



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: **SEPTEMBER 12, 2017**

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

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A. CALL TO ORDER - Mayor Gavin Brown

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

Motion: To approve the minutes of the August 22, 2017 regular meeting minutes as presented [or as corrected].

3. Proclamation – Constitution Week – September 17-23, 2017

B. PUBLIC HEARINGS

4. Public Hearing to consider approval of an Ordinance to Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises

- Mayor Gavin Brown

Motion: To approve (or deny) an Ordinance to Allow the Sale of Alcoholic Beverages Before Noon on Sundays at Licensed Premises.

5. Public Hearing 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

- Mayor Gavin Brown

Motion: To approve an amendment to Section 6.6. of the Town of Waynesville Code of Ordinances Animals at Street Fairs, Festivals and Parades.

C. CALL FOR PUBLIC HEARING

6. Request for Voluntary Annexation from Mountain Credit Union
 - Elizabeth Teague, Development Services Director

Motion: To call for a Public Hearing to be held on September 26, 2017 beginning 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 Petition for Annexation of a non-contiguous satellite area at 1698 Russ Avenue, PIN 8616-36-7164.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

September 12, 2017

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D. COMMUNICATIONS FROM STAFF

7. Manager's Report –Town Manager Rob Hites

8. Attorney's Report – Town Attorney Bill Cannon

E. COMMUNICATIONS FROM THE MAYOR AND BOARD

F. CALL ON THE AUDIENCE

G. ADJOURN



TOWN OF WAYNESVILLE

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16 South Main Street
Waynesville, NC 28786
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CALENDAR

September 12, 2017

2017	
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
Wed, Sept 20 Noon Waynesville Inn & Golf Resort	Fundraiser for the Plott Hound sculpture – Tickets required \$50.00 each – Bob Plott will be at the event to tell the history of the Plott Hound
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 Wells Events Center	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 – September /October 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	Sept 28 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	Oct 4 1 st Wednesdays 2:00 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

Mon-Fri, September 25–29	HR Specialist	Employment Law/FMLA Certification Course Chapel Hill, NC
Mon-Fri., October 23-27	Administrative Assistant	IIMC Clerks Certification Course – week 4 Chapel Hill, NC
Thur. Jan 18 – Fri, Jan 26, 2018	Assistant Town Manager	Vacation

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR SESSION MEETING
August 22, 2017

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday August 22, 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 Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Eddie Caldwell, Finance Director
Rhett Langston, Recreation Director
Julie Grasty, Asset Services Manager
Bill Hollingsed, Chief of Police

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:

Monday August 28, 2017 – 5:30 - Haywood County Council of Governments – Haywood County
Thursday September 28, 2017 – Downtown Waynesville Association – Board of Directors Annual meeting – located at 172 North Main Street – 5:30 p.m. RSVP by September 15
Friday September 29, 2017 – Mountain Street Dance, Main Street

2. Adoption of Minutes

Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman, to approve the minutes of the August 8, 2017 regular meeting, as presented. The motion passed unanimously.

Reading of Proclamation – National Day of Service and Remembrance – Monday, September 11, 2017

Alderman Jon Feichter read the Proclamation proclaiming Monday September 11, 2017 as the National Day of Service and Remembrance in honor of the victims and innocent lives lost as a result of the tragic events on September 11, 2001.

B. REQUEST/DISCUSSION

3. "Sunday Brunch Law" Senate Bill 155

Mayor Gavin Brown stated he wanted to discuss with the Aldermen two items that the citizens of Waynesville had brought to him in the last year. The first item was the "Sunday Brunch Law" Senate Bill 155. This Bill give local governments the right to permit restaurants, hotels, eating establishments, food business, private clubs, convention centers, and community theaters to sell fortified and unfortified wines, malt beverages and mixed drinks beginning at 10:00 a.m. on Sundays, providing the local government adopts an ordinance permitting such sales. It also permits the tastings of spirituous liquors at street fairs, agricultural fairs, and conventions, etc. Such "tastings" are only permitted in governing units that permit mixed beverages. Mayor Brown indicated that several communities had adopted this practice since the Bill was passed at the end of June 2017. He asked the Board their thoughts on calling for a Public Hearing to be held at the next regular meeting to hear business owners and citizen comments.

Town Manager Rob Hites added that the Bill also allows off premise sales which includes golf courses, convenience stores, and any holder of a permit to sell malt beverages, fortified and unfortified wines, and mixed drinks.

Alderman LeRoy Roberson asked if any local communities that had adopted an Ordinance for the "Sunday Brunch Law", had any adverse stories concerning the Bill.

Alderman Jon Feichter said he had anticipated this coming before the Board, and was interested in hearing from the community.

Alderman Gary Caldwell said he sees it as a plus. David Angel from Elevated Mountain Distilling in Maggie Valley, as well as the American Legion, had been in contact with him concerning this Ordinance.

Alderman Julia Freeman said she wanted to hear public comment and gain any additional information that could be brought forward, for and against the Bill, and possible health risks.

Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman 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. The motion passed unanimously.

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

The second item Mayor Brown wished to discuss with the Board pertained to animals at street fairs, festivals, and parades. He stated that in 2002 the Board of Aldermen had adopted an Ordinance prohibiting any animals, including dogs and cats, at street fairs, festivals and parades. This Ordinance has been difficult to enforce through the years. Mayor Brown said that a number of businesses on Main Street had commented to him about animals being on Main Street. He said that events on Main Street are meant to attract tourists from out of the area. A lot of these people bring their dogs, and then they have no where to leave the animals while attending the event on Main Street. After researching what ordinances other towns have in place concerning animals at events, he feels the Board should look into amending the Town's Ordinance. He asked the Board the voice their thoughts on animals being allowed on Main Street at Town sponsored events.

