



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: March 8, 2022

Time: 6:00 p.m.

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(828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gary Caldwell

1. Welcome/Calendar/Announcements

B. PUBLIC COMMENT

C. ADDITIONS OR DELETIONS TO THE AGENDA

D. CONSENT AGENDA

All items below are routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion on these items unless a Board member so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.

- i. Adoption of minutes of the February 21, 2022 special meeting
- ii. Adoption of minutes of the February 22, 2022 regular meeting

Motion: To approve the consent agenda as presented.

E. PRESENTATION

2. (1) Life Saving Awards granted to the following: Sgt. Dickey, Master Officer Carver and Officer Gasperson

(2) Life Saving Awards granted to the following: Sgt. Matthew Trantham, Deputy Josh Watts of Haywood County SO, Sgt. Craig & Officer Gasperson WPD

- Chief David Adams

F. PUBLIC HEARING

3. Public Hearing to discuss Financing for Fire Station and Tanker Truck, and to refinance existing loan

- Town Manager Rob Hites

Motion: To approve Resolution R-01-22 supporting application to the Local Government Commission for its approval of Town financing agreements –Property Acquisition for a Fire Station Site, Tanker Truck Financing, and Refinancing of Existing Loan

F. NEW BUSINESS

4. Appointment of Historic Preservation Commission Member

- Jesse Fowler, Assistant Town Manager

Motion: To approve(Nameof Applicant) to serve as an Historic Preservation Commission Member for a three year term ending June 30, 2025

5. Amendments to the Municipal Records Retention Schedule

- Jesse Fowler, Assistant Town Manager

Motion: To approve the latest version of the retention schedule as presented.

6. Downtown Waynesville Advisory Committee Chairman Selection

- Jesse Fowler, Assistant Town Manager

Motion: To appoint Jay Spiro as Chairman of the Downtown Waynesville Advisory committee.

7. Presentation of Phase II Wayfinding Program

- Rob Hites, Town Manager

Motion: Receive Mr. Bizzell's presentation and refer the Downtown, Frog Level and Hazelwood phases to their respective stake holders for input. Place the item on the April 12th Agenda.

8. Budget Amendment to allocate \$30,000 from fund balance for the development of Engineering and Construction Documents for Greenway segment at Mountain Creek Plaza.

- Elizabeth Teague, Development Services Director

Motion: To approve Ordinance No. Amendment No. to the 2021-2022 Budget in the amount of \$30,000.00 for the development of Engineering and Construction Documents for Greenway segment at Mount Creek Plaza.

9. Report on Unpaid Property Taxes/Yearly Tax Advertisement in Local Newspaper

- Sharon Agostini, Tax Collector

Motion: To approve the yearly tax advertisements in The Mountaineer in accordance with N. C. G. S.105-369.

G. COMMUNICATION FROM STAFF

10. Manager's Report

- Town Manager, Rob Hites

Social Districts

Motion: Receive the presentation and instruct the staff as to whether the Board has an interest in adopting districts in Downtown, Frog Level and or Hazelwood.

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. Town Attorney Report

- Town Attorney, Martha Bradley

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

I. ADJOURN



TOWN OF WAYNESVILLE

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

CALENDAR March 2022

2022	
Tuesday March 22	Board of Aldermen Meeting – Regular Session
Saturday April 2	Gateway to the Smokies Marathon/Mighty 4 Miler to benefit the Riley Howell Foundation 8:00 am – 12:00 noon
Tuesday April 12	Board of Aldermen Meeting – Regular Session
Friday April 15	Town Offices Closed – Good Friday
Tuesday April 26	Board of Aldermen Meeting – Regular Session
Saturday May 7	Whole Bloomin Thing Festival – 9:00 am – 4:00 pm
Tuesday May 10	Board of Alderman Meeting – Regular Session
Monday May 24	Board of Aldermen Meeting – Regular Session
Monday May 30	Town Offices Closed – Memorial Day
Tuesday June 14	Board of Aldermen Meeting – Regular Session
Tuesday June 28	Board of Aldermen Meeting – Regular Session
Monday July 4	Town Offices Closed – Independence Day
Tuesday July 12	Board of Aldermen Meeting – Regular Session
Tuesday July 26	Board of Aldermen Meeting – Regular Session
Tuesday August 9	Board of Aldermen Meeting – Regular Session
Tuesday August 23	Board of Aldermen Meeting – Regular Session
Monday September 5	Town Offices Closed – Labor Day
Tuesday September 13	Board of Aldermen Meeting – Regular Session
Tuesday September 27	Board of Aldermen Meeting – Regular Session
Tuesday October 11	Board of Aldermen Meeting – Regular Session
Tuesday October 25	Board of Aldermen Meeting – Regular Session
Tuesday November 8	Board of Aldermen Meeting – Regular Session
Tuesday November 11	Town Offices Closed – Veterans Day
Friday November 22	Board of Aldermen Meeting – Regular Session
Tuesday December 13	Board of Aldermen Meeting – Regular Session
December 23, 24 & 27th	Town Closed – Christmas Holidays

Board and Commission Meetings – March 2022

ABC Board	ABC Office – 52 Dayco Drive	March 15 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	March 1 1 st Tuesday 5:30 PM
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	March 2 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	March 21 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	March 10 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	March 16 3 rd Wednesday 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	March 8 2 nd Tuesday 3:30 PM

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Special Called Meeting
February 21, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a Special Called meeting on Monday February 21, 2022, at 5:30 pm in the Public Services Conference Room located at 129 Legion Drive, Waynesville, NC.

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 5:37 pm with the following members present:

Mayor Gary Caldwell
Alderman Anthony Sutton
Alderman Jon Feichter
Alderman Chuck Dickson

The following members were absent:

Mayor Pro Tem Julia Freeman

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Kathy Johnson, Deputy Clerk
Jeff Stines, Public Works Director
Misty Hagood, Finance Director
Willie Smith, Electric Department Superintendent

The following media representative was present:

Becky Johnson, The Mountaineer
Cory Vaillancort, Smoky Mountain News

The following guest speakers were present:

Louis Davis
Mike Brennan

1. Welcome

Mayor Gary Caldwell welcomed everyone and asked Town Manager Rob Hites to proceed with the presentation.

B. OLD BUSINESS

2. Presentation of Amended Solar Rate Schedule

- Rob Hites, Town Manager

Mr. Hites said during the last meeting he presented the Board with a combination rate rider with three utility company's rates. It was determined in that meeting to invite UTEK engineers to discuss NMNC (Net Meter North Carolina) and give an overview of how solar is handled in North Carolina. He introduced Mr. Lois Davis and Mr. Mike Brennan with UTEK engineering to proceed with the presentation.

Mr. Davis went over two examples of how renewable resources are handled by utility companies across the nation. He explained the first method of permitting customer generated energy is Buy All/Sell All. In this scenario the Town is made whole and there is no impact to the Town Budget. The second method is Net Metering where the customer can bank excess energy and utilize in months when there is no excess energy produced by the renewable energy source. In this scenario the town is not made whole resulting in possible lost revenue to the town.

Mr. Brennan went over examples of both scenarios including residential and commercial customers and the draft renewable energy purchase rate schedule. He explained there have been recent developments in Duke Energy Net Metering program and reviewed the program changes including minimum monthly bill, grid access fee, non-by passable charges, netting and exports, time of use/critical peak pricing rates. Legacy Net Metering customers would be required to go to this new structure by 2027 per statute. The DEC and DEP are proposing a longer transition period with steps to ease the transition.

Mr. Brennan and Mr. Davis answered questions from the Board and citizens.

Board member Anthony Sutton expressed his agreement with Net Metering.

Board member Jon Feichter spoke on climate change and the Towns renewable energy resolution. He said EV is a wave of the future and if we could come up with a rate that would provide a net metering solution while maintaining the Towns fiscal responsibilities, he feels the Town should be in Net Metering.

Board member Chuck Dickson said he recommended doing a Net Metering system with an appropriate base fee that would help cover the cost of maintaining the grid. He recommended offering reduced electric rates for elderly, disabled and people on SSI. He said there needs to be more discussion on infrastructure investment and charging stations.

Mr. Caldwell asked Mr. Davis if he could come up with a draft formula to fit the Town of Waynesville for Net Metering. Mr. Davis agreed to present the Board with a draft at the March meeting.

C. PUBLIC COMMENT

There was much discussion between Board members and citizens on concerns, benefits, and cost of renewable energy and how the Town could benefit from charging stations. Grants and solar incentives were discussed.

D. OTHER BUSINESS

No other Business.

E. ADJOURN

With no further business, a motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to adjourn the meeting at 7:14 pm. The motion was approved unanimously.

ATTEST:

Robert W. Hites, Town Manager

Gary Caldwell, Mayor

Kathy Johnson, Deputy Clerk

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
February 22, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday February 22, 2022 at 6:00 pm. in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:05 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tem Julia Freeman
Alderman Jon Feichter
Alderman Chuck Dickson
Alderman Anthony Sutton

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Eddie Ward, Town Clerk
Martha Bradley, Town Attorney
David Adams, Police Chief
Police Department Officers

The following media representative was present:

Becky Johnson, Mountaineer
Cory Valliancort, Smoky Mountain News

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone to the meeting and told everyone about the Special Event “Bikers in Boxers” which will be held on March 5, 2022 beginning at 10:00 am on Main Street.

He asked Assistant Town Manager Jesse Fowler about the Polar Plunge that was held the previous Saturday. Mr. Fowler stated that the Waynesville team had raised approximately \$2,180.00 for Haywood Waterways Kids in the Creek program.

Mayor Caldwell said that the Town had received notice that the North Carolina Parks and Recreation has selected Waynesville to receive a grant in the amount of \$232,750.00 from the Parks and Recreation Trust Fund to fund the Richland Creek Park Greenway Project.

B. PUBLIC COMMENT

Peggy Hannah spoke to the Board concerning issues that plague the west end of Waynesville, the increase of taxes and cost of services.

Sherrie Morgan commented on the February 8, 2022 meeting, low barrier homeless shelters, and voting on alcoholic beverages being allowed on the streets of Waynesville.

C. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

D. CONSENT AGENDA

All items below are routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion on these items unless a Board member so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.

- i. Adoption of minutes of the February 21, 2022 special meeting
- ii. Adoption of minutes of the February 22, 2022 regular meeting
- iii. Approval of the Bikers in Boxers Special Event Application

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the Consent Agenda as presented. The motion passed unanimously.

D. PRESENTATION

2. Recognition of recent promotions
 - Chief David Adams

Chief David Adams presented certificate of promotions to Officer Ryan Craig and Officer Billy Benhart. Officer Craig has been promoted to Sergeant, and Officer Benhart has been promoted to Lieutenant. Chief Adams issued the Oath to both officers.

