

Town of Waynesville, NC

Town Council Regular Meeting

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

Date: March 12th, 2024 Time: 6:00 p.m.

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(828) 452-2491 cpoolton@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 Town Council and will be enacted by one motion. There will be no separate discussion on these items unless a Councilmember so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.

2.
 - a. February 27, 2024 Regular Scheduled Meeting Minutes
 - b. March 1, 2024 Special Meeting Minutes-Council Retreat
 - c. Christmas Parade Special Event Permit
 - d. Church Street Arts and Crafts Show Special Event Permit
 - e. Mountain Heritage Market Special Event Permit
 - f. Mountain Street Dances Special Event Permit
 - g. Smoky Mountain Christmas Special Event Permit
 - h. Stars and Stripes Special Event Permit
 - i. Treats on the Street Halloween Special Event Permit
 - j. Tree Lighting Special Event Permit
 - k. Resolution Authorizing Rob Hites and Charam Miller as signatories for CDBG-I grants
 - l. Amend Fee schedule of budget ordinance to include a \$6 drop-in childcare fee for non-members who use the recreation center.
 - m. Updating of the Pavement Condition Survey

Motion: To approve the consent agenda as presented.

E. PROCLAMATION

3. Bobby McKay Day
- Mayor Gary Caldwell

F. PUBLIC HEARINGS

4. A Public Hearing to consider Biltmore Baptist Church Conditional District Map Amendment (Rezoning) Application, sections 2.7 and 15.15 of the Land Development Standards (LDS).
- Olga Grooman, Land Use Administrator

Motions:

1. ***Motion to find the Conditional District Map Amendment as proposed (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.***
2. ***Motion to approve/deny/approve with conditions the Conditional District Map Amendment.***

5. Public Hearing to consider a request for a contiguous annexation for one (1) 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383).
- Olga Grooman, Land Use Administrator

Motion: Adoption of attached Ordinance to approve the annexation of the described property.

G. NEW BUSINESS

6. Cemetery Master Plan
- Julie Grasty, Asset Services Manager

Motion: To approve/disapprove to award of the development of Green Hill Cemetery Master Plan in the amount of \$ 43,400.

7. Approval of required CDBG regulatory compliance documents for the South Waynesville Water and Sewer Improvements and Extension projects.
- Rob Hites, Town Manager

Motion: Authorize the Mayor to execute required compliance documents for the South Waynesville Sewer Improvements and Extension Projects.

8. Amend Fee schedule of budget ordinance to include a \$25 pole attachment rate.
- Rob Hites, Town Manager

Motion: Amend the Fee Schedule of the 2023-24 budget to include a \$25 pole attachment fee.

9. Report on settlement with Autobell-Arrowhead, Inc. and Autobell Car Wash, LLC and budget amendment
- Martha Bradley, Town Attorney

Motions:

1. ***To approve the settlement with Autobell-Arrowhead, Inc. and Autobell Car Wash, LLC and to authorize the Mayor to sign the Release and Settlement Agreement.***
2. ***To approve the budget amendment as presented.***

H. COMMUNICATION FROM STAFF

10. Manager's Report
- Town Manager, Rob Hites
11. Town Attorney Report
- Town Attorney, Martha Bradley

I. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

J. ADJOURN



TOWN OF WAYNESVILLE

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CALENDAR

March 2024

ALL COUNCIL MEETINGS TO START AT 6:00 PM IN THE BOARD ROOM LOCATED
 AT
 9 SOUTH MAIN STREET UNLESS OTHERWISE NOTED

2024	
Tues. March 26	Town Council Meeting – Regular Session
Fri. March 29	Town Offices Closed-Good Friday
Tues. April 9	Town Council Meeting – Regular Session
Tues. April 23	Town Council Meeting – Regular Session
Sat, May 11	Whole Bloomin Thing Festival-Frog Level
Tues. May 14	Town Council Meeting – Regular Session
Mon. May 27	Town Offices Closed-Memorial Day
Tues. May 28	Town Council Meeting – Regular Session
Tues. June 11	Town Council Meeting – Regular Session
Tues. June 25	Town Council Meeting – Regular Session
Thurs. July 4	Town Offices Closed-Independence Day
Tues, July 9	Town Council Meeting – Regular Session
Tues. July 23	Town Council Meeting – Regular Session
Tues. August 13	Town Council Meeting – Regular Session
Tues, August 27	Town Council Meeting – Regular Session
Mon Sept. 2	Town Offices Closed-Labor Day
Tues, September 10	Town Council Meeting – Regular Session
Tues. September 24	Town Council Meeting – Regular Session
Tues. October 8	Town Council Meeting – Regular Session
Tues. October 22	Town Council Meeting – Regular Session
Mon November 11	Town Offices Closed-Veteran’s Day
Tues. November 12	Town Council Meeting – Regular Session
Thurs. & Fri. November 28 & 29	Town Offices Closed-Thanksgiving
Tues. December 10	Town Council Meeting – Regular Session
Tues, Wed, Thurs December 24, 25, and 26	Town Offices Closed-Christmas

Board and Commission Meetings – March 2024

ABC Board	ABC Office – 52 Dayco Drive	March 19th 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	CANCELLED 1 st Tuesday 5:30 PM
Cemetery Commission	Public Services Building	January, March, July, and October 3 rd Tuesday 2:00 PM
Downtown Waynesville Commission	Municipal Building – 16 South Main Street	March 19th 3 rd Tuesday 8:30 AM
Environmental Sustainability Board	Municipal Building-16 South Main Street	March 7th and 21st 1 st and 3 rd Thursdays 4:30pm
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 6th 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	March 18th 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	March 14th 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	March 18th 3 rd Monday 5:30 PM
Waynesville Housing Authority	Main Office-48 Chestnut Park Drive	March 20th 3 rd Wednesday 9:00 AM

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
February 27, 2024

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, February 27, 2024, 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 Tempore Chuck Dickson
Councilmember Jon Feichter
Councilmember Anthony Sutton

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Town Attorney Martha Bradley
Candace Poolton, Town Clerk
Elizabeth Teague, Director of Development
Jeff Stines, Public Services Director
Luke Kinsland, Recreation Director
Misty Hagood, Finance Director
Sharon Agostini, Tax Collector
Police Chief David Adams
Assistant Police Chief Brandon Gilmore

Members of the Media:

Paul Nielson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that the next Town Council meeting will be held on March 1st and it will be a planning retreat for Council.

B. PUBLIC COMMENT

There was no public comments.

C. ADDITIONS OR DELETIONS TO THE AGENDA

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to add a Closed Session to the agenda, pursuant to NCGS sec. 143-318.11(a)(3) "To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure." The motion passed unanimously.

D. CONSENT AGENDA

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

2.
 - a. Motion to approve the February 13th, 2024 Regular Scheduled Meeting Minutes
 - c. Motion to adopt the attached resolution and schedule a public hearing to consider an Annexation Petition.
 - d. Motion to call for a Public Hearing for March 12, 2024 to consider Biltmore Baptist Church Conditional District Map Amendment Application, as recommended by the Planning Board.
 - e. Motion to call for a Public Hearing for March 26, 2024 to consider a Greenview Subdivision Conditional District Map Amendment (Rezoning) Application, as recommended by the Planning Board.
 - f. Motion to call for a Public Hearing for to consider a Local Landmark Designation request from Brookmont Lofts, LLC, at 486 East Marshall Street, PIN 8615-79-8480, known as the historic Haywood Hospital.
 - g. Motion to call for a Public Hearing for March 26, 2024 to consider a Longview Subdivision Conditional District Map Amendment (Rezoning) Application, as recommended by the Planning Board
 - h. Motion to appoint Landen Stevenson to the Waynesville Recreation Advisory Commission.
 - i. Motion to appoint Nathan Webster to the Waynesville Recreation Advisory Commission.
 - j. Motion to appoint Tonya Harwood to the Waynesville Public Art Commission.

A motion was made by Councilmember Feichter, seconded by Councilmember Sutton, to remove item b. (Contract Approval for AT&T Dedicated Fiber for the Recreation Center) from the consent agenda and move it to the regular agenda. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to approve the consent agenda as amended. The motion passed unanimously.

E. PRESENTATIONS

3. Kristy McCarthy Public Art Commission Presentation

- Steve Lloyd, Treasurer, Waynesville Public Art Commission

Steve Lloyd reported that the last piece of art that the WPAC installed was the Plott Hound statue in Hazelwood about 6 years ago. For two years, Mr. Lloyd said the Commission has been working on fundraising for an art piece to be placed at the Pigeon Multicultural Development Community Center for the last two years. He said the Waynesville Public Art Commission (WPAC) received 16 responses to our Request for Qualifications (RFQ) for a new Commissioning, and they narrowed it down to seven semi-finalists. He said that following the semi-finalists' presentations, at a special called meeting of the WPAC on February 16, the WPAC unanimously decided to select Kristy McCarthy as the finalist.

Ms. McCarthy outlined her proposed mural, which will cover two faces of the Pigeon Center building. She said the mural will be designed through a community engaged process. She said the mural is a preliminary design based on the research done about the center and the community. The mural depicted past, present, and future of the center with many symbolic features.

Councilmember Feichter asked about the lifespan of the mural. Ms. McCarthy said that sealant can be reapplied every seven years which will maintain the quality of the mural and will also make graffiti easy to remove.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to commission Kristy McCarthy for the fabrication and installation of a public art installation to be located at the Pigeon Community Multicultural Development Center. The motion passed unanimously.

4. Kiwanis Request for Council Support to Apply for the Medford Grant

- Eva Hansen, Kiwanis Club

Eva Hansen requested for the Town of Waynesville's support in the Kiwanis Club's application for the Medford Grant. She said the grant, which is for \$18,000, will be used to improve East Street Park. She said that Kiwanis club plans on upgrading the basketball court, adding a new roof and siding to the storage shed, add new park signage, and cleaning up the exterior of the boy scout cabin. She added that Kiwanis is working with the Haywood Arts Council to provide quilt blocks for the windows.

Councilmember Sutton reminded everyone about the Kiwanis Club annual spelling bee fundraiser to be held on Friday, March 15, 2024, at 7 pm at the First United Methodist Church in Waynesville, NC. Ms. Hansen said it is a major fundraiser for the Kiwanis Club of Waynesville, whose mission is to help the children and adolescents of Haywood County through projects, grants, and scholarships.

A motion was made by Councilmember Feichter, seconded by Councilmember Sutton, for Town Council to support their application for the Medford Grant. The motion passed unanimously.

F. NEW BUSINESS

5. Report on Unpaid Property Taxes/Yearly Tax Advertisement in Local Newspaper
 - Sharon Agostini, Tax Collector

Tax Collector Sharon Agostini requested the Town Council approve the yearly tax advertisements in the local newspaper, The Mountaineer. She said this advertisement is in accordance with N.C.G.S. 105-369 and will be advertised March 20th.

Councilmember Sutton pointed out that one person owes 7.1% of overdue taxes. There was discussion about potentially placing more than one ad in the paper. Town Attorney Bradley said that statute only requires one advertisement, but they could do more. Councilmember Sutton said that garnishments seemed effective last year. Ms. Agostini said that a lot of folks are making payments, but some are repeat offenders.

Councilmember Feichter requested that Ms. Agostini include the entire balance (including back taxes owed) in another advertisement.

A motion was made by Councilmember Dickson, seconded by Councilmember Feichter, to approve the yearly tax advertisements in The Mountaineer in accordance with N.C.G.S. 105-369. The motion passed unanimously.

6. Contract Approval for AT&T Dedicated Fiber for the Recreation Center
 - Jesse Fowler, Assistant Town Manager

Assistant Town Manager reported that the internet at the rec center is \$180/month through AT&T and the other internet in the town is provided by ERC for free. He said that right now the internet is 4-20MB/second at the rec center, which is extremely slow. Mr. Fowler said that it would be a dedicated fiber connection, so other people's use would not slow it down.

Councilmember Sutton and Councilmember Feichter said that the price seems high. They requested that staff put out an RFP to other internet providers.

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to table the approval of the contract for AT&T Dedicated Fiber to the Town of Waynesville Recreation Center. The motion passed unanimously.

G. COMMUNICATION FROM STAFF

7. Manager's Report
 - Town Manager, Rob Hites

Town Manager Hites reported that Senator Corbin offered \$40,000 to renovate the storage room in the police station to office space. Senator Corbin recently ran into Chief Adams and asked about the expansion of the fire station in Hazelwood. Chief Webb spoke with Senator Corbin and he will be giving the Town a \$50,000 grant to help renovate the building, which is 45% of the project. Council and Staff expressed gratitude to Senator Corbin for their support of the police and fire department.

