supervised by the permittee in accordance with subdivision (15) of this section. It also authorizes the holder of the permit to ship malt beverages, unfortified wine, and fortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses whose primary purpose is selling malt beverages and wine for consumption off the premises and regularly and customarily educating consumers through tastings, classes, and seminars about the selection, serving, and storing of wine. The holder of the permit is authorized to sell unfortified wine for consumption on the premises, provided that the sale of wine for consumption on the premises does not exceed forty percent (40%) of the establishment's total sales for any 30-day period. The holder of a wine-tasting permit not engaged in the preparation or sale of food on the premises is not subject to Part 6 of Article 8 of Chapter 130A of the General Statutes.

...."

SECTION 5.(b) The Alcoholic Beverage Control (ABC) Commission shall adopt rules to implement the provisions of this section by no later than 120 days after this act becomes law. The ABC Commission may adopt temporary rules to comply with the deadline set in this subsection. Any temporary rules adopted in accordance with this subsection shall remain in effect until permanent rules that replace the temporary rules become effective.

AUTHORIZE OFF-SITE STORAGE LOCATION FOR BREWERIES, WINERIES, AND DISTILLERIES

SECTION 6. Article 11 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-1120. Noncontiguous storage locations.

A brewery, winery, or distillery may store any alcoholic beverages it manufactures pursuant to a permit issued under this Article at a noncontiguous storage location approved by the Alcohol and Tobacco Tax and Trade Bureau. The permittee must notify the Commission of any storage location used pursuant to this section. Any storage location used pursuant to this section shall be considered part of the premises of the brewery, winery, or distillery manufacturing the alcoholic beverages."

AUTHORIZE SALE OF UNFORTIFIED WINE ON PREMISES BY RETAIL BUSINESSES

SECTION 7. G.S. 18B-1001(3), as amended by Section 5 of this act, reads as rewritten:

- "(3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

...
i. Retail businesses."

AUTHORIZE TASTINGS DURING BREWERY TOURS

SECTION 8. G.S. 18B-1104(6) reads as rewritten:

"§ 18B-1104. Authorization of brewery permit.

The holder of a brewery permit may:

- ...
(6) Give its products to ~~its employees and guests~~ customers, visitors, and employees for consumption on its premises. Nothing in this subdivision shall be construed as excluding customers and visitors at the brewery as part of a paid or complimentary tour of the brewery."

AUTHORIZE CERTAIN PERSONS TO SAMPLE ALCOHOLIC BEVERAGES FOR PURPOSES OF SENSORY ANALYSIS, QUALITY CONTROL, OR EDUCATION

SECTION 9. Article 11 of Chapter 18B of the General Statutes is amended by adding a new section to read:

"§ 18B-1121. Authority to sample for sensory analysis, quality control, or educational purposes.

Except as otherwise prohibited under Article 3 of this Chapter, a commercial permittee licensed under this Article, or its agent or employee, may consume samples of alcoholic

beverages it is licensed to sell, free of charge, on its premises for purposes of sensory analysis, quality control, or education."

AMEND HOMEBREWING LAWS

SECTION 10. G.S. 18B-306 reads as rewritten:

"§ 18B-306. Making wines and malt beverages for private use.

(a) Authority. – An individual may make, possess, and transport ~~native~~ wines and malt beverages for ~~his the individual's own use and for use,~~ the use of ~~his the individual's~~ family and guests. ~~Native wines shall be made principally from honey, grapes, or other fruit or grain grown in this State, or from wine kits containing honey, grapes, or other fruit or grain concentrates, and shall have only that alcoholic content produced by natural fermentation. Malt beverages may be made by use of malt beverage kits containing grain extracts or concentrates.~~ guests, or the use at organized affairs, exhibitions, or competitions. For purposes of this section, the term "organized affairs, exhibitions, or competitions" includes homemaker's contests, tastings, and judgments.

(b) Selling Prohibited. – Wines and malt beverages made pursuant to this section may not be sold or offered for sale.

(c) Kits. – Wine kits and malt beverage kits may be sold in this State.

(d) Permit. – No ABC permit is required to make wines or malt beverages pursuant to this section."

CLARIFY LAW GOVERNING RELATIONSHIP BETWEEN BREWERIES AND AFFILIATED RETAILERS

SECTION 11. G.S. 18B-1116(a) reads as rewritten:

"(a) Prohibitions. – It shall be unlawful for any manufacturer, bottler, or wholesaler of any alcoholic beverages, or for any officer, director, or affiliate thereof, either directly or indirectly to:

- (1) Require that an alcoholic beverage retailer purchase any alcoholic beverages from that person to the full or partial exclusion of any other alcoholic beverages offered for sale by other persons in this State; or
- (2) Have any direct or indirect financial interest in the business of any alcoholic beverage retailer in this State or in the premises where the business of any alcoholic beverage retailer in this State is conducted; or
- (3) Lend or give to any alcoholic beverage retailer in this State or his employee or to the owner of the premises where the business of any alcoholic beverage retailer in this State is conducted, any money, service, equipment, furniture, fixtures or any other thing of value.