Alderman LeRoy Roberson said he felt that it should be made clear that the owners be responsible and clean up after their dogs. He said that when he walks Main Street now, sometimes there is some negligence in this area.

Alderman Jon Feichter said he and his family are dog lovers and he realizes that the Town is trying to attract tourists, and a lot of people travel with their dogs. He also realizes that this type if Ordinance is difficult to always enforce and he feels that it would be a good thing to modify the Ordinance. He voiced a concern about liability for the Town if there was an incident and someone was bitten.

Alderman Gary Caldwell stated the he had observed several businesses putting bowls of water out for dogs on Main Street. This is a big plus for people who are visiting Waynesville with their dogs.

Alderman Julia Freeman said she is in favor of modifying the Ordinance. She would like to discuss the provisions that could be made for water for the dogs. She has noticed that on festival days, merchants don't put out their water bowls for the dogs because of the current Ordinance. Town Manager Hites noted that there are water fountain/dog fountain combinations available to serve both the human and animal visitors to Waynesville and could be installed easily.

Chief Bill Hollingsed said that currently there are no requirements for service dogs. There is no certification, documentation, or registration required, this is an issue that the police face, because there is nothing that can be done if someone says the animal is a "service" animal. He asked the Board to consider in addition to being on a leash that the Ordinance also references any animal that is carried or pushed in a cart so that the Town can be in compliance with service dog regulations.

Alderman Jon Feichter made a motion, seconded by Alderman LeRoy Roberson 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. The motion passed unanimously.

C. NEW BUSINESS

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

Finance Director Eddie Caldwell

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

Finance Director Eddie Caldwell stated that the fee schedule needed to be amended to include a \$73.00 baseline fee for fingerprinting, administrative fee, and license fee for the Pawnbroker/Secondhand Dealers/Currency Converters Ordinance.

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

Ms. Julie Grasty, Asset Services Manager, said that inadvertently a fee for opening and closing In Ground Cremations had been overlooked. After researching, Ms. Grasty found that other towns and cemeteries were charging an opening/closing fee for this service. Since the Town currently charges a \$200.00 fee for the opening/closing of a Columbarium Niche, it was decided that a fee of \$200.00 was a fair fee for In Ground Cremations. Mr. Caldwell asked for the fee schedule to be amended to reflect this.

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

Mr. Caldwell said that in the 2017-2018 Budget Ordinance, the building of an Inclusive Playground was approved at a cost of \$112,880.00. This was to be funded by a \$90,300 grant and a match from the Town for \$22,580.00. Recreation Director Rhett Langston applied for, and received, additional funding in the amount of \$42,300.00 for the playground. Mr. Caldwell said that Amendment #2 to the 2017-2018 budget would allow the department to add these additional amounts to the new Inclusive Playground. The new total to be spent on the playground would be \$155,180.00.

Recreation Director Langston told the Board that when completed, there would not be another playground like this one within 90 miles of Waynesville. He said it is fulfilling a great need for children in the Waynesville area. He said he hopes to have the playground completed by fall.

Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter 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. The motion passed unanimously.

D. COMMUNICATIONS FROM STAFF

6. Manager's Report – Town Manager Rob Hites

Manager Hites said that in 2016 the Board has passed a mutual aid agreement that permits the Chief of Police to enter into interlocal agreements with fellow police departments. The Town of Clyde has requested help with training.

Chief Hollingsed said that currently the police Department in the Town of Clyde does not have a certified Field Training Officer on their staff. They have a number of new officers and nobody to train them. Chief Hollingsed said his staff would like to work with them to get them trained and get them on the street. He feels this is the neighborly thing to do to help them.

Manager Hites said that now since the tourist season is slowing down until the leaf season, he would like to continue work on Hazelwood Avenue. This would include the Electric Department and Public Works Department bringing in the electric lines, installing the three decorative light fixtures on the Bourbon Barrel side of the street, and the elevated walkway to help slow traffic. He said he hoped to have the work completed so the light posts can be installed and decorated for Christmas. The Board was in agreement.

Manager Hites said that some of the Board members had indicated they would like to have a fall retreat to talk about goals and projects, without the pressure of budget season. The Board agreed that this was a good idea. The time and date will be discussed at the last meeting.

8. Attorney's Report - Town Attorney Bill Cannon

Attorney Cannon had nothing to report.

E. COMMUNICATIONS FROM THE MAYOR AND BOARD

F. CALL ON THE AUDIENCE

Assistant Town Manager Amie Owens gave an update on the BCBS and Memorial Mission insurance situation. She said she had been to each Town Department and given updates to employees. She hopes that the two parties will continue negotiations after October 5, 2017 and come to an agreement.

G. ADJOURN

With no further business, Alderman Gary Caldwell made a motion, seconded by Aldermen Jon Feichter to adjourn the meeting at 7:15 p.m. The motion passed unanimously.

ATTEST

Gavin Brown, Mayor

Rob Hites, Town Manager

Eddie Ward, Town Clerk

**Proclamation
Constitution Week
September 17-23, 2017**

WHEREAS, September 17, 2017 marks the two hundred thirtieth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion, and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, Gavin A. Brown, by virtue of the authority vested in me as Mayor of the Town of Waynesville, North Carolina do hereby proclaim the week of September 17 through 23 as

Constitution Week

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedom guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed this ____ day of September, of the year of our Lord two thousand seventeen.

Town of Waynesville, N.C.