8. Town Attorney Report

- Town Attorney, Martha Bradley

Town Attorney Bradley said she was contacted by an Asheville attorney regarding “forever chemicals” and a class action lawsuit. She said they are reaching out to water municipalities and requesting they test their water for these “forever chemicals”. She had asked Jeff Stines if staff are running the required EPA tests, and he said that Waynesville is “forever chemical” free. Mr. Stines and Ms. Bradley wanted to publicly thank Kyle Cook in the Water Treatment facility for being diligent, running those tests, and making sure our water is safe.

H. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Mayor Caldwell said that Councilmember Feichter is going to talk with Philann Medford about renaming a park to Medford Park.

Councilmember Dickson said the Environmental Sustainability Board had their retreat and it went well.

I. CLOSED SESSION

9. To enter into closed session pursuant to NCGS sec. 143-318.11(a)(3) “To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure.”

- Martha Bradley, Town Attorney

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to enter into closed session pursuant to NCGS sec. 143-318.11(a)(3) “To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body

may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure at 6:58pm. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to enter back into open session at 7:16pm. The motion passed unanimously.

J. ADJOURN

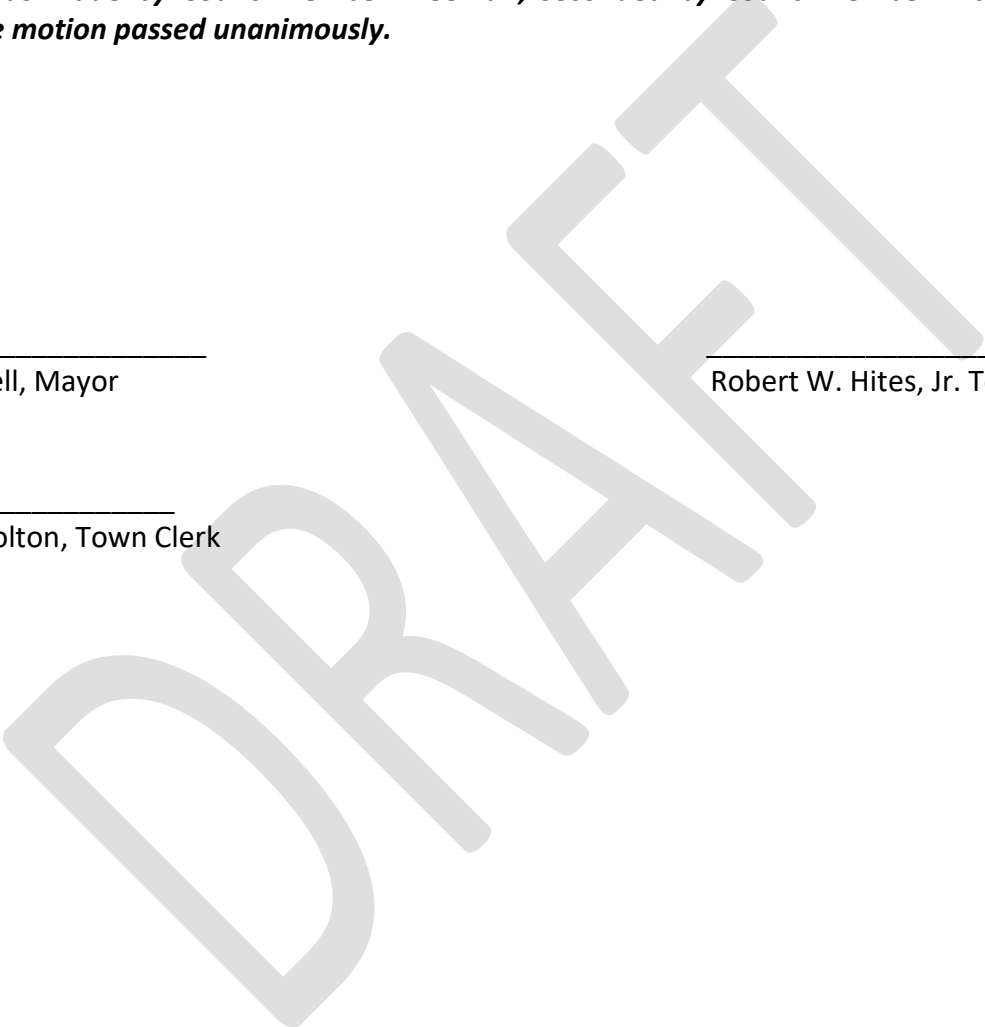
A motion was made by Councilmember Freeman, seconded by Councilmember Dickson, to adjourn at 7:16pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk



MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Special Called Meeting-Council Retreat
March 1, 2024

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Friday, March 1, 2024, at 8:30 am in the Rec Center Conference Room located at 550 Vance Street Waynesville, NC.

1. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 8:39am with the following members present:

Mayor Gary Caldwell
Mayor Pro Tempore Chuck Dickson
Councilmember Jon Feichter
Councilmember Anthony Sutton
Councilmember Julia Freeman

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Town Attorney Martha Bradley
Candace Poolton, Town Clerk
Luke Kinsland, Recreation Director
Elizabeth Teague, Director of Development
Olga Grooman, Land Use Administrator
Misty Hagood, Finance Director
Taylor Garland, Assistant Finance Director
Fire Chief Joey Webb
Assistant Fire Chief Chris Mehaffey
Police Chief David Adams
Assistant Police Chief Brandon Gilmore
Jeff Stines, Public Services Director
Charam Miller, Grants Administrator
Page McCurry, Human Resources Director

Members of the Media:

Cory Vaillancourt, Smoky Mountain News
Paul Nielson, The Mountaineer

2. SUSTAINABILITY BOARD REPORT

Councilmember Dickson said the Environmental Sustainability Board was created a year ago. He said there is federal money available now to help with sustainability initiatives. For example, Councilmember Dickson said the government will pay the town \$7500 if they purchase an American made Electric Vehicle and reimburse

the town 40-60% of the cost of a solar facility. He said that the town needs to start solarizing town buildings and electrifying our fleets. He reminded Council of the goal to be carbon neutral by 2050.

Councilmember Dickson said the goal is to help residents save money and generate income because residents will buy more electricity from the town. He said the state administered program will pay families who make less than \$70,000 a year, up to \$14,000 for heat pumps, energy efficient window, etc. He outlined the Rural Energy Savings program which allows the town to borrow \$1 million with 0% interest and loan it out to low-income households so they can make energy saving improvements to their homes and charge up to 5% interest on the loan and 4% operating costs. He reiterated what Councilmember Feichter said at a previous meeting, that the town needs automatic meter reading infrastructure. Councilmember Dickson said that Mr. Hites applied for a grant to pay for those updates.

He said the Town also needs to protect itself from future increases in energy and interest costs by storing energy and creating our own. After looking at the energy report from Waste Reduction Partners, he said it looks like two town buildings can be much more energy efficient. He said that having a manager who has the knowledge of electric cities is vital.

Councilmember Dickson said it costs less than \$3.33 to fully charge a Mach E police car and would cost \$5 to charge a Ford F-150. He said that overall, there are far less maintenance costs associated with EV. He said the cost of a Mach E is slightly higher than a police car, roughly \$40,000. He said the electric F-150 can charge electric tools and can be plugged into the vehicle.

Councilmember Dickson said he recognizes that these things cost money, so we don't need to solarize right away, but the town should start. After this discussion of what needs to be done, he said that it is clear we need to hire an environmental sustainability manager, a staff member dedicated to these efforts who could also help with stormwater management.

3. PROJECTED REVENUES AND EXPENDITURES FOR FY 2024-25

Finance Director Misty Hagood reported that that the town added to the general fund balance. She said that there is \$10.4 million available in the Fund Balance, which is 61% of the General Fund expenditures. She said that \$2.2 million of that is restricted and assigned to other things such as debt we are holding to pay for the new firetruck, unspent ARPA funds, etc. Ms. Hagood said that the total available that is not restricted or assigned is roughly \$8 million, or 48.1%. She said the average for our budget size and what is required for the best loan rates is 46%, so the town has 2.1% left to appropriate. Ms. Hagood said that Sales Tax Revenue was budgeted for \$4.5 million and we have \$1.9 million as of now, but it does tend to run behind. She said that there is a 3.5% increase which means the trend is going back to pre-covid numbers. She recommended that we don't go over a 3% increase for the budget next year. She said the tax collection rate is 99.17% , which is above the state average.

Ms. Hagood said that expenditures and enterprise funds are looking good. Councilmember Feichter asked what the trend is for outstanding balances. She said the majority are residential. Ms. .Hagood said she is very proud of staff as they've put up with a lot of abuse from customers.

She said they have \$15 million tied up in the new sewer plant because she is still waiting to hear from the state for reimbursement. She said the net change in revenue is \$284,000. Ms. Hagood said inflation is down, but still at 3.4% which will affect operating expenses.

4. REPORT ON STORMWATER PROGRAM-WHAT IS REQUIRED

Development Director Elizabeth Teague reported that the National Pollutant Discharge Elimination Permit (NPDES), has been in the works since 2004. She said that part of the Federal Clean Water Act Phase II Requirement was cracking down on non-point run off, which is when rain hits surfaces and washes the run off into storm drains which then go into rivers. She said the biggest pollutant is sediment. Ms. Teague said that the unfunded mandate was passed onto urbanized municipalities which requires them to manage stormwater. She said the Town then implemented a plan, then didn't hear from the state in over 10 years. Ms. Teague said that in 2018, the state stormwater program needed to work on compliance and every community was audited. She said that Waynesville received a notice of violation that said the town can do more to fulfill the NPDES permit. The Town updated our workplan which covers the six minimum measures of the permit:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site run-off control
5. Post Construction Run-off Control
6. Pollution Prevention and Good Housekeeping

She said the work includes an on-going contract of \$30,000 with Haywood Waterways to assist with compliance, particularly in public education and outreach, and public education and involvement. While the Town Departments and Haywood Waterways have worked together to achieve compliance, Ms. Teague said the maintenance of the program is challenging and costly and that currently all of the costs for the program come out of the general fund.

Ms. Teague recommended using the average impervious unit on a lot to create a fee on stormwater runoff that could go toward the stormwater program. These funds could go towards street cleaning, a new staff person, retention ponds around town, and stormwater other infrastructure. She said this fee can be used to improve and maintain the town's compliance with the State Stormwater permit, provide better service to citizens, and protect the Richland Creek watershed. Ms. Teague noted that, in the past, a stormwater fee was resisted as a "rain tax," however, a stormwater fee should really be considered as a fee based on impact, or the amount of impervious surface that creates run-off that the Town stormwater infrastructure and street system has to manage. She said that people who cause the most runoff should pay more, and that she would like to implement a fee in a way that is fair, but that does not impact low-income residents. She requested that Council approve the concept and allow staff to develop a fee structure.

Councilmember Sutton said that commercial businesses have their own engineer-certified stormwater management systems that keep their runoff on site and asked if they should be exempt from the fees. He mentioned that the town would still have to pay someone to inspect those systems. Councilmember Dickson,

shared a stormwater fee from a bill issued in Charlotte. Councilmember Feichter expressed concern about exempting lower income people in smaller homes.

Mr. Hites explained the methodology that is accepted for implementing a stormwater fee and explained how the “equivalent residential unit” or ERU for Waynesville was already developed based on a survey of impervious surface in the Town’s jurisdiction. He explained that the 2018 study could be updated with a recommendation that came back to the Council.

Ms. Teague said the fee could start small and be structured simply and be added onto the water and sewer bill. She said it was also important to keep it simple from a Munis management point of view. Councilmember Sutton requested that the fee structure be as equitable as possible.

It was the consensus of Council to support the Development Services team in working on developing a stormwater fee program.

5. DIVERSITY, EQUITY, BELONGING COMMITTEE

Councilmember Sutton said something that came to light during the election was diversity, equity, and belonging in the community. He said this is not just for the LGBTQ community. He said that they would like to have a committee that analyzes ordinances and makes sure they are equitable to everyone. He said that most municipalities already have a similar committee in place. Ms. McCurry said it’s also helpful to staff and the community and it’s good for business. She said the committee helps ensure that all employees are heard and respected. Ms. McCurry said that they should first conduct research to identify the need for a DEIB Committee by gathering data on the demographics of the workforce and any past or current issues relating to diversity and belonging. Survey for current workforce related to diversity and belonging. Ms. McCurry said when employees see diversity reflected in their workplace, it can enhance job satisfaction and sense of belonging, leading to higher retention rates. She said once the need has been identified, they would then define the purpose of the committee, which should be in line with the Town’s vision statement. Ms. McCurry said she would like the town to be an employer of choice within the next five years. She said the committee should be made up of a diverse group of individuals from each department, as well as the community. She said the committee could act upon any employee surveys given. Ms. McCurry said that their action plan should have goals that are measurable and actionable. She added that they could establish partnerships with non-profits and businesses in the community to help promote diversity, equity, and belonging. She said these partnerships could lead to sponsorships. Ms. McCurry stated that a diverse workforce has stronger financial performance, better risk management, and alignment with ethical and social responsibility goals. Councilmember Sutton said we can build this committee based on other successful communities’ DEB Committees and their charters.