Retirement of K-9 Cairo (2010-2022 - 12 years of service)

- Assistant Chief Brandon Gilmore

Assistant Chief Brandon Gilmore stated that K-9 Cairo began his career in 2010 at the Maggie Valley Police Department. Cairo worked in Maggie Valley until 2014, and at that time he and his handler joined the Waynesville Police Department. His handler, Mr. Michael Blaylock, decided to leave the Waynesville Police Department and since then Officer Derek Embler has been Cairo's handler. Both have been an asset to the Police Department with Cairo assisting 697 times in tracking, narcotic searches, and evidence recovery with a success rate of 365 times. In his twelve years he averaged approximately 3.1 searches a day. Cairo will remain with Officer Embler permanently in his retirement.

Alderwoman Freeman stated that she appreciated Cairo's service for these years with the Town.

E. PUBLIC HEARINGS

3. Public Hearing for March 22, 2022, to consider the Stormwater Ordinance Text Amendment, Section 12.5 of the Land Development Standards (LDS).

- Planner Olga Grooman

Planner Grooman stated that the Planning Board had unanimously recommended these text amendments as an ongoing effort to implement the goals of 160D and requirements of North Carolina.

The Town of Waynesville holds a 5-year National Pollutant Discharge Elimination System Permit that is issued by the NC Department of Environmental Quality. Ms. Grooman explained that one of the requirements of the permit is to "maintain adequate legal authorities through Ordinance." The proposed amendments will align the Town's local stormwater ordinance with the Phase II NCDEQ Stormwater Model Ordinance for North Carolina, which will bring the Town into compliance with the NPDES permit requirements.

Ms. Grooman asked the Board to hold a Public Hearing on March 22, 2022, to consider these text amendments.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton to Call for a Public Hearing to be held on Tuesday March 22, 2022, at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street to consider the Stormwater Ordinance Text Amendment, Section 12.5 of the Land Development Standards. The motion passed unanimously.

4. Calls for Public Hearings for March 22, 2022, to consider the following Text Amendments in the Land Development Standards (LDS):

- Planner Olga Grooman

Planner Grooman explained to the Board that last year the Town completed substantial updates to the Land Development Standards to comply with changes in the NC General Statutes for local land use regulations, referred to as "160D." Since then, additional typographical errors and incorrect and outdated information in the LDS have been discovered and will need to be corrected.

She asked the Board to hold a Public Hearing on March 22, 2022, to consider these amendments.

1. Multiple text amendments to provide additional clarifications and definitions related to 160D and minor corrections; and
2. Revisions to LDS Section 6.19 Transportation Impact Analysis.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman to call for a Public Hearing to be held on Tuesday March 22, 2022, at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to consider multiple text amendments to provide additional clarifications and definitions related to 160D and minor corrections; and Revisions to LDS Section 6.19 Transportation Impact Analysis. The motion passed unanimously.

Planner Grooman told the Board that an adhoc committee had been formed with two staff members and four Planning Board members to update the Ordinances for subdivisions. Large text amendments will be brought before the Board in April to give flexibility to developers, to satisfy the need of citizens, and protect the environment.

3. Call for Public Hearing for March 8, 2022, to discuss Financing for Fire Station and Tanker Truck, and to refinance existing loan

- Town Manager Rob Hites

Manager Hites told the Board that the Town was scheduled to appear before the Local Government Commission to request permission to borrow up to \$600,000.00 for the purchase of a Fire Tanker and repay the General Fund Balance \$400,000.00 for the purchase of the land where the Town will locate Fire Station #2. He said the Commission requires the Town advertise and hold a Public Hearing at it March 8th, 2022, Board meeting for input from the public on the proposed borrowing.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to call for a Public Hearing to be held on Tuesday March 8, 2022, at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to discuss Financing for Fire Station and Tanker Truck, and to refinance existing loan. The motion passed unanimously.

F. NEW BUSINESS

4. Board Retreat

- Town Manager Rob Hites

The Board has requested that the staff develop a proposal for a one-and-a-half-day retreat to provide time to concentrate on long-term goals and objectives. In the past, specific projects have been discussed, but never any long-term goals. He suggested that the first day be used for goal setting and the second day have small project discussions.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to set March 31st and April 1st as dates for a Board of Alderman Winter retreat. The motion passed unanimously.

Manager Hites provided the Board with a set of goal setting worksheets to structure their goals and projects and how they plan to achieve them. He said he would like to have everyone's goals and worksheets before the retreat so that staff can look at them and have an idea for long range budget.

G. COMMUNICATION FROM STAFF

Manager's Report

- Rob Hites, Town Manager

An RFP has been developed to meet the ARP guidelines for the garbage containers. The bid will be opened on March 24, 2022 and hope to have them in place by June. Managers Hites said the recycling containers are in production now, and hopefully have them by the third week of March.

He said he is going to have a conference call with McGill and Associates discuss the final figures on the redesigned sewer plant project to see if the 28 million price tag can be reduced. Also, they will discuss the SOC which will have to be resubmitted because of the redesign. Because of the resubmission of the SOC, the Town will have to ask the State for another 100,000 gallons of flow, which he believes will be an uphill battle.

Manager Hites told everyone that steel should be laid on the Chelsea Road soon.

Town Attorney Report

- Martha Bradley, Town Attorney

Attorney Bradley had nothing to report.

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

I. ADJOURN

With no further business, a motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to adjourn the meeting at 6:56 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 8, 2022

SUBJECT: (1) Life Saving Awards granted to the following: Sgt. Dickey, Master Officer Carver and Officer Gasperson

(2) Life Saving Awards granted to the following: Sgt. Matthew Trantham, Deputy Josh Watts of Haywood County SO, Sgt. Craig & Officer Gasperson WPD

AGENDA INFORMATION:

Agenda Location: New Business

Item Number:

Department: Police

Contact: Chief David Adams

Presenter: Chief David Adams

BRIEF SUMMARY: Wednesday February 9th, 2022, Sgt. Dickey, Master Officer Carver and Officer Gasperson were dispatched to a Civil Dispute on Meteor Court. While there, Mr. Inman fell to the ground and went into Cardiac Arrest. Master Officer Carver began CPR and Sgt. Dickey applied the AED. Officer Gasperson assisted with chest compressions, until Haywood County EMS arrived. Their fast thinking and actions saved Mr. Inman's life. These Officers exemplify the Creed of "To Protect and To Serve".

Thursday February 24, 2022 around 5:30 am, Officer Heath Pressley was on his way to work in his Police Tahoe, when his vehicle overturned and rolled multiple times on Interstate I-40 Eastbound. The Tahoe went airborne and landed on the bridge railing, which was overlooking a 200-foot drop down to the Pigeon River. Officer Pressley was able to call in his crash and location. Sgt. Trantham HCSO arrived first and noticed that Pressley's Tahoe was in danger of falling over the bridge railing. He used a rope from his patrol vehicle and tied the Tahoe off to a semi-trailer. Deputy Watts, Sgt. Craig and Officer Gasperson arrived soon after and assisted with using chains to further secure the Tahoe to another semi-trailer. And they were able to remove Pressley and K9 Luke from the SUV safely.

Their quick response and organized efforts prevented Officer Pressley and K9 Luke from falling to their deaths.

MOTION FOR CONSIDERATION:

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS:

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 3-8-22**

SUBJECT : Public Hearing for borrowing funds for Fire Tanker Truck and repayment of General Fund for Land Purchase

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number:
Department: Administration
Contact: Rob Hites
Presenter: Rob Hites

BRIEF SUMMARY:

We are on schedule to appear before the Local Government Commission to request permission to borrow up to \$600,000 for purchase of a Fire Tanker Truck and repay the General Fund Balance \$400,000 for purchase of the land where the Town will locate Fire Station #2. The Commission requires that the Town advertise and conduct a public hearing during its March 8th meeting to seek citizen input on the proposed borrowing.

MOTION FOR CONSIDERATION:

To approve Resolution R-01-22 supporting application to the Local Government Commission for its approval of Town financing agreements – Property Acquisition for a Fire Station site, Tanker Truck financing, and Refinancing of existing loan.

FUNDING SOURCE/IMPACT:

General- Borrowing will require a 20 year payback which will be made from savings derived from refinancing the USDA Loan for Fire Station #1/.

ATTACHMENTS: Resolution

MANAGER'S COMMENTS AND RECOMMENDATIONS Approve the resolution

**Resolution R-01-22 supporting application to the Local Government
Commission for its approval of Town financing agreements
– Property Acquisition for a Fire Station Site, Tanker Truck
Financing, and Refinancing of Existing Loan**

Introduction --

The Board of Aldermen (the “Board”) of the Town of Waynesville (the “Town”) has previously determined to carry out a project to pay for the acquisition of the site for a new fire station, to finance the purchase of a new tanker truck and to refinance the existing loan for the Town’s publics works facility.

The Board has also made a preliminary determination to finance these projects through installment financings, as authorized under Section 160A-20 of the North Carolina General Statutes. In an installment financing, the Town’s repayment obligation is secured by a mortgage-type interest in all or part of the property being financed, but not by any pledge of the Town’s taxing power or any specific revenue stream.

North Carolina law requires that the Town’s financing be approved by the North Carolina Local Government Commission (the “LGC”), a division of the North Carolina State Treasurer’s office. Under the LGC’s guidelines, this governing body must make certain findings of fact to support the Town’s application for the LGC’s approval of the Town’ financing arrangements.

1. THEREFORE, BE IT RESOLVED by the Board of Alderman of the Town of Waynesville, as follows:

(a) The Town makes a preliminary determination to enter into financing contracts for the purposes described above.

(b) The Town expects to enter into a financing contract for approximately \$1,000,000 to pay for a new tanker truck and the acquisition of property for a new fire station, and approximately \$900,000 to refinance the Town’s existing BB&T loan for the public works facility. The loan will be secured by some combination of lien(s),

which may or may not include as collateral, the new fire station property, tanker truck, and public works facility,

(c) The Board will determine the final amount to be financed by a later resolution. The total amount finally financed under the installment financing may be slightly lower or slightly higher than \$1,900,000. Some of the financing proceeds may represent reimbursement to the Town for prior expenditures on project costs, and some proceeds may be used to pay financing expenses or to provide any appropriate reserves.

2. The Board makes the following findings of fact in support of the Town's application to the LGC:

(a) The proposed projects are necessary and appropriate for the Town under all the circumstances.

(b) The proposed installment financing is preferable to a bond issue for the same purposes. The financing is for discrete facilities and equipment; and it is therefore particularly suitable for an installment financing. The loan being refinanced is also an installment financing, so it is also suitable to be refinanced as an installment financing. The Town has no meaningful ability to issue non-voted general obligation bonds for this project. This project will produce no revenues that could be used to support a revenue bond financing. The Town expects that in the current interest rate environment for municipal securities there would be no material difference in the overall financing costs between a general obligation bond and an installment financing for this project.

(c) The estimated sums to fall due under the proposed financing contract are adequate and not excessive for the proposed purpose. The Town will closely review proposed financing rates against market rates with guidance from the LGC. All amounts financed will reflect either approved contracts, previous actual expenditures, or professional estimates.

(d) As confirmed by the Town's Finance Officer, (i) the Town's debt management procedures and policies are sound and in compliance with law, and (ii) the Town is not in default under any of its debt service obligations.