**Gavin A. Brown
Mayor**

ATTEST:

**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.

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.

ORDINANCE NO. 17-16
AN ORDINANCE AMENDING THE TOWN OF WAYNESVILLE
ORDINANCE RELATED TO ANIMALS AT FESTIVALS, STREET FAIRS AND PARADES

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

WHEREAS, after notice duly given, a public hearing was held on September 12, 2017;

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

Full revision of Section 6.6 of the Town of Waynesville Code of Ordinances shall be effective September 12, 2017. The new wording of Section 6.6 is below.

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.

(Ord. 17-16, adopted 09-12-2017)

ADOPTED this 12th day of September, 2017.

TOWN OF WAYNESVILLE

ATTEST:

Gavin A. Brown, Mayor

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: September 12, 2017

SUBJECT: Call for a Public Hearing to be held on September 26, 2017 to consider a Petition for Annexation of a non-contiguous satellite area at 1698 Russ Avenue, PIN 8616-36-7164.

AGENDA INFORMATION:

Agenda Location: Call for Public Hearing
Item Number: 6-C
Department: Administrative Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: This petition is being requested by the Mountain Credit Union, represented by Mr. Chuck Reece, for the purpose of connecting to the Town's Sewer system in accordance with Town Policy. This property is located within the Town's Extra-Territorial Jurisdiction (ETJ) and is approximately 570' from the Town's contiguous boundary and 340' from the closest noncontiguous annexed area. This property is currently zoned "Dellwood Medium Density District Mixed-Use Overlay." This means that banks, credit unions, financial services and ATMs are permitted outright on this property, regardless of the Board's decision on annexation.

MOTION FOR CONSIDERATION:

To call for a Public Hearing to be held on September 26, 2017 at the next Board of Aldermen Meeting at 6:30 pm, in order to consider a Petition for Annexation.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Petition and Survey
2. GIS Maps of property data, zoning and location within ETJ.

MANAGER'S COMMENTS AND RECOMMENDATIONS: This is a call for public hearing only.

PETITION FOR ANNEXATION OF
NON-CONTIGUOUS "SATELLITE" AREAS

(Part 4, Article 4A, G.S. 160A-58)

8-29-2017
Date

TO: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 3 below be annexed to the Town of Waynesville.
2. Standards which the satellite area must meet:
 - a. The nearest point on the satellite area must not be more than three (3) miles from the primary limits of the annexing city.
 - b. No point on the satellite area may be closer to the primary limits of another municipality than to the annexing city.
 - c. Note: When there is any substantial question as to whether the area is closer to another city, the tax map submitted with the petition shall show the satellite area also in relation to the primary corporate limits of the other city.
 - d. The area proposed for annexation must be situated that services provided the satellite area can be equivalent to the services provided within the primary limits.
 - e. If the area proposed for annexation, or any portion thereof, is a subdivision, as defined in G.S. 160A-376, all of the subdivision must be included.
 - f. The area within the proposed satellite limits plus the area within all other satellite corporate limits may not exceed ten percent (10%) of the total land area within the primary corporate limits of the annexing city.
3. The area to be annexed is non-contiguous to the Town of Waynesville and the boundaries of such territory are as follows:
 - a. Metes and bounds description is attached.
4. A tax map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Waynesville. If there is substantial question as to whether the area may be closer to another city than to the annexing city, the map should show the relation to the primary corporate limits of the other town.

NAME MOUNTAIN CREDIT UNION SIGNATURE CL1912 CHARLES J. REECE
ADDRESS 38 MAPLE ST. WAYNESVILLE NC 28786

ADDRESS TO BE ANNEXED: 1698 RUSS AVENUE

DATE

8-18-17 BY: SD

HAYWOOD COUNTY TAX CERTIFICATION

There are no delinquent taxes due that are a lien
 8616-36-5175, 8616-35-5947
 against parcel number(s) 8616-35-6990
 8616-36-8366

Mike Matthews, Haywood County Tax Collector

Date: 8/18/17 By: HBM



2017007515

HAYWOOD CO, NC FEE \$26.00
 STATE OF NC REAL ESTATE EXT
 \$1500.00

PRESENTED & RECORDED

08-18-2017 01:34:40 PM

SHERRI C. ROGERS
 REGISTER OF DEEDS
 BY: STACY C. MOORE
 ASSISTANT

BK: RB 934

PG: 1552-1554

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise tax: \$1,500.00 (SP \$750,000.00)

Parcel Identifier No. 8616-36-5175, 8616-35-5947, 8616-35-6990, 8616-36-8366
 & 8616-46-1485

Mail after recording to: Kristen R. Smith, The Van Winkle Law Firm

This instrument was prepared by: Woodrow H. Griffin, Attorney, Waynesville NC 28786

THIS DEED is made this 16th day of August, 2017, between

GRANTOR

WILLIAM LAWRENCE GREEN, Executor
 of the Estate of Lawrence Emmett Green

GRANTEE

MOUNTAIN CREDIT UNION, a North
 Carolina State chartered credit union
 Address: 38 Maple Street
 Waynesville, NC 28786

The designations Grantor and Grantee shall include the parties, their respective heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSES that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the Grantee in fee simple, all of that certain lot or parcel of land situated in the Waynesville Township, Haywood County, North Carolina, more particularly described as follows

SEE ATTACHED EXHIBIT A INCORPORATED HEREIN FOR COMPLETE
 DESCRIPTION:

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto
 belonging to the Grantee in fee simple.

And the Grantor Covenants with the Grantee that Grantor has done nothing to impair such title as Grantor received,
 and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through

Grantor, other than the following exceptions:

2017 property taxes and all rights of way and easements of record and not of record.