It was the general consensus of Council to instruct staff to start working on forming a Diversity, Equity, and Belonging Committee.

6. BUSINESS INCENTIVES/FAÇADE GRANTS and

7. INCLUDE HAZELWOOD/FROG LEVEL AS MUNICIPAL SERVICE DISTRICTS

Councilmember Sutton said that he's been noticing a lot of façades that are not up to par, including areas in Frog Level that have broken window. Chief Adams mentioned that when things look nicer, it helps deter crime. Councilmember Sutton asked if there is anything they can do to help businesses improve their building's facades. Mr. Hites said he and Jesse have been thinking about this for about a year, so they created a façade grant policy and program modeled after Burlington and Rocky Mount and it's about ready to be brought to Council. Mr. Hites said the Town would pay for the removal of the façade, and the property owner would pay for putting it back up in line with historic requirements.

Mr. Hites said the town uses code enforcement and redevelopment statutes to force property owners to repair facades because they're on the public sidewalk, and glass, old windows, and pieces of brick can fall and injure somebody. Mr. Hites asked Council to think about how strict they want to be, and how much money can they award property owners with façade grants. He said that the property has to be in a historic district, but UNCG will provide free design for the façade. Mr. Hites said they would have no problem claiming Frog Level as a rehabilitation district, just as they did with the hospital. He also reminded Council that they can have more than one MSD.

A motion was made by Councilmember Feichter, seconded by Councilmember Sutton to direct staff to look into the possibility of making Frog Level and Hazelwood an Economic Development Zone, similar to east Waynesville. The motion passed unanimously.

Councilmember Dickson asked Chief Adams how the crime level is in Waynesville. Chief Adams said there is a decrease in violent crime and Assistant Police Chief Gilmore said there are no noticeable statistics standing out quarterly. Chief Adams said they are fully staffed and there is more proactive enforcement. Because of the increased enforcement, statistics show an increase in drug crime, but the overdose rate has decreased. He also said that "failure to appears" have decreased. AC Gilmore said that repeat offenders stay in jail which has helped with homelessness. He said that their social work intern is putting together a manual that assists homeless people with finding resources to help them.

8. REPORT ON PRELIMINARY DESIGN PLANS FOR SOUTH MAIN STREET

Councilmember Sutton reported that NCDOT had to make changes to the plans because of elevation and flood plains, which meant they had to raise the sidewalks on the corridor. He said the sidewalks would be the same width, or they can have slimmer sidewalks. Ms. Teague said the portion near Hyatt Creek Road shows that they didn't bring the sidewalks down past Hyatt Creek down Old Balsam. Councilmember Sutton said the biggest change will be the turn into Walmart. Ms. Bradley asked when the project is going to start. Councilmember Sutton said acquisition of land and construction easements will start in 2025. He said 2029 is when construction will start. He said Dayco Drive going into Walmart will have a turn lane, and there will be a turn lane going into the bank. Ms. Teague said the road width is increasing tremendously. Councilmember Sutton said it will improve the entrance and exit to Walmart. Ms. Teague said an important part of the project is bridge replacement. Councilmember Sutton said the cost of the S. Main Street renovations will cost \$54 million in today's dollars, and the Russ Avenue project will cost \$44 million. Councilmember said Main Street will have two lanes going one way and four the other. Ms. Teague said the street will gain sidewalks and stormwater drains. Ms. Teague said she asked FEMA to redo their floodplain map. She said they agreed but it would take 5-6 years to complete. She said the maps were done in 2012 and there have been a lot of land changes and there are differences in weather patterns as well. Ms. Teague said her department can put

together a resolution to send to the state floodplain mapping department to ask them to speed up the process. Ms. Teague said residents can do a letter of map revision, but it costs money. Councilmember Sutton said the NCDOT plans for South Main Street were just made public.

The consensus of Council was to keep the sidewalks the same width and to ask the NCDOT to carry the sidewalk further down Old Balsam and Ninevah.

9. REQUEST THAT THE TOWN UPDATE ITS “ROAD CONDITIONS STUDY”

Councilmember Feichter said that in 2023, the Town did a pavement condition survey. He said every four years or so they do the study. He said he’d like to redo it this year because it’s been about 5 years since the last one. He acknowledged they’ve done a lot of good work on the streets and made some progress. Councilmember Sutton asked how much it costs. Mr. Stines said he will look into it, and it may be covered by Pell Grants.

Councilmember Sutton made a motion, seconded by Councilmember Feichter, to update the maps in 2024 for the PCR. The motion passed unanimously.

Councilmember Feichter asked if staff could post the full report on the website as well as the projects that staff are currently working on during this fiscal year, and why the town is doing it. Councilmember Sutton asked staff to post the link from NCDOT’s Russ and South Main projects.

10. CONDUCT A “SEMI-ANNUAL EMPLOYEE SATISFACTION SURVEY”

Councilmember Feichter said there appears to be a possible morale issue among some Town staff. He and several other Councilmembers received an anonymous letter in August that made serious allegations about employee morale and how some employees are being treated differently than others. He requested that Ms. McCurry put together a survey for employees. She said that once they get the survey out, they need to take action, then survey several months later to see if actions are changing morale. She said they can do a survey in house, or go through UNC School of Government to do employee satisfaction surveys. Council requested that Ms. McCurry look into conducting the employee satisfaction survey.

11. REQUEST TO FUND “PLACER”, A LOCATIONAL DATA SOFTWARE FOR THE USE OF DOWNTOWN MERCHANTS TO CALCULATE “FOOT TRAFFIC”

Councilmember Feichter said that at the DWC meeting, they were discussing the possibility of obtaining some data from the TDA. He said the data is acquired using Locational Analysis Data, which uses cell phones that have an app that tracks people. He said that information could be useful to merchants. He said they could even set up a geofence around the rec park to gather information about who is using the facility, where they are from and where they go afterwards.

Ms. Gilmore said the data could be used for Grant leverage and reporting. Mr. Hites said Corrina with the TDA offered to the town a log in to their system, but merchants will have to get their own licenses to look at the

data. Councilmember Feichter said the most important thing is that anyone in the town can immediately access the data without having to rely on the TDA. Ms. Bradley added that she'd be interested in reviewing the contract. Councilmember Feichter said that it costs \$14,000 a year and includes unlimited log ins. He suggested splitting the cost with the DWC, and the rec center. Assistant Fire Chief Mehaffey said they could use it to collect valuable data during festivals. Councilmember Dickson said Zardica was a better system than Placer but more expensive.

Council directed staff to reach out to TDA and follow up on the conversation about what the Town's access would be to their Placer app. Mr. Hites said they will report back to see if Council is satisfied. If not, he said they will look at the Placer and Zardica systems. Councilmember Feichter said he will get a contract from Placer to Ms. Bradley so she can review it.

12. RECEIVE AN UPDATE ON DESIGN, CONSTRUCTION, FINANCING SCHEDULE FOR THE FIRE STATION #2

Mr. Hites said that he spoke with several architects to get some estimates for square footage of fire station #2. He said a very rough estimate of a three bay fire station that serves between six and 16 employees is a \$4 million project, which is 2.5 cents on the tax rate. He reminded Council that Fire Station #1 only has two bunks, making it essentially a volunteer station. Mr. Hites said the original plan was to have six bunks, but they cut them out due to cost constraints. Fire Chief Webb is asking that the town build Fire Station #2 and add the bunk rooms that were originally cut out of #1. Mr. Hites said the most expensive way to add them is to build a 1500 sq. ft. addition and two restrooms, or they could make changes in the existing station. He said they will budget for the architecture engineering in the upcoming budget. It will take 8-12 months. He said that if they hold the architect fast to the budget and do a lump sum contract so the fees won't go up as cost to build goes up. Mr. Hites said in 2025-26, he sees the town moving toward a loan at 4.2% over 15 years. Ms. Hagood said they would take the money out of the Fund Balance to use for the architect, then reimburse ourselves when we get the loan, Council would just pass reimbursement resolution. Chief Webb said #2 is the busiest station, but development is increasing on the south end of Waynesville, so station #1 needs to expand. Councilmember Dickson said they requested financial assistance from congressman, state senator, and state representative. Chief Webb reported that calls have increased this past year, so there is an increasing need. AC Mehaffey asked if Council could reach out to federal representatives to refund the FEMA assistance firefighter grant.

13. PURCHASE DECORATIVE STREET AND STOP SIGNS IN DOWNTOWN, FROG LEVEL, HAZELWOOD

Mayor Gary Caldwell said that he saw some nice looking street and stop signs in downtown Canton. He requested that staff look into the cost of the signs. Mr. Hites said the signs help delineate between the historic area, the downtown area, and the and rest of town. Councilmember Sutton said the banners are considered beautification and could be grant funded. Ms. Teague said the Historic Preservation Commission is interested. Councilmember Sutton asked the DWC and the HPC to start looking into the signs.

14. CLOSING COMMENTS BY MAYOR AND COUNCIL

Mayor Caldwell and Council thanked staff for all their hard work.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to adjourn at 2:09pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk

DRAFT



Application for Special Events Permit

I. General Information

EVENT NAME: Waynesville Christmas Parade

EVENT DATE(S): Monday- December 2, 2023
Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: Main Street, Walnut Street to Haywood Street

IF THIS EVENT IS A PARADE OR ROAD RACE: Please provide a full route description and map

SET-UP TIME (START/END): 4 to 6 p.m.

EVENT HOURS: 6 - 7 p.m.

DISMANTLE HOURS (START/END): 7 to 8 p.m.

ESTIMATED ATTENDANCE: 5,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Record of past events

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Town of Waynesville - The Downtown Waynesville Commission

ARE YOU A NON PROFIT CORPORATION? No X Yes If yes, are you 501c(3) 501c(6) Place of Worship _____

APPLICANT NAME: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE: 828-550-8122 FAX#: _____ EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE #: 456-3517 CELL PHONE #: 550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event

The Waynesville Christmas parade is a nighttime parade, held the first Monday of December at 6 p.m. Parade entries are staged along residential streets near the north end of Main Street, including: Boundary, Hazel, Cherry and Maple Streets (typically facilitated by the Waynesville Kiwanis Club) between 4 and 6 p.m. The parade begins at 6 p.m. at the corner of North Main and Walnut Street and ends at South Main/Haywood Street.

IV. Street Closure Request (Attach map of the Street Closure)

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event.

Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

1. Close residential streets to all traffic except residents and floats for staging by 4 p.m: Boundary, Hazel, Cherry and Maple Streets.
2. Close Walnut Street at 5 p.m. Close N. Main at Howell Street (detour traffic via Wall St). Clear Main Street traffic by 5:45.
3. Police cars and volunteers, and orange barricades are used to block side street entrances/intersections including: Church, East, Depot, Pigeon and Academy Streets.

V. Event Details

YES NO

Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes No Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)

Does the event involve the **sale of food**? _____
If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____

Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: 0 Number of Band(s): 0 Amplification? yes

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

Do you plan to use an existing **occupied building**? Address _____

Do you plan to use an existing **vacant building**? Address _____

Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: _____ Will any tent exceed 400 sq. feet in area? NO YES

Does the event involve the use of **pyrotechnics**? Explain _____
 Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____

Will you require **electrical hookup** for the event? Generators? _____

Will you require **access to water** for the event? Explain _____

Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____

Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____

Will **signs and/or banners** be displayed as part of the event?

Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

How will parking be accommodated for this event?	Public parking will be available on Wall, Miller and Montgomery Streets, and the justice center parking deck. Signs will be posted on Main Street early Monday to let residents and patrons know that the street will be closed for the parade.
Notes:	
1. Parking and buildings involved may be examined for ADA compliance.	2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.
How will trash be contained and removed during and after the event?	Permanent receptacles along Main Street have proven sufficient. Town street/sanitation dept crews will change out liners prior to the event.

Volunteers: Will you require Civilian Police Volunteers for your event? YES.

Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing)

Return to:
Beth Gilmore, Downtown Waynesville Director
Town of Waynesville
9 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 456-3517
Fax No. : (828) 456-2000
Email Address: bethgilmore@waynesvillenc.gov

VIII. Special Information for Applicants

- * Do not announce, advertise or promote your event until you have an approved and signed permit.
- * You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
- * **Only chalk may be used on streets – no permanent paint. No permanent alterations to the street will be permitted.**
- * The Town has an ordinance prohibiting the use of tobacco and e-cigarettes in the business districts and all parks of the Town. The Applicant is to communicate this information to all vendors and participants. Permanent signs are in place in these districts and parks.
- * The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: The 41st Annual Church Street Art & Craft Show

EVENT DATE(S): October 12, 2024
Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: Main Street (from Pigeon to Wells Way)

IF THIS EVENT IS A PARADE OR ROAD RACE: Please provide a full route description and map

SET-UP TIME (START/END): Oct. 11 at 9 p.m. until Oct. 12 at 9:30 a.m.

EVENT HOURS: 10 a.m. to 5 p.m.

DISMANTLE HOURS (START/END): 5 to 7 p.m.

ESTIMATED ATTENDANCE: 10,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Past event data

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: The Downtown Waynesville Commission

ARE YOU A NON PROFIT CORPORATION? No X Yes If yes, are you 501c(3) 501c(6) Place of Worship

APPLICANT NAME: Teresa Pennington TITLE: Show Director

ADDRESS: CITY: Waynesville STATE: NC ZIP 28786

PHONE: 828-788-3435 FAX#: _____ EMAIL: tpennart@gmail.com

ON-SITE CONTACT: Beth Gilmore TITLE: DWC Director

ADDRESS: 9 S Main Street Waynesville, NC 28786

PHONE #: _____ CELL PHONE #: (828) 550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event

Craft and food vendors fill Main Street for a one-day market style vendor event featuring handmade art & craft items. Live bands and dance groups perform throughout the day on stages at each end of the street.

IV. Street Closure Request (Attach map of the Street Closure)

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event.

Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

1. Main Street from Pigeon Street to Wells Way
2. Church at Montgomery Street, East at Wall Street, Depot at Montgomery Street, Miller Street
3. Truist Bank parking lot, Mountaineer alleyway entrances to Main Street

V. Event Details

YES NO

Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes No Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)

Does the event involve the **sale of food**? _____
If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____

Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: 2-3 Number of Band(s): 2-5 Amplification? yes

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

Do you plan to use an existing **occupied building**? Address _____

Do you plan to use an existing **vacant building**? Address _____

Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: 2 Will any tent exceed 400 sq. feet in area? NO YES

Does the event involve the use of **pyrotechnics**? Explain _____

Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____

Will you require **electrical hookup** for the event? Generators? _____

Will you require **access to water** for the event? Explain _____

Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____

Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). \$175 jury + booth fee

Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? _____

Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

How will **parking** be accommodated for this event? Public parking areas surrounding Main Street, Miller Street lot, Wall Street, and the public parking deck near the Justice Center

Notes:

- 1. Parking and buildings involved may be examined for ADA compliance.
- 2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

How will **trash** be contained and removed during and after the event? Cans will be monitored throughout the duration of the event and emptied as needed into dumpsters located nearby on Wall Street and Depot Street

Volunteers: Will you require Civilian Police Volunteers for your event? YES (for Saturday event set up traffic)

Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing)

Return to:
Beth Gilmore, Downtown Waynesville Director
Town of Waynesville
9 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 456-3517
Fax No. : (828) 456-2000
Email Address: bethgilmore@waynesvillenc.gov

VIII. Special Information for Applicants

- * Do not announce, advertise or promote your event until you have an approved and signed permit.
- * You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
- * **Only chalk may be used on streets – no permanent paint. No permanent alterations to the street will be permitted.**
- * The Town has an ordinance prohibiting the use of tobacco and e-cigarettes in the business districts and all parks of the Town. The Applicant is to communicate this information to all vendors and participants. Permanent signs are in place in these districts and parks.
- * The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: Mountain Heritage Market

EVENT DATE(S): April 20, 2024
Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: Main Street

IF THIS EVENT IS A PARADE OR ROAD RACE: Please provide a full route description and map

SET-UP TIME (START/END): 10:00 p.m. on April 19

EVENT HOURS: 10 a.m. to 4 p.m. on April 20

DISMANTLE HOURS (START/END): 4:00 p.m. on April 20

ESTIMATED ATTENDANCE: no more than 1,000,000

BASIS ON WHICH THIS ESTIMATE IS MADE: wildest guess

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Downtown Waynesville Commission

ARE YOU A NON PROFIT CORPORATION? No Yes If yes, are you 501c(3) 501c(6) Place of Worship _____

APPLICANT NAME: Beth Gilmore TITLE: DWC Executive Director

ADDRESS: 9 S Main Street CITY: Waynesville STATE: NC ZIP: 28786

PHONE: 828-550-8122 FAX#: _____ EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: _____

ADDRESS: _____

PHONE #: _____ CELL PHONE #: 828-550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event

The Market will take place between two historic Waynesville locations- the Main Street District and historic Shelton House a few blocks away (connected by a shuttle) and will be part of a larger grouping of heritage-themed events planned for "Carolina Heritage Weekend." The Saturday market in Downtown Waynesville will feature a special collection of artisans, performers, demonstrators, historical and educational displays that celebrate Appalachian culture and will include a juried art/craft show.

IV. Street Closure Request (Attach map of the Street Closure)

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event.

Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

- 1. Main Street from Pigeon to Wells Way
- 2. Depot to Montgomery
- 3. Church St to Montgomery, East St to Wall Street

V. Event Details

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	Does the event involve the sale or use of alcoholic beverages ? If yes, has the ABC permit been obtained? Yes <input type="checkbox"/> No <input type="checkbox"/> Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the event involve the sale of food ? _____ If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will there be musical entertainment at your event? IF "YES" provide the following information: Number of Stages: <u>2</u> Number of Band(s): <u>1 band & 1 lumberjack arena</u> Amplification? <u>yes</u>
Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Do you plan to use an existing occupied building ? Address <u>16 S Main Street lobby for a Waynesville museum</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Do you plan to use an existing vacant building ? Address _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will there be any tents or canopies in the proposed event site? Please provide the following information: Approx. Number of Tents: <u>100</u> up to _____ Will any tent exceed 400 sq. feet in area? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the event involve the use of pyrotechnics ? Explain _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will you provide portable toilets for the general public attending your event? <u>Courthouse (2), UCB bank (3), Wall Street (1), Town Hall/shuttle stop (3), Shelton House (4)</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will you require electrical hookup for the event? Generators? _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will you require access to water for the event? Explain _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will admission fees be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will fees be charged to vendors to participate in this event? If "YES", please provide the amount(s). \$150 / single craft vendors, \$230 / double craft vendors, \$175 single food vendors
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will signs and/or banners be displayed as part of the event? If "YES" have you applied for a sign permit? _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will inflatable parade balloons be used for the event? Provide details if necessary.

VI. Additional Questions

How will **parking** be accommodated for this event? Public parking available on side streets and Wall Street, in the public parking garage and public lots on Montgomery and Church/Haywood Streets.

Notes:

1. Parking and buildings involved may be examined for ADA compliance.
2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

How will **trash** be contained and removed during and after the event? Additional cans will be placed throughout the event space. A small crew will be designated to empty cans throughout the day. Large dumpsters will be positioned nearby to collect bags.

Volunteers: Will you require Civilian Police Volunteers for your event? YES

Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing)

Return to:
Beth Gilmore, Downtown Waynesville Director &
Jesse Fowler, Assistant Town Manager
Town of Waynesville
9 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 456-3517
Fax No.: (828) 456-2000
Email Address: bethgilmore@waynesvillenc.gov
jfowler@waynesvillenc.gov

VIII. Special Information for Applicants

- * Do not announce, advertise or promote your event until you have an approved and signed permit.
- * You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
- * **Only chalk may be used on streets – no permanent paint. No permanent alterations to the street will be permitted.**
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- * The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: Mountain Street Dances (3)

EVENT DATE(S): June 14, July 12, August 9
 Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: North Main Street (Historic Courthouse block- between Depot Street intersection and Wells Way)

IF THIS EVENT IS A PARADE OR ROAD RACE: Please provide a full route description and map

SET-UP TIME (START/END): 4 to 6 pm

EVENT HOURS: 6:30 to 9 pm

DISMANTLE HOURS (START/END): 9 to 10 pm

ESTIMATED ATTENDANCE: 1,500 – 2,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Past events

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Downtown Waynesville Commission (DWC)

ARE YOU A NON PROFIT CORPORATION? No X Yes If yes, are you 501c(3) 501c(6) Place of Worship

APPLICANT NAME: Beth Gilmore TITLE: DWC Executive Director

ADDRESS: 9 S. Main Street CITY: Waynesville STATE: NC ZIP: 28786

PHONE: 828-550-8122 FAX#: _____ EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: DWC Executive Director

ADDRESS: _____

PHONE #: _____ CELL PHONE #: 828-550-8122 EMAIL: _____

III. Brief Description of Event

Friday night Mountain Street Dances are an opportunity for the community to come together on Main Street to celebrate a piece of Appalachian culture and participate in an authentic square dance, officiated by caller Joe Sam Queen. One block of Main Street is closed from 4 to 10 p.m. from Depot Street to Wells Way. A stage is set up in front of the Mountaineer, facing the historic courthouse, where people gather on the lawn for live music, performances by clogging teams and square dancing in the street. Set up involves: a stage and stage skirt, 4 sets of bleachers and trash cans.

IV. Street Closure Request (Attach map of the Street Closure)

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event.

Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

1. North Main Street is closed from Depot Street to Wells Way from 4 to 10 pm

2.

3.

V. Event Details

YES NO

Does the event involve the sale or **use of alcoholic beverages**?

If yes, has the ABC permit been obtained? Yes No Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)

Does the event involve the **sale of food**? _____

If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____

Will there be **musical entertainment** at your event? IF "YES" provide the following information:

Number of Stages: 1 Number of Band(s): 1 Amplification? yes

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

Do you plan to use an existing **occupied building**? Address _____

Do you plan to use an existing **vacant building**? Address _____

Will there be any **tents or canopies** in the proposed event site? Please provide the following information:

Approx. Number of Tents: _____ Will any tent exceed 400 sq. feet in area? NO YES

Does the event involve the use of **pyrotechnics**? Explain _____

Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? 1 unit near the Justice Center bldg.

Will you require **electrical hookup** for the event? Generators? _____

Will you require **access to water** for the event? Explain _____

Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____

Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____

Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? _____

Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

How will **parking** be accommodated for this event?

Most of Main Street will remain open for parking. Public parking will also be available on Wall, Miller and Montgomery Streets, in addition to the nearby justice center parking deck. Signs will be posted on Main Street in front of the Mountaineer and historic courthouse early Friday to let residents and patrons know that the town will close that part of the street to vehicular traffic at 4 p.m. for set up

Notes:

- 1. Parking and buildings involved may be examined for ADA compliance.
- 2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

How will **trash** be contained and removed during and after the event?

Town staff and DWC volunteers will set out trash cans on Main Street near the stage area prior to the event. At the end of the event, garbage bags will be left on the sidewalk for the town crew to haul away.

Volunteers: Will you require Civilian Police Volunteers for your event? NO

Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing)

Return to:
Beth Gilmore, Downtown Waynesville Director &
Jesse Fowler, Assistant Town Manager
Town of Waynesville
9 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 456-3517
Fax No. : (828) 456-2000
Email Address: bethgilmore@waynesvillenc.gov
jfowler@waynesvillenc.gov

VIII. Special Information for Applicants

- * Do not announce, advertise or promote your event until you have an approved and signed permit.
- * You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
- * **Only chalk may be used on streets – no permanent paint. No permanent alterations to the street will be permitted.**
- * The Town has an ordinance prohibiting the use of tobacco and e-cigarettes in the business districts and all parks of the Town. The Applicant is to communicate this information to all vendors and participants. Permanent signs are in place in these districts and parks.
- * The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: A Smoky Mountain Christmas

EVENT DATE(S): Saturday- December 14, 2024
Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: Main Street

IF THIS EVENT IS A PARADE OR ROAD RACE: Please provide a full route description and map

SET-UP TIME (START/END): 4 to p.m.

EVENT HOURS: 6 to 9 p.m.

DISMANTLE HOURS (START/END): 9 to 10 p.m.

ESTIMATED ATTENDANCE: 8,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Record of past events

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: The Downtown Waynesville Commission

ARE YOU A NON PROFIT CORPORATION? No X Yes If yes, are you 501c(3) 501c(6) Place of Worship _____

APPLICANT NAME: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE: 828-550-8122 FAX#: _____ EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE #: 456-3517 CELL PHONE #: 828-550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event

Main Street will transform into a nostalgic “hometown Christmas” scene with horses-drawn wagon rides, luminaries, Ice sculptures, Santa Claus, live music and entertainment and a popular “Elf Trail” for kids. Shops are encouraged to extend hours of operation for holiday shopping. This event traditionally happens in conjuncture with the live nativity event at First Baptist Church.