(e) Given the Town's need for the project, the Board believes that the effect on the Town's budget and the tax rate impact will be reasonable under all the circumstances. The Board will work to minimize the tax rate impact of the borrowing in a manner consistent with moving forward with the project and addressing the full range of Town needs. The refinancing will save the Town money over time and will therefore reduce the burden on the tax rate.

(f) The Town Attorney is of the opinion that the proposed project is authorized by law and is a purpose for which public funds of the Town may be expended pursuant to the Constitution and laws of North Carolina.

3. Additionally, the Board resolves as follows:

(a) The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse project expenditures from financing proceeds. The Town intends that funds that have been advanced for project costs, or which may be so advanced, from the Town's general fund, or any other Town fund, may be reimbursed from the financing proceeds.

(b) The Board directs the Town Manager and the Finance Officer to take all appropriate steps toward the completion of the financing, including completing an application to the LGC for its approval of the proposed financing,

(d) This resolution takes effect immediately.

I certify as follows: that the foregoing resolution was properly adopted at a meeting of the Board of Alderman of the Town of Waynesville, North Carolina; that this meeting was properly called and held on March 8, 2022; that a quorum was present and acting throughout this meeting; and that this resolution has not been modified or amended, and remains in full effect as of today.

Dated this ____ day of _____, 2022.

[SEAL]

Eddie Ward
Town Clerk
Waynesville, North Carolina

sh draft of Feb 8

February __, 2022

Joint Legislative Committee on Local Government
Co-Chairs Sen. McInnis and Rep. Warren
Legislative Building
16 West Jones St.
Raleigh, NC 27601

Fiscal Research Division
Attention: Director
North Carolina General Assembly
300 North Salisbury St., Suite 610
Raleigh, NC 27603

**Notice to the Joint Legislative Committee on Local Government
Concerning Proposed Financing by the Town of Waynesville**

To the Committee:

As counsel to the Town of Waynesville, North Carolina, and as required under N.C. Gen. Stat. Section 120-157.2, I am providing this notice of a proposed local government capital project that requires approval of the North Carolina Local Government Commission and requires debt to be issued in an amount exceeding \$1,000,000. Here is information about the proposed financing –

Project description	Acquire a fire station site, purchase a (water) tanker truck, and refinance an existing loan obligation for a public works facility.
Amount to be financed	Estimated as up to approximately \$1,900,000.
LGC meeting for consideration	April 5, 2022
Type of financing	Installment financing under Section 160A-20
Estimated financing term	The Town expects a financing term of approximately 15 years.

Sanford Holshouser LLP

February ____, 2022

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Expected source of repayment	General fund revenues
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Please let me know if you have additional questions or comments for me about this proposed financing.

Very truly yours,

Robert M. Jessup Jr.

cc: Sharon G. Edmundson, Secretary of the Local Government Commission
c/o Joe Futima
Town of Waynesville officials
(each by electronic mail)
Also to reports@ncleg.net

Request for Financing Proposals

Up to \$1,900,000

Town of Waynesville, North Carolina **Mixed Projects Installment Financing**

The Town of Waynesville, North Carolina, requests your proposal for an installment financing. **Proposals are due by electronic mail at 11:00 a.m. Tuesday, March 1, 2022.** The Town expects a closing by April 12, 2022. The Town looks forward to receiving your response.

A. The project

Borrow \$400,000 for a fire station site – The Town has closed on this purchase, with a reimbursement resolution in place.

Borrow \$428,000 for a tanker truck – The Town has identified the truck it wants, but not yet purchased. Will also see a 15-year term on this.

Borrow up to \$900,000 to refinance an existing loan for a public works facility.

The Town also plans to borrow money to cover costs of issuance.

B. The proposed financing

Maximum amount	\$1,900,000. If the refinancing does not proceed, the maximum amount will be \$950,000.
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Term	As described in Part C below
Collateral	As described in Part D below
Payments	Level principal, either annual or semiannual payments, with the first payment coming after July 1, 2022
Interest rate	Fixed rates requested
Prepayment	The Town requests quotations on the basis of both (a) prepayment in whole or in part at any time without penalty, and then (b) with whatever prepayment limitations you care to propose. The Town realizes not every proposer will choose to offer both options.
Bank-qualified	The financing will be “bank-qualified” for the purposes of Section 265(b)(3) of the Internal Revenue Code.

C. Rates and terms requested

Please quote a rate for a 15-year term to amortize up to \$1,000,000 for the fire truck and the fire station site.

Please quote a 9-year rate (to April 2031) to amortize up to \$900,000 for the public works facility. If your quoted rate would be above the existing loan rate of 2.09%, we invite you to quote a term that will allow you to quote a rate below 2.09%.

D. The proposed collateral

If the refinancing for the public works facility proceeds, then only the public works facility will be offered as collateral. building (not including contents and equipment) of approximately \$3.49 million.

If the refinancing does not proceed, then the Town will offer both the new fire truck and the fire station site as collateral.

The Town will not commission any additional survey or appraisal of any property or any third-party evaluation of environmental conditions of the property.

E. Proposed schedule

Proposals due	11:00 a.m., March 1
Town staff chooses a bidder to recommend to the Town Board for formal approval	By Friday, March 4
Town conducts required public hearing	March 8
Formal action by Town Board to approve proposal and substantially final financing documents	March 22
LGC approval	April 5
Deadline for closing date	By April 12

F. Proposal requirements

Along with your quoted rates, your proposal should include the following:

1. A clear and complete statement of whether there are any conditions to the closing of the transaction other than preparing acceptable documentation. The Town will rely on there being no such conditions unless stated in the proposal.

2. A clear and complete statement of all expenses to be paid to you or on your behalf, for such things as origination or underwriting fees, fees to any separate counsel you may elect to retain, any separate fees for escrow services, or reimbursement to you of any expenses. All these costs must be subject to stated maximums.

3. Please be clear as to whether you will advance the full financing proceeds to the Town at closing, or whether you will require an escrow process with your approving disbursements of loan proceeds.

4. A clear and complete statement of any rights you have to withdraw your proposal. As a term of this request, the Town retains the right to select a proposer on the basis of its proposal until 12:00 noon on Wednesday, March 23, 2022, subject only to terms stated in the proposal, and then the proposer shall have no right to withdraw the proposal prior to the proposed closing date stated above except in accordance with any terms or conditions stated in this request or in the proposal.

No commitment on the Town's part is final, however, unless and until (a) your organization's proposal states that the proposal is a commitment subject to acceptance, (b) the LGC has approved the financing, and (c) the Town Board has adopted a resolution approving your proposal.

4. Any other information you wish to provide concerning the financing or why your organization should be selected.

5. The name, telephone number and email address of a contact person for further communications with regard to the proposal process.

Sanford Holshouser LLP, Carrboro, North Carolina, as the Town's Bond Counsel, will prepare financing documents, but the Town is open to working with financing documents proposed by the successful bidder (a bidder should state that

preference in its proposal). The Town plans to provide a validity and tax opinion from Sanford Holshouser, and a bidder should indicate if an opinion is not required.

The Town reserves the right to request additional information from bidders. The Town reserves the right to negotiate with any bidder, to reject all proposals and to waive any irregularity or informality. Although the selection will be based substantially on lowest total financing cost (including both interest cost and upfront fees and expenses), the Town reserves the right to select the bidder that best meet the needs of the Town.

G. For additional information

You may direct questions to the following:

Financial or Project Information – Misty Hagood, Town of Waynesville finance officer, mhagood@waynesvillenc.gov.

Legal Information - Robert M. Jessup Jr., Esq., Sanford Holshouser LLP, Bond Counsel, 919/933-9891 (bob@shlawgroup.com).

You can find the Town's audited financial statements for the year ended June 30, 2021, on the Town's website as follows:

<https://www.waynesvillenc.gov/sites/default/files/inline-files/2021%20Financial%20Statements.pdf>.

H. Submitting proposals

Submit written proposals **by electronic mail**. Messages should be captioned "Town of Waynesville Financing Proposal" and must be received no later than **11:00 a.m. on Tuesday, March 1, 2022**. The proposal must be received by the deadline by Misty the Town's finance officer, at mhagood@waynesvillenc.gov.

The proposer in all events bears the risk of a late or incomplete delivery or transmission.

Please submit a copy of the proposal to Robert M. Jessup, Jr., Sanford Holshouser LLP, at bob@shlawgroup.com. This copy need not be submitted by the

deadline as a condition of this request, but it will be a convenience to the Town if it is submitted at or near the deadline.

Town of Waynesville, North Carolina – Notice of Public Hearing
Financing for Fire Station and Tanker Truck, and To Refinance Existing Loan

The Board of Alderman (the “Board”) of the Town of Waynesville North Carolina (the “Town”), will hold a public hearing on March 8, 2022, at 6:00 p.m. (or as soon thereafter as the matter may be heard). The purpose of the hearing is to take public comment concerning proposed financing contract, under which the Town would borrow approximately \$1,000,000 to pay for a new tanker truck and the acquisition of property for a new fire station and (2) approximately \$900,000 to refinance existing loan obligations. The refinancing will reduce borrowing costs and save the Town money.

The proposed financing would be secured by a lien on some or all of the projects financed or refinanced (and associated real estate), as well as the Town’s promise to repay the financing, but there would be no recourse against the Town or its property (other than the pledged property) if there were a default on the financing.

The hearing will be held at the Town Hall, located at 9 South Main Street, Waynesville, North Carolina 28786.

All interested persons will be heard. The Town’s plans are subject to change based on the comments received at the public hearing and the Board’s subsequent discussion and consideration. The Town’s entering into the financing is subject to obtaining approval from the North Carolina Local Government Commission.

Persons wishing to make written comments in advance of the hearing or wishing more information concerning the subject of the hearing may contact Eddie Ward, Town Clerk, 16 South Main Street, Waynesville, North Carolina 28786 (telephone (828) 452-2491, eward@waynesvillenc.gov).

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 8, 2022**

SUBJECT: Historic Preservation Commission Member

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Eddie Ward
Presenter: Jesse Fowler

BRIEF SUMMARY:

Since July of 2021 there has been a vacancy on the Historic Preservation Commission due to there being a tie between two applicants that were already serving on other Boards. This is a request for the Board to vote on one of three applicants to fill that vacancy. The applicant will serve a three-year term ending on June 30, 2025.

MOTION FOR CONSIDERATION: To approve one of three applicants to serve on the Historic Preservation Commission

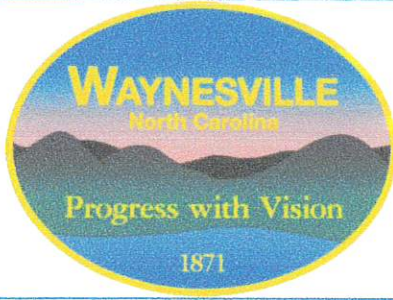
FUNDING SOURCE/IMPACT: (must have approval by Finance Director prior to submission to the Board)

Finance Director

Date

ATTACHMENTS: Applications for selections

MANAGER'S COMMENTS AND RECOMMENDATIONS:



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME CLARE A. BASS
STREET ADDRESS 94 KATKA LOOP WAYNESVILLE 28786
MAILING ADDRESS SAME
PHONE 919 818-7403
E-MAIL CBASS7399@GMAIL.COM

Please consider me for appointment to the following board(s) or commission(s):

<input type="checkbox"/> Alcoholic Beverage Control Board	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Community Action Forum	<input type="checkbox"/> Public Art Commission
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Recreation & Parks Advisory Commission
<input type="checkbox"/> Firemen's Relief Fund Board	<input type="checkbox"/> Waynesville Housing Authority
<input checked="" type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> 1% Zip Code Subcommittee (TDA)
<input type="checkbox"/> Homelessness Taskforce (adhoc)	<input type="checkbox"/> Cemetery Committee (adhoc)

I am interested in serving on this board or commission because: I would like the opportunity to serve this community in an area in which I have great interest and experience.

