



## Town of Waynesville, NC

### Board of Aldermen Regular Meeting

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

Date: **August 28, 2018**

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 14, 2018 regular meeting as presented (or as corrected).

***Motion:*** To approve the minutes of the August 21, 2018 special meeting as presented (or as corrected).

Recognition of Michael Lentz for promotion to Captain of the Waynesville Fire Department

- Joey Webb, Fire Chief

#### B. PUBLIC HEARING

3. Public Hearing to consider a text amendment to add two new use categories, Neighborhood Commercial and Neighborhood Restaurant, to the Table of Permitted Uses (2.5.3), to be permitted within seven of the town's nine mixed-use overlay districts

- Byron Hickox, Land Use Administrator

***Motion:*** To approve a text amendment to add two new use categories, Neighborhood Commercial and Neighborhood Restaurant, to the Table of Permitted Uses (2.5.3), to be permitted within seven of the town's nine mixed-use overlay districts.

**TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA**

**August 28, 2018**

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**C. NEW BUSINESS**

**4. Award Purchase of One (1) Rear Loading Refuse Truck for Public Services Street Division through NCSA (North Carolina Sheriff's Association)**

- Lisa Burnett, Purchasing Supervisor,
- David Foster, Public Services Director
- Daryl Hannah, Street Superintendent

***Motion: To approve the purchase of one (1) New Way Rear Loading Refuse Truck from Amick Equipment, Lexington, SC through NCSA contract as presented.***

**D. COMMUNICATIONS FROM STAFF**

**5. Manager's Report**

- Town Manager Rob Hites

**6. 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  
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Waynesville, NC 28786  
Phone (828) 452-2491 • Fax (828) 456-2000  
[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

## CALENDAR August 28, 2018

2018	
Tuesday August 28 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Friday and Saturday August 31 & September 2	Smoky Mountain Folk Festival Stuart Auditorium, Lake Junaluska
Monday September 3	Labor Day Town Offices Closed
Friday September 7 5:00 – 9:00 PM Main Street	Art after Dark Main Street – sponsored by the Downtown Waynesville Association
Tuesday September 11 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Saturday September 15 6:00 PM River Walk – Harrah's Casino	Raise the Roof Haywood Habitat for Humanity
Saturday September 15 7:00 PM	BLOCK PARTY - sponsored by the Downtown Waynesville Association – partial street closure – Main Street
Tuesday September 25 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Friday September 28 Main Street 6:00 – 8:00 PM	Mountain Street Dance Sponsored by Downtown Waynesville Association
Wednesday October 3 <sup>rd</sup> 8:00 – 10:00 AM Smoky Mountain Roasters	Coffee with a Cop Waynesville Police Department
Friday October 5 5:00 PM – 9:00 PM	Art after Dark Main Street – sponsored by the Downtown Waynesville Association
Tuesday October 9 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Saturday October 13 10:00 AM – 5:00 PM Main Street	Church Street Art & Craft Show

<b>Saturday October 20</b> <b>10:00 AM – 5:00 PM</b> <b>Main Street</b>	Apple Harvest Festival
<b>Monday October 22</b> <b>5:30 PM</b>	Council of Government Meeting Maggie Valley
<b>Tuesday October 23</b> <b>6:30 PM</b> <b>Town Hall Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Wednesday October 31</b> <b>5:00 PM – 7:00 PM</b> <b>Main Street</b>	Treats on the Street
<b>Wednesday October 31</b> <b>5:30 – 8:30 PM</b>	Trunk or Treat First United Methodist Church
<b>Friday November 2</b> <b>5:00 PM – 9:00 PM</b> <b>Main Street</b>	Art after Dark Main Street – sponsored by the Downtown Waynesville Association
<b>Monday November 12</b>	Veteran’s Day – Town Offices Closed
<b>Tuesday November 13</b> <b>6:30 PM</b> <b>Town Hall Board Room</b>	Board of Aldermen Meeting - Regular Session
<b>Thursday &amp; Friday</b> <b>November 22 &amp; 23</b>	Thanksgiving Town Offices Closed
<b>Tuesday November 27</b> <b>6:30</b> <b>Town Hall Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Friday November 30</b> <b>5:00 PM</b> <b>Oak Park Inn</b>	Community Christmas Tree Lighting Sponsored by Downtown Waynesville Association
<b>Monday December 3</b> <b>6:00 PM</b> <b>Main Street</b>	Waynesville Christmas Parade
<b>Saturday December 8</b> <b>6:00 PM – 9:00 PM</b> <b>Main Street</b>	A Night Before Christmas
<b>Tuesday December 11</b> <b>6:30 PM</b> <b>Town Hall Board Room</b>	Board of Aldermen Meeting – Regular Session
<b>Monday, Tuesday &amp; Wednesday</b> <b>December 24, 25, &amp; 26</b>	Christmas Town Offices Closed



## Board and Commission Meetings – September 2018

ABC Board	ABC Office – 52 Dayco Drive	<b>September 18th</b> 3 <sup>rd</sup> Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	<b>September 4th</b> 1 <sup>st</sup> Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	<b>September 27th</b> 4 <sup>th</sup> Thursdays 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	<b>Meets as needed;</b> <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	<b>September 5th</b> 1 <sup>st</sup> Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	<b>September 17th</b> 3 <sup>rd</sup> Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	<b>September 13th</b> 2 <sup>nd</sup> Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	<b>September 19th</b> 3 <sup>rd</sup> Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	<b>September 19th</b> 3 <sup>rd</sup> Wednesdays 3:30 PM

## BOARD/STAFF SCHEDULE

<b>September 4 – September 7, 2018</b>	Town Clerk	Vacation
<b>September 10 – September 11, 2018</b>	Assistant Town Manager	Assist with Assessment Center for Transylvania County Finance Director position

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**SPECIAL MEETING**  
**August 14, 2018**

**THE WAYNESVILLE BOARD OF ALDERMEN** held a special meeting on Tuesday, August 14, 2018 at 4:00 p.m. at the Waste Water Treatment Plant located at 566 Walnut Trail, Waynesville, NC. The Board recessed the meeting at 5:20 pm. The meeting was reconvened at 6:30 pm in the Town Hall Board Room, located at 9 South Main Street.

**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 Jon Feichter  
Alderman Julia Freeman  
Alderman LeRoy Roberson

The following staff members were present:

Rob Hites, Town Manager  
Bill Cannon, Town Attorney  
Amie Owens, Assistant Town Manager  
Byron Hickox, Land Use Administrator  
David Foster, Public Services Director  
Preston Gregg, Town Engineer

The following media representatives were present:

Vicki Hyatt, The Mountaineer

1. Welcome /Calendar/Announcements

Mayor Brown welcomed everyone to the meeting. From the events calendar, the following were mentioned:

**Thursday August 16** – 10:00 AM – Ribbon Cutting Ceremony for the All Abilities Playground – Recreation Park

**Friday August 18** –9:00 – 10:30 AM – Richland Creek Clean up – Dutch Fisher Park

**Thursday August 23** – 5:30 PM – Opening Ceremonies for Haywood County Fair – Fairgrounds

**Saturday August 25** – 11:30 AM – 1:00 PM – Haywood Waterways Association – Annual Summer Picnic – Appalachian Highland Science Learning Center

**Sunday August 26**– 4:00 – 8:00 PM – Back to School Bash – First United Methodist Church

2. Adoption of Minutes

***Alderman Gary Caldwell made a motion, seconded by Alderman LeRoy Roberson, to approve the minutes of the July 24, 2018 special meeting, as presented. The motion carried unanimously.***

## B. CALL FOR PUBLIC HEARING

3. Call for a Public Hearing to be held on August 28, 2018 to consider a text amendment to add two new use categories, Neighborhood Commercial and Neighborhood Restaurant, to the Table of Permitted Uses (2.5.3), to be permitted within seven of the town's nine mixed-use overlay districts.

- Byron Hickox, Land Use Administrator

The owners of four properties located along Dellwood City Road submitted formal application for map amendment to rezone their properties from Love Land Neighborhood Residential Mixed-Use Overlay to Russ Avenue Regional Center. The Planning Board did not approve this request for map amendment, but the related discussion led to an interest in the creation of additional use categories that might designate retail establishments or restaurants at a scale that would be appropriate to Mixed-Use Overlays. The Land Development Standards describes a Mixed-Use Overlay District as: "a zoning overlay district established to permit certain limited mixed uses within residential neighborhoods." LDS 2.6.2(A)

Based on direction from the Planning Board, planning staff suggested the addition of two new use categories, Neighborhood Commercial and Neighborhood Restaurant, to the Table of Permitted Uses within seven of the town's nine mixed-use overlay districts. These uses would permit the establishment of general commercial or restaurant uses limited to 3,000 square feet.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman to call for a Public Hearing to be held on August 28, 2018 beginning at 6:30 pm, or as closely thereafter as possible, in the Town Hall Board Room located at 9 South Main Street, in order to consider a text amendment to add two new use categories, Neighborhood Commercial and Neighborhood Restaurant, to the Table of Permitted Uses (2.5.3), to be permitted within seven of the town's nine mixed-use overlay districts. The motion carried unanimously.***

## C. NEW BUSINESS

4. Proposed amendment #1 to the 2018-2019 Budget Ordinance – Vehicle for "Base Camp on the Go"

- Finance Director Eddie Caldwell

The proposed amendment is needed because the vehicle for the "Base Camp on the Go" program was ordered in April of the prior year's budget (FY 2017-2018) but was not delivered by year end June 30, 2018. The vehicle is now expected to be delivered in August (current year's budget). The total cost for the budget amendment is \$41,000.00.