IV. Street Closure Request (Attach map of the Street Closure)

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event.

Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

1. Close Main Street from Pigeon Street to Wells Way.
2. Closure at Depot and Montgomery Streets AND Church and Montgomery Streets.
3. Close Main Street at Miller Street. Close East Street at Wall Street.
Roads close at 4:30. Reopen by 10 p.m.

V. Event Details

YES NO

Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes No Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)

Does the event involve the **sale of food**? _____
If “YES”, has the health department been notified? _____ Have you applied for a temporary permit? _____

Will there be **musical entertainment** at your event? IF “YES” provide the following information:
Number of Sidewalk Number of
Stages: music Band(s): 6 to 10 Amplification? yes

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

Do you plan to use an existing **occupied building**? Address _____

Do you plan to use an existing **vacant building**? Address _____

Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: 1-3 Will any tent exceed 400 sq. feet in area? NO YES

Does the event involve the use of **pyrotechnics**? Explain _____

Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____

Will you require **electrical hookup** for the event? Generators? _____

Will you require **access to water** for the event? Explain _____

Will **admission fees** be charged to attend this event? If “YES”, provide the amount(s) of all tickets. _____

Will **fees be charged to vendors** to participate in this event? If “YES”, please provide the amount(s). _____

Will **signs and/or banners** be displayed as part of the event?

Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

How will **parking** be accommodated for this event?

Public parking will be available on Wall, Miller and Montgomery Streets, surrounding residential streets and the justice center parking deck. Signs will be posted on Main Street early Saturday to let residents and patrons know that the town will close the street to vehicular traffic at 4 p.m.

Notes:

- 1. Parking and buildings involved may be examined for ADA compliance.

- 2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

How will **trash** be contained and removed during and after the event?

Town staff and DWC volunteers will set out additional trash cans on Main Street in high traffic areas. Town street/sanitation dept crews will also change out liners in the permanent cans along Main Street and replace as needed. At the end of the event, garbage bags will be left on the sidewalk for the town crew to haul away.

Volunteers: Will you require Civilian Police Volunteers for your event?

Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing)

Return to:
Beth Gilmore, Downtown Waynesville Director
Town of Waynesville
9 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 456-3517
Fax No. : (828) 456-2000
Email Address: bethgilmore@waynesvillenc.gov

VIII. Special Information for Applicants

- * Do not announce, advertise or promote your event until you have an approved and signed permit.
- * You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
- * **Only chalk may be used on streets – no permanent paint. No permanent alterations to the street will be permitted.**
- * The Town has an ordinance prohibiting the use of tobacco and e-cigarettes in the business districts and all parks of the Town. The Applicant is to communicate this information to all vendors and participants. Permanent signs are in place in these districts and parks.
- * The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: Stars & Stripes Kids Parade & Patriotic Concert

EVENT DATE(S): Thursday- July 4, 2024
 Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: N Main Street - Historic Courthouse

IF THIS EVENT IS A PARADE OR ROAD RACE: Please provide a full route description and map

SET-UP TIME (START/END): 8 AM

EVENT HOURS: 10 am – 3 pm

DISMANTLE HOURS (START/END): 3 pm

ESTIMATED ATTENDANCE: 2,500

BASIS ON WHICH THIS ESTIMATE IS MADE: Past events

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Downtown Waynesville Commission

ARE YOU A NON PROFIT CORPORATION? No X Yes If yes, are you 501c(3) 501c(6) Place of Worship

APPLICANT NAME: Beth Gilmore TITLE: Executive Director

ADDRESS: PO Box 224 CITY: Waynesville STATE: NC ZIP: 28786

PHONE: 828-550-8122 FAX#: _____ EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: _____

ADDRESS: _____

PHONE #: _____ CELL PHONE #: _____ EMAIL: _____

III. Brief Description of Event

The Stars & Stripes Celebration includes a Kids Parade and Haywood Community Band Concert at the Historic Courthouse. Kids and families gather in front of the Historic Courthouse to prepare for the parade to start at 11 AM (registration begins at 10). Led by police and a member of the Town Council, the parade follows Main Street to First Baptist Church where it ends with an ice cream social. Music and entertainment will be placed on Main Street sidewalks throughout the afternoon. The Haywood Community Band will perform a patriotic concert on the Courthouse Lawn at 2 pm.

IV. Street Closure Request (Attach map of the Street Closure)

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event.

Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

1. Miller Street stays closed at Main Street (the crosswalk) from 10am-3pm due to high volume of pedestrian traffic.
2. Closures needed at Church/Montgomery, Depot/Montgomery, East/Wall for the duration of the parade (45 minutes – 1 hour)
- 3.

V. Event Details

YES NO

Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes No Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)

Does the event involve the **sale of food**? _____
If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____

Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: 0 Number of Band(s): 3-5 Amplification? yes

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

Do you plan to use an existing **occupied building**? Address _____

Do you plan to use an existing **vacant building**? Address _____

Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: 3 Will any tent exceed 400 sq. feet in area? NO YES

Does the event involve the use of **pyrotechnics**? Explain _____

Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____

Will you require **electrical hookup** for the event? Generators? NO

Will you require **access to water** for the event? Explain _____

Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____

Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____

Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? NO

Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

How will **parking** be accommodated for this event? Public parking on and around Main, Miller, Depot and Wall Streets; Montgomery and Wall Street parking lots; Public Parking Deck

Notes:

- 1. Parking and buildings involved may be examined for ADA compliance.
- 2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

How will **trash** be contained and removed during and after the event? Additional trash cans will be provided at the Historic Courthouse during parade prep.

Volunteers: Will you require Civilian Police Volunteers for your event? **YES**

Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing)

Return to:
Beth Gilmore, Downtown Waynesville Director or
Jesse Fowler, Assistant Town Manager
Town of Waynesville
9 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 456-3517
Fax No. : (828) 456-2000
Email Address: bethgilmore@waynesvillenc.gov
jfowler@waynesvillenc.gov

VIII. Special Information for Applicants

- * Do not announce, advertise or promote your event until you have an approved and signed permit.
- * You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
- * **Only chalk may be used on streets – no permanent paint. No permanent alterations to the street will be permitted.**
- * The Town has an ordinance prohibiting the use of tobacco and e-cigarettes in the business districts and all parks of the Town. The Applicant is to communicate this information to all vendors and participants. Permanent signs are in place in these districts and parks.
- * The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: Treats on the Street (Halloween event)

EVENT DATE(S): Thursday- October 31, 2024
Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: Main Street

IF THIS EVENT IS A PARADE OR ROAD RACE: Please provide a full route description and map

SET-UP TIME (START/END): 3 p.m.

EVENT HOURS: 5 to 7 p.m.

DISMANTLE HOURS (START/END): 7 to 8 p.m.

ESTIMATED ATTENDANCE: 4,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Record of past events

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: The Downtown Waynesville Commission

ARE YOU A NON PROFIT CORPORATION? No X Yes If yes, are you 501c(3) 501c(6) Place of Worship _____

APPLICANT NAME: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE: 828-550-8122 FAX#: _____ EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE #: 456-3517 CELL PHONE #: 550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event

Children in Halloween costumes fill Main Street on Halloween night for "Treats on the Street." From 5 to 7 p.m. participating merchants/businesses line the sidewalks of Main Street to distribute candy to trick-or-treaters. Participating churches and/or civic groups set up on each end of Main Street (in front of Town Hall and The Mountaineer/courthouse) with treats and Halloween-themed music. Typically, the event occurs on the same night that children are trick-or-treating in surrounding neighborhoods, and in conjunction with the Fall Carnival at First Baptist Church and First Methodist Church's "Trunk or Treat"

IV. Street Closure Request (Attach map of the Street Closure)

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event.

Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

1. Close Main Street from Pigeon Street to Wells Way (boom trucks on each end).
2. Closure at Depot and Montgomery Streets AND Church and Montgomery Streets.
3. Police cars and volunteers, and orange barricades are used to block side street entrances/intersections.

V. Event Details

YES NO

Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes No Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)

Does the event involve the **sale of food**? _____
If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____

Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: 0 Number of Band(s): 0 Amplification? yes

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

Do you plan to use an existing **occupied building**? Address _____

Do you plan to use an existing **vacant building**? Address _____

Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: _____ Will any tent exceed 400 sq. feet in area? NO YES

Does the event involve the use of **pyrotechnics**? Explain _____
 Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____

Will you require **electrical hookup** for the event? Generators? _____

Will you require **access to water** for the event? Explain _____

Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____

Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____
Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit?
 Town Staff will stake up to 7 small signs with event day and time along Main Street and Wall Street during the week leading up to the event

Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

How will **parking** be accommodated for this event?

Public parking will be available on Wall, Miller and Montgomery Streets, in addition to the First Baptist Church parking lot and the justice center parking deck. Signs will be posted on Main Street early Monday to let residents and patrons know that the town will close the street to vehicular traffic at 3 p.m.

Notes:

- 1. Parking and buildings involved may be examined for ADA compliance.
- 2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

How will **trash** be contained and removed during and after the event?

Permanent receptacles along Main Street have proven sufficient. Town street/sanitation dept crews will change out liners prior to the event.

Volunteers: Will you require Civilian Police Volunteers for your event?

Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing)

Return to:
Beth Gilmore, Downtown Waynesville Director
Town of Waynesville
9 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 456-3517
Fax No. : (828) 456-2000
Email Address: bethgilmore@waynesvillenc.gov

VIII. Special Information for Applicants

- * Do not announce, advertise or promote your event until you have an approved and signed permit.
- * You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
- * **Only chalk may be used on streets – no permanent paint. No permanent alterations to the street will be permitted.**
- * The Town has an ordinance prohibiting the use of tobacco and e-cigarettes in the business districts and all parks of the Town. The Applicant is to communicate this information to all vendors and participants. Permanent signs are in place in these districts and parks.
- * The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: Christmas Tree Lighting

EVENT DATE(S): SATURDAY, November 30, 2024
Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: In front of Town Hall- 9 S. Main Street

IF THIS EVENT IS A PARADE OR ROAD RACE: Please provide a full route description and map

SET-UP TIME (START/END): 3:00 p.m.

EVENT HOURS: 6-7 p.m.

DISMANTLE HOURS (START/END): 7 - 7:30 p.m.

ESTIMATED ATTENDANCE: 1,200

BASIS ON WHICH THIS ESTIMATE IS MADE: Past events

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Downtown Waynesville Commission (DWC)

ARE YOU A NON PROFIT CORPORATION?

No	<input checked="" type="checkbox"/>	Yes	If yes, are you	501c(3)	501c(6)	Place of Worship
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APPLICANT NAME: Beth Gilmore TITLE: DWC Exec. Director

ADDRESS: 9 S. Main Street CITY: Waynesville STATE: N.C. ZIP 28721

PHONE: 828-550-8122 FAX#: _____ EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: DWC Exec. Director

ADDRESS: Same as above

PHONE #: _____ CELL PHONE #: _____ EMAIL: _____

III. Brief Description of Event

This year, the tree lighting event will be held the Saturday after Thanksgiving, also "Shop Small Saturday," to kick off the Christmas season and light the tree in time for the parade (two days later). DWC members will serve light refreshments, and the public will be invited to join a sing-along of carols before town council members are invited to light the tree.

IV. Street Closure Request (Attach map of the Street Closure)

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event.

Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

1. One block of Main Street will be closed from the Church/East Street intersection to the Watami parking lot.

2.

3.

V. Event Details

YES NO

Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes No Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)

Does the event involve the **sale of food**? _____
If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____

Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: _____ Number of Band(s): _____ Amplification? _____

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

Do you plan to use an existing **occupied building**? Address _____

Do you plan to use an existing **vacant building**? Address _____

Will there be any **tents or canopies** in the proposed event site? Please provide the following information:
Approx. Number of Tents: _____ Will any tent exceed 400 sq. feet in area? NO YES

Does the event involve the use of **pyrotechnics**? Explain _____

Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____

Will you require **electrical hookup** for the event? Generators? _____

Will you require **access to water** for the event? Explain _____

Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____

Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____

Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? _____

Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

How will **parking** be accommodated for this event?

Public parking

Notes:

- 1. Parking and buildings involved may be examined for ADA compliance.
- 2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

How will **trash** be contained and removed during and after the event?

Public trash receptacles

Volunteers: Will you require Civilian Police Volunteers for your event?