A brewery qualifying under ~~G.S. 18B-1104(8) to act as a wholesaler or retailer of its own malt beverages~~ G.S. 18B-1104(7) or (8) is not subject to the provisions of this ~~subsection~~ section concerning financial interests in, and lending or giving things of value to, a wholesaler or retailer with respect to the brewery's transactions with the retail business on its ~~premises-premises or other retail locations allowed under G.S. 18B-1104(8).~~ The brewery is subject to the provisions of this subsection, however, with respect to its transactions with all other wholesalers and retailers."

AUTHORIZE BREWERY TAPROOMS TO SELL OTHER ALCOHOLIC BEVERAGES UPON RECEIVING THE APPROPRIATE PERMIT

SECTION 12. G.S. 18B-1104(7) reads as rewritten:

"(7) In an area where the sale of any type of alcoholic beverage is authorized by law, and upon receiving the appropriate permit under G.S. 18B-1001, sell

~~the~~ at the brewery, and any additional retail location authorized under subdivision (8) of this section, any or all of the following:

- a. The brewery's malt beverages or malt beverages that have been approved by the Commission for sale in North Carolina.
- b. Malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina only at the brewery upon receiving a permit under G.S. 18B-1001(1). Carolina.
- c. Any other alcoholic beverages approved by the Commission for sale in North Carolina, if sale of the alcoholic beverage is otherwise authorized in that area."

AUTHORIZE BREWERIES WITH PRODUCTION FACILITIES IN OTHER STATES TO DISTRIBUTE TO WHOLESALERS

SECTION 13. G.S. 18B-1104(4) reads as rewritten:

- "(4) Receive malt beverages manufactured by the permittee in some other state for transshipment to (i) dealers in other states or (ii) wholesalers licensed under this Chapter as authorized by the ABC laws."

AUTHORIZE FARM BREWERIES

SECTION 14. G.S. 18B-1104 is amended by adding a new subdivision to read:

- "(7a) In an area where the sale of malt beverages has not been authorized, a brewery that produces agricultural products, including barley, other grains, hops, or fruit, used by the brewery in the manufacture of malt beverages may sell the malt beverages owned by the brewery and approved by the Commission for sale in North Carolina at the brewery for on- or off-premise consumption upon (i) obtaining the appropriate permit under G.S. 18B-1001 and (ii) receiving approval from the governing body of the city where the brewery is located or, if the brewery is not located in a city, the governing body of the county where the brewery is located. Approval may be granted only pursuant to a resolution of the governing body adopted at a regular meeting. Before adopting a resolution approving the sale of malt beverages under this subdivision, a governing board shall hold a public hearing. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice of the public hearing shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included."

AMEND LAW GOVERNING BREWERY SALES AT ADDITIONAL RETAIL LOCATIONS

SECTION 15. G.S. 18B-1104 reads as rewritten:

"§ 18B-1104. Authorization of brewery permit.

The holder of a brewery permit may:

- ...
- (8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it

per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the ~~brewery~~ brewery, and malt beverages produced under subdivision (6a) of this section, at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision under a different trade name than that used at the brewery shall also offer for sale at that location a reasonable selection of competitive malt beverage products. A sale at any additional retail location under this subdivision shall not be considered a wholesale sale for the purposes of Article 13 of this Chapter.

A sale or gift under subdivision (5) or (6) shall not be considered a retail or wholesale sale under the ABC laws."

TAX COMPLIANCE AND REPORTS

SECTION 16.(a) G.S. 18B-1104, as amended by this act, reads as rewritten:

"§ 18B-1104. Authorization of brewery permit.

(a) Authorized Acts. – The holder of a brewery permit may:

- ...
- (6a) Receive, in closed containers, and sell at the brewery, malt beverages produced inside or outside North Carolina under contract with a contract brewery. The contract brewery that manufactures the malt beverages shall be responsible for all aspects associated with manufacturing the product, including maintaining appropriate records, obtaining label approval in its own name, and remitting the appropriate taxes. The contract malt beverages may be sold also at affiliated retail outlets of the brewery physically located on or adjacent to the brewery. Any malt beverages received from a contract brewery under this subdivision shall be made available for sale by the brewery to wholesalers for distribution to retailers, without discrimination, in the same manner as if the malt beverages were being imported by the brewery. Contract brewing is authorized between affiliated breweries, but shall not be used as a means to allocate production quantities between affiliated breweries to obtain a malt beverage wholesaler permit pursuant to ~~G.S. 18B-1104(8)~~ subdivision (8) of this subsection where either brewery would not otherwise qualify for a permit, and the Commission shall have no authority to grant an exemption to this requirement pursuant to G.S. 18B-1116(b).
- (7) In an area where the sale of any type of alcoholic beverage is authorized by law, and upon receiving the appropriate permit under G.S. 18B-1001, sell at the brewery, and any additional retail location authorized under subdivision (8) of this ~~section, subsection,~~ any or all of the following:
- a. The brewery's malt beverages that have been approved by the Commission for sale in North Carolina.
 - b. Malt beverages manufactured by the permittee in some other state that have been approved by the Commission for sale in North Carolina.
 - c. Any other alcoholic beverages approved by the Commission for sale in North Carolina, if sale of the alcoholic beverage is otherwise authorized in that area.
- ...
- (8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The

authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 ~~barrels, as defined in G.S. 81A-9,~~ barrels of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery, and malt beverages produced under subdivision (6a) of this ~~section, subsection,~~ at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision under a different trade name than that used at the brewery shall also offer for sale at that location a reasonable selection of competitive malt beverage products. A sale at any additional retail location under this subdivision shall not be considered a wholesale sale for the purposes of Article 13 of this Chapter.

(b) Sales or Gifts. – A sale or gift under subdivision (5) or (6) of subsection (a) of this section shall not be considered a retail or wholesale sale under the ABC laws.

(c) Tax Compliance. – By October 1 of each year, the Commission shall confirm that the holder of a brewery permit is in compliance with G.S. 18B-900(a)(8). The provisions of G.S. 18B-900(f) apply to the confirmation required under this subsection, except that the Commission may suspend a person's brewery permit until the Commission receives notice from the Department of Revenue that the person is in compliance.

(d) Sales Report Upon Commission Request. – Within 60 days of a request by the Commission, a holder of a brewery permit who obtains a malt beverage wholesaler permit pursuant to subdivision (8) of subsection (a) of this section shall provide a sales report to the Commission. The report shall list separately all of the following for the 12-month period preceding the date of the request:

- (1) The number of barrels of malt beverages sold by the permit holder that were produced by the permit holder.
- (2) The quantity and dollar amount of malt beverages sold by the permit holder under subdivision (7) of subsection (a) of this section.
- (3) The quantity and dollar amount of malt beverages sold on-premises under subdivision (8) of subsection (a) of this section.
- (4) The quantity and dollar amount of malt beverages sold off-premises under subdivision (8) of subsection (a) of this section.
- (5) The quantity and dollar amount of malt beverages sold under G.S. 18B-1114.5.
- (6) The quantity and dollar amount of malt beverages destroyed, spoiled, or otherwise rendered unsalable.

The Commission shall not request more than one sales report from a brewery within a 12-month period. The Commission shall keep all information provided pursuant to this subsection confidential except as required by law or requested by the Department of Revenue. The information shall not be a public record under Chapter 132 of the General Statutes.

(e) Definition. – For purposes of this section, the term "barrels" is as defined in G.S. 81A-9."

SECTION 16.(b) G.S. 18B-1105 is amended by adding a new subsection to read:

"(c) Tax Compliance. – By October 1 of each year, the Commission shall confirm the holder of a distillery permit is in compliance with G.S. 18B-900(a)(8). The provisions of G.S. 18B-900(f) apply to the confirmation required under this subsection, except that the Commission may suspend a person's distillery permit until the Commission receives notice from the Department of Revenue that the person is in compliance."

SECTION 16.(c) G.S. 18B-903(c1) reads as rewritten:

"(c1) Construction of Change in Ownership. – Nothing in subsection (c) of this section shall be construed to limit alternating brewery proprietorships in which the holder of a brewery permit leases or otherwise makes available its facility to another holder of a brewery permit. In this arrangement, the tenant brewery shall maintain title to the malt beverages at all states of the brewing process and shall be responsible for all aspects associated with manufacturing the product, including maintaining appropriate records, obtaining label approval in its own name, and remitting the appropriate taxes. Alternating brewery proprietorships are authorized between affiliated breweries, but shall not be used as a means to allocate production quantities between affiliated breweries to obtain a malt beverage wholesaler permit pursuant to G.S. 18B-1104(8) G.S. 18B-1104(a)(8) where either brewery would not otherwise qualify for a permit, and the Commission shall have no authority to grant an exemption to this requirement pursuant to G.S. 18B-1116(b)."

SECTION 16.(d) G.S. 18B-1001(1)i. reads as rewritten:

"i. Breweries as authorized by G.S. 18B-1104(7) and (8) subdivisions (7) and (8) of G.S. 18B-1104(a)."