***A motion was made by Alderman Gary Caldwell, seconded by Alderman LeRoy Roberson, to approve Amendment No. 1 to the 2018-2019 Budget Ordinance for the purchase of the vehicle for the Base on the Go program. The motion passed unanimously.***

#### **D. PRESENTATION – WASTEWATER TREATMENT PLANT**

- McGill and Associates

Keith Webb, Forrest Westall and Joel Storrow representing McGill and Associates provided the Board of Aldermen with a tour of the waste water treatment plant (WWTP) earlier in the day. An engineering study was conducted to review the processes, infrastructure and improvement alternatives for the plant's future life. Four options were presented related to the WWTP. The first three involve using existing infrastructure with modifications to achieve a more modernized and efficient treatment process. Costs for these options ranged from \$14.6 million to \$20.1 million dollars. The fourth option was a new WWTP which would have to be built at a new location and would be approximately \$35 million to construct.

Part of the need to determine an option for improving the WWTP comes from a series of violations that have been noted in recent months. Due to these citations, the Town will be developing a Special Order by Consent (SOC) to temporarily alter the permit parameters and stop incurring fines and penalties. This SOC is negotiated with the NC Department of Environmental Quality (NCDEQ) and involves the approval of a plan for WWTP improvements. The Board must determine which of the four presented options would be included in the SOC discussion and include a schedule for completing the upgrades, design, construction and date for coming into compliance. This process will take several months.

Discussion was held related to the potential funding sources for such an upgrade including use of USDA-Rural Development Loans, NCDEQ Division of Water Infrastructure State Revolving Fund monies, Bonds or use of private bank loans. During this discussion, Alderman Jon Feichter requested that citizens be able to weigh in on the issue, much like a NCDOT project, as it was a sizeable investment of taxpayer funds. McGill and Associates representatives noted that they could have a final report to the Board in advance of the September 11, 2018 regular meeting and the Board agreed by consensus that this would be the date for a public comment session. The report will be made available online when it is received for citizen review.

Mr. Storrow explained that the next steps moving forward was to meet with NCDEQ and begin the SOC process; a formal Preliminary Engineering Report will be completed for use in the applying for funding and to assist with the SOC, and the Town and McGill will collectively research funding options.

Mayor Brown thanked the team from McGill and Associates and town staff at the WWTP for their work on this project. He added that this will be a project that will take 3 to 5 years to complete and he wanted everyone to have the knowledge about the facility and why these improvements need to be made.

The Board agreed by consensus to move forward with the Special Order by Consent process, including the investigation of funding resources.

#### **E. EVERBRIDGE EMERGENCY ALERT SYSTEM**

5. Request approval for continuing the Everbridge Contract as the Emergency Alert System for Haywood County and its municipalities until June 30, 2020.

- Assistant Town Manager Amie Owens

The Town of Waynesville has been using the Everbridge system for emergency notifications and routine traffic updates since 2017. All of the municipalities in Haywood County opted in to the system and have been named on their contract. A new 22-month contract will be presented to the Board of County Commissioners at their meeting on August 20, 2018. We have been pleased with this service and would like to continue as a participant. Below is the cost information for the next two fiscal years specific to the Town of Waynesville.

Waynesville's cost this FY 18-19 will be \$2,822.54 the same as it was last FY. The cost for FY 19-20 will be \$2,427.77. We will receive a pricing drop in 19/20 due to the fact it is a 10 month contract year. This is less than we were paying with the CodeRED system we used through 2016.

***A motion was made by Alderman Julia Freeman, seconded by Alderman Gary Caldwell to approve continued participation with Haywood County and its municipalities with Everbridge for the Emergency Alert System through FY 19/20. The motion passed unanimously.***

6. Special Event Request – Mast General Sidewalk Sale

- Assistant Town Manager Amie Owens

With the implementation of the new ordinance regarding sidewalks in section 46-10, a special events permit is required for a sidewalk sale. Item B of the ordinance language is below:

*B. Limited encroachment allowance. The Town will allow immediately adjacent commercial businesses and restaurants to encroach up to three feet (3') into the public sidewalk within the length of their frontage for the purpose of outdoor dining, seating, decoration, display, or temporary signage. This allowance does not include outdoor sales of any type. Any and all encroachments must maintain an un-obstructed passage of a width of seven feet (7') minimum, for public travel within the sidewalk surface, as measured from one foot (1') from the curb face at the roadway.*

Assistant Manager Owens presented a special events application for Mast General Store to hold a sidewalk sale August 31 through September 2. Mayor Brown noted that as the Town is just beginning to work with the limited encroachments for sidewalks, there are still some processes that are in development. The Board felt that until these processes are complete, they would not be able to allow a sidewalk sale under a special event permit. However, store owners may continue to utilize the 3' buffer from buildings to display any items that may be for sale inside the store per the ordinance. No transacting of purchases on the sidewalk is allowed at this time.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman to deny the special events application for a sidewalk sale for Mast General Store for August 31 through September 2. The motion passed unanimously***

7. Contract with Seva LLC outlining offer of incentive grant for location of hotel

- Bill Cannon, Town Attorney
- Rob Hites, Town Manager

The Town Board approved an offer of incentives to locate a hotel within the Town Limits on Shiloh Drive. The Town Attorney has prepared a contract that memorializes the offer and provides for the administration of the grant. The contract calls for the grant to be paid during the 2021 tax year. All Town and Haywood County property taxes must be paid in full in order for the applicant to be eligible to receive the grant. Upon proof that the taxes have been paid the applicant may request a grant of 80% of their property taxes for a six year period. The targeted increase in tax base is a minimum of \$7,800,000. Since the grant may only be made after the annual taxes have been paid the Town will see no drop in its fund balance.

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter to approve the contract with Seva LLC outlining the offer of incentive grant for location of a proposed hotel. The motion passed unanimously.***

#### **E. COMMUNICATIONS FROM STAFF**

##### Manager's Report –Town Manager Rob Hites

Manager Hites asked the Board Members if they had any formal comments that they wished to submit to the NC Department of Transportation related to the South Main Street plan. All members indicated that they were satisfied with the plans and any revisions suggested at the time of the NCDOT meeting – specifically the fact that there should be some modifications to allow for left turns from Legion Drive. The end of the comment period is on August 30, 2018.

#### **8. Amendment to Employment Agreement**

- Rob Hites, Town Manager

During the Town Manager's annual review he requested that the Town Board consider amending the employment agreement to change his severance period from four to six months. Section 9. of the contract sets up fairly vague time periods for severance to be calculated. For instance, it states that he will receive four months of severance between one and four years of employment and five between four and five years. From five years and above I receive six months. You can see that four and five years overlap. He is requesting that Section 9 be restated as follows: 0- Dec. 31 2016 - One month severance, January 1 2017- June 30, 2018 four months and July 1, 2018 and above six months.

Mayor Brown noted that there was one deficiency in the wording for this amendment. He suggested that "without cause" be added to

***A motion was made by Alderman Julia Freeman, seconded by Alderman LeRoy Roberson to approve the amendment to the Town Manager's employment contract with the addition of the words "without cause" added to Section A. It will now read: A. If the Employee is terminated without cause, the Employer shall provide a minimum severance payment based on the following schedule:. The motion passed unanimously.***

#### **9. Attorney's Report – Town Attorney Bill Cannon**

Attorney Cannon had nothing to report

**F. COMMUNICATION FROM THE MAYOR AND BOARD**

Alderman Julia Freeman stated she will not be at the August 28, 2018 meeting.

**G. CALL ON THE AUDIENCE**

No one addressed the Board.