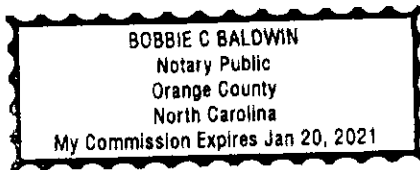
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

 (SEAL)

William Lawrence Green

Executor of the Estate of Lawrence Emmett Green

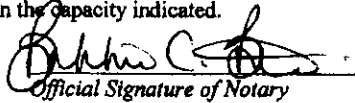
SEAL-STAMP



Orange County, State: NC

I, a Notary Public of said county and state, certify that William Lawrence Green, Executor of the Estate of Lawrence Emmett Green, appeared before me this day, and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

8-16-17
Date


Official Signature of Notary

Notary Public

Notary's printed or typed name:

Bobbie C. Baldwin

My commission expires: January 20, 2021

EXHIBIT A

BEING all of the 6.358 acre tract as described on the survey and plat entitled "Mountain Credit Union" prepared by Davenport, Ivey and Associates, Inc., David B. Ivey, PLS, dated July 20, 2017, bearing drawing number H-130 as recorded in Plat Cabinet C, Slot 7663, Haywood County Registry.

The property described herein was devised to the Grantor under the last will and testament of Lawrence Emmett Green (See Estate File 09-E-447, Clerk of Superior Court, Haywood County, North Carolina.

[illegible][illegible]

TOWN OF WARRENSVILLE - PLANNING DEPARTMENT DATE: _____

1. HIGHER COURT HAS THE POWER OF THE FOLLOWING TYPE:

G.S. 47-30 (c)(1)(d). THIS SUBJECT IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS. A COURT-OBJECTED SUBJECT, ON EXEMPTION OR OBJECTION TO THE DETENTION OF SUBORDINATED

CLASS OF SURVEY: A PERSONAL, ACCURACY HIGH (SCALE 0.00 - VERTICAL 0.12) DATE OF SURVEY: 1992-01-01

UNIT: US SURVEY FEET
THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH C.S. 47-20 AS AMENDED THAT THIS PLAT MEETS THE REQUIREMENTS OF C.S. 47-20 SECTION (FIFTEENTH).