SECTION 16.(e) G.S. 18B-1114.5(a) reads as rewritten:

"(a) Authorization. – The holder of a brewery permit, a malt beverages importer permit, a brewing, distillation, and fermentation course authorization, or a nonresident malt beverage vendor permit may obtain a malt beverage special event permit allowing the permittee to give free tastings of its malt beverages and to sell its malt beverages by the glass or in closed containers at trade shows, conventions, shopping malls, malt beverage festivals, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, and other similar events approved by the Commission. Except for a brewery operating under the provisions of G.S. 18B-1104(8), G.S. 18B-1104(a)(8), all malt beverages sampled or sold pursuant to this section must be purchased from a licensed malt beverages wholesaler."

SECTION 16.(f) G.S. 18B-1116(a), as amended by this act, reads as rewritten:

"§ 18B-1116. Exclusive outlets prohibited.

(a) Prohibitions. – It shall be unlawful for any manufacturer, bottler, or wholesaler of any alcoholic beverages, or for any officer, director, or affiliate thereof, either directly or indirectly to:

...
A brewery qualifying under G.S. 18B-1104(7) or (8) subdivision (7) or (8) of G.S. 18B-1104(a) is not subject to the provisions of this section concerning financial interests in, and lending or giving things of value to, a wholesaler or retailer with respect to the brewery's transactions with the retail business on its premises or other retail locations allowed under G.S. 18B-1104(8), G.S. 18B-1104(a)(8). The brewery is subject to the provisions of this subsection, however, with respect to its transactions with all other wholesalers and retailers."

SECTION 16.(g) G.S. 18B-1305(a1) reads as rewritten:

"(a1) Termination by a Small Brewery. – A brewery's authorization to distribute its own malt beverage products pursuant to G.S. 18B-1104(8), G.S. 18B-1104(a)(8) shall revert back to the brewery, in the absence of good cause, following the fifth business day after confirmed receipt of written notice of such reversion by the brewery to the wholesaler. The brewery shall pay the wholesaler fair market value for the distribution rights for the affected brand. For purposes of this subsection, "fair market value" means the highest dollar amount at which a seller would be willing to sell and a buyer willing to buy at the time the self-distribution rights revert back to the brewery, after each party has been provided all information relevant to the transaction."

SIMPLIFY LOCAL LICENSING APPLICATIONS

SECTION 17. G.S. 105-113.70 reads as rewritten:

"§ 105-113.70. Issuance, duration, transfer of license.

(a) Issuance, Qualifications. – Each person who receives an ABC permit shall obtain the corresponding local license, if any, under this Article. All local licenses are issued by the city or county where the establishment for which the license is sought is located. ~~The information required to be provided and the qualifications for a local license are the same as the information and qualifications required for the corresponding ABC permit. Upon proper application and payment of the prescribed tax, issuance of a local license is mandatory if the applicant holds the corresponding ABC permit. No documentation shall be required of the applicant except as provided in this section. Issuance of a local license is mandatory if the applicant holds the corresponding ABC permit and provides all of the following: (i) a copy of the most recently completed State application form for an ABC permit exclusive of any attachments, (ii) the ABC permit for visual inspection, and (iii) payment of the prescribed tax.~~ No local license may be issued under this Article until the applicant has received from the ABC Commission the applicable permit for that activity, and no county license may be issued for an establishment located in a city in that county until the applicant has received from the city the applicable license for that activity.

(b) Duration. – All licenses issued under this section are annual licenses for the period from May 1 to April 30.

(c) Transfer. – A license may not be transferred from one person to another or from one location to another.

(d) License Exclusive. – A local government may not require a license for activities related to the manufacture or sale of alcoholic beverages other than the licenses stated in this Article."

CLARIFY WINERY SPECIAL EVENT LOCATIONS

SECTION 18. G.S. 18B-1114.1 reads as rewritten:

"§ 18B-1114.1. Authorization of winery special event permit.

(a) Authorization. – The holder of an unfortified winery permit, a limited winery permit, a viticulture/enology course authorization, or a wine producer permit may obtain a winery special permit allowing the winery or wine producer to give free tastings of its wine, and to sell its wine by the glass or in closed containers, at trade shows, conventions, shopping malls, wine festivals, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, farmers markets, and other similar events approved by the Commission.

(b) Limitation. – A winery special event permit is valid only in a jurisdiction that has approved the establishment of ABC stores or has approved the sale of unfortified wine."

RULES

SECTION 19.(a) Except as otherwise provided, the Alcoholic Beverage Control (ABC) Commission shall adopt temporary rules to implement the provisions of this act. Temporary rules adopted in accordance with this section shall remain in effect until permanent rules that replace the temporary rules become effective.

SECTION 19.(b) Any rule or policy adopted by the ABC Commission that does not comply with the provisions of this act shall be null, void, and without effect.