**H. CLOSED SESSION**

**10. Enter into closed session to discuss the following:**

**a. Attorney/Client Privilege as allowed under North Carolina General Statute § 143-318.11(a)(3) – Potential Litigation**

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to enter into closed session at 8:11 p.m. The motion carried unanimously.***

***A motion was made by Alderman Gary Caldwell, seconded by Alderman LeRoy Roberson to return to open session at 8:45 p.m.***

***A motion was made by Alderman Jon Feichter, Seconded by Alderman LeRoy Roberson, to approve the expenditure for Attorney Lach Zemp to represent Development Services Director Elizabeth Teague in her individual capacity with a current lawsuit dealing with Red Square Properties, LLC, using the same fee schedule of the Town Attorney. The motion passed unanimously.***

**G. ADJOURN**

***With no further business, Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman to adjourn the meeting at 8:48 pm. The motion passed unanimously.***

ATTEST:

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Gavin A. Brown, Mayor

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Robert W. Hites, Jr., Town Manager

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Amanda W. Owens, Assistant Town Manager  
Acting Clerk

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**SPECIAL MEETING**  
**August 21, 2018**

**THE WAYNESVILLE BOARD OF ALDERMEN** held a special meeting on Tuesday, August 21, 2018 at 4:00 p.m. in the Board Room or the Municipal Building located at 16 South Main Street, Waynesville.

**A. CALL TO ORDER**

Mayor Gavin Brown called the meeting to order at 4:00 p.m. with the following members present:

Mayor Gavin Brown  
Mayor Pro Tem Gary Caldwell  
Alderman Jon Feichter  
Alderman Julia Freeman  
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  
Elizabeth Teague, Development Services Director

The following media representatives were present:

Cory Villiancourt, Smoky Mountain News

**B. NEW BUSINESS**

**Consideration and discussion of Land Development Ordinance applications under Section 15.14.6 of the Town of Waynesville Land Development Standards**

Mayor Brown explained the need for this special meeting was to address an oversight that was due to a legislative change at the state at the end of the session in 2017. He noted that included in the session law 2017-10, Senate Bill 131, was an item that impacted governing boards related to decisions recorded related to zoning and land use decisions and how the motions were to be recorded. Specifically, the reasons for why the Board reached the conclusion about why an item met or did not meet the criteria in the Land Development Standards. Town Attorney Bill Cannon added that revisiting these items is the most comprehensive manner to deal with any perceived procedural issues. Mayor Brown continued by noting that the only way to revisit these decisions was to have the Board of Aldermen waive the required 12 month waiting period for re-application by a 4/5 majority vote and then resubmit applications on these issues. He added that the Town would be the applicant on these five items.

Mayor Brown asked the Board members if they had any questions related to this process or the need to proceed in this manner. Hearing none, he moved to the first item for consideration.



1. Text amendment to the Town of Waynesville Land Development Standards Sections 3.2.6 and 5.9 to clarify design standards for Manufactured homes on individual lots and for those manufactured homes within manufactured home parks.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Gary Caldwell, to waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 3.2.6 and 5.9 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan. The motion carried unanimously***

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman, to approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendments for Land Development Standards for Sections 3.2.6 and 5.9 to the Planning Board. The motion carried unanimously***

2. Text Amendment to the Town of Waynesville Land Development Standards Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental standards related to Monopole Towers

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Gary Caldwell, to waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 2.4.2 and 3.10.4 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan as well as the original applicant already prepared the lot for a monopole tower under these standards. The motion carried unanimously.***

***A motion was made by Alderman Jon Feichter, seconded by Alderman LeRoy Roberson, to approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendments for Land Development Standards for Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 to the Planning Board. The motion carried unanimously.***

3. Text amendment to the Town of Waynesville Land Development Standards regarding Manufactured Housing on individual lots within the Dellwood Residential Medium Density District (D-RM), Section 2.5.3 Table of Permitted Uses.

***A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 2.5.3 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan. The motion carried unanimously.***

***A motion was made by Alderman Julia Freeman, seconded by Alderman LeRoy Roberson, to approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendment for Land Development Standards for Section 2.5.3 to the Planning Board. The motion carried unanimously.***

**4. Text Amendment to the Town of Waynesville Land Development Standards Section 2.5.3 Table of Permitted Uses, in regards to allowing multi-family within the Plott Creek- Neighborhood Residential (PC-NR) District.**

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman, to waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards Sections 2.5.3 as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan as well as the original applicant has purchased the property and the site plan has been approved. The motion carried unanimously.***

***A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the text amendment for Land Development Standards for Section 2.5.3 to the Planning Board. The motion carried unanimously.***

**5. Map amendment to the Town of Waynesville Land Development Standards to rezone the 120 and 140 Broadview, PINs 8615-69-9255 and 8615-69-8390 from East Waynesville Urban Residential to North Main Street Neighborhood Center.**

***A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to waive the 12 month waiting period for application for the text amendment to the Town of Waynesville Land Development Standards to rezone the 120 and 140 Broadview, PINs 8615-69-9255 and 8615-69-8390 from East Waynesville Urban Residential to North Main Street Neighborhood Center as there has been a substantial change in circumstances related to the request due to the omission of an express reference to the Board's reasons that the Board discussed in the motion to find that the amendment was consistent with the Land Use Plan, as well as the original applicant has sold the property and there has been substantial financial investment by the party who purchased these properties for their business. The motion carried unanimously.***

***A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to approve application by the Board of Aldermen and/or the Planning Department for the Town of Waynesville as the applicant for re-submission of the map amendment for Land Development Standards for the rezoning 120 and 140 Broadview, PINs 8615-69-9255 and 8615-69-8390 from East Waynesville Urban Residential to North Main Street Neighborhood Center to the Planning Board. The motion carried unanimously.***

### C. OTHER BUSINESS

Mayor Brown noted that the Board would like to gain additional input from citizens related to the proposed improvements to South Main Street by the NC Department of Transportation (NCDOT). There will be a public comment session held on September 25, 2018 at the Regular Board of Aldermen meeting. Proper notices of this meeting will be sent out so that individuals may be heard.

### D. ADJOURN

***With no further business, a motion was made by Alderman Julia Freeman, seconded by Alderman Jon Feichter to adjourn the meeting at 4:20 pm. The motion carried unanimously.***

ATTEST:

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Gavin A. Brown, Mayor

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Robert W. Hites, Jr., Town Manager

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Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION**

**Meeting Date: August 28, 2018**

**SUBJECT:** Public Hearing to be held on August 28, 2018 to consider a text amendment to add two new use categories, Neighborhood Commercial and Neighborhood Restaurant, to the Table of Permitted Uses (2.5.3), to be permitted within seven of the town's nine mixed-use overlay districts.

**AGENDA INFORMATION:**

**Agenda Location:** Public Hearing  
**Item Number:** B3  
**Department:** Development Services  
**Contact:** Byron Hickox, Land Development Administrator  
**Presenter:** Byron Hickox, Land Development Administrator

**BRIEF SUMMARY:** The owners of four properties located along Dellwood City Road submitted formal application for map amendment to rezone their properties from Love Land Neighborhood Residential Mixed-Use Overlay to Russ Avenue Regional Center. The Planning Board did not approve this request for map amendment, but the related discussion led to an interest in the creation of additional use categories that might designate retail establishments or restaurants at a scale that would be appropriate to Mixed-Use Overlays. The Land Development Standards describes a Mixed-Use Overlay District as:  
“a zoning overlay district established to permit certain limited mixed uses within residential neighborhoods.” LDS 2.6.2(A)

Based on direction from the Planning Board, planning staff suggested the addition of two new use categories, Neighborhood Commercial and Neighborhood Restaurant, to the Table of Permitted Uses within seven of the town's nine mixed-use overlay districts. These uses would permit the establishment of general commercial or restaurant uses limited to 3,000 square feet.

**MOTION FOR CONSIDERATION:**

Public Hearing to be held on August 28, 2018 at the Board of Aldermen Meeting at 6:30 pm in order to consider a text amendment to add two new use categories, Neighborhood Commercial and Neighborhood Restaurant, to the Table of Permitted Uses (2.5.3), to be permitted within seven of the town's nine mixed-use overlay districts.