I have experience/expertise in the following areas and/or have served on the following board or commission:

I worked with NC Historic Sites program for more than 20 years. I have served on several historic site and museum boards. Resume is attached.

I feel that I can contribute the following to this board or commission In addition to bringing years of experience, I would provide dedication and "fresh eyes" to this commission.

Tell us about yourself and your background: I am an Asheville native. My husband and I have recently moved here and are building our retirement home.

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Clare A. Bass
Signature

2/15/22
Date

Clare Arthur Bass
94 Katka Loop
Waynesville, NC. 28786
Home: 919 818-7403
cbass7399@gmail.com

Professional Experience

Wake County Public Libraries, Raleigh, NC

Adult Services Department Manager

Cameron Village Regional Library, 2011-2015 (retired)

Managed the staff and daily operations of the Adult Services Department; established work priorities, and developed schedules; supervised four librarians and 4.5 FTE library assistants.

Served on management team to restructure and direct programming model for the library system; oversaw the planning, implementation, and evaluation of the Arts & Literature programming for six Regional Libraries.

Adult Services Librarian

Cameron Village Regional Library, 2005-2011

Provided Readers Advisory and Reference services to a diverse community; developed displays and marketing initiatives for promoting the collection; established and maintained community partnerships to enhance library programming; planned, developed and presented public programs for adult patrons; lead a monthly book club.

Served as a customer service and a readers' advisory trainer for library staff; taught computer skills classes for the patrons

North Carolina Historic Sites, Raleigh, NC

Curator of Collections, 1987-2005

Directed the Collections Branch of the NC Division of State Historic Sites. Supervised collections staff of 5 permanent employees. Managed budgets; set and maintained work goals. Developed and oversaw collections management training, collections care workshops, and object identification training.

Directed the acquisition, registration, conservation, research, exhibition and care of nearly 75,000 historic objects and documents. Led two disaster response teams. Served as grant reviewer for the Institute of Museum and Library Services (IMLS).

CSS Neuse State Historic Site, Kinston, NC

Assistant Manager, 1985-1987

Thomas Wolfe Memorial State Historic Site, Asheville, NC

Historic Interpreter, 1984

Pack Memorial Public Library, Asheville NC 1976-1977

Library Page

Education

M.L.S., North Carolina Central University. 2004

M.A. American History and Applied History, University of South Carolina, 1983.

B.A. History, Catawba College, Salisbury, NC, 1981

Professional Associations

North Carolina Library Association

Conference planning committee, 2013

North Carolina Museums Council

Secretary, 2000-2005

Chair, Nominating Committee, 1996-1997

Treasurer, 1994-1996

Community Activities

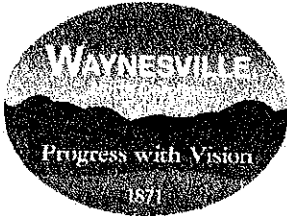
City of Raleigh Historic Resources and Museums Advisory Board 2016-2021

Board chair 2020-2021

Historic Oakview County Park Advisory Board 2009-2021

NCSU Olli Member, 2015-2021

J. C. Raulston Arboretum volunteer 2016-2021



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Caroline Brown - Williamson
STREET ADDRESS 466 Laurel Ridge Way NC 28786
MAILING ADDRESS PO 372 Hazelwood NC 28738
PHONE 828-734-1183
E-MAIL caroline.brown.wm@gmail.com

Please consider me for appointment to the following board(s) or commission(s):

- | | |
|----------------------------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> Alcoholic Beverage Control Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Community Action Forum | <input type="checkbox"/> Public Art Commission |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Recreation & Parks Advisory Commission |
| <input checked="" type="checkbox"/> Firemen's Relief Fund Board | <input type="checkbox"/> Waynesville Housing Authority |
| <input checked="" type="checkbox"/> Historic Preservation Commission | <input type="checkbox"/> 1% Zip Code Subcommittee (TDA) |
| <input type="checkbox"/> Homelessness Taskforce (adhoc) | <input type="checkbox"/> Cemetery Committee (adhoc) |

I am interested in serving on this board or commission because: To support preservation of our history in Haywood County

I have experience/expertise in the following areas and/or have served on the following board or commission:

Served - Public Art Commissioner - Vice Chair
Servations Army - HIGHTS Youth
Board Policy - Coordination Events - Education

I feel that I can contribute the following to this board or commission: Strong desire to preserve and advocate historic preservation
Commitment to community

Tell us about yourself and your background: Native Haywood County 4th Generation
Business Owner - Educator

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Signature Caroline Brown - Williamson 2.24.2022

Date

Upon appointment to a Board/Committee, the information contained herein becomes a matter of public record per NCGS 132-1.
Return Application to Town Clerk's Office

PROFESSIONAL EXPERIENCE

Workforce Development and Education Director, HIGHTS Youth Organization: July 2019-Current

Develop Workforce Program and WIOA contracted services

Develop strong stakeholder partnerships: Business, Community College, Community Access Resources

Program Evaluation

Organizational and Strategic Planning

Jackson County Public Schools, Jackson Community School, Dropout Prevention –August 2016-2021

- Increased Graduation rate through collaborative team effort-Teachers, Administrators, Counselors, Community Outreach/Resources Increased Grad Rate from 67 percent 2016 increased to 89 percent
- Developed community stakeholder partnerships created collaborative community member team-*Village People* to provide access resources to students
- Developed Internship program providing workforce development training and placing students in paid and non-paid work experiences
- Developed and assisted in school retention plan: building relationships with students and parents to increase attendance and engagement.
- Develop remote online learning
- Coordinate wrap around services for students
- Develop strong stakeholder partnerships: Business, Community College, Community Access Resources
- Provided support to teachers and staff to determine interventions needed to assist student success
- Created “Senior Seminar” to engage students in a world -view discussion of postsecondary opportunities, focusing on employability skills through collaboration with community partners and business leaders
- Provided support and guidance to online learning lab-Edgenuity
- Provided postsecondary support: Developed relationship with SCC College Access Coordinator-College and Career Promise including College applications, FAFSA, Career exploration.
- Provided enrichment to demonstrate high school graduation as a pathway to a career and better quality of life
- Leadership Team-NC Star Process Manager; MTSS Leadership Team
- Coordinated community resources to provide support systems to students to facilitate graduation completion.
- Developed partnership with WCU Early Field Experience to facilitate Math tutoring with education majors in Edgenuity Lab
- Developed co-curricular STEM-Entrepreneurship students and teachers

Haywood County Schools- HCLC ALP Dropout Prevention Coordinator to Students at Risk 2009 – 2015

Developed program through WIOA support to re-engage young adults in school programs

- Provided instructional learning to prepare students grades 9-12 as College and Career Ready -21st Century Learners in Alternative Learning School Program
- Managed and collaboratively wrote grants totaling 1.65 million-21st CCLC, NC Rural Grants, WIOA, Career, STEM initiatives. Placed students in OJT-Experiential Work based experience, fostered employability skill training, credentialing, and entrepreneurial spirit. Worked with all student populations: EC;OCS; Regular Ed; ELL
- Facilitated *Career Choices* Curriculum in multi-aged classrooms which focused on Financial Literacy, ELA, STEM, and character education
- Developed core foundation of community stakeholders including Mayor, business leaders
- Developed Internship program placing students in paid and non-paid work experiences
- Testing Coordinator. Scheduled EOC's, CTE, Workkeys. Online testing.
- Implemented online virtual blended curriculum, instructional intervention

- Assisted with IEP meetings, provided parent & student support
- Assisted with daily operations, budgeting, goals, student hand book, positive behavior, HCS mission culminating in increased retention and graduation
- Provided direct student support for post-secondary initiatives, scholarship opportunities, FAFSA college applications; career exploration..
- Initiated freshman summer programs for transition to high school
- Recruited strong foundation of community stakeholders, "The Village People". Led monthly community meetings.
- Facilitated new student /parent orientation. Coordinated/facilitated parent graduation meetings and high school graduation ceremony
- Initiated & maintained school website to promote parent and community communication
- Earned program recognition through the SBE of North Carolina, NYEC, and the U.S. Department of Education for "Best Practices" in Dropout Prevention
- Ensured students who were considered "at risk" and first generation graduated with a HCS district high school diploma. Served as Principal's designee -Pioneer in start- up of new school ALP initiative

Haywood Community College, Instructor/High School Equivalency Diploma Examiner
2001 – 2010

- Facilitated instruction in ELA and Math and intervention through diverse pedagogical strategies in multi-age level classroom providing individualized instruction
- Successfully administered assessments, reviewing data to provide prescriptive intervention to build ELA and math skills. Collaborated with instructors regarding student interventions and appropriate levels of curriculum.
- Assisted students with college and departmental policies and procedures, including all applicable guidelines. Coordinated testing & orientation for prospective and registered students
- Served as an official GED High School Equivalency Examiner and Testing Coordinator.