EFFECT OF HEADINGS

SECTION 20. The headings to the sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

EFFECTIVE DATE

SECTION 21. Except as otherwise provided, this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 29th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:17 p.m. this 30th day of June, 2017

ORDINANCE NO. O-11-17

An Ordinance To Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises

WHEREAS, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws"; and

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 am on Sundays; and

WHEREAS, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30th day of June, 2017 and became effective on that date (Session Law 2017, Chapter 87); and

WHEREAS, by enacting Senate Bill 155, North Carolina joins 47 other States in allowing alcohol service before noon on Sunday; and

WHEREAS, Sunday morning alcohol service will allow the hospitality community and retail merchants in our community to meet the needs of their customers; and

WHEREAS, Sunday morning alcohol service will benefit our small business community, bring people into business districts earlier in the day, and generate increased tax revenues.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville, North Carolina that:

Section 1. Pursuant to the authority granted by S.L. 2017-87 any establishment located in the corporate limits of and holding an ABC permit issued pursuant to G.S. 18B - 1001 is permitted to sell beverages allowed by its permit beginning at 10 A.M. on Sundays.

Section 2. All laws and clauses of law in conflict herewith are repealed to the extent of any such conflict.

Section 3. This ordinance is effective on the 12th day of September, 2017.

BE IT FURTHER RESOLVED that the following new section of the Town of Waynesville Code of Ordinances is added and shall read as follows:

Section 14-83. Sale of Wine, Fortified Wine, and Mixed Beverages On Sunday Mornings.

The sale of malt beverages, unfortified wine, fortified wine and mixed beverages shall be allowed within Waynesville's corporate limits at any premises licensed pursuant to N.C. Gen. Stat. 18B-1001 on Sundays beginning at 10:00 a.m.

Adopted this 12th day of September, 2017.

TOWN OF WAYNESVILLE

Gavin A. Brown
Mayor

ATTEST:

Eddie Ward, Town Clerk

Approved as to Form:

William E. Cannon, Jr., Town Attorney

Sec. 6-6. - Animals ~~prohibited~~ at street fairs, festivals or parades.

~~(a) — Pursuant to section 91-01 of the Haywood County Code of Ordinances definition of restraint, which requires animal owners to ensure animals are:~~

- ~~1. Controlled by means of a chain, leash, or other like device; and~~
- ~~2. To be under the physical control of the owner or animal handler and is obedient to that person's commands;~~

~~Animals under restraint will be allowed at street fairs, festivals and parades on leashes six (6) feet in length or less, or if carried by their owners.~~

~~(a) Prohibited.~~ It shall be unlawful for any person that owns or possesses any animal, including dogs or cats, ~~to possess, lead, keep, run or:~~

~~i. To allow such animal to run at large within 150 feet of any street fair, festival or parade sanctioned or permitted by the town.~~

~~ii. (b) — Exceptions. The prohibition of subsection (a) of this section shall not apply to guide dogs or other guide animals for disabled persons under the control of such person. The prohibition of subsection (a) of this Animals designated under section 91-01 of the Haywood County Code and defined by G.S. § 67-4.1(a) (1) and (2), subject to the exceptions of G.S. § 67-4.1(b) as "fierce, dangerous, or vicious" are not permitted within the boundaries of the festival.~~

~~(b) Exceptions. This section shall not apply to licensed or permitted kennels or to animals legitimately a part of a parade, sanctioned street fair or festival—, animals in a petting zoo or animal rides if the otherwise prohibited animals are part of an authorized exhibit, activity or display.~~

~~(c) Approval.~~ For the purposes of this section, a sanctioned or permitted street fair, festival or parade is an event approved or permitted by the ~~board~~Board of ~~aldermen~~Aldermen by ~~resolution-action taken and recorded in the official minutes of the Board of Aldermen.~~ The geographical limitations of the street fair, festival or parade shall be delineated by the ~~resolution~~approval or permitting of the event.

~~(d) Violations.~~ Violations of subsection (a) of this section shall be misdemeanors, punishable upon conviction in accordance with section 1-8.

~~(Ord. No. 12-02, 7-23-2002)~~

Sec. 6-6. - Animals at street fairs, festivals or parades.

Pursuant to section 91-01 of the Haywood County Code of Ordinances definition of restraint, which requires animal owners to ensure animals are:

1. Controlled by means of a chain, leash, or other like device; and
2. To be under the physical control of the owner or animal handler and is obedient to that person's commands;

Animals under restraint will be allowed at street fairs, festivals and parades on leashes six (6) feet in length or less, or if carried by their owners.

(a) *Prohibited.* It shall be unlawful for any person that owns or possesses any animal, including dogs or cats:

- i. To allow such animal to run at large within 150 feet of any street fair, festival or parade sanctioned or permitted by the town.
- ii. Animals designated under section 91-01 of the Haywood County Code and defined by G.S. § 67-4.1(a) (1) and (2), subject to the exceptions of G.S. § 67-4.1(b) as "fierce, dangerous, or vicious" are not permitted within the boundaries of the festival.