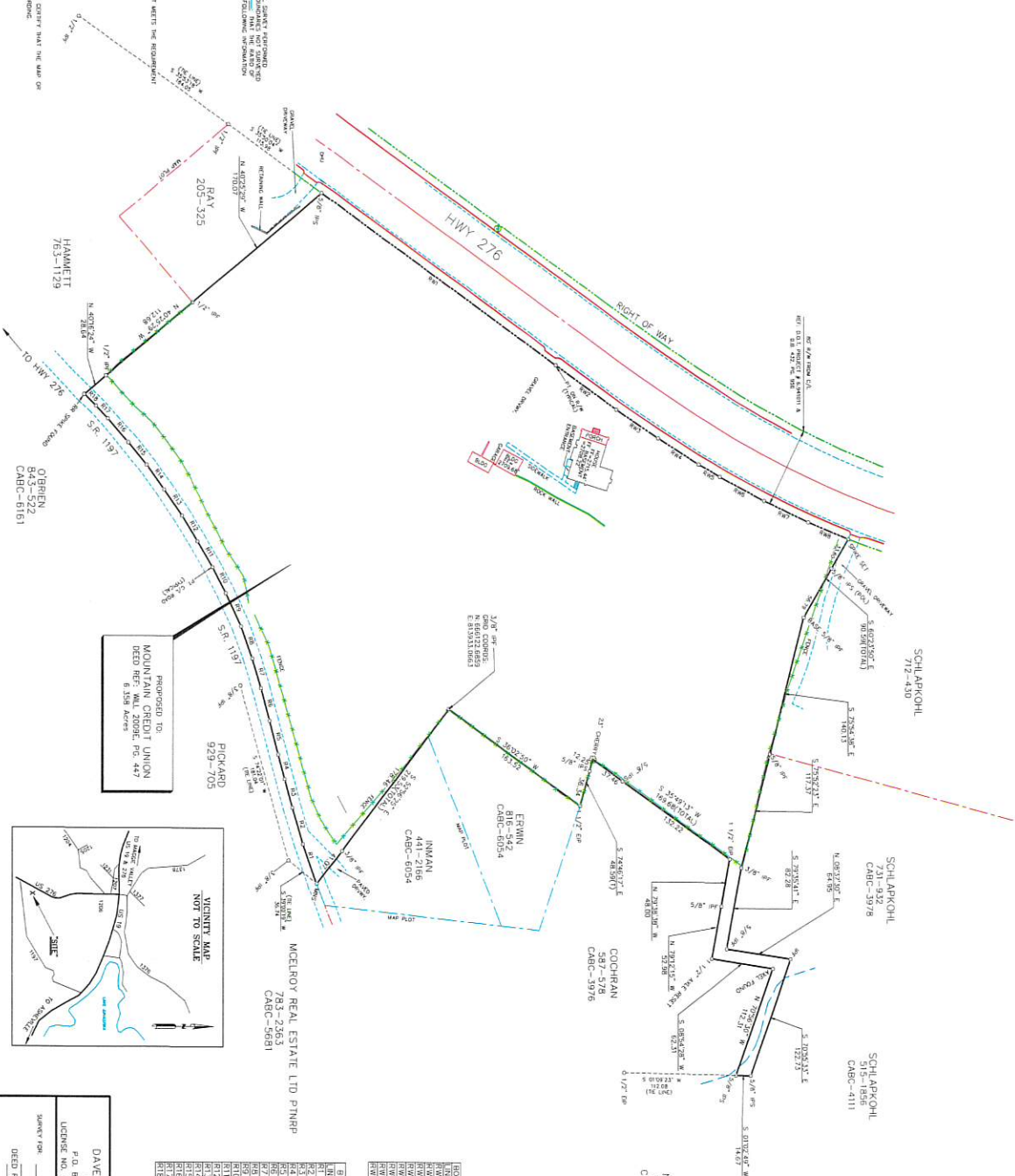
DAVO B. WET, P.L.S. 1-5210

REVIEW DIVISION OF _____ COUNTY, CERTIFY THAT THE MAP O
 PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

STATE OF NORTH CAROLINA COUNTY OF _____

REVIEW OFFICER, ARE CERTIFIED TO BE CORRECT. THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDED IN THIS



LINE	BEARING	DISTANCE
RW1 N	35°55.09' E	291.89
RW2 N	35°53.10' E	75.19
RW3 N	34°03.59' E	50.73
RW4 N	32°28.52' E	48.14
RW5 N	30°18.27' E	24.32
RW6 N	28°14.30' E	50.54
RW7 N	25°28.03' E	49.53
RW8 N	22°38.02' E	43.63

LINE	BEARING	DISTANCE
61	S 70.51° E	N 41.75
62	S 70.34° E	W 58.13
63	S 70.09° E	N 29.55
64	S 75.22° E	N 25.49
65	S 75.23° E	S 34.75
66	S 75.17° E	W 33.40
67	S 70.08° E	W 30.77
68	S 70.07° E	S 33.72
69	S 70.07° E	W 36.33
70	S 62.41° E	N 29.21
71	S 58.54° E	W 29.96
72	S 58.54° E	W 30.99
73	S 56.10° E	W 31.71
74	S 53.48° E	W 30.39
75	S 51.92° E	W 28.69
76	S 49.04° E	W 31.32
77	S 46.34° E	W 16.60
78	S 43.07° E	W 16.60

DAVENPORT, IVEY & ASSOC., INC.	
PROFESSIONAL LAND SURVEYORS	
P.O. BOX 243 COLUMBIA, MO. 65203	
LENDER NO. C-0814	PHONE (314) 793-3258
SURVEY FOR	MOUNTAIN CREDIT UNION
DEED REF. 385-067, 266-72, 432-456, 416-1023	
& WILL BOOK 2039F-447	
STATE: NORTH CAROLINA	COUNTY: HAYWOOD
TOWNSHIP: WATKINSVILLE	DATE: JULY 20, 2017
CO. FILE: H120	DBI & JHD
DATE: "1" = 50' READ BY	H144-72 INC NO. H-1-30