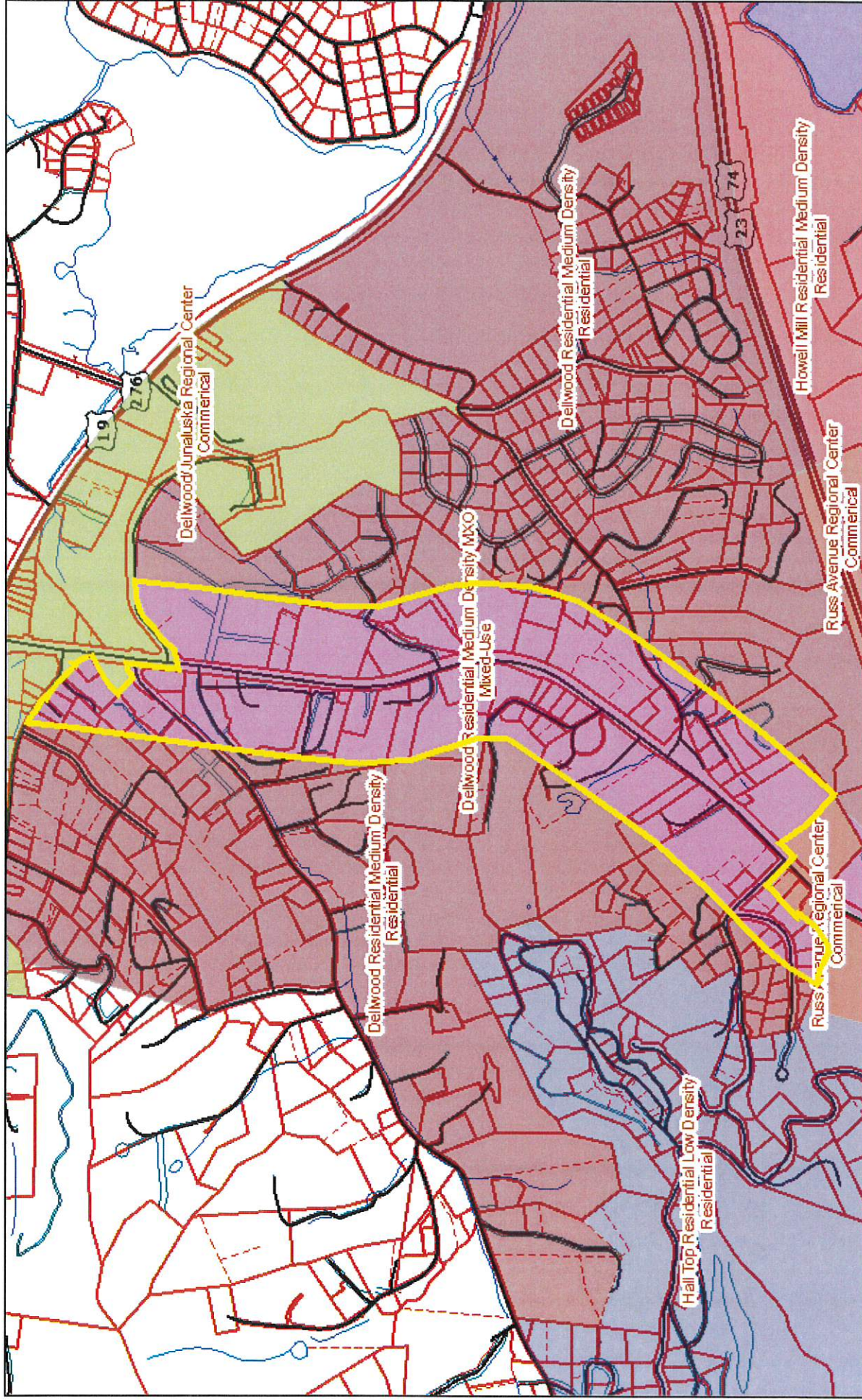
**FUNDING SOURCE/IMPACT:** N/A

**ATTACHMENTS:**

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

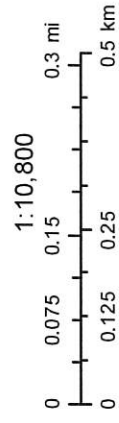


# Haywood County



July 10, 2018

Dellwood Residential Medium Density MXO





Dellwood MXO





1:2,820

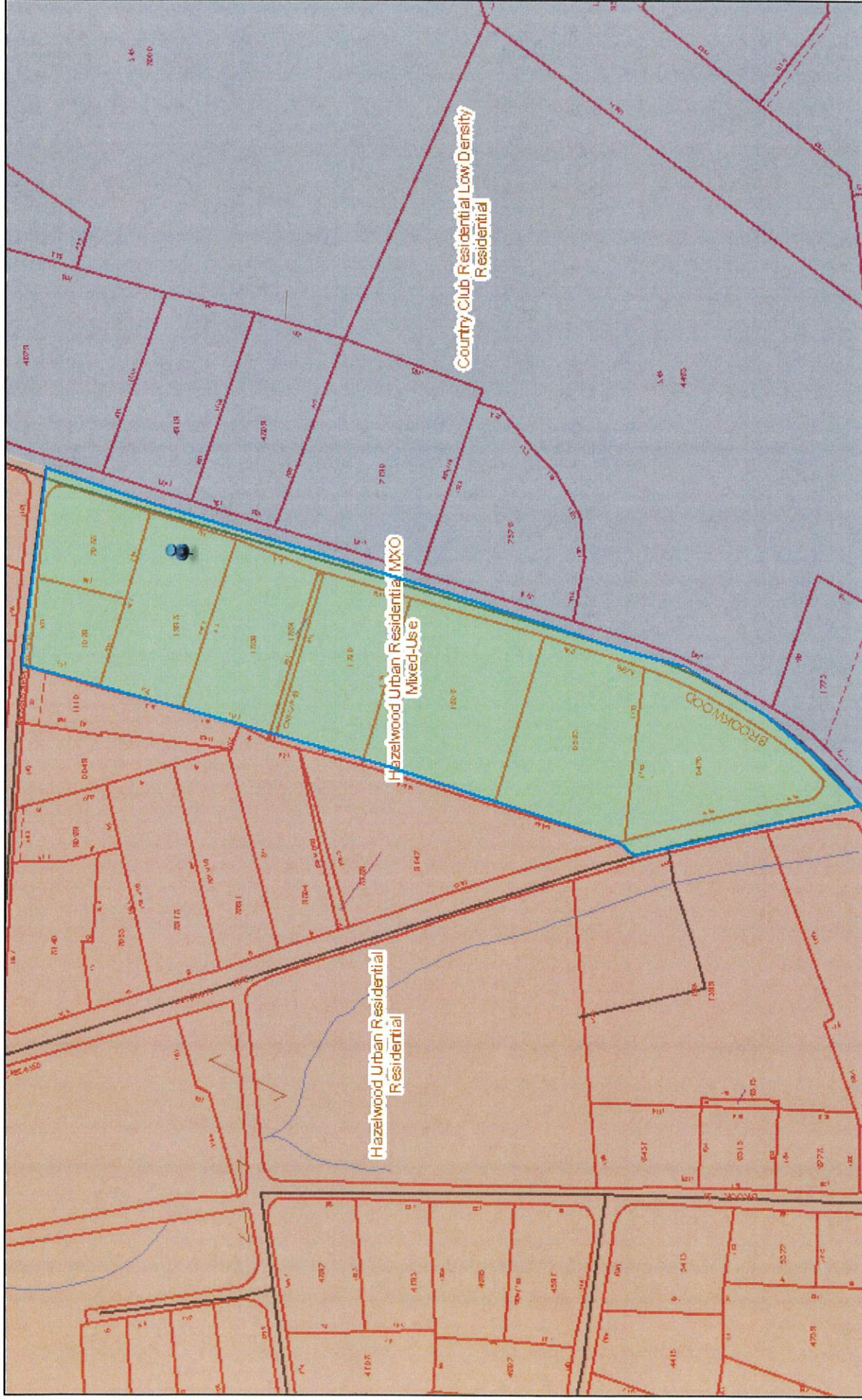


## Francis Cove MXO





# Haywood County



July 10, 2018