(b) *Exceptions.* This section shall not apply to licensed or permitted kennels or to animals legitimately a part of a parade, sanctioned street fair or festival, animals in a petting zoo or animal rides if the otherwise prohibited animals are part of an authorized exhibit, activity or display.

(c) *Approval.* For the purposes of this section, a sanctioned or permitted street fair, festival or parade is an event approved or permitted by the Board of Aldermen by action taken and recorded in the official minutes of the Board of Aldermen. The geographical limitations of the street fair, festival or parade shall be delineated by the approval or permitting of the event.

(d) *Violations.* Violations of subsection (a) of this section shall be misdemeanors, punishable upon conviction in accordance with section 1-8.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 22, 2017

SUBJECT: Amendment #2 to the 2017-2018 Budget Ordinance

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5-C
Department: Recreation Department
Contact: Eddie Caldwell, Finance Director / Rhett Langston Recreation Department Director.
Presenter: Rhett Langston, Recreation Department Director / Eddie Caldwell, Finance Director

BRIEF SUMMARY: The 2017-2018 Budget Ordinance approved the building of an Inclusive Playground with a total cost of \$112,880. The budget calls for the playground is to be founded as follows: Grant \$90,300 and a Town match \$22,580.

The Recreation Department (Rhett Langston) has applied for and received additional funding in the amount of \$42,300.

Amendment #2 to the 2017-2018 Budget Ordinance, if approved, will allow the department to add these additional revenue amounts to the new Inclusive Playground. The new total to be spent on the playground would be \$155,180. Funding would be as follows:

Grant from Connect NC Bond	\$90,300
Evergreen Foundation	\$25,000
Town's match	\$22,580
Waynesville Kiwanis	\$10,000
Coupon from Landscape Structures	\$6,800
Pepsi	\$500
<hr/>	
Total revenues for project	\$155,180

Other changes to be included in Amendment # 2 to the 2017-2018 Budget Ordinance.

Additions/Changes to the Town of Waynesville 2017-2018 Fee Schedule:

Opening/Closing of In Ground Cremations \$200.00

(There is no fee for the Opening/Closing of In Ground Cremations. This new fee will match the existing Opening/Closing of Columbarium Niches.)

Pawnbrokers/Secondhand Dealers/Currency Converters \$73.00 base fee

This fee covers \$38.00 for fingerprinting per employee, \$25.00 administrative fee per employee and \$10.00 for license for the business as per the Pawnbrokers and Secondhand Dealers Ordinance pass at the last Board Meeting August 8, 2017.

MOTIONS FOR CONSIDERATION: To approve Amendment No. 2 to the 2017-2018 Budget Ordinance.

FUNDING SOURCE/IMPACT:

The additional costs requested for the Inclusive Playground will be covered by the additional revenues expected.

The additions to the 2017-2018 Fee Schedule are not expected to be material.

ATTACHMENTS:

- Amendment No. 2 to the 2017-2018 Budget Ordinance
- Explanation of need for Opening/Closing of In Ground Cremations
- Town of Waynesville 2017-2018 Fee Schedule (changes highlighted in yellow).

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 22, 2017

SUBJECT: Proposed Fee for Opening/Closing of In Ground Cremation

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 5-C
Department: Asset Services-Outside Facilities
Contact: Julie Grasty, Asset Services Manager
Jonathan Yates, Outside Facilities Supervisor
Presenter: Julie Grasty, Asset Services Manager

BRIEF SUMMARY: Included in the Fee Schedule is a \$ 200.00 for Opening/Closing of Columbarium Niche, however there is no fee for Opening/Closing of In Ground Cremations. In 2016 the Outside Facilities-Cemetery Division performed 30 In Ground Cremations and so far in 2017 has performed 26 at no charge. In researching other Cemeteries fees start at \$ 175 and increase depending on the service. On average it takes 2 – 4 staff hours for each service.

FUNDING SOURCE/IMPACT:

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS: Manager recommends approval of the additional fee for Opening/Closing of In Ground Cremations.