Parcel Report For 8616-36-7164

GREEN, WILLIAM LAWRENCE/EXR
3537 GIBSON RD
DURHAM, NC 27703

Account Information

PIN: 8616-36-7164

Legal Ref: 2009E/447

385/667

Add Ref: CABG/7663

2003E/201

Site Information

1698 RUSS AVE

Heated Area: 0

Year Built: 0

Total Acreage: 6.23

Township: WAYNESVILLE

Site Value Information

Land Value: \$0

Building Value: \$96,900

Market Value: \$96,900

Deferred Value: \$0

Assessed Value: \$96,900

Sale Price: \$0

Sale Date: 9/11/2009

Tax Bill 1: \$0.00

Tax Bill 2: \$0.00



1 inch = 200 feet

August 29, 2017

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

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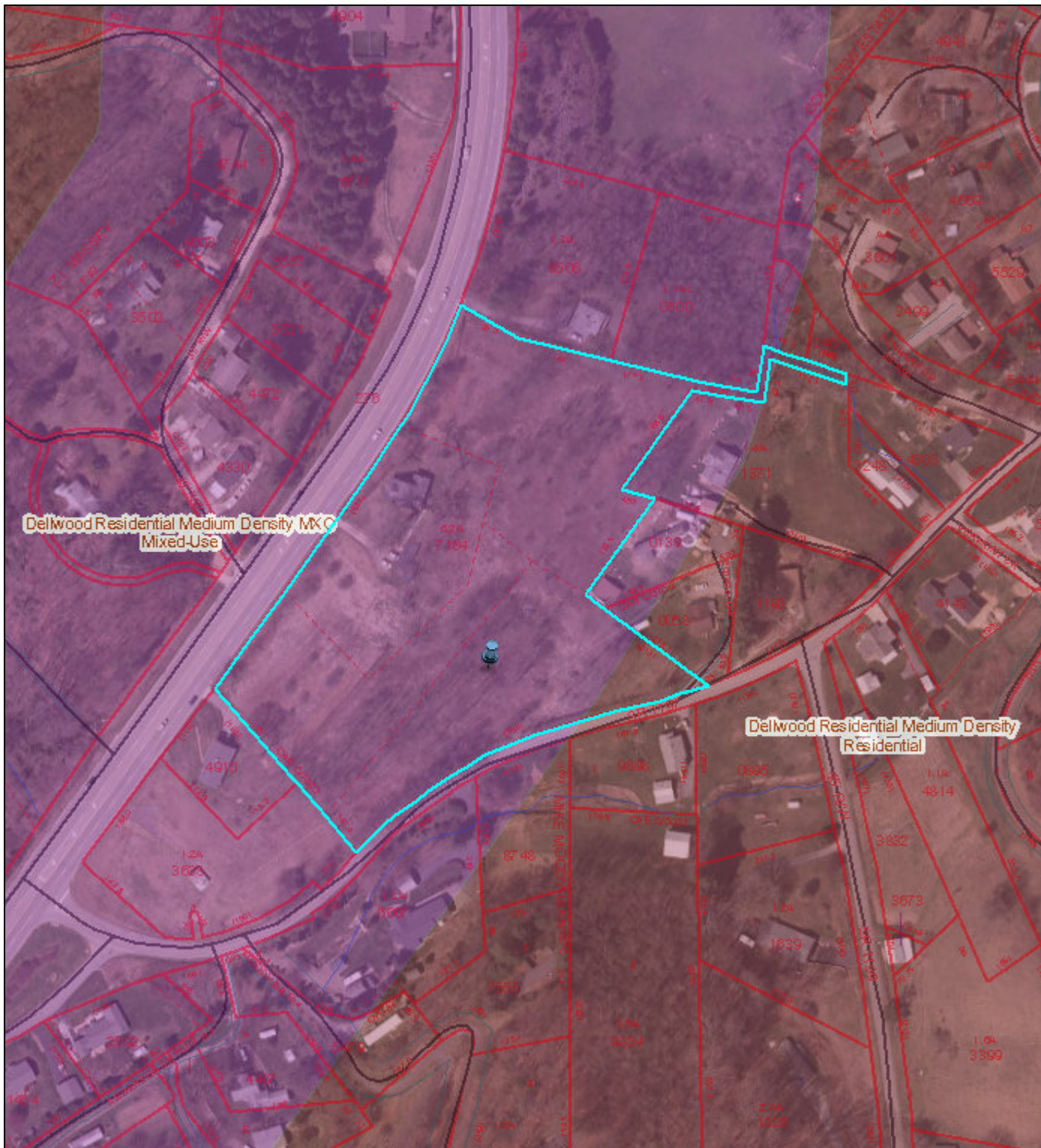
Land Value: \$0
Building Value: \$96,900
Market Value: \$96,900
Deferred Value: \$0
Assessed Value: \$96,900
Sale Price: \$0
Sale Date: 9/11/2009
Tax Bill 1: \$0.00
Tax Bill 2: \$0.00

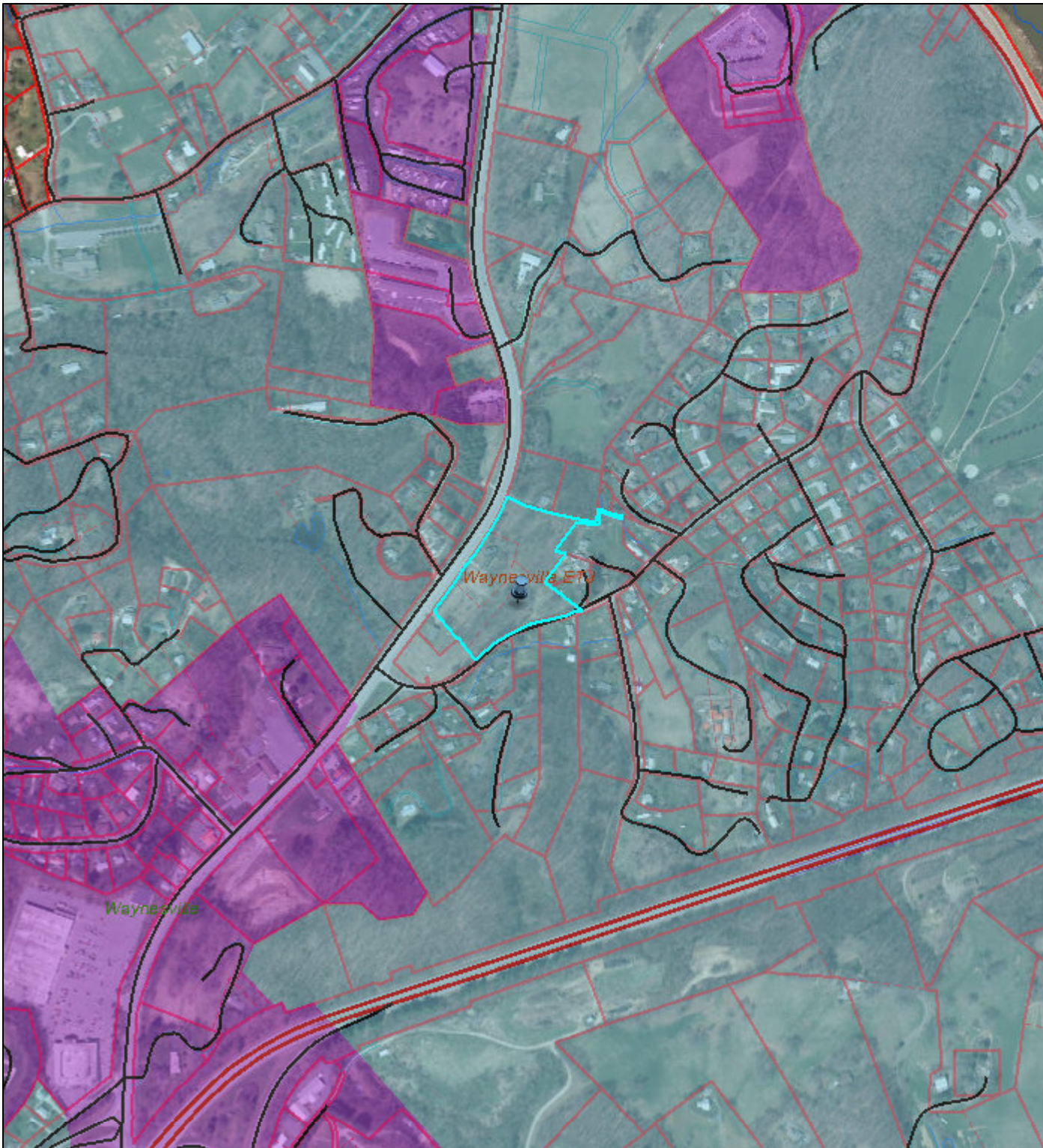


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August 29, 2017

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3537 GIBSON RD
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Assessed Value: \$96,900