Hazelwood Urban Residential MXO

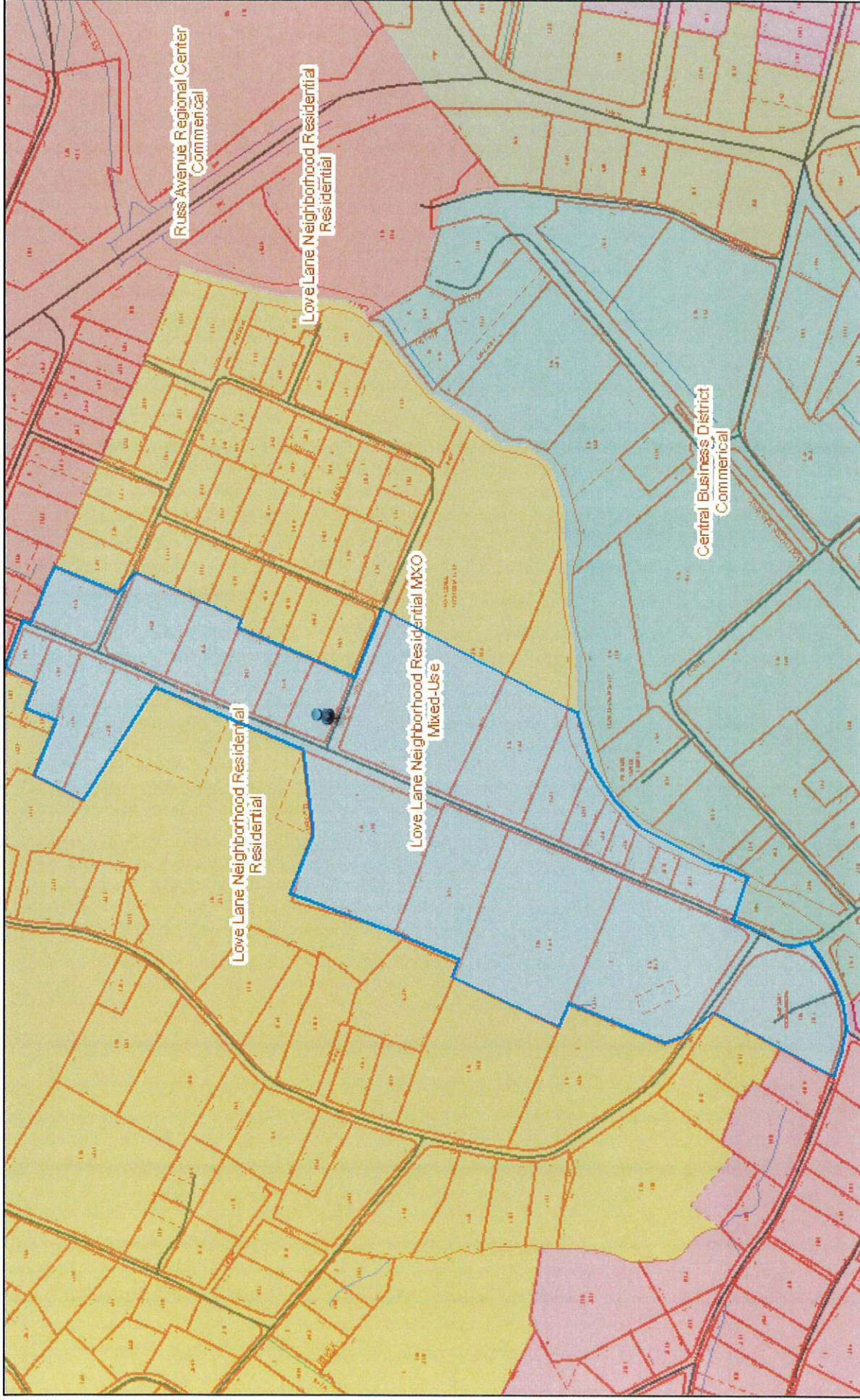


## Hazelwood MXO





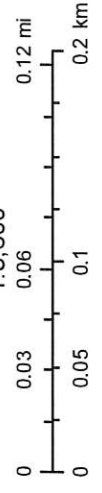
# Haywood County



July 10, 2018

Love Lane Neighborhood Residential MXO

1:3,600



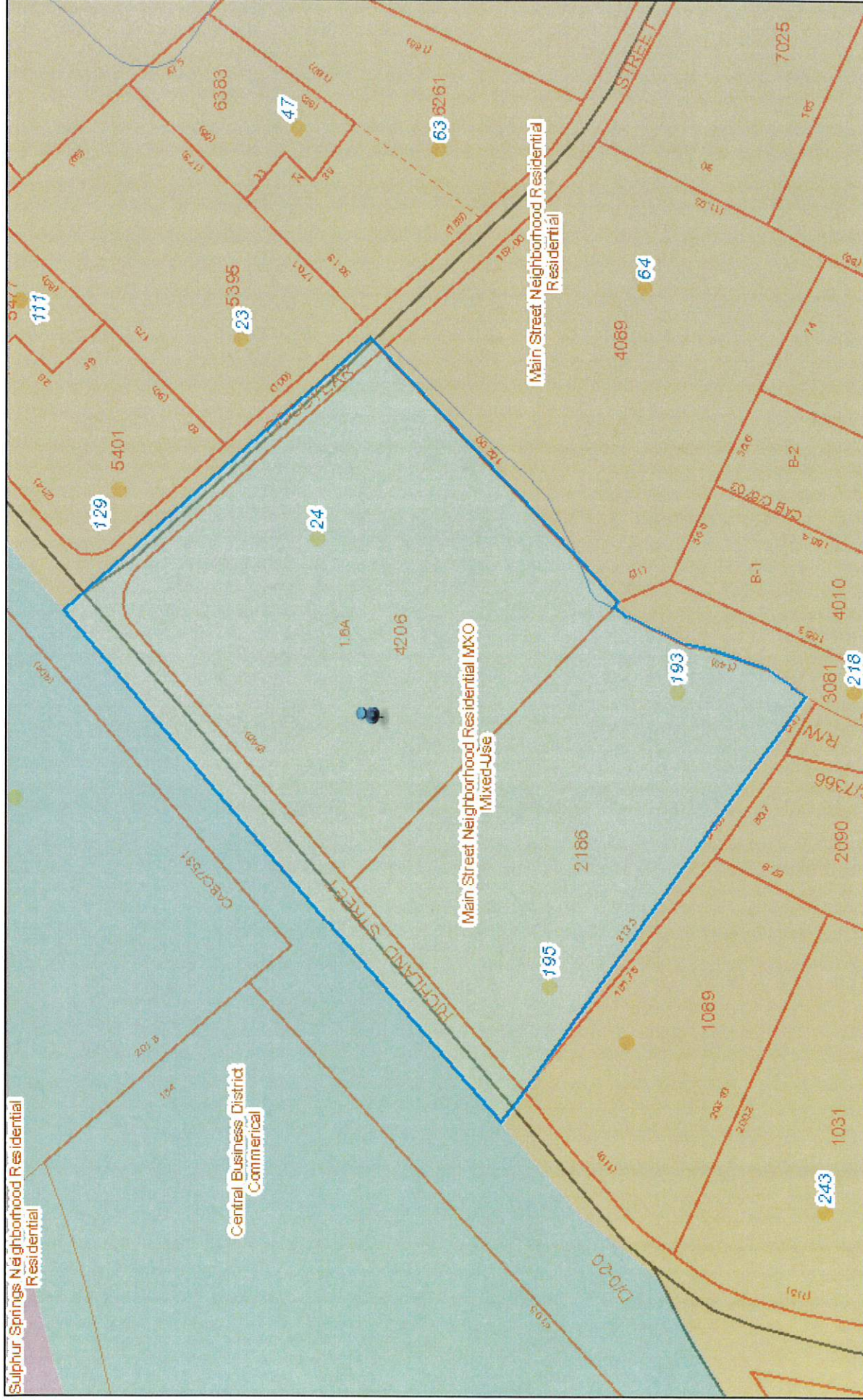


Love Lane MXO



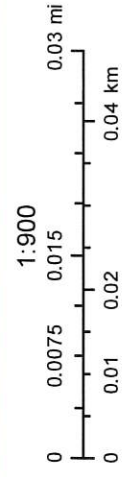


# Haywood County



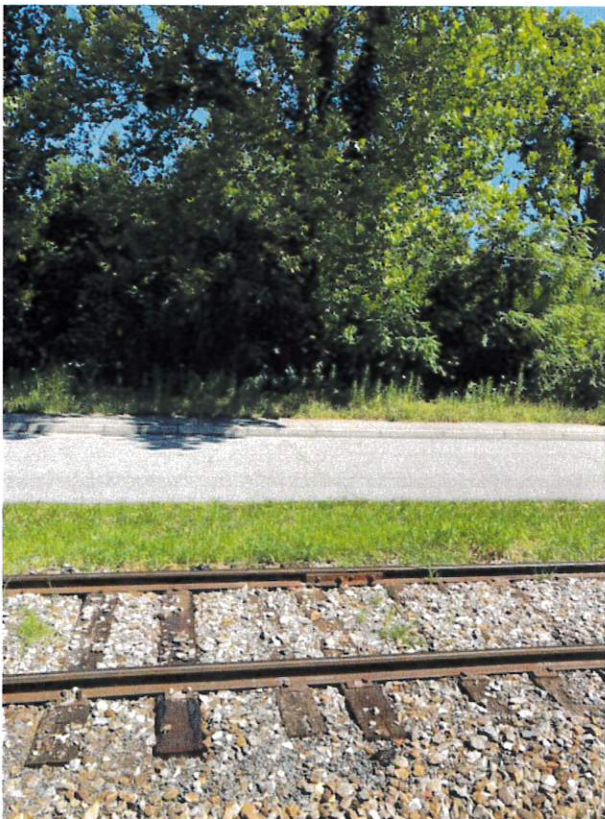