Town of Waynesville 2017 - 2018 Fee Schedule

Effective July 1, 2017 - June 30, 2018

GENERAL FUND	
Utility Accounts	
New Account Fee	\$25.00
Reconnection Fee	\$25.00
After Hours	\$75.00
Return Check Fee (Insufficient Funds)	\$25.00
Theft investigation charge (meter tampering)	\$ 75.00 per occurrence
Fire Protection Charges (per month, per meter) effective	with bills on or after 08/01/2016
Residential	\$8.00
Commercial	\$12.80
Mobile Home Parks	\$8.00
Motels, Hotels, Cottages	\$ 3.20 per unit, \$160 maximum
Fire protection charges are billed to all water accounts located outside the city limits, unless the area has been designated as a fire district subject to a tax imposed by Haywood County. A fire district may contract for fire protection with the Town of Waynesville. Should a fire protection contract be executed with the Town of Waynesville, the tax collected by Haywood County will be remitted to the Town of Waynesville in lieu of the per month charges stated above.	
Miscellaneous	
Copies - Black and White, per page	\$0.10
Copies - Color, per page	\$0.20
Copies- 24"-48" plot map copy - Black and White, per page	\$3.00
Copies- 24"-48" plot map - Color, per page	\$10.00
Weed, Brush Removal, or Mowing	\$150.00 for the first hour
Each Additional Hour	\$100.00/hour
SANITATION & SOLID WASTE COLLECTION (monthly fees)	
Residential Garbage (1 weekly pickup)	\$9.00
Commercial Garbage (1 weekly pickup)	\$22.97
Dumpster Lease (requires Dumpster Collection Service)	
4 yard	\$17.00
6 yard	\$20.00
8 yard	\$22.50
Dumpster Collection Service (requires Dumpster Lease)	
4 yard (1 weekly pickup)	\$66.51
6 yard (1 weekly pickup)	\$92.69
8 yard (1 weekly pickup)	\$118.85
6 yard (1 pickup every 2 weeks)	\$74.15
8 yard (1 pickup every 2 weeks)	\$92.69
Example: A dumpster customer with an 8 yard dumpster requesting collection twice a week would pay a Lease Fee of \$22.50 plus 2 pickups at \$118.85 each. Monthly bill = \$260.20	

CEMETERY				
Call Out (weekends, holidays, outside normal operating hours)			\$200.00	
<i>John Taylor and Shook Survey Sections</i>				
Traditional Burial Space			\$1,500.00	
(\$1,000 to perpetual care fund/\$500 to General Fund)				
<i>Columbarium Area</i>				
Columbarium Niche			\$1,500.00	
(\$1,000 to perpetual care fund/\$500 to General Fund, includes partial engraving of door.)				
Opening/Closing of Columbarium Niche			\$200.00	
(Includes completion of engraving of granite door, Town staff removing & replacing door.)				
Opening/Closing of In Ground Cremations			\$200.00	
In Ground Space for Cremations (Urn Garden)			\$1,000.00	
(\$600 to perpetual care fund/\$200 to General Fund/ \$200 for flat granite stone)				
Urn Garden (in-ground inurnment) includes excavating and filling burial space by Town personnel, placement and engraving of granite marker to include the addition of date of death.				
POLICE DEPARTMENT				
Police Reports (per report)			\$2.00	
Off Duty Security (4 hour minimum)			\$25.00 per hour	
Parking Violations				
Overtime Parking			\$5.00	
Parking in Restricted Area			\$10.00	
Double Parking			\$10.00	
Parking in Handicapped Space			\$100.00	
Parking in Prohibited Area			\$10.00	
Parking Too Close to Intersection			\$10.00	
Parking in Wrong Direction			\$10.00	
Parking in Alley Way			\$10.00	
Obstructing Traffic Lane			\$10.00	
Improper Parking			\$10.00	
Parking in Loading Area			\$10.00	
Parking in No Parking Zone			\$10.00	
Parking in Fire Zone			\$50.00	
Parking Too Close to Fire Hydrant			\$10.00	
Parking Too Close to Stop Sign			\$10.00	
Parking Across Lines			\$10.00	
Parking in Crosswalk			\$10.00	
Blocking Private Driveway			\$10.00	
Persons violating parking regulations shall be subject to the above schedule of civil penalties to be recovered by the Town of Waynesville in civil action.				

Business Licenses	
Schedule B (State Regulated)	
Schedule C (Town Regulated)	
Pawnbrokers/Secondhand Dealers/Currency Converters	Baseline fee \$73.00
Fee covers \$38.00 for fingerprinting each employee, \$25.00 administrative fee for each employee and \$10.00 for license for the business (GS 66-389).	
Late Payment or Nonpayment Penalty	\$5 or 5% of amount owed, whichever is greater, per mo.
Maximum penalty is 25% of the privilege license tax due	
Penalties are automatic, and may be recovered using the same collection methods available for the collection of privilege license taxes.	
PLANNING DEPARTMENT	
Planning & Zoning Permits	
Certificate of LDS Compliance of Completion of Zoning Verification	\$25.00
Temporary Use Permit other than mobile food vendors	No charge
Temporary Use Permit for mobile food vendors	\$50.00
Grading Permit	No charge
Floodplain Development Permit	No charge
Minor Site Plan Review	
Single family or duplex residence	No charge
Multi-family with less than 8 units	\$100.00
Non-residential development or expansion	\$100.00
Major Site Plan Review	
Multi-family residential with 8 units or greater (per unit)	\$20/unit
Non-residential development or expansion	\$200.00
Subdivision (Minor)	\$50 + \$10/lot
Subdivision (Major)	\$200 + \$10/lot
Special Use Permits	
General Commercial - Greater than 100,000 sf	\$750.00
Monopole Wireless Communications Tower	\$1,000.00
First Layer Parking Increase	\$500.00
All Others, in addition to site plan review fees	\$100.00
Historic Preservation Commission	
Local Landmark Designation	\$200.00
Designation of Historic District	No charge
Certificate of Appropriateness	No charge
Board of Adjustment	
Appeal of Administrative Decision	\$250.00
Variance Request	\$250.00