EDUCATION

Master of Arts – Master of School Administration (May 2015), Western Carolina University
Principal Licensure NC 0012

Bachelor of Arts – Mass Communications, University of North Carolina – Asheville
Associate of Applied Arts, St. Mary's Women's Junior College

Honors and Grant Management

- Tapped as Teacher Leader –Jackson County Public Schools Superintendent, May 2017
- Program Recognized and selected for study by U.S. Department of Education for "Best Practices" in Dropout Prevention
- Recognized by NC State Board of Education for increased graduation rates and best practices.
- Selected by Americas Promise Alliance (General Colin Powell) to attend national conference with student. Wash. DC 2013
- STEM-Entrepreneurship Cherokee Preservation Foundation grant.
- Completed National Science Foundation Grant Writing Workshop, NCSU, Dec.2014
- Managed and assisted in writing grants totaling 1.65 million-21st CCLC, NC Rural Career Grants, WIOA, STEM. Placed students in OJT-Experiential Work based experience, fostered employability skill training, credentialing, and entrepreneurial spirit
- Servant Leadership Recognition -HCLC
- Young Careerist-Business Professional Women
- Pi Lambda Theta, WCU
- Pi Gamma Mu, WCU
- Lifetime Member Girl Scouts of America- Appreciation Award

VOLUNTEER EXPERIENCE

Salvation Army Board Member- 2010-Present

National Dropout Prevention Center Member- 2010-Present

Waynesville Public Art Commission Board-2016-2018

CIRCLES OF HOPE- 2013-2015, Guiding Coalition Committee

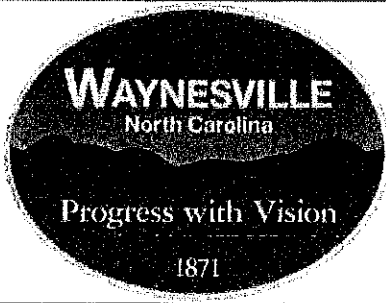
Communications Chair, 2001-2006, Downtown Hazelwood Village

Meals On Wheels- Summer (s)1996-1998, Delivered meals to elderly

Girl Scout Troop Leader- 1996-2002, provided opportunity for girls to gain confidence and insight to the value of experiencing the honor of giving service to others

Vice President of PTO, Fund Development- 1996-1998, Hazelwood Elementary. Initiated team of volunteers to implement a new fund raising project and exceeded goals of financial projection

Certification/Seminars: "Teaching with Poverty in Mind," Career Choices, National Science Foundation Grant writing Workshop . MOODLE, POWERSCHOOL, Mentor Volunteer Trainer, APLUS Learning, Odysseyware, Edgenuity, Train the Trainer, Certified trainer. Conflict Resolution, NC Tax Course, Notary Public



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Rodney "Keith" Cloer
STREET ADDRESS 48 Brookside Ct.
MAILING ADDRESS Waynesville, NC 28786
PHONE 828-400-9372
E-MAIL rcloer@haywood.k12.nc.us

Please consider me for appointment to the following board(s) or commission(s):

- | | |
|----------------------------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> Alcoholic Beverage Control Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Community Action Forum | <input type="checkbox"/> Public Art Commission |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Recreation & Parks Advisory Commission |
| <input type="checkbox"/> Firemen's Relief Fund Board | <input type="checkbox"/> Waynesville Housing Authority |
| <input checked="" type="checkbox"/> Historic Preservation Commission | <input type="checkbox"/> 1% Zip Code Subcommittee (TDA) |
| <input type="checkbox"/> Homelessness Taskforce (adhoc) | <input type="checkbox"/> Cemetery Committee (adhoc) |

I am interested in serving on this board or commission because: see attached

I have experience/expertise in the following areas and/or have served on the following board or commission:

See attached

I feel that I can contribute the following to this board or commission See attached

Tell us about yourself and your background: See attached

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Signature [Signature]

2/21/2022

Date

Upon appointment to a Board/Committee, the information contained herein becomes a matter of public record per NCGS 132-1.

Return Application to Town Clerk's Office

I am interested in serving on this board or commission because -

Local history is important in developing and maintaining community spirit. Waynesville has undergone many massive changes over the last two generations. These changes include the lingering effects of deindustrialization and a large-scale brain drain in the community due to the subsequent shift in the local economy.

Having weathered the changes of the last thirty years, Waynesville chose to focus on the development of the tourism industry. Three commercial districts dot the community. Frog Level, of particular interest, is scheduled to undergo a massive change in the coming months. In addition to these commercial districts, there are other structures and points of interest that should be preserved, not necessarily in opposition to development, but through a responsible stewardship of our shared history.

As a lifelong resident of Waynesville, I am keenly interested in avoiding the problems that have befallen neighboring communities. The promotion of responsible public history, while important at all times, is especially necessary during this period of uncertainty.

I have experience/expertise in the following areas and/or have served on the following board or commission -

I have completed graduate and undergraduate degrees in history through Western Carolina University. In addition to this, I am a certified teacher through the North Carolina Department of Public Instruction. I am rated as a "highly qualified" teacher in the instruction of secondary social science.

I am a faculty co-sponsor of the National Honor Society. I am also a member of Tuscola High School's School Improvement Team.

I feel that I can contribute the following to this board or commission --

I am experienced in grant writing, organizational theory, and local government management through my completion of an MPA degree.

Having read through recent approved minutes of the board, the main interest of late seems to be the historical use of the Green Hill Cemetery. Fiduciary funds managed by municipalities have a host of issues and responsibilities that are typically outside of regular local government interest. This no doubt resulted in the unpleasantness a few years ago when the town cleaned up the cemetery, to the consternation of many surviving family members. There needs to be a sober discussion and plan for what will happen to this asset when it reaches capacity, who will fund its preservation, and who will be responsible for the same.

Tell us about yourself and your background --

Please see my attached resume for further information on my background, education, and experience.

► R. Keith Cloer

48 Brookside Ct
Waynesville, NC 28786
Phone: 828-400-9372
E-mail: rkcloer1@email.wcu.edu

Objectives

Secondary school teacher looking to use years of training and experience in history, political science, public administration, and adult education to educate standard and honors level high school students in world history, United States history, or civics.

Education

MA - United States History, Western Carolina University, Projected: December, 2019.

Master of the Arts in Teaching, Western Carolina University, May, 2018.

Administrative Officer Management Program, NC State University, April, 2015.

Master of Public Affairs Administration, Western Carolina University, May, 2012.

BS - United States History, Western Carolina University, December 2005.

- Class Secretary, AOMP 73.
- Capstone Project – Drug Impaired Driving Laws, MPA Program.
- Proposed Thesis – Influence of Rome on the Federalist Era, MA, US History.

Experience

Biology Teacher (September, 2018 – June, 2019)

Tuscola High School, Waynesville, NC

Teaching standard and honors level students to comprehend biological concepts outlined in the state education standards in a rural environment.

Student Teacher (August, 2017 – May, 2018)

Asheville High School, Asheville NC

Completed the student teaching internship teaching standard and honors world history students at the ninth grade level in an urban environment.

Graduate Writing Tutor (August, 2017 – December, 2017)

Western Carolina University Writing and Learning Commons, Cullowhee, NC

Tutoring undergraduate and graduate students on better writing habits and helping those students to proofread and edit assigned papers. Employee of the Month, December, 2017.

Police Officer/Detective/Sergeant (March, 2008 – July, 2015)

City of Asheville, Asheville Police Department

Investigating, documenting, and prosecuting street level crime, property theft, juvenile crimes, and sexual assault cases. Supervised a team of eight officers who performed the same outlined duties. Life Saving Award.

Technical Support/Software Tester (September, 2002 – November, 2007)

Drake Software, Franklin, NC

Fielded technical support calls from a wide variety of income tax software clients. Tested the software for accuracy in tax calculations.

Skills

- ▶ Highly qualified teacher, Secondary social studies, general science, and English.
- ▶ Highly qualified teacher, Middle grades social studies.
- ▶ Advanced Law Enforcement Certificate
- ▶ Traffic Enforcement and Investigations Certificate
- ▶ Criminal Investigations Certificate
- ▶ Certified General Instructor for law enforcement classes

References

Dewayne Greene

Sergeant, Asheville Police Department (Retired)

Telephone: 828-552-9367

Daniel Atwood

Science Department Head, Tuscola High School

Telephone: 828-593-9036

Jennifer Worley

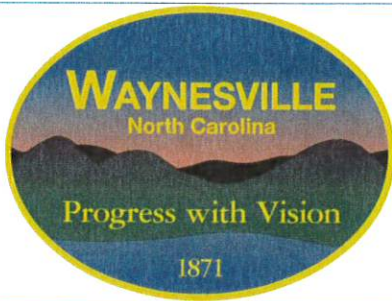
Biology Teacher, Tuscola High School

Telephone: 828-734-6485

Bart Murphy

History Teacher, Asheville High School

Telephone: 828-329-1392



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

16 South Main Street, P.O. Box 100, Waynesville, NC 28786

(828) 452-2491

eward@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME SHEREEN MALEK

STREET ADDRESS 175 ATKINS LOOP, LAKE JUNALUSKA, NC 28745

MAILING ADDRESS PO BOX 1164, WAYNESVILLE, NC 28706

PHONE 301-280-0000

E-MAIL MISSMALEK@GMAIL.COM

Please consider me for appointment to the following board(s) or commission(s):

- | | |
|----------------------------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> Alcoholic Beverage Control Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Community Action Forum | <input type="checkbox"/> Public Art Commission |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Recreation & Parks Advisory Commission |
| <input type="checkbox"/> Firemen's Relief Fund Board | <input type="checkbox"/> Waynesville Housing Authority |
| <input checked="" type="checkbox"/> Historic Preservation Commission | <input type="checkbox"/> 1% Zip Code Subcommittee (TDA) |
| <input type="checkbox"/> Homelessness Taskforce (adhoc) | <input type="checkbox"/> Cemetery Committee (adhoc) |

I am interested in serving on this board or commission because: I have a passion for old buildings and would like to help preserve sites of historical and cultural importance.

I have experience/expertise in the following areas and/or have served on the following board or commission:

Real Estate, Strategy Development, Financial Planning

I feel that I can contribute the following to this board or commission: A unique perspective through a real estate and construction lense.

Tell us about yourself and your background: I have been involved with varying forms of real estate and corporate planning for 7+ years. I am a creative people-person, good listener, and solution-finder.

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Sheren Malek

Signature

2/21/2022.

Date

Upon appointment to a Board/Committee, the information contained herein becomes a matter of public record per NCGS 132-1.

Return Application to Town Clerk's Office

Waynesville Board of Aldermen

March 8, 2022

BALLOT

HISTORIC PRESERVATION COMMISSION

Members should choose (1) candidate

- ☐ Rodney Cloer
- ☐ Clare Bass
- ☐ Caroline Brown-Williamson
- ☐ Shereen Malek

Write In: _____

Signature: _____

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 8, 2022

SUBJECT: Amendments to the Municipal Records Retention Schedule

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration Services
Contact: Eddie Ward, Town Clerk
Presenter: **Jesse Fowler, Assistant Town Manager**

BRIEF SUMMARY:

Periodically, the NC Department of Cultural Resources amends the Records Retention Schedule to include information that may have been changed due to legislative updates or other necessary revisions.

This request is to approve the newest revision of the Programs Record Schedule and the General Records Schedule.

MOTION FOR CONSIDERATION: To approve the latest version of the retention schedule as presented.

FUNDING SOURCE/IMPACT: (must have approval by Finance Director prior to submission to the Board)

Finance Director

Date

ATTACHMENTS: Signature page for the General Records Schedule and the Program Records Schedule Retention Schedule

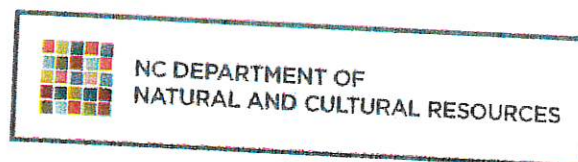
MANAGER'S COMMENTS AND RECOMMENDATIONS:

RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

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2021 General Records Schedule: Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 General Records Schedule: Local Government Agencies**:

1. Administration and Management Records
2. Budget, Fiscal, and Payroll Records
3. Geographic Information System Records
4. Human Resources Records
5. Information Technology Records
6. Legal Records
7. Public Relations Records
8. Risk Management Records
9. Workforce Development Records

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

G.S. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

"(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means."

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

Audits and Litigation Actions

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

Electronic Records

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, G.S. § 132-6.1(a) specifies:

"Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software."

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

Reference Copies

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when "*reference value ends*." All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "*destroy when reference value ends*." If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction "*destroy when reference value ends*."