July 10, 2018

Main Street Neighborhood Residential MXO



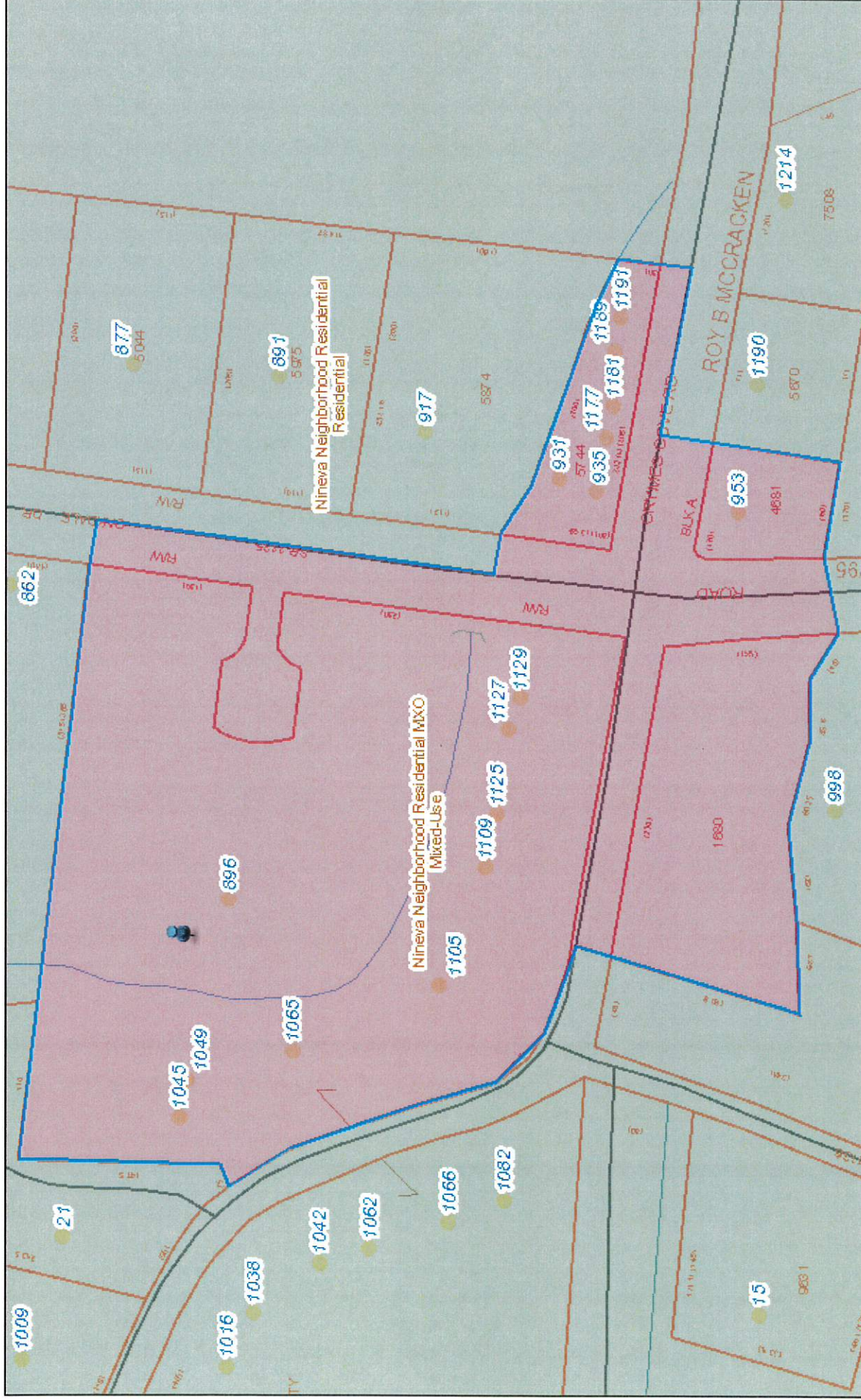


Main Street MXO



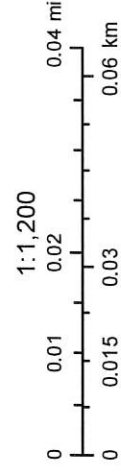


# Haywood County



July 10, 2018

Ninevah Neighborhood Residential MXO



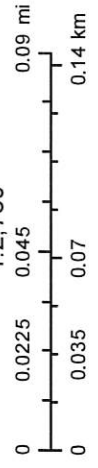


Ninevah MXO



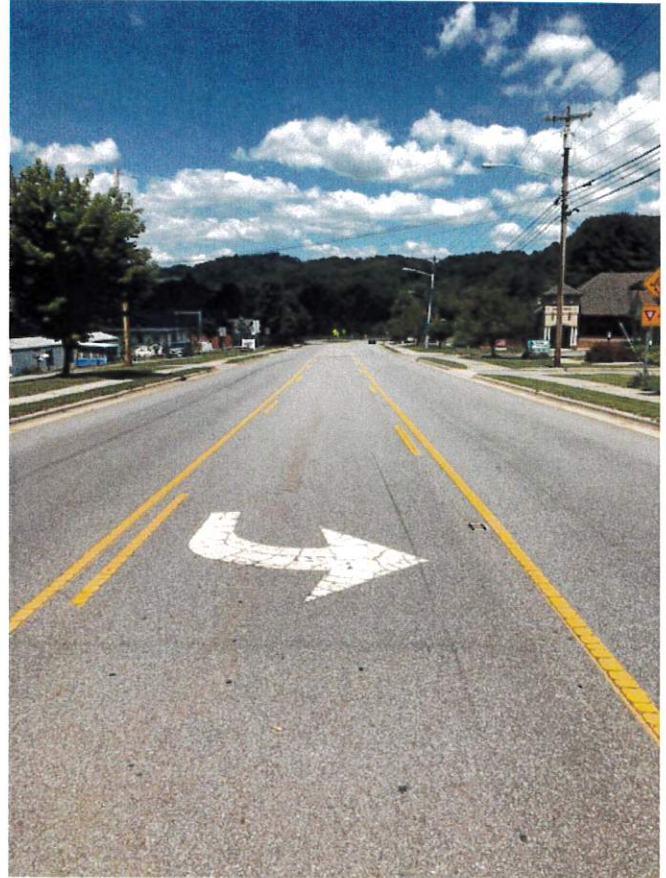
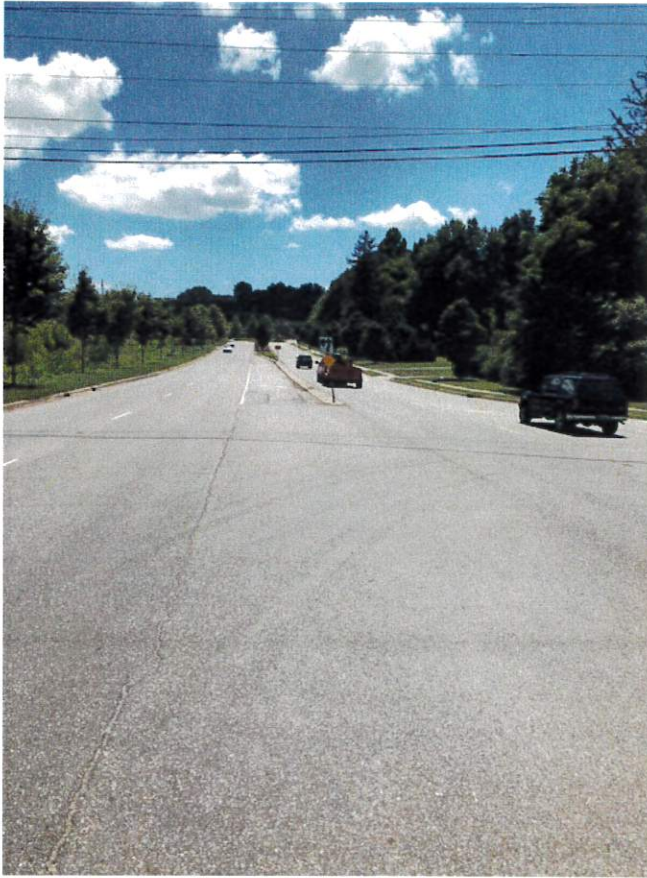