TBD

Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing)

Return to:

Jesse Fowler, Assistant Town Manager
Town of Waynesville
16 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 452-2491
Fax No. : (828) 456-2000
Email Address: jfowler@waynesvillenc.gov

VIII. Special Information for Applicants

- * Do not announce, advertise or promote your event until you have an approved and signed permit.
- * You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
- * **Only chalk may be used on streets – no permanent paint. No permanent alterations to the street will be permitted.**
- * The Town has an ordinance prohibiting the use of tobacco and e-cigarettes in the business districts and all parks of the Town. The Applicant is to communicate this information to all vendors and participants. Permanent signs are in place in these districts and parks.
- * The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date 3/12/24**

SUBJECT Resolution Authorizing Rob Hites and Charam Miller as signatories for CDBG-I grants

AGENDA INFORMATION:

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

BRIEF SUMMARY: The Town has been awarded three CDBG-I grants totaling over \$3 million dollars. The grants require that the Town Council authorize at least two signatories for grant related documents. The attached resolution authorized the Manager and Grants Manager to sign CDBG related documents on behalf of the Council.

MOTION FOR CONSIDERATION: Adopt Resolution

FUNDING SOURCE/IMPACT: Water/Sewer

ATTACHMENTS: Resolution

MANAGER'S COMMENTS: None

RESOLUTION No. R-03-24
BY WAYNESVILLE TOWN COUNCIL

WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD Small Cities (States) CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363, and

WHEREAS, The Town of Waynesville has need for and intends to implement three construction project described as 1. South Waynesville Public Water System Improvements Project. Proposed activities include extending public water lines including hydrants, and residential taps. The project area includes Explorer Street, and Sawyer Street, and 2. Phase I South Waynesville Sanitary Sewer System Improvements Project Proposed activities include replacing deteriorated sewer lines and appurtenances for purposes of eliminating infiltration and inflow and extend sanitary sewer lines including residential connections. The project area includes Explorer Street, and Sawyer Street, and 3. South Waynesville Phase II Sanitary Sewer System Improvement Project. Proposed activities include replacement of deteriorated sewer lines and appurtenances for the of eliminating inflow and infiltration. The project area includes Franklin Street, Hendrix Street and Muse Street, and

WHEREAS, The Town of Waynesville intends to request State grant assistance for the project.

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE:

That Town of Waynesville the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Rob Hites, Town Manager, and Charam Miller the **Authorized Representatives**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Representative**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 12th of March 2024 at Town Hall, Waynesville, North Carolina.

Mr. Gary Caldwell

Mayor, Town of Waynesville

FORM FOR CERTIFICATION BY THE RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Waynesville does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Waynesville Town Council duly held on the 12th of March, 2024 and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of March 2024.

Candace Poolton

Town Clerk

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: 3/12/24**

SUBJECT Amend Fee schedule of budget ordinance to include a \$6 drop-in childcare fee for non-members who use the recreation center.

AGENDA INFORMATION:

Agenda Location: Consent Agenda

Item Number:

Department: Recreation

Contact: Luke Kinsland

Presenter: **Luke Kinsland**

BRIEF SUMMARY : In past years the recreation center has provided free childcare for members and a small fee for non-members. Hannah Jones, Programs Supervisor, was recently tasked with bringing drop-in childcare back and renovating the space suitable for this. She has done a fantastic job fixing the space up to include a nursery and childcare space up to code for 6-month-olds to 6-year-olds. We have hired a childcare aid that is ready to work ASAP and need to implement a non-member fee. One of the traditional perks of being a member of the center is free childcare while the parents work out. This will once again appeal to younger demographics and hopefully increase memberships.

MOTION FOR CONSIDERATION: Amend the Fee Schedule of the 2023-24 budget to include a \$6 non-member drop-in childcare fee.

FUNDING SOURCE/IMPACT: General/recreation

ATTACHMENTS: None

MANAGER'S COMMENTS:

**TOWN OF WAYNESVILLE COUNCIL MEETING
REQUEST FOR COUNCIL ACTION
Meeting Date: March 12, 2024**

SUBJECT: Updating of the Pavement Condition Survey

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Public Services
Contact: Jeff Stines, Director of Public Services


Presenter: Consent Agenda

BRIEF SUMMARY: In 2020 the Town of Waynesville had a pavement condition survey conducted by Labella Engineering. This survey gave each street a PCR (pavement condition rating). We have since paved numerous streets with Powell Bill funding based on those PCR's. We would like to revisit this study, and have it revised to reflect the streets that have been paved and gain a better direction for the next 3-5 years on specific paving projects.

MOTION FOR CONSIDERATION: To approve Labella Engineering to revise the current PCS reflecting the paving projects completed since 2020 in the amount of \$19,500.00.

FUNDING SOURCE/IMPACT: Powell Bill

ATTACHMENTS: Labella Engineering PCS proposal


Misty Hagood, Finance Director

3/5/2024
Date

MANAGER'S COMMENTS AND RECOMMENDATIONS:

March 4, 2024

Mr. Jeff Stines
Public Services Director
Public Services Department
Town of Waynesville
129 Legion Drive
Waynesville, NC 28787

**Re: Proposal for Professional Services
Proposal 2402096 – Pavement Condition Survey 2024 – Town of Waynesville**

Dear Mr. Stines:

LaBella Associates, P.C. (LABELLA) is pleased to submit our proposal to perform a GIS linked pavement condition rating survey for the Town of Waynesville. This is in response to your March 4, 2024 telephone conversation with Robert Wilson. We look forward to working with you and the Town in managing the investment Waynesville has in its street system.

Scope of Work (GIS-Linked Survey):

LABELLA will perform a pavement condition survey which is linked to the Town's GIS centerline database of all asphalt pavement street segments within the Town of Waynesville owned or maintained by the Town (approximately 87 centerline miles). This will involve riding each segment and observing and quantifying pavement distresses in addition to collection of physical inventory data. The project deliverables are as follows:

- A Pavement Condition Rating (PCR) will be calculated using our pavement management software for each segment based on field observation of the following distresses: alligator cracking, block cracking, reflective cracking, rutting, raveling, bleeding, ride quality, and patching. This data will be recorded on the street centerline segment data provided by Waynesville with any recent/needed additions to be added by LABELLA.
- The field survey will identify errors in the Centerline database or unusual field conditions (e.g., drainage problems) in a comment field in the database product provided to the Town.
- In addition to observing surface pavement distresses, during the field survey LABELLA will quantify the following attributes for each street segment: existing curb and gutter per side (right and left), presence of sidewalk (if any) per side, and asphalt height above gutter. These attributes do not affect the PCR calculation, but serve to provide meaningful information to the Town.
- LABELLA will compile and summarize condition-rating data from the collected field data reflecting the Town maintained street segments. LABELLA will also provide three



(3) copies of a report that will identify system pavement condition by major distress and street classification (high or low volume). The report will provide Summary Tables containing recommended maintenance activities and estimated costs by activity based on unit maintenance costs to be supplied by the Town.

- LABELLA will provide three (3) copies of a listing of street segments sorted by PCR order in addition to a report of segments by alphabetical street listing.
- LABELLA will provide three (3) copies of a map displaying the results of your Pavement Condition Survey by color coding the PCR Ranges: Very Good (91-100), Good (81-90), Fair (66-80), Poor (51-65), and Very Poor (0-50).
- LABELLA will also provide our USI-TPA Microsoft Access computer application which will allow the Town to sort the master database by PCR, street name, and to generate an estimate of maintenance costs for a specific range of PCRs. The application will also allow the Town to query the database for presence of curb and gutter, sidewalk, and asphalt height above gutter. This reporting tool will also allow the Town to generate priority lists for high and low volume streets, crack sealing, and patching, in addition to lists for resurfacing, skin patching, and joint repair.
- LABELLA will also provide the Town with a digital copy of the final GIS shape file in ESRI compatible format along with a database file containing completed pavement condition inventory data, PCRs, recommended maintenance activities and cost information for your records, along with an electronic copy of the written report and any graphs or exhibits.

The above deliverables will be provided to the Town during a meeting in Waynesville at the project's conclusion. LaBella will make a presentation to Town staff during the deliverables meeting that summarizes the results of the pavement condition survey. We will also address any questions that the Town may have.

Additionally, LaBella will modify the deliverables meeting presentation for a Waynesville Town Council meeting based on coordination with Town staff. LaBella will attend a Town Council meeting to present the results of the 2024 Pavement Condition Survey. LaBella along with Town staff will respond to any questions from the Town Council following the presentation.

This proposal makes the following assumptions:

- We estimate that the field data collection will take approximately 6 to 7 workdays depending on weather conditions.
- LABELLA will supply Waynesville with our repair matrix so the Town can select the maintenance activities it prefers for the various pavement distresses and severity levels.
- Waynesville will also need to provide LABELLA with current unit maintenance costs for use in our calculations.
- Waynesville will supply LABELLA with a current GIS centerline database (including street centerline, parcel data, Town limits, and street ownership [i.e. Town or State]) for the GIS-linked survey, a listing of new street segments added since the last survey, a listing of the high and low volume streets, and a copy of the most recent Powell Bill map.



- Waynesville maintains approximately 87 miles of streets within its corporate limits. This proposal does not include any evaluation of NCDOT streets within the Town limits.

Compensation:

LABELLA will perform the services described above for a GIS linked survey for a lump sum fee of **\$19,500.00**. LABELLA will invoice the Town monthly for work performed, with final payment due upon the Town's acceptance of the completed project.

Schedule:

LABELLA is available to begin this work immediately following a Notice to Proceed, and we estimate it will take approximately six to seven weeks to complete the project after beginning the field data collection. It usually takes three to four weeks to set up the field data collection application.

Thank you for the opportunity to work with you and the Town of Waynesville. If you have any questions or need additional information, please feel free to contact us at (336) 323-0092 or by email at jfersner@labellapc.com.

Sincerely,

LaBella Associates

John D. Fersner, III, P.E.
Project Manager

**TOWN OF WAYNESVILLE COUNCIL MEMBERS
REQUEST FOR COUNCIL ACTION
Meeting Date: March 12, 2024**

SUBJECT: Bobby McKay Day

AGENDA INFORMATION:

Agenda Location: Proclamation
Item Number:
Department: Administration
Contact: Mayor Gary Caldwell
Presenter: Mayor Gary Caldwell

BRIEF SUMMARY: .In remembrance of the life and legacy of Bobby McKay, Mayor Gary Caldwell wishes to proclaim March 12, 2024 Bobby McKay Day.

MOTION FOR CONSIDERATION: N/A

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

- Bobby McKay Day Proclamation

MANAGER'S COMMENTS AND RECOMMENDATIONS:

PROCLAMATION
BOBBY MCKAY DAY-MARCH 12TH

WHEREAS, Bobby McKay, a distinguished business leader, native to Hazelwood, demonstrated entrepreneurial prowess from youthful pursuits and through the ownership of McKay's Meat Market & Freezer Locker, multiple construction companies, and McKay Rentals and Investments.

WHEREAS, Bobby McKay's enduring commitment spanned over seven decades, during which he not only provided employment opportunities but also facilitated housing solutions for the residents of Waynesville.

WHEREAS, Bobby McKay's willingness to take risks and being a man ahead of his time extended to the financial support of numerous enterprises within the communities of Haywood County.

WHEREAS, Bobby McKay exhibited civic dedication by undertaking grading and street improvement projects for the former Town of Hazelwood, often at minimal or no cost to the Town.

WHEREAS, Bobby McKay's visionary initiatives, including the development of neighborhoods and construction of essential thoroughfares such as Russ Avenue, significantly contributing to the growth and evolution of Waynesville into its present-day form.

WHEREAS, Bobby McKay exemplified unwavering support for local law enforcement agencies and the Waynesville Fire Department, embodying a steadfast ally in ensuring community safety and well-being.

THEREFORE, be it proclaimed, on this day, that Bobby McKay's legacy of progressive leadership, generosity, and civic stewardship shall forever be cherished and commemorated within the annals of Waynesville's history.

BOBBY MCKAY DAY

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Waynesville, NC to be affixed this 12th day of March, in the year of our Lord, two thousand and twenty-four.

Town of Waynesville

Gary Caldwell
Mayor

Attest: _____
Candace Poolton
Town Clerk

SEAL:

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: March 12, 2024**

SUBJECT: A Public Hearing to consider Biltmore Baptist Church Conditional District Map Amendment (Rezoning) Application, sections 2.7 and 15.15 of the Land Development Standards (LDS).

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Olga Grooman
Presenter: Olga Grooman

BRIEF SUMMARY:

The 7.9-acre parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383) is the proposed location for Biltmore Baptist Church campus. The applicant is requesting a Conditional District Rezoning and is seeking flexibility in building size, exterior design guidelines, parking lot location, and sidewalk requirements. If approved, their request would amend the zoning map and create a Raccoon Creek Neighborhood Center Conditional District (RC-NC-CD). It would relax the LDS requirements specifically for that property and as shown on the proposed master plan.