Record Copy

A record copy is defined as "The single copy of a document, often the original, that is designated as the official copy for reference and preservation."¹ The record copy is the one whose retention and disposition is mandated by this schedule; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to

¹ Society of American Archivists, *Dictionary of Archives Terminology*.

designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

Transitory Records

Transitory records are defined as "record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use."²

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, "while you were out" slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary's seal), they must be retained according to the disposition instructions for the records series encompassing the forms' function.

² Ibid.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes previous versions of this schedule and any localized amendments; It is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Municipal/County Clerk or Manager
Title: _____

Sarah E. Koonts
Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____

D. Reid Wilson
D. Reid Wilson, Secretary
Department of Natural and Cultural
Resources

Municipality/County: _____

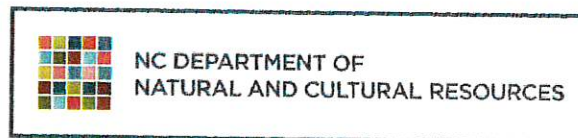
Effective: October 1, 2021

RECORDS RETENTION AND DISPOSITION SCHEDULE

PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

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Program Records Schedule: Local Government Agencies

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10. Airport Authority Records
11. Animal Services Records
12. Code Enforcement and Inspection Records
13. Emergency Medical Services and Fire Department Records
14. Parks and Recreation Records
15. Planning and Regulation of Development Records
16. Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records
17. Public Transportation Systems Records
18. Public Utilities and Environmental/Waste Management Records
19. Street Maintenance, Public Works, and Engineering Records
20. Law Enforcement Records (excluding Sheriff's Offices)
21. Tax Records (for municipalities)

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

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² Ibid.

APPROVAL RECOMMENDED

Municipal/County Clerk or Manager
Title: _____

Sarah E. Koonts
Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____

D. Reid Wilson
D. Reid Wilson, Secretary
Department of Natural and Cultural
Resources

County/Municipality: _____

Effective: October 1, 2021

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 8, 2022

SUBJECT: Downtown Waynesville Advisory Committee Chairman Selection

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Jesse Fowler
Presenter: Jesse Fowler

BRIEF SUMMARY:

The Downtown Waynesville Advisory Committee held their first meeting on February 23rd. The Committee nominated Jay Spiro as their preferred Chairman. Mr. Spiro has experience working with downtown organizations in Sylva, NC and also has experience in the revitalization through working to revitalize “Old Cullowhee”. Mr. Spiro is an at-large member of the Downtown Waynesville Advisory committee.

MOTION FOR CONSIDERATION:

Motion to appoint Jay Spiro as Chairman of the Downtown Waynesville Advisory committee.

FUNDING SOURCE/IMPACT:

ATTACHMENTS:

Jay Spiro Downtown Waynesville Advisory Committee Application

MANAGER’S COMMENTS AND RECOMMENDATIONS:



Application for Appointment to the Downtown Advisory Committee

Please return to the office of the Town Clerk at 16 S. Main Street

eward@waynesvillenc.gov; (828) 452-2491

Additional pages and/or a resume may be attached but is not required

NAME JAY SPIRO
STREET ADDRESS 42 Wilkinson Pass Lane, Waynesville, NC
MAILING ADDRESS P.O. Box 697 Sylva, NC 28779
PHONE (828) 226-1078
EMAIL jay@4smokys.com

The Advisory Committee is comprised of 13 members: 4 members from Downtown Merchants, 4 members from Downtown Owner/Residents, 3 at-large members, 1 County Official, and 1 Town Board Member. Please indicate your representative area:

☐ Downtown Owner/ Resident

☐ Downtown Merchant

☒ At-large

Members of the Advisory Committee will serve as members of 4 standing committees and serve staggered terms. Please indicate below your choice of committee in ranking order of your preference.

- 1 Economic Vitality Committee
- 2 Mainstreet Design Committee
- 3 Effective Promotions Committee
- 4 Sustainable Organization Committee (budget, annual work plan, organization goals & objectives)

I am interested in serving on the Downtown Advisory Committee because: I am passionate about our downtown. I have extensive experience with the NC Main Street Program, working to co-found the Sylva downtown organization. I have worked with DWA for several years and am also currently involved in revitalization of old Cullowhee.

I have experience/expertise in the following areas and/or have served on the following Boards or Commissions: see above. I worked with Advantage West and Western North Carolina Tomorrow; Chairman of Meridian Behavioral Health (now Blue Ridge Health); Board of Directors of regional Board of Realtors; Rotary Club Board of Directors; Smart Growth task force; many others.

I believe that I can contribute the following to the Downtown Advisory Committee: I am passionate about economic revitalization and in particular downtown improvement and vitality and enhancement. I am an idea person, and very collaborative (which is vital right now for our DWA/DAC).

Tell us about yourself and your background: Licensed Attorney and Commercial Real Estate Broker. Extensive experience with commercial property. Navy Veteran. Active and attend Longo Chapel Church. Lived in area for 35 years and have extensive network to call upon. Active hiker and tennis/golf.

If I am chosen for appointment, I will be contacted for my permission to accept the appointment. If I am chosen, I will faithfully execute my duty on the Downtown Advisory Committee.

Signature Jane M. Spiro

Date 10/25/21

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 1/8/22**

SUBJECT Presentation of Phase II Wayfinding Program

AGENDA INFORMATION:

Agenda Location: Presentation
Item Number:
Department: Administration
Contact: Rob Hites
Presenter: **Rob Hites**

BRIEF SUMMARY:

Late in the fall the TDA sent out a request for RFPs for funds they received in excess of their funded program. The Towns of Haywood County jointly applied for a regional grant to help fund the final phase of the Wayfinding Program. The TDA awarded Waynesville \$40,000 toward the final phase. The balance would be funded by the second reimbursement of ARP funds. Buzz Bizzell and I placed signage at critical intersections that direct visitors to all three of our commercial nodes. In addition to the signage, we located "Public Parking Signs" in a number of locations. As you know the State requires that the messages on Wayfinding Signs be generic so a visitor would read "Downtown, Frog Level or Hazelwood. They may include museums and theaters such as Hart or Shelton House. Mr. Bizzell has divided the project into three components, The Parking Signage, \$33,045.90, the Downtown Waynesville Wayfinding Signs, \$29,390.30 and the Frog Level and Hazelwood Wayfinding Signs, \$39,546.50. All phases totaling \$101,981.90. Mr. Bizzell will be present to present his designs and how they fit into a coordinated branding program for both Waynesville and the rest of the County.

MOTION FOR CONSIDERATION:

Receive Mr. Bizzell's presentation and refer the Downtown, Frog Level and Hazelwood phases to their respective stake holders for input. Place the item on the April 12th Agenda.

FUNDING SOURCE/IMPACT: General (ARP)

ATTACHMENTS: Mr. Bizzell will present a Power Point Presentation at the Meeting.

MANAGER'S COMMENTS AND RECOMMENDATIONS

Review Mr. Bizzell's work and refer each phase to stakeholders for Downtown, Hazelwood and Frog Level for comment.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 8, 2022

SUBJECT: Budget Amendment to allocate \$30,000 from fund balance for the development of Engineering and Construction Documents for Greenway segment at Mountain Creek Plaza.

AGENDA INFORMATION:

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

BRIEF SUMMARY:

The Town is coordinating with Tribridge Real Estate as part of the Mountain Creek Plaza development, and with NCDOT as part of the Russ Avenue project, to design a greenway and park space along Richland Creek on property that the Town now owns. This request will provide \$30,000 to hire Civil Design Concepts to facilitate design and engineering and the development of construction and bid documents from which to construct this segment of greenway. Probable cost estimates from this contract will be used to apply for funding from the Haywood Tourism Development Authority for assistance with construction.

MOTION FOR CONSIDERATION:

1. Approval of the attached budget amendment.

FUNDING SOURCE/IMPACT:

This project will require \$30,000 in funding for design and engineering. This allocation will count towards project match for a future TDA grant.


Misty Hagood, Finance Director

3-2-22

Date

ATTACHMENTS:

1. Budget Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Recommendation is approve budget amendment in order to complete design, engineering and bid documents for construction of a greenway trail on the Town-owned property along Richland Creek and adjacent to the Mountain Creek Plaza development.

Ordinance No. O-04-22

Amendment No.16 to the 2021-2022 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2021-2022 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2021-2022 Budget Ordinance be amended as follows:

Allocate from General Fund Balance:	\$30,000
Increase the following appropriations:	
Planning Department	
Professional Services 104910-521990	\$30,000
Total General Fund appropriations increase	<u>\$30,000</u>

Adopted this 11th day of January 2022.

Town of Waynesville

J. Gary Caldwell
Mayor

Attest:

Eddie Ward
Town Clerk

Approved As To Form:

Martha Sharpe Bradley
Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 8, 2022

SUBJECT: Report on Unpaid Property Taxes/Yearly Tax Advertisement in Local Newspaper

AGENDA INFORMATION:


Agenda Location: New Business
Item Number:
Department: Finance
Contact: Misty Hagood and Sharon Agostini
Presenter: **Sharon Agostini**

BRIEF SUMMARY:

Tax Collector Sharon Agostini requests that the Mayor and Board of Alderman approve the yearly tax advertisements in the local newspaper. This is usually done in The Mountaineer and is in accordance with N.C.G.S. 105-369. I plan to advertise the last week of March.

MOTION FOR CONSIDERATION: To approve the yearly tax advertisements in The Mountaineer in accordance with N. C. G. S.105-369.

FUNDING SOURCE/IMPACT: Approved approximately \$3,800 - Operating Budget for 2022

 2/28/2022
Misty Hagood, Finance Director Date

ATTACHMENTS:

A delinquent tax listing. (Please note that this delinquent tax listing is only a snapshot of collections to a certain point of time and will change before the advertisement date. An updated list will be provided before the advertisements are printed.)

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve the yearly tax advertisements in The Mountaineer in accordance with N. C. G. S.105-369.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 3/8/22

SUBJECT Social Districts

AGENDA INFORMATION:

Agenda Location: NEW BUSINESS
Item Number:
Department: Administration
Contact: Rob Hites
Presenter: Rob Hites

BRIEF SUMMARY:

The General Assembly recently passed GS 160A-205.4 which permits municipalities to create “social districts” where a person may purchase beer, unfortified and fortified wine and mixed drinks and carry them out of the premises and consumer them within a specified boundary. A Town may adopt one or more social districts. The legislation supported by the NC Retail Merchants Association is meant to permit people to carry alcoholic beverages within the district and walk the streets, shop at stores that permit alcohol between days and hours specified by the Town. Several municipalities have adopted ordinances in accordance with the statute including Greensboro, Kannapolis and Sylva. This type of district has been a part of Greenville SC downtown program for a number of years. The statute is somewhat cumbersome in that it requires a participating business to provide a container of no more than 16 ounces, non- glass, with both the name of the establishment and the district affixed to it. One much state in a 12-point font “Drink Responsibility- BE 21”. I am attaching a sheet explaining the bill and the district map that Sylva adopted. I am also attaching a sample ordinance drafted from language used in Greensboro’s Ordinance.