Text Amendment	\$500.00
Map Amendment (Rezoning)	
1 acre or less	\$200.00
Each additional acre	\$50.00
Conditional District - 1 acre or less	\$400.00
Each additional acre	\$100.00
Vested Right	\$200.00
Sign Permits	\$4.00 per sq. ft. - \$20 min.
Voluntary Annexation	\$200.00

Inspections	
New Single Family Dwelling (Crawl Space or Slab on Grade)	
SQUARE FOOTAGE	\$.30 per sq. ft.
Single Family Additions	
SQUARE FOOTAGE	\$.30 per sq.ft.
Minimum	\$50.00 per trade
Unfinished Basement	\$100.00
Attached Garage	\$75.00
Homeowners Recovery Fund (per G.S. 87-15.6)	\$10.00
Single Family Alterations	
SQUARE FOOTAGE	
0-1000	\$185.00
1001 - 1500	\$220.00
1501 - 2000	\$275.00
2001 - 2500	\$370.00
2501 - 3000	\$480.00
3001-up	\$480.00
	+ \$0.15 per sq. ft. over 3000
Deck Permit	
Up to 36 sq. ft	No charge
Larger than 36 sq. ft.	\$25.00 + \$.20 per sq. ft.
Covered Deck larger than 36 sq. ft.	\$25.00 + \$.25 per sq. ft.
Manufactured Homes	
Single wide	\$105.00
Double wide	\$130.00
Triple wide	\$210.00
(Deck permit required over 35 sq. ft. of deck)	

Accessory Building (does not include trades)	
145 - 300 sq. ft.	\$55.00
301 - 600 sq. ft.	\$85.00
601 - up	\$85.00 + \$.10 per sq ft over 600
Miscellaneous Residential	
Service Change	\$75.00
Demolition permit	\$100.00
Furnace changeout	\$120.00
Gas Line	\$75.00
Retaining wall	\$100.00
Permit renewal fee	\$50.00
Plumbing, electric, and mechanical not covered elsewhere (\$50.00 minimum charge per trade)	\$.07 per sq ft, per trade
Other Permits and Fees	
Day Care & Home Care	\$75.00
ABC Inspection	\$200.00
Starting without permit	\$200.00
Residential Re-roof	\$50.00
Commercial Re-roof	\$.05 sq. ft. with minimum \$75.00 charge
Temp. power on permanent wiring	\$75.00
Occupancy use inspection	\$50.00
Plan re-review	\$.05 per sq ft
(\$50.00 minimum charge per trade)	
Special Events Permit	\$50.00
Additional / Re-Inspection (each)	\$50.00
Commercial Building	
	\$.30/sq. ft.
Minimum	\$75.00 per trade

Ordinance No. 18-17

Amendment No. 2 to The 2017-2018 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2017-2018 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2017-2018 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Grants / Restricted Revenues		
Miscellaneous Grants and		
Restricted Revenues	103350-436129	\$42,300
		<hr/>
Total General Fund revenue increase		\$42,300

(Additional revenues earmarked for the new Inclusive Playground.
Evergreen Foundation \$25,000, Waynesville Kiwanis \$10,000,
coupon from Landscape Structures \$6,800 and Pepsi \$500.)

Increase the following appropriations:

Recreation Department		
Capital Outlay	106120-545900	\$42,300

(Increased the approved budget for the new Inclusive
Playground by the additional revenues to be received.)

Total General Fund appropriation increase		<hr/> \$ 42,300
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Add additional fees to the Town of Waynesville 2017-2018 Fee Schedule:

Opening/Closing of In Ground Cremations	\$200.00
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(There is currently no fee for the Opening/Closing of In Ground
Cremations. This new fee will match the existing Opening/Closing
of Columbarium Niches.)

Pawnbrokers/Secondhand Dealers/Currency Converters	\$73.00
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(This fee covers \$38.00 for fingerprinting of each employee,
\$25.00 administrative fee for each employee and \$10.00 for the
license for the business as per the Pawnbrokers and Secondhand
Dealers Ordinance approved by the Board August 8, 2017.)

Adopted this 22nd day of August 2017.

Town of Waynesville

Gavin A Brown
Mayor

Attest:

Eddie Ward
Town Clerk

Approved As To Form:

William E Cannon Jr
Town Attorney