Conditional Districts are handled in the same way as a text or map amendment. The Planning Board holds a hearing and makes a recommendation to the Town Council. The Planning Board held the hearing on this CD application on February 26, 2024 and recommends the map amendment to the Town Council with the following conditions:

1. Comply with the façade standards and include architectural elements on the north and south side building elevations in accordance with Land Development Standards (LDS) section 5.10.
2. Conduct Transportation Impact Analysis study (LDS 6.10).
3. Preserve existing street trees along Asheville Rd (LDS 8.4.1).
4. Require 5-ft sidewalks along Asheville Rd and Ratcliff Cove Rd (LDS 6.6.2 B, D).
5. Allow parking at the principal frontage, as proposed on the Master Plan (LDS 9.3).

MOTIONS FOR CONSIDERATION:

1. Motion to find the Conditional District Map Amendment as proposed (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.
2. Motion to approve/deny/approve with conditions the Conditional District Map Amendment.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

- Staff report
- Draft Ordinance
- Planning Board Report with proposed conditions

- Worksheets: Conditional District and Consistency Statement
- Proposed site plan and building elevations
- Application materials (application, environmental survey abstracts, requested conditions, payment, agent authorization forms)
- Property maps and images (street view, zoning, floodplain, sewer)
- Utilities letter
- Public notices
- Neighborhood meeting documents
- LDS, 2035 Comp. Plan, Building and Fire codes are incorporated by reference

MANAGER'S COMMENTS AND RECOMMENDATIONS:

**Waynesville Town Council Staff Report
Biltmore Baptist Church Conditional District Map Amendment (Rezoning) Application
Legislative Hearing**

Meeting Date: March 12, 2024
Project: Biltmore Baptist Church
Location: 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383)
Zoning District: Raccoon Creek Neighborhood Center (RC-NC)
Owner: Biltmore Baptist Church
Applicant: Roger Wright on behalf of Biltmore Baptist Church
Presenter: Olga Grooman, Land Use Administrator, Development Services

Background:

The 7.9-acre parcel is the proposed location for Biltmore Baptist Church campus. The total project area is 7.38 acres with a 25,000-sf building that will consist of a lobby, 416-seat worship center, stage, grade school worship room, pre-school worship room, multiple classrooms, student areas, storage rooms, nursing mothers room, restrooms, lockers, offices, coffee, and flex rooms. The outdoor amenities include a tot play area on the north side and pergola on the south side.

The applicant is requesting a Conditional District Rezoning in order to develop the property as a church. If approved, their request would amend the zoning map and create a Raccoon Creek Neighborhood Center Conditional District (RC-NC-CD). It would relax the LDS requirements specifically for that property and as shown on the proposed master plan. The project is seeking flexibility in building size, exterior design guidelines, parking lot location, and sidewalk requirements.

According to Waynesville Land Development Standards (LDS), section 15.15:

“Conditional Districts (Section 2.7) are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Town Council in accordance with G.S. 160D. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development. This Conditional District may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.”

Conditional Districts are handled in the same way as a text or map amendment. The Planning Board holds a hearing and has to determine if this request is consistent with the Comprehensive Land Use Plan and is reasonable and in the public interest. Per LDS 15.2.3 and 15.15.2. A-B, Conditional District is a legislative procedure where “the Planning Board shall review the application and make a recommendation relevant to the following: uses proposed, compatibility with surrounding property, area impacts and adequate facilities, infrastructure, building and site design, immediate context and compatibility, etc.” If approved, the site plan and CD designation will replace any conflicting development regulations which would otherwise apply.

Per LDS 15.15.2. D, “the Planning Board may recommend and the Town Council may attach reasonable and appropriate conditions including, but not limited to the location, nature, hours of operation and extent of the proposed use.” Such conditions or additional standards that the Board imposes shall be limited to improve conformance with the existing ordinance and/or address expected impacts generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any conditions and site-specific standards proposed by either the Planning Board or the Town Council prior to final action.”

Biltmore Baptist Church (the property owner) granted permission to several project team members to represent the church in this application and appear before the board (*see Authorization Forms*). The proposed plan was first reviewed by the Technical Review Committee (zoning, building inspections, fire, and public services) on October 20, 2023 and again with updates on January 24, 2024. The Planning Board held a public hearing at the special called meeting on February 26, 2024. Staff provided notices of today's public hearing in the Mountaineer newspaper (2/28/24 and 3/6/24), by posting the property (2/28/24), and via first-class mail to adjacent property owners within 500 ft (2/28/24).

Per LDS section 15.3.7, the project team held the neighborhood meeting in the Agriculture Center located at 589 Raccoon Road on February 6, 2024. The developer advertised the meeting via mail within a 500-ft radius. Six applicant representatives (CEO, pastors, project managers), two staff members (Olga Grooman and Esther Coulter), and two citizens (Jim H. Francis III and Jim Francis Jr.) attended the meeting. The citizens expressed their strong support for the project, calling it "very encouraging". They mentioned that they were "pleased" with the project and only inquired about the building's capacity.

Conditional District Application and Ordinance Request:

Biltmore Baptist Church campus is proposed on this unaddressed 7.9-acre property between Asheville Road and Ratcliff Cove Road. Religious institution is permitted outright in the Raccoon Creek Neighborhood Center District (LDS 2.5.3.). Chapter 17.3 of the LDS defines this use:

“Religious Institution. Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.”

The applicant has provided an extensive environmental survey, a master plan, and elevations as a part of the application. The applicant has also provided a Map Amendment Conditional District Application and a summary of requests associated with the site plan. The requests are described in red below.

Zoning Compliance:

- **District Provisions and Dimensional Requirements (LDS Chapters 2-4):**

The subject property lies within Raccoon Creek Neighborhood Center (RC-NC) district, which has the following purpose and intent statement (LDS 2.3.5):

“The Raccoon Creek Neighborhood Center District (RC-NC) is a small neighborhood center that functions as a gathering place for those residing in the rural and neighborhood districts found in East Waynesville. A highly mixed-use district, this area will develop into a small scale, pedestrian friendly setting with design criteria supporting such development. The creation of an inviting streetscape and pedestrian connections are important — both within the center and to adjoining neighborhoods. Efforts to calm and manage the traffic at the center will be important in this busy area as will the sharing of parking and the development of "park and walk" amenities. As this is at an entrance to Waynesville, architectural and site design should be of the highest quality.”

Religious institutions are permitted outright without supplemental standards in RC-NC (LDS 2.5.3).

LDS 2.4.2 Dimensional Standards: Neighborhood Center is one of our Mixed-Use / Non-Residential districts. It has no maximum density, lot size standards, or minimum pervious surface requirements. But it

does require a minimum 10-ft front and street-side setback from a thoroughfare and a 5-ft rear setback, with a side setback from adjacent lot is 0. The proposed site plan greatly exceeds these requirements with the front setback being about 112 ft from the property line, side setbacks of 75 ft at their closest points on the south and north sides, and rear setback of approximately 150 ft at its closest point to the property line.

LDS 2.4.2 requires that a building over 8,000 in RC-NC to go either through Conditional District or Special Use Permit. The applicant proposes 25,000-sf church building. The building size and requested leniencies (design, parking, sidewalk) determined the appropriate process- Conditional District.

LDS 4.3 Basic Lot and Use Standards: The building will front the intersection of Asheville Road and Ratcliff Cove Road, and it is compliant with the requirement that “all lots shall front upon a public street right-of-way.” Both streets are NC DOT roads with the state’s right-of-way along the edge of the road.

LDS 4.4 Building Height: The allowed height of the district is 3 stories. The proposed church is one-story, approximately 27.11-ft high. Our LDS states that “a story is a habitable level within a building of no more than 14 feet in height from finished floor to finished floor, not including space above the eaves and within the slope structure of a pitched roof. The number of stories is measured from the highest adjacent grade or at the structure’s primary facade.” The project is compliant.

- **Building Design Guidelines (LDS Chapter 5.10- Mixed Use / Commercial):**

LDS 5.5.6 Commercial Buildings: “The commercial building type provides convenient automobile access from the fronting thoroughfare, while minimizing impacts of parking lots on an active pedestrian realm. The uses permitted within the building are determined by the District in which it is located. The Commercial Building typically has four yards (front yard; two side yards; and rear yard) and can accommodate a limited amount of parking in the front yard with the remainder to the side and rear of the building.”

LDS 5.10.2 Façade Materials: “Metal panels and siding may be used as a facade material only on commercial buildings located within Neighborhood Center, Business, and Regional Center Districts. Such metal panels and siding must consist of architectural-grade metal without a high-gloss finish. Standing seam metal panels may not be used as a façade material.” The building has compliant materials:

- Hardy-board siding (various colors)
- Metal siding
- Metal trim
- Brick

LDS 5.10.3. Minimize Blank Walls: “Expanses of blank walls facing streets or public civic spaces may not exceed 20 feet in length. (A "blank wall" is a facade that does not contain transparent windows or doors.)” The primary front façade is compliant. **However, the north façade is also visible from Asheville Road, and the south building façade is visible from Ratcliff Cove Road. The blank walls on these facades exceed 20 ft in length. The developer is asking to waive these standards as a part of the Conditional District:**

“The two end walls of the building are church worship areas (main and the two children’s worship and classrooms). Windows are not wanted for children’s privacy and the way the services are performed in worship areas windows will not allow for them to use the interior space as intended.”

LDS 5.10.5 Façade Articulation: “Any façade **visible from the public street** shall involve horizontal and vertical variation so that walls are subdivided into bays or sections that are vertically proportioned.” Also, “all architectural elevations of principal buildings [over 20 feet in height] **visible from a public street** shall

have a clearly discernable base, body, and cap.” The front is compliant. The south and north facades visible from the streets do not show these elements. The applicant is asking to relax this requirement:

“The current building design does not meet the above requirements, we believe with the horizontal band at 19’ a.f.f. it breaks the area up and gives the theory of a cap. With additional Heating and Air ducts on the side of the building and landscaping you would not be able to discern the “cap”. Distance is an issue as well; the building is over 100’ at the closest point to any road and is angled approx. 45 degrees to roads.”

Staff notes that, at the closest points, the building is at least 75 ft away from the property lines on the north and south sides (not counting several feet of the NC DOT right-of-way between the streets and property lines). The project will also have street trees and parking lot areas between the street and the building on each street side. However, because of the building height, staff and the Planning Board recommend the adjustments in the side facades to include architectural elements and sections.

The building is compliant with other requirements of commercial building design:

- ✓ Windows and doors are predominant features in the front façade (LDS 5.10.3. B)
- ✓ At least 50% of the length of the front façade is glass doors and windows (LDS 5.10.3. C. 2)
- ✓ Emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, are decorative and contain glass and overhangs (LDS 5.10.3. E)

LDS 5.10.4 Utilities: All rooftop equipment shall be screened from the view. The site plan does not indicate any rooftop equipment. If placed, it will need to comply with this requirement. “If, due to the topography of the site, a physical screen would not suffice, alternative methods to minimize the negative aesthetics (e.g., painting the equipment to match the building) may be approved by the Administrator.”

Public Services Director (Jeff Stines) confirmed via attached letter that the Town can provide water and sewer distribution to this church campus. By connecting to the sanitary sewer via an individual tap, the SOC allocations will not be affected. The plan indicates the location of proposed water and sewer service lines. Electric services will be available from Duke Energy. The applicants also petitioned for annexation in order to connect to the Town’s sewer. Currently, the property is within Waynesville’s ETJ.

- **Infrastructure (LDS Chapter 6):**

LDS 6.4. Connectivity: the project will connect to Asheville Road via a 34-ft wide driveway with the secondary 25-ft entrance off Ratcliff Cove Rd. These connections are compliant with Building and Fire Codes, and LDS. The project will need to obtain both driveway permits through the NC DOT.

Internal connectivity within the site is provided via concrete pedestrian walkways around the building that connect to the parking areas, pergola, and playground.

LDS 6.6.2. B and D: 8-ft sidewalk with a 6-ft planting strip are required along Asheville Road, and a 5-ft sidewalk with a 5-ft planting strip are required along Ratcliff Cove Road. The applicant indicates the sidewalks on the plan, but they ask for leniencies:

“Ratcliff Cove Road drops off significantly and our property ends at Raccoon creek. A sidewalk thru here could be very dangerous especially in a wheel chair. If they lost control they would end up in the creek or if a barricade is in place slam into that. We would like a payment-in-lieu or just not have to do the sidewalks

the figures for just the sidewalk are over \$130,000.00 not including the landscaping it's approx. 1,608 l.f. of road frontage seems to be excessive, or could we do just do Asheville rd."

Staff submits that Asheville Road is one of the main thoroughfares in town, and the district's intent in LDS (2.3.5) emphasizes "the creation of an inviting streetscape and pedestrian connections are important — both within the center and to adjoining neighborhoods." Due to existing trees along Asheville Road, staff submits that a 5-ft sidewalk would be appropriate there instead of 8-ft. Staff also recommends a 5-ft sidewalk along Ratcliff Cove Road as well. Staff and Planning Board do not recommend waiving the sidewalk requirement.