MOTION FOR CONSIDERATION:

Receive the presentation and instruct the staff as to whether the Board has an interest in adopting districts in Downtown, Frog Level and or Hazelwood.

FUNDING SOURCE/IMPACT: General

ATTACHMENTS: Bullet Point Explanation of Statute, Sample Ordinance,

MANAGER’S COMMENTS AND RECOMMENDATIONS Several folks have expressed an interest in the Town pursuing such a district. I am bringing it to the Board to seek their input for such a program. If the Board is interested in establishing social districts the DWMSD, Frog Level Merchants and Haywood County TDA could include it in their marketing of fall and spring (2023) events.

Social District Proposal for the Town of Waynesville

Background: House Bill 890 was passed by the NC House and Senate on Wednesday, September 8, 2021, and signed by the Governor on September 10. Included in House Bill 890 is a provision that allows the creation of social districts in North Carolina. The North Carolina Retail Merchants Association was the major interest group pushing for the passage of this legislation to drive foot traffic to downtown businesses and level the playing field for brick-and-mortar businesses without ABC permits.

What is a Social District?

A defined outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee.

Who Can Designate a Social District?

House Bill 890 did not create a statewide social district, but instead allows cities and counties to “opt-in” to social districts via an ordinance. A Town may adopt an ordinance designating an area within the municipal limits as a social district under G.S. 160A-205.6.

What are the requirements for a Town to Create a Social District?

1. Social districts must be clearly defined and post **signage** in conspicuous locations indicating:
 - a. The area included in the social district
 - b. The days and hours during which alcoholic beverages can be consumed in the social district and
 - c. The telephone number for the ALE division and local law enforcement jurisdiction over the social district.
 - d. A clear statement that an alcoholic beverage purchased for consumption in a social district shall:
 - i. Only be consumed within the social district and
 - ii. Be disposed of before the person possessing the alcoholic beverage exits the social districts, unless the person is reentering the licensed ABC premises where the alcoholic beverage was purchased (G.S. 18B-906.1(c)(1)).
2. Social districts are only allowed to operate during the hours defined under G.S. 18B-1006: from 7am until 2 am Monday-Saturday and 10am-2am on Sundays because the Town of Waynesville has allowed for earlier Sunday Sales. (G.S. 18B-906.1(c)(1)).
3. A Town designating a social district is required to establish management and maintenance plans for the social district and post these plans along with a drawing of the boundaries and the applicable days and hours of the social district on the city’s website. A social district must be maintained in a manner that protects the health and safety of the general public. (G.S. 18B-906.1(c)(2)).
4. Before a social district can become operational, a Town must submit to the North Carolina ABC a detailed map of the social district with the boundaries clearly marked and the days and hours during which alcoholic beverages can be consumed. (G.S. 18B-906.1(c)(3)).

Who Can Sell Alcohol in a Social District?

Under G.S. 18B-906.1(a)(1), a business holding any of the following ABC Permits may sell alcohol to be consumed in a social district:

1. An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1)
2. An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3)
3. An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5)
4. A mixed beverages permit issued pursuant to G.S. 18B-1001(10)
5. A distillery permit issued pursuant to G.S. 18B-1100(5)

What additional rules do ABC permittees have to follow to sell alcohol within a social district? (G.S. 18B-906.1(d))

First, an ABC permittee must be located in or contiguous to the social district in which it is selling alcohol to be consumed.

Secondly, the ABC Permittee is only allowed to sell and serve alcoholic beverages ON its licensed premises. In other words, the ABC Permittee cannot sell alcoholic beverages in the street or down the street from its licensed premises just because they are located in or are contiguous to the social district.

Third, alcoholic beverages that are being sold to be consumed in a social district can only be sold in a container that meets the following requirements:

1. The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased.
2. The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
3. The container is NOT made of glass.
4. The container displays, in no less than 12-point font, the statement "Drink Responsibly – Be 21."
5. The container cannot hold more than 16 fluid ounces.

Finally, the ABC permittee must prohibit a person from entering or reentering its licensed premises with an alcoholic beverage not sold by the ABC permittee as is the current law. An example, XYZ restaurant sells John Smith a cup of wine. John Smith cannot reenter XYZ Restaurant with a cup of beer he bought at Acme Brewing located within the same social district. John Smith also cannot enter XYZ restaurant for the first time with the cup of beer John Smith bought at Acme Brewing. They can, however, re-enter the same location where they purchased the alcohol that they are still consuming.

Businesses Who Wish to Opt Out.

- Signage will indicate that retail customers can or cannot enter with alcohol (or food & drink if that is the policy).
- Signage can indicate that a bar or restaurant customer may not remove alcohol from the facility.

Customer Requirements:

First, a person can only possess and consume alcoholic beverages purchased from an ABC permittee located in or contiguous to the social district on a designated social district container.

Second, any alcoholic beverages consumed in the social district must be consumed from the required social district container. In other words, a person cannot pour their wine, beer or liquor into a solo cup or any type of container other than the one meeting all the requirements for social districts.

Third, alcoholic beverages shall only be possessed and consumed IN the social district during the days and hours set by the city.

The sale and delivery of alcohol in a social district is subject to the same limitations for sales and deliveries of alcohol in North Carolina:

- No more than two malt beverage or wine drinks at one time to a single patron
- No more than one mixed beverage or spiritous liquor drink at one time to a single patron

Finally, a person is required to dispose of any alcoholic beverage in the person's possession prior to exiting the social district unless the person is reentering the licensed ABC premises where the alcoholic beverage was purchased. In other words, if a person is leaving the social district area, they must pour out or throw away their alcohol. They also cannot take it with them into any other business that sells alcohol or has opted out of the social district. They may ONLY take their alcoholic drink into the establishment where they bought it or a participating business that does not sell alcohol.

The Proposed Waynesville Social District Details:

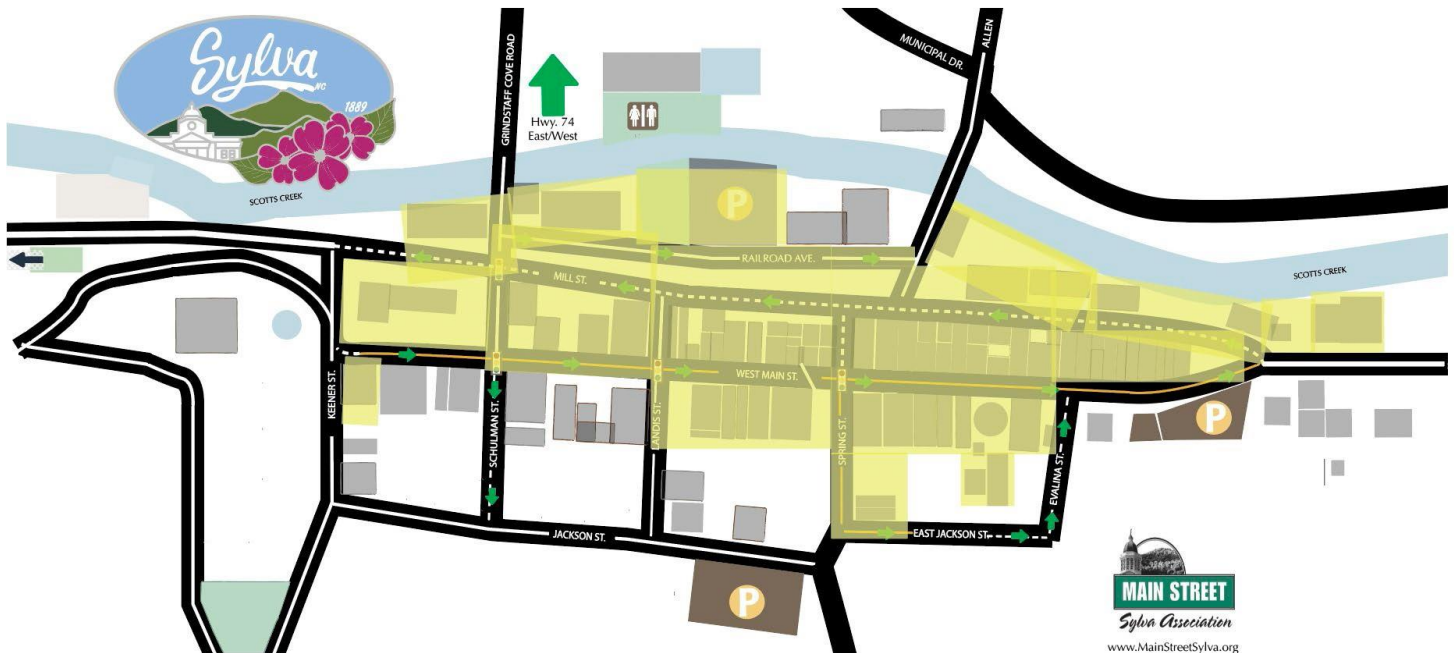
The structure for the proposed Social District in Downtown Waynesville Frog Level and Hazelwood will be based on input from the following:

- Discussions with Permit Holders and Non-Permit Holders within the district, as well as potential district residents.
- Discussion with the Chief of Police to hear his concerns.
- Conversation with the ABC legal team in Raleigh about liability scenarios.
- A Law Enforcement Meeting with a local ALE agent, Waynesville Police, the Town's Liability Carrier and Town Manager to discuss liability issues.

District Details:

The districts would be determined by the layout of the proposed district and input from the stakeholders. The Town's public parking lots would not be permitted to permit alcohol unless they are closed to parking for a special event.

PROPOSED SOCIAL DISTRICT FOR THE TOWN OF SYLVA



The **Social District hours** would be from 8am-9pm Monday-Saturday, 10am-9pm on Sundays (The days of the week and hours of the day are set by the Town within the times established by the legislation).

Merchant Educational Program: The Town Staff would post the requirements of the Social District on its website and assign a staff member to administer the program on behalf of the Town. Merchants may “Opt-out” of the program if they choose to do so.

Container: The permit holders opting into the social district would supply their own containers that meet the state requirements (branded with their business or using a sticker), and the Town of Waynesville would design a district stickers with required verbiage to sell to the participating permit holders.

Signage: Public Works would implement required signage indicating the district (ground decals as is necessary for the state highway on Main Street), and merchants who choose to opt-out would need to provide their own signage. For retailers: “This Retailer Has Opted Out of the Waynesville Social District. Do not enter with an alcoholic beverage.” For permit-holders: “This Business Has Opted Out of the Waynesville Social District. You May Not Take Alcoholic Beverages Off-Site Purchased from This Location.” Additionally, permit-holders opting into to the program would be encouraged to place signage that indicates “No Outside Alcohol” on their entrances. Those with patios would be encouraged to have signage that indicates “No Glass Beyond this Point” at the patio exit/entrance to the district.

Special Events: Sponsors of “Special Events” may apply for ABC permits that allow them to sell alcohol within the social district where people can consumer alcoholic beverages purchased from a participating permit-holder. The sponsor of the Special Event will be subject to the same

container rules as other ABC Permit holders within the district. Consumers can move about the district with alcohol purchased at the event but will not be allowed to bring alcohol into establishments that hold on premises ABC permits.