Raccoon Creek Neighborhood Residential MXO



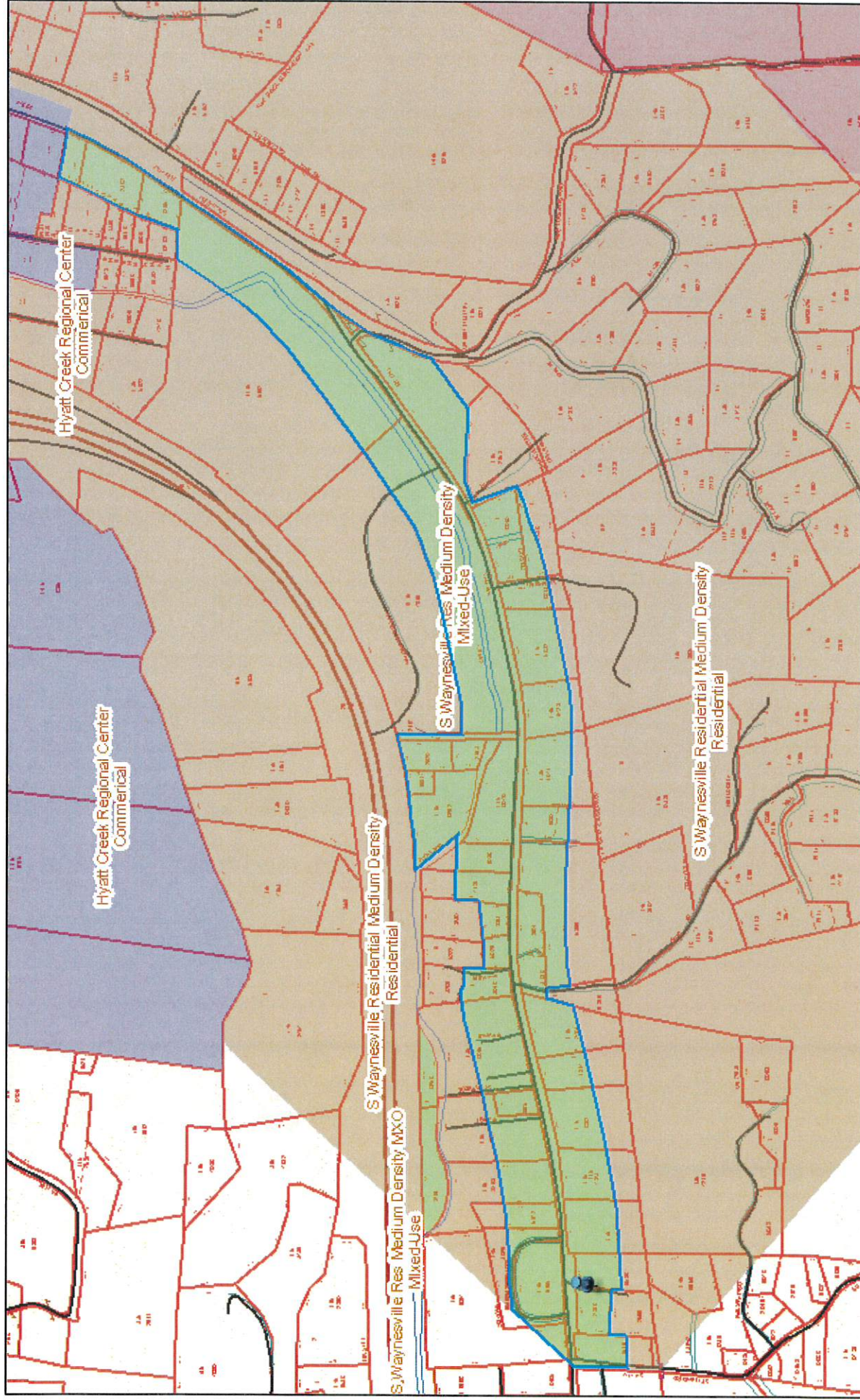


## Raccoon Creek MXO





# Haywood County



July 10, 2018

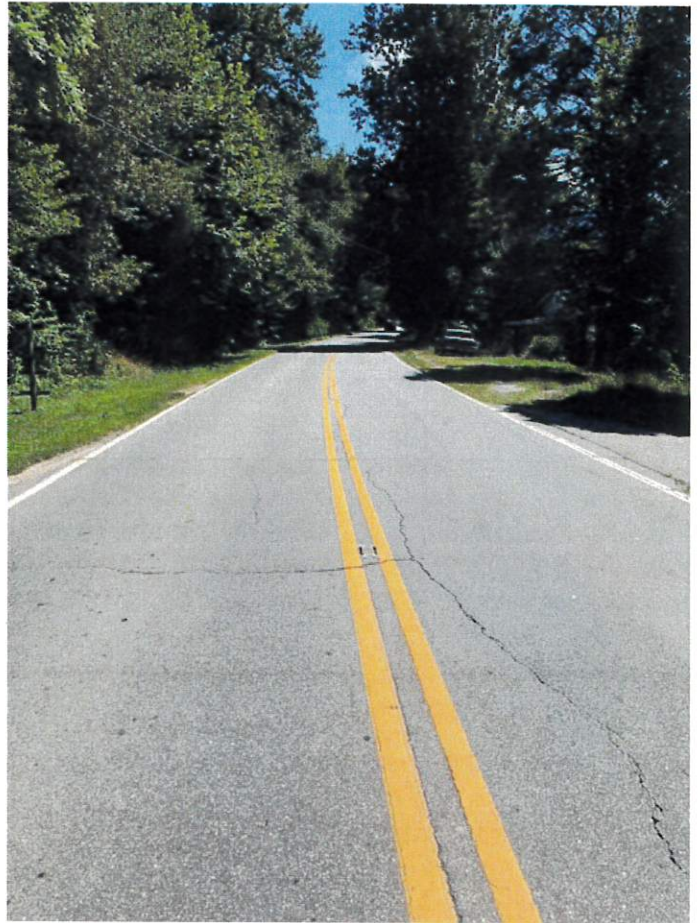
South Waynesville Residential Medium Density MXO