Sale Price: \$0

Sale Date: 9/11/2009

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Tax Bill 2: \$0.00



1 inch = 667 feet

August 29, 2017

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LEGEND

PL - IRON PIN SET
 PF - IRON PIN FOUND
 WP - WOOD WOOD PILE
 CP - EXISTING IRON PIPE
 CDS - CONCRETE MONUMENT SET
 CDF - CONCRETE MONUMENT FOUND
 UP - UTILITY POLE
 SP - SERVICE POLE
 PT - POINT
 R/W - RIGHT-OF-WAY
 F - FENCE
 CR - CREEK OR WATERCOURSE
 SL - S&B LINE
 BL - B&B LINE
 TL - TOP OF ROAD
 OUL - OVERHEAD UTILITY LINES
 WUL - WOOD WOOD SET
 PUL - PULLED OUT LINE
 WL - WATER WHEEL
 WUL - WATER WHEEL
 SML - SANITARY MANHOLE
 FUL - FIRE HYDRANT
 CUL - CULVERT

GRID NORTH
 MAG 83 (NARS 2011)

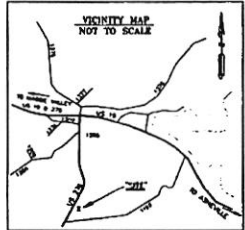


NOLAND
 711-601
 CAB-3978

LINE	BEARING	DISTANCE
1	S 89° 15' 00" E	100.00
2	S 89° 15' 00" E	100.00
3	S 89° 15' 00" E	100.00
4	S 89° 15' 00" E	100.00
5	S 89° 15' 00" E	100.00
6	S 89° 15' 00" E	100.00
7	S 89° 15' 00" E	100.00
8	S 89° 15' 00" E	100.00
9	S 89° 15' 00" E	100.00
10	S 89° 15' 00" E	100.00

LINE	BEARING	DISTANCE
1	S 89° 15' 00" E	100.00
2	S 89° 15' 00" E	100.00
3	S 89° 15' 00" E	100.00
4	S 89° 15' 00" E	100.00
5	S 89° 15' 00" E	100.00
6	S 89° 15' 00" E	100.00
7	S 89° 15' 00" E	100.00
8	S 89° 15' 00" E	100.00
9	S 89° 15' 00" E	100.00
10	S 89° 15' 00" E	100.00

MCELROY REAL ESTATE LTD P/NR
 783-2363
 CAB-5681



0 50 100 150

DAVENPORT, IVEY & ASSOC., INC.
 PROFESSIONAL LAND SURVEYORS
 P.O. BOX 234 CULLOWHEE, N.C. 28723
 LICENSE NO. C-0014 PHONE (828) 293-3758
 SURVEY FOR
 MOUNTAIN CREDIT UNION
 CURRENT OWNER: WILLIAM L. GREEN
 DEED REF: 385-867, 268-72, 432-956, 418-1023
 & WILL BOOK 2006-447
 STATE: NORTH CAROLINA COUNTY: HAYWOOD
 TOWNSHIP: BATHESVILLE DATE: JULY 20, 2017
 COR FILE: 14730 DRAWN BY: DBB & JPD
 SCALE: 1" = 50' FIELD BY: HTAA-72, DMC NO: H-130

NOTES: (1) ALL LINES SHOWN ARE BY INSTRUMENT SURVEY.
 (2) THIS PROPERTY DOES NOT LIE IN A PLANNED AREA.
 (3) THIS PROPERTY IS SUBJECT TO THE RIGHT OF WAY, EASEMENTS AND
 EMBANKMENTS OF HIGHWAY, CONCURRENCE, INTER-SECTION, AND
 (4) THIS SURVEY WAS PERFORMED UNDER THE RIGHT OF WAY AND ALL
 EASEMENTS OF THE STATE AS NOTED TO AN ATTORNEY-AT-LAW.
 (5) NO A.S. LINES, CORNERS, OR MONUMENTS FOUND WITHIN 100' OF ANY
 (6) ALL DISTANCES ARE HORIZONTAL, UNLESS OTHERWISE NOTED.
 (7) ALL LINES ARE SHOWN IN RED.
 (8) UNDEVELOPED LOTS LOCATED WITHIN 100' OF ANY EASEMENT OR EMBANKMENT
 (9) CONTAINS ARE 7' HORIZONTAL WITHIN 100' OF ANY
 (10) THIS SURVEY WAS PERFORMED BY DAVENPORT, IVEY & ASSOC., INC.

CERTIFICATE OF TITLE OF MOUNTAIN CREDIT UNION
 I, DAVENPORT, IVEY & ASSOC., INC., PROFESSIONAL LAND SURVEYORS,
 DO HEREBY CERTIFY THAT THE PLAT AND RECORDS HEREON
 ARE ACCORDING TO THE OFFICE OF THE REGISTER OF DEEDS
 OF HAYWOOD COUNTY.