Next Steps:

1. Hold a Public Input Meeting for the Ordinance Proposal
2. Vote on the Ordinance
3. If passed, record the Social District Plan with NC ABC Commission
4. Implement the Program
 - a. Merchant information session
 - b. Place required signage demarking the district
 - c. Acquire social district stickers and create other communication programs
 - d.

Selling Points: Great for economic development, especially during a pandemic to encourage shoppers and diners to move around outside and patronize retailers. In other towns, it has proven to increase business traffic and property occupancy rates.

Disadvantages: For any municipality, it will be cumbersome to administer and police. Unless the district wishes to engage off duty officers during special events and peak seasons, the Town will have to patrol the districts while taking its staffing limitations into account.

Signage Requirements: Where the district boundaries are, hours of the social district and who to call for help.

Cups: - must be non-glass and branded with the permittee who is selling and required verbiage. It can be a sticker from the town's district, plus a sticker from the permittee. Containers shall not exceed 16 oz.

Social District Specifics:

- Opt-In or Opt-Out for both alcohol sales permit holders and those who don't. All other laws for permittees will still be in place.
- Social districts CAN include NCDOT roads with proper signage.
- The town will need to pass an ordinance.
- The town can define the hours and days of the week
- The town should be comfortable with maintaining and policing the district
- The town will need to submit a plan to ABC for filing, but not for approval

Events:

- A patron could not take a drink into a festival that has an alcohol permit, just like they couldn't take it into another permittee's business. However, you could allow festival participants to take purchased alcohol outside of the event venue following the same social district rules. This encourages festival participants to walk around town and patronize retailers.

Enforcement:

- No big issues with any of the towns who have established Social Districts. Most municipalities exempted parking lots and decks from the district to discourage people from refilling their cups or finishing their drinks before leaving the parking lot.

Example Towns with Social Districts

Kannapolis, NC- active since October 2021

<https://www.kannapolisnc.gov/Community/News/ID/1916/Kannapolis-Designates-Social-District>

- Bern personally visited the district and spoke with some merchants
- First and only to pass Social District in NC since the state passed the bill
- West Avenue District near ballfield in old mill community
- Economic Development impact: increased building occupancy and visitor traffic
- Mon-Sat 10am-12 midnight, Sundays 12 pm-midnight
- Did not see many boundary signs
- Relies heavily on permit holders to adhere to their permit requirements with signage and permit enforcement. Patios have “No Glass Beyond this Point” signs, and “No Outside Alcohol” signs on the doors. The flagship brewery has a sandwich board sign with info. and a photo of the district boundaries.
- Assuming all the retailers have opted in since there were no signs that indicate “No Alcohol” or “No Food or Drink” – entered two retailers and asked if we could bring in alcohol and they said yes.
- Town provides a district sticker to permit-holders. Permit-holders must provide the appropriate cup and branded sticker for their business.
- Ordinance -

https://library.municode.com/nc/kannapolis/codes/code_of_ordinances?nodeId=PTIICO_CH12PARE_ARTVSO_DI



Brewery Patio



Brewery Patio/District



Permit Holder



Inside Brewery



District Boundary Signage



Non-Permit Holder Location.



Outdoors in District Boundary

Huntsville AL – active since 2013

<https://www.huntsvilleal.gov/development/building-construction/planning/zoning/arts-entertainment-districts/>

- 5 districts connected via greenways and paths
- Removed government buildings and parking garages from the district maps
- Started Thursday-Saturday evenings, tested the effectiveness and tracked issues
 - o Then 12-11pm Th-Sun
 - o Then 12-11pm 7 days a week
- They have stenciled painted signs on the sidewalks rather than signs. This enabled them to be more flexible with the district and not clutter up the streets with more signage.
- They changed their boundaries more than 60 times to include new businesses
- Businesses buy the purple plastic cups, but the town subsidizes cups for events. The town also used the cup as a marketing strategy and has named events with purple cup in them.
- Ordinance -
https://library.municode.com/al/huntsville/codes/code_of_ordinances?nodeId=C00R_CH3ALBE_AR_TIIUNACOF_S3-28PRENDI

Mobile, AL – active since 2013

<https://www.al.com/news/mobile/2019/05/more-room-to-roam-with-drinks-as-mobile-expands-entertainment-districts.html>

- Mobile has no closing hours for sales of alcohol; however, they also took a conservative approach to the social district. They did a trial period and re-evaluated it before doing it permanently.
- They go from 12 noon – midnight and have an enhanced penalty for underage drinking.
- Businesses buy paper cups from the town at cost. They do this so it wouldn't conflict with their environmental initiatives and deter people from refilling them with their own alcohol since they are not as durable.
- Parks are not included in the district.
- Ordinance -
https://library.municode.com/al/mobile/codes/code_of_ordinances?nodeId=CICO_CH30INLI_ARTIIN_GE_S30-13ENDI

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AN ORDINANCE TO AMEND CHAPTER 42, ADDING SECTION 6 OF THE
WAYNESVILLE CODE OF ORDINANCE : ESTABLISHING OFF PREMISES
DINING AND SOCIAL DISTRICTS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNEVILLE:

Section 6.1.

(a) A person holding a permit issued under Article 10 or 11 of Chapter 18B of the North Carolina General Statutes that allows the on-premises consumption of alcoholic beverages (hereinafter a "permittee") may apply to the Town of Waynesville for authorization to expand their licensed premises to utilize an area that is not part of the permittee's licensed premises for the outdoor possession and consumption of alcoholic beverages sold by the permittee. Nothing in this Section permits the sale of alcoholic beverages outside the permittee's licensed premises.

i. As used in this Section, the term "licensed premises" means and refers to the fixed permanent establishment, including all areas inside or outside the establishment, for which the permittee received an ABC permit from the ABC Commission for the sale, possession, and consumption of alcohol.

ii. As used in this Section the term "person" means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

(b) In order to receive such authorization, the permittee must comply with all of the following:

i. If the property to which the premises will be extended (hereinafter referred to as "extended premises") is not owned by the permittee, the owner of the property must provide written permission to the permittee, to be provided to the Town of Waynesville, allowing the use of the extended premises for the purpose set forth in this Section.

ii. The permittee must provide written notification of the authorization to extended premises, including the diagram required under subsection (iv) of this section and, if applicable, a copy of the written permission required under subsection (i) of this section, to the Waynesville District Office of the Alcohol Law Enforcement Division of the North Carolina Department of Public Safety, the North Carolina ABC Commission, and the Chief of Police or his/her/their designee.

iii. The permittee shall visibly and vertically mark off the extended premises so a reasonable person could distinguish between the extended premises and any sidewalk, walkway, or public right of way.

iv. The permittee shall provide a diagram on the licensed premises detailing the size and location of the extended premises. The diagram required under this subsection shall have the boundaries of the extended premises clearly marked, specify the types of barriers

used to mark the boundaries of the extended premises, and specify the number of tables and seats placed in the extended area.

v. The extended premises shall not be used to increase the occupant load of the licensed premises. For purposes of this section, "occupant load" is as used in Section 1004 of the 2018 North Carolina Building Code.

vi. The extended premises shall comply with all applicable laws governing accessibility.

vii. Except as allowed under North Carolina General Statute 18B-904.1 and/or Chapter 6, Article XI of the Waynesville Code of Ordinances, or to reenter the licensed premises, a person shall not exit an extended premises with an alcoholic beverage purchased from the permittee.

viii. The permittee shall comply with any additional requirements imposed by the North Carolina ABC Commission through the adoption of rules.

(c) Violations of this Section will be enforced as set out in Chapter 18B of the North Carolina General Statutes, as well as any other applicable statutes or ordinances. In addition to those penalties set forth in Chapter 18B, a second violation by a permittee shall carry a civil penalty of \$250.00. In addition to those penalties set forth in Chapter 18B, a third violation by a permittee shall carry a civil penalty of \$500.00 and will result in revocation of the authorization to extend premises.

(d) Nothing herein shall limit the authority set forth in North Carolina General Statute 18B-502. The Alcohol Law Enforcement Division of the North Carolina Department of Public Safety shall have authority, along with local law enforcement, to inspect the extended premises to procure evidence of violations of the ABC law.

Sec. 6-2. Purpose and intent.

- (a) Pursuant to the provisions of G.S. § 160A-205.4, et seq, one or more social districts may be created within the Town and the Town hereby creates and designates the following social district: Downtown Waynesville Social District which is designated as shown on a map dated [REDACTED]; Frog Level Social District and Hazelwood Social District, the maps are available in the office of the Town clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the social districts.
- (b) The Social Districts shall be created, designated, and managed in accordance with the requirements contained in G.S. § 160A-205.4 and Chapter 18B.
- (c) Any person who violates this article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor.

Sec. 6-3. Definitions.

Social district means and refers to a defined outdoor area in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under G.S. § 18B-904(h).

Permittee means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under G.S. § 18B-200:

- (1) An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).
- (2) An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
- (3) An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).
- (4) A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
- (5) A distillery permit issued pursuant to G.S. 18B-1100(5).

Person means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

Premises means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

Sec. 6-4. Application.

- (a) The provisions and terms contained in this article shall be applicable between the hours of [REDACTED] p.m. and [REDACTED] p.m., Monday through Sunday. At all other times, the provisions and terms contained in this article are not in effect and all provisions of state and local laws concerning the possession and consumption of alcohol shall be in full force and effect.
- (b) Any alcoholic beverage purchased for consumption in the Downtown Waynesville Social District shall (i) only be consumed in the Downtown Waynesville Social District and (ii) be disposed of before the person in possession of the alcoholic beverage exits the Downtown Waynesville Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased. A violation of this section is a class 3 misdemeanor.

Sec. 6-5. Requirements for sale of alcoholic beverages.

A permittee located in or contiguous to a Waynesville Social District may sell alcoholic beverages for consumption within the Social District it is located in or contiguous to in accordance with the following requirements:

- (1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.
- (2) The permittee shall only sell alcoholic beverages for consumption in the Social District in a container that meets all of the following requirements:
 - a. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - b. The container clearly displays a logo or some other mark that is unique to the Social District.
 - c. The container is not comprised of glass.
 - d. The container displays, in no less than 12-point font, the statement, "Drink Responsibly—Be 21."
 - e. The container shall not hold more than sixteen (16) fluid ounces.
- (3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

Sec. 6-6. Requirements for possession and consumption of alcoholic beverages.

The possession and consumption of an alcoholic beverage in a Waynesville Social District is subject to all of the following requirements:

- (1) Only alcoholic beverages purchased from a permittee located in or contiguous to the Social District may be possessed and consumed.
- (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in section 6-6 of this article.
- (3) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in section 6-5 of this article.
- (4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B-1010.
- (5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting a Waynesville Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased.
- (6) A violation of this section is a class 3 misdemeanor.

Sec. 6-8 Approved Special Events Located within Social District.

When a special event approved by the Town is held pursuant to the issuance of a special event permit and is located within the boundary of a Social District, any alcohol purchased within the boundaries of the special event may be and consumed within the boundary of the social district.

Sec. 6-9. Severability.

If any section, phrase, sentence or portion of this article is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.