1:6,000

0 0.05 0.1 0.15 0.2 mi  
0 0.075 0.15 0.3 km

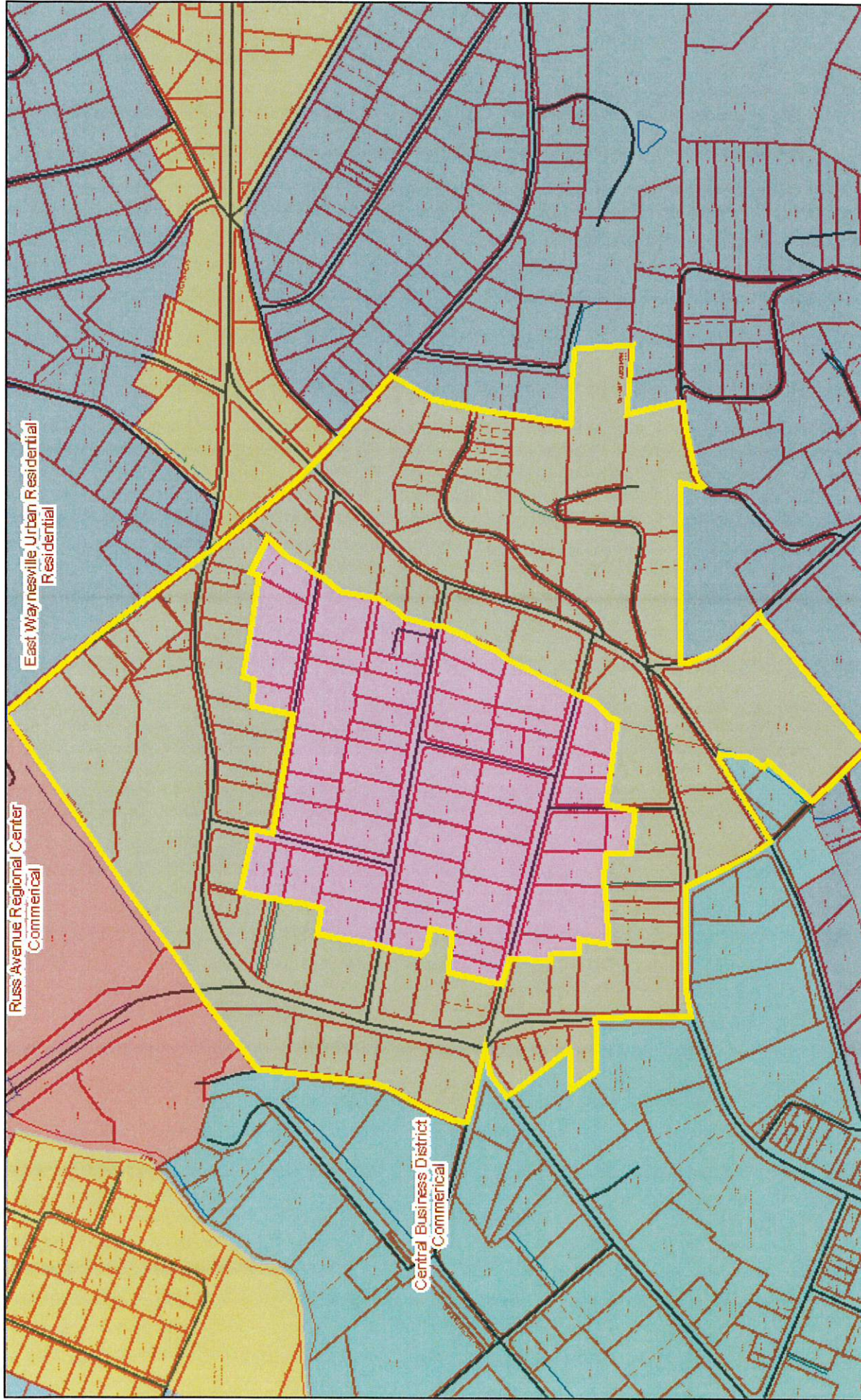


## South Waynesville MXO





# Haywood County



July 10, 2018

Walnut Street Neighborhood Residential MXO

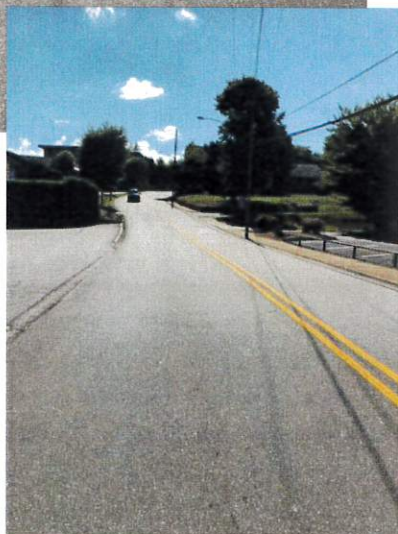


Walnut Street MXO





## Walnut Street MXO



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: August 28, 2018**

**SUBJECT:** Award Purchase of One (1) Rear Loading Refuse Truck for Public Services Street Division through NCSA (North Carolina Sheriff's Association).

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** C4  
**Department:** Purchasing  
**Contact:** Lisa Burnett, Purchasing Supervisor  
David Foster, Public Services Director  
Daryl Hannah, Street Superintendent  
**Presenter:** Lisa Burnett

**BRIEF SUMMARY:**

As provided by NCGS § 143-129 (e) (3) there exists an exception to the state's formal bidding requirements, which allows NC municipalities to participate in qualified group purchasing programs (of which NCSA is one) in an arrangement similar to that offered under state contract or interlocal piggy-back bidding.

The NCSA is a nonprofit organization formed in 1922. The NCSA engages in a bidding process which meets all requirements of NC General Statutes. Upon the award by NCSA of a group purchasing contract, the terms of that purchase can then be made available to local governments without further bidding requirements on the part of the local government. Local governments achieve a lower cost of purchase due to the economics of scale which otherwise would likely not be available to a single local government operating unilaterally.

It is the intent of our Public Services and Purchasing staff to purchase through NCSA one (1) New Way Viper 20 cubic yard refuse body mounted on a new 2019 International HV607 SBA for \$147,914.73.

**MOTION FOR CONSIDERATION:**

To approve the purchase of one (1) New Way Rear Loading Refuse Truck from Amick Equipment, Lexington, SC through NCSA contract as presented.

**FUNDING SOURCE/IMPACT:**

Funding was approved in the 2019 Capital Outlay Budget for \$160,000.00 to replace truck #511.



**ATTACHMENTS:** Bid tab from other cooperative contract pricing.

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

The Public Services Department provides citizens refuse collection each week throughout the year. The new truck would replace a 1999 International Rear Load with approximately 117,585 miles.

**Town of Waynesville  
Public Services Street Division**

Amick Equipment						
				PRODUCT INFORMATION	UNIT PRICE	Extended Price
ITEM	QTY	ITEM DESCRIPTION				
1	1	Rear Loading Refuse Body	20 yd.	New Way Viper	\$67,065.28	\$67,065.28
2	1	International Chassis			\$80,849.45	\$80,849.45
		Production Year		2019		
		Model		HV607 SBA		
		NCSA Contract #19-03-0504				
		Delivery		90-120 days		
					<b>Total Bid</b>	<b>\$147,914.73</b>

Carolina Environmental Systems, Inc.						
				PRODUCT INFORMATION	UNIT PRICE	Extended Price
ITEM	QTY	ITEM DESCRIPTION				
1	1	Rear Loading Refuse Body	20 yd.	Heil PT1000	\$76,150.00	\$76,150.00
2	1	Freightliner Chassis			\$82,015.00	\$82,015.00
		Production Year		2018		
		Model		M2-106		
		Sourcewell Contract #112014-THC				
		Delivery		120-180 days		
					<b>Total Bid</b>	<b>\$158,165.00</b>

Carolina Environmental Systems, Inc.						
				PRODUCT INFORMATION	UNIT PRICE	Extended Price
ITEM	QTY	ITEM DESCRIPTION				
1	1	Rear Loading Refuse Body	20 yd.	Heil PT1000	\$75,686.00	\$75,686.00
2	1	Freightliner Chassis			\$84,343.00	\$84,343.00
		Production Year		2018		
		Model		IH 7400		
		Sourcewell Contract #112014-THC				
		Delivery		90-120 days		
					<b>Total Bid</b>	<b>\$160,029.00</b>



UNC

SCHOOL OF GOVERNMENT

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www.sog.unc.edu

August 27, 2015

To: North Carolina units of local government and other interested parties

From: Norma R. Houston, *Lecturer in Public Law and Government*

Re: North Carolina Sheriffs' Association Vehicle Procurement Program

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The UNC School of Government has been asked to render an opinion about the legality of purchasing law enforcement vehicles directly through the North Carolina Sheriffs' Association Vehicle Procurement Program ("the NCSA Program") under the group purchasing program exception to competitive bidding requirements under North Carolina General Statute 143-129(e)(3). The following opinion is not a recommendation for or endorsement of the products or services offered through the NCSA Program.

Under North Carolina law, when a local government subject to Article 8, Chapter 143 of the North Carolina General Statutes decides to purchase apparatus, supplies, materials, or equipment involving the expenditure of \$30,000 or more, that local government must follow certain statutory bidding procedures unless an exception applies. G.S. 143-129 contains several exceptions to these bidding requirements. One of these exceptions, found in G.S. 143-129(e)(3), allows local governments to purchase apparatus, supplies, materials, or equipment through a "competitive bidding group purchasing program" instead of following the bidding requirements of Article 8. G.S. 143-129(e)(3) defines a "competitive bidding group purchasing program" as "a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies." In my opinion, the NCSA Program qualifies as a competitive bidding group purchasing program under G.S. 143-129(e)(3).

Accordingly, local governments subject to Article 8, Chapter 143 of the North Carolina General Statutes have the legal authority to purchase vehicles directly from vendors under contract through the NCSA Program under the group purchasing program exception in G.S. 143-129(e)(3), unless such purchases are inconsistent with local policies or procedures. An analysis of the NCSA Program under the group purchasing program exception follows.

### ***Formally Organized Program***

In order to qualify as a group purchasing program under G.S. 143-129(e)(3), the entity offering products and services must be "formally organized." While the statute does not define this term, it suggests some level of organization beyond an ad hoc group that decides

to enter into contracts jointly. The North Carolina Sheriffs' Association is a nonprofit organization formed in 1922. According to the NCSA website ([www.ncsheriffs.org](http://www.ncsheriffs.org)), the organization is governed by a board of directors, has an office, contact information, and staff. As such, the NCSA meets the requirement of being formally organized.

### ***Competitively Obtained Purchasing Services***

Under the group purchasing exception, the items and services offered must be "competitively obtained," meaning the organization's contracts were procured through a competitive process. While this process does not have to mirror in every respect the competitive bidding requirements of G.S. 143-129 for purchase contracts in the formal bidding range, it must ensure a reasonable opportunity for interested vendors to be notified of and submit bids with fair evaluation of those bids leading to a contract award. The vehicle contracts available through the NCSA Program are entered into by the NCSA after broadly disseminated advertising (including through the North Carolina Bid Network), a pre-bid conference, and receipt of sealed bids by an advertised bid deadline. Bids were evaluated and awarded based on the lowest, responsive, responsible bidder standard of award. In my opinion, this process meets the statutory requirement that the contracts be obtained competitively. (See NCSA website for specific bid-related documents).

### ***Discount Prices***

A third element of the group purchasing program exception is that the prices offered by vendors must be discounted. Typically such discounts take the form of a price less than list price, although this is not specifically required under the group purchasing program exception. The competitive bid prices received by the NCSA and the contracts awarded contain competitive discount pricing, thus satisfying this requirement of the statute.

### ***Two or More Public Agencies***

The final requirement under the group purchasing program exception is that the items offered through the program are available to at least two public agencies (this requirement does not exclude the opportunity for private entities to purchase items from the program). According to its website, the NCSA offers the opportunity to purchase through the NCSA Program to all 100 sheriffs' offices in North Carolina, thus making the program available to at least two public agencies.

For these reasons, it is my opinion that local governments in North Carolina may purchase vehicles directly (i.e., without having to comply with the competitive bidding requirements of Article 8) from vendors through the NCSA Program under the group purchasing program exception of G.S. 143-129(e)(3).