I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:
 S.S. 47-30 PERMANENT THIS SURVEY IS OF ANOTHER EXTENT,
 SUCH AS THE RECONSTRUCTION OF EXISTING MONUMENTS, A CORRECTION
 SURVEY, OR THE CORRECTION OF A SURVEY.

DATED 10 JULY 2017

I, DAVID H. IVEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED
 UNDER MY SUPERVISION, BEING DESCRIBED IN BOOK 2006-447, PAGE 11, THAT THE BOUNDARIES NOTED SURVEY
 ARE CORRECTLY LOCATED AS SHOWN FROM INFORMATION FOUND IN BOOK 2006-447, PAGE 11, THAT THE PLAT OF
 PRECISION AS CALCULATED IS 1:100,000, THAT THE GLOBAL POSITIONING SYSTEM (GPS) AND THE FOLLOWING INFORMATION
 WAS USED TO PERFORM THE SURVEY (GPS) (1) THAT THE SURVEY WAS PERFORMED BY DAVENPORT, IVEY & ASSOC., INC.

CLASS OF SURVEY:
 PERMANENT, ACCURACY: 1:100,000
 TYPE OF DATA FIELD PROCESSED: 1
 DATE OF SURVEY: 10 JULY 2017
 INSTRUMENTS USED: 1
 PLANNING/CONTROL: 1
 CLASS: 1
 COMMISSION FACTORS: 1
 MONUMENTS: 1

THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, THAT THIS PLAT MEETS THE REQUIREMENT
 OF G.S. 47-30 SECTION (FIVE) (FIVE).

WITNESSED BY ORIGINAL SIGNATURE AND SEAL THIS 10 JULY 2017.

DATED 10 JULY 2017

STATE OF NORTH CAROLINA
 COUNTY OF HAYWOOD

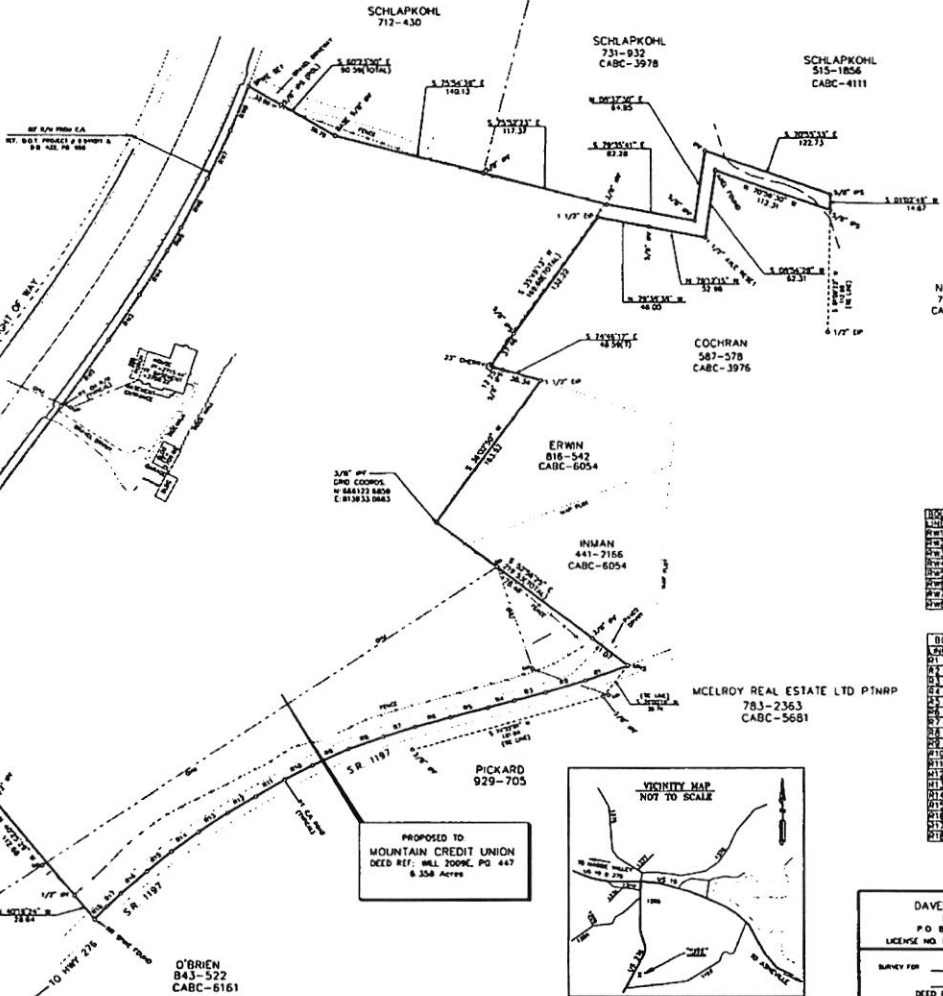
I, DAVID H. IVEY, REVENUE OFFICER OF HAYWOOD COUNTY, CERTIFY THAT THE MAP OR
 PLAT TO WHICH THIS CERTIFICATION IS ATTACHED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVENUE OFFICER: DAVID H. IVEY

STATE OF NORTH CAROLINA, COUNTY OF HAYWOOD

THE FOREGOING CERTIFICATE OF DAVID H. IVEY, PROFESSIONAL LAND SURVEYOR, AND
 REVENUE OFFICER, ARE CERTIFIED TO BE CORRECT. THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDED IN THIS
 OFFICE IN PLAT C-14730, DATE 10 JULY 2017, AT 10:00 AM.

REGISTER OF DEEDS



PROPOSED TO
 MOUNTAIN CREDIT UNION
 DEED REF: WILL 2006, PG 447
 8.358 Acres