Because most of the sidewalks will be in the NC DOT right-of-way, staff reached out to the NC DOT district engineer for guidance. The developer would need to coordinate with the NC DOT on the placement of the sidewalk within the state's right of way.

LDS 2.6.1. D: If the Town Council recommends payment-in-lieu, as requested by the applicant, it shall consider the factors that make compliance impractical:

1. Steep slopes;
2. Absence of existing sidewalks along the corridor and in the general neighborhood;
3. Where sidewalks are not shown on an adopted Comprehensive Pedestrian Plan.

LDS 6.10: Transportation Impact Analysis: the project does not clearly fall under any of the thresholds of the ordinance. **The Planning Board proposed it as a condition.**

- **Civic Space (LDS Chapter 7):**

Non-residential developments are exempt from civic space requirements per LDS 2.4.2. However, the developer proposes a playground surrounded by a 4-ft high chain-link and 4-ft high wood fences on the north side and a pergola on the south side of the building as church campus amenities.

- **Landscape (LDS Chapter 8):**

The project provided a landscaping plan that is included in the agenda materials. The proposed species are willow oak and ink berry holly, both native to the southeastern US. Our LDS encourages native plantings. The project will also preserve a considerable amount of existing vegetation on the east side of the lot along the creek.

LDS 8.4.1 Buffer: The site borders Neighborhood Residential District to the west, north and east. Therefore type C buffer is required. This is a semi-opaque buffer, at least 10 or 20 feet in depth and includes canopy trees and shrubs. The street view images in the agenda packet show a very dense, tall canopy trees and vegetation along Asheville Road within the NC DOT right-of-way and along the back side of the property that will be preserved. The project also proposes additional trees and shrubs along the sidewalk and around the parking areas. All this meets buffer requirements. **If any trees are removed during construction, they need to be replaced to maintain buffer requirements. Additionally, Planning Board recommends to preserve the existing trees along Asheville Road.**

LDS 8.5 Street Tree Planting: one (1) canopy tree shall be planted between the street and a sidewalk for every 50 feet of the street frontage in RC-NC. The project shows plantings on the plan, and there are existing tree plantings within NC DOT right-of-way portion of Ratcliff Cove Road. The project is compliant.

LDS 8.6. Parking Lot Landscaping: “Parking lots shall be screened from sidewalks, streets, and adjacent properties by a semi-opaque screen that incorporate a low screen from the ground to at least a height of 3.5 feet along with canopy trees planted with a maximum spacing of 30 feet on-center for screening of car lights and glare.” The project proposes canopy trees and shrubs around all the parking areas. The project will also preserve most of the dense vegetation along the property lines on north and east sides. Compliant.

As for interior parking lot landscaping, “no parking space shall be more than 40 feet from the base of a canopy tree. One canopy tree per 12 parking spaces is required.” **A few additional trees are needed at the front and rear of the building (east and west sides on the plan) to meet the 40-ft distance requirement.** As for the number of trees, the project meets the requirement providing 21 interior trees per 249 parking spaces.

LDS 8.7: All dumpsters, loading docks, or utility structures visible visible from a public street or adjacent property shall be screened. The dumpster with screening is proposed on the south side of the lot. Compliant.

- **Parking and Driveways (LDS Chapter 9):**

LDS 9.2.1 Required Parking Standards:

- ✓ One auto space per 8 seats in the main assembly hall is required. Proposed are 416 seats and 249 parking spaces. Compliant.
- ✓ One bike rack per 20 parking spaces is required. The project calls for 12 bike spaces, and 14 are provided on the west side of the plan (front of the building). Compliant.

LDS 9.3 Permitted Parking Locations: Parking is not allowed at the principal front for commercial buildings in RC-NC. The applicant is requesting flexibility from this requirement as a part of their Conditional District application, and the Planning Board is in favor of this leniency:

“We would request to park in zone 1 of the lot. We would like to have more parking in front since the main lobby is near center of building and having a service with over 350 people this would make long walk to enter the front or have a long line for people to enter from only the back. Since this is a corner lot it would hinder enough parking to support the facilities’ needs. The existing topography limits the parking lot layout if we cannot utilize the zone 1 parking.”

LDS 9.8.3 Driveway Standards: the main entrance to the campus will be via a 34-ft wide drive off Asheville Road, and the secondary entrance will be via a 25-ft drive off Ratcliff Cove Road. Both have been reviewed by Town’s building inspections and Fire Marshall and are in compliance. Both driveway permits will be issued by the NC DOT, and the Town will need a copy.

The minimum spacing between driveways in RC-NC is 100 ft. The project is compliant as it is surrounded by undeveloped lots off Asheville Road and Ratcliff Cove Road. Both driveway are also further than 100 ft from the roundabout (at least 400+ ft away each). Compliant.

- **Lighting (LDS Chapter 10):**

No additional lighting is proposed. Otherwise, detailed lighting plan will be required.

- **Signage (LDS Chapter 11):**

All signage will require a sign permit.

- **Environmental (LDS Chapter 12):**

The applicant provided a comprehensive environmental survey prepared by the ECS Engineering Consulting Service. It contains the following information:

- ✓ Current conditions of the site (grassy, wooded lot)
- ✓ Wetland delineation study that indicated potentially five (5) jurisdictional wetlands totaling about 0.56 acre on site. The wetlands are indicated on the site plan, and the project stays outside of them
- ✓ Five wetland plant species found on site
- ✓ Soil boring, soil survey and foundation recommendations based on it are provided
- ✓ 100-year floodplain and floodway boundaries on site
- ✓ Existing stream- Raccoon Creek
- ✓ Required stream buffer is 30 feet- project exceeds the requirement
- ✓ Endangered species report indicates that the following species may have potential to occur within the vicinity: bald eagle, gray bat, Indiana bat, northern long-eared bat, tricolored bat, monarch butterfly, small whorled pogonia, rock gnome lichen. The report concludes that none of the endangered animal species are present on site. It also states that the project “will not likely to adversely affect” existing vegetation that might serve as a potential habitat.
- ✓ Archaeological and historic resources analysis- project will have no impact
- ✓ Because the project will disturb more than an acre, they will obtain Erosion and Sedimentation permit from the state. The Town will need a copy.
- ✓ The project will need a Stormwater Permit from the Town. The site proposes two detention areas on the north and south sides. The applicant will need to submit a detailed stormwater management plan and hydrology report that will be reviewed by our contracting engineers (Withers Ravenel) for runoff detention, water quality, and quantity requirements.

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that this Conditional District request is consistent with the 2035 Comprehensive Plan’s goal:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage in-fill, mixed use, and context-sensitive development.
- Reinforce the unique character of Waynesville

The property is designated as *mixed-use / community* on the Future Land Use Map within 2035 Comp Plan:

“This designation is intended for nodes of activity areas on major streets and thoroughfares incorporating commercial retail and office, light industrial, employment centers and institutional uses to serve the community...” (p. 27)

Staff believes the project is reasonable and in the public interest as it creates a diverse mix of community facilities along Asheville Road. The proposed church integrates both long-term zoning vision for the area and community benefits for the residents. It also reduces impervious surface within the 100-year floodplain and increases the stream buffer along Raccoon Creek because the project stays outside of these areas.

Motions for Consideration:

1. Motion to find the Conditional District Map Amendment as proposed (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.
2. Motion to approve/deny/approve with conditions the Conditional District Map Amendment.

Attachments:

- Draft Ordinance
- Planning Board Report with proposed conditions
- Worksheets: Conditional District and Consistency Statement
- Proposed site plan and building elevations
- Application materials (application, environmental survey abstracts, requested conditions, payment, agent authorization forms)
- Property maps and images (street view, zoning, floodplain, sewer)
- Utilities letter
- Public notices
- Neighborhood meeting documents
- LDS, 2035 Comp. Plan, Building and Fire codes are incorporated by reference

DRAFT FOR COUNCIL CONSIDERATION

ORDINANCE NO. O-13-24

AN ORDINANCE AMENDING THE OFFICIAL LAND DEVELOPMENT MAP OF THE TOWN OF WAYNESVILLE

WHEREAS, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed Conditional District map amendment to the Official Land Development Map (Zoning Map) and recommends that it is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest because it supports the following:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage in-fill, mixed use, and context-sensitive development.
- Reinforce the unique character of Waynesville

WHEREAS, the proposed Conditional District further supports the 2035 Comprehensive Plan because this property is designated as Mixed-Use/Community on the Future Land Use Map:

- This designation is intended for nodes of activity areas on major streets and thoroughfares incorporating commercial retail and office, light industrial, employment centers and institutional uses to serve the community...” (p. 27)

WHEREAS, this map amendment is reasonable and in the public interest because it is also consistent with the purposes of the main underlying zoning district- Raccoon Creek Neighborhood Center (RC-NC), as described in Section 2.3.5 of the Land Development Standards (LDS):

- Neighborhood center that functions as a gathering place
- A highly mixed-use district
- Pedestrian friendly setting with design criteria supporting such development

WHEREAS, the Planning Board has reviewed and recommends the proposed map amendment for enactment by the Town Council; and

WHEREAS, the Waynesville Town Council find this Ordinance consistent with the Town’s 2035 Comprehensive Plan and that it is reasonable and in the public interest to “make decisions about resources and land use in accordance with North Carolina General Statutes;” and

WHEREAS, after notice duly given, a public hearing was held on **February 26, 2024** at the specially called meeting of the Planning Board and on **March 12, 2024** at the regularly scheduled meeting of the Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE WAYNESVILLE TOWN COUNCIL, MEETING IN REGULAR SESSION ON MARCH 12, 2024, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

To adopt the Conditional District Map Amendment for the property **PIN 8626-00-1383** for the proposed **Biltmore Baptist Church campus** with the following conditions attached, as recommended by the Planning Board:

1. Comply with the façade standards and include architectural elements on the north and south side building elevations in accordance with Land Development Standards (LDS) section 5.10.
2. Conduct Transportation Impact Analysis study (LDS 6.10).
3. Preserve existing street trees along Asheville Rd (LDS 8.4.1).
4. Require 5-ft sidewalks along Asheville Rd and Ratcliff Cove Rd (LDS 6.6.2 B, D).
5. Allow parking at the principal frontage, as proposed on the Master Plan (LDS 9.3).

ADOPTED this 12th Day of March, 2024.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Waynesville Town Council
 From: Olga Grooman, Land Use Administrator
 Date: March 12, 2024
 Subject: Planning Board Report and Statement of Consistency
 Description: Conditional District Rezoning
 Project: Biltmore Baptist Church
 Location: 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383)

The Planning Board hereby adopts and recommends to the Town Council the following statement(s):

1. A motion was made by board member Tommy Thomas and seconded by board member Stuart Bass that the proposed zoning amendment for this Conditional District **is consistent with the Town's Comprehensive Land Use Plan and is reasonable and in the public interest** because it is consistent with:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage in-fill, mixed use, and context-sensitive development.
- Reinforce the unique character of Waynesville

Vice Chair Ginger Hain stated that the proposed Conditional District meets the development needs of the community and integrates with the long-term vision of the area.

The motion was carried unanimously.

2. Additionally, the Planning Board **recommends to approve the proposed Conditional Zoning District with the following conditions:**

1. Comply with the façade standards and include architectural elements on the north and south side building elevations in accordance with Land Development Standards (LDS) section 5.10.
2. Conduct Transportation Impact Analysis study (LDS 6.10).
3. Preserve existing street trees along Asheville Rd (LDS 8.4.1).
4. Require 5-ft sidewalks along Asheville Rd and Ratcliff Cove Rd (LDS 6.6.2 B, D).
5. Allow parking at the principal frontage, as proposed on the Master Plan (LDS 9.3).

Planning Board member John Baus made the motion to recommend these conditions to the Town Council, and board member Michael Blackburn seconded the motion. The motion passed 6-1, with Jan Grossman opposing the motion.

Ginger Hain
 Ginger Hain, Planning Board Vice Chair

2-29-24
 Date

Esther Coulter
 Esther Coulter, Administrative Assistant

2-28-24
 Date



To: Waynesville Town Council
From: Olga Grooman, Land Use Administrator
Date: March 12, 2024
Subject: Conditional District Rezoning Statement of Consistency
Description: Biltmore Baptist Church

The Town Council hereby finds that:

The zoning text amendment is **approved and consistent with the Town’s Comprehensive Land Use Plan** because: _____

The zoning amendment and is **reasonable and in the public interest** because: _____

The zoning amendment is **rejected because it is inconsistent with the Town’s Comprehensive Land Plan and is not reasonable and in the public interest** because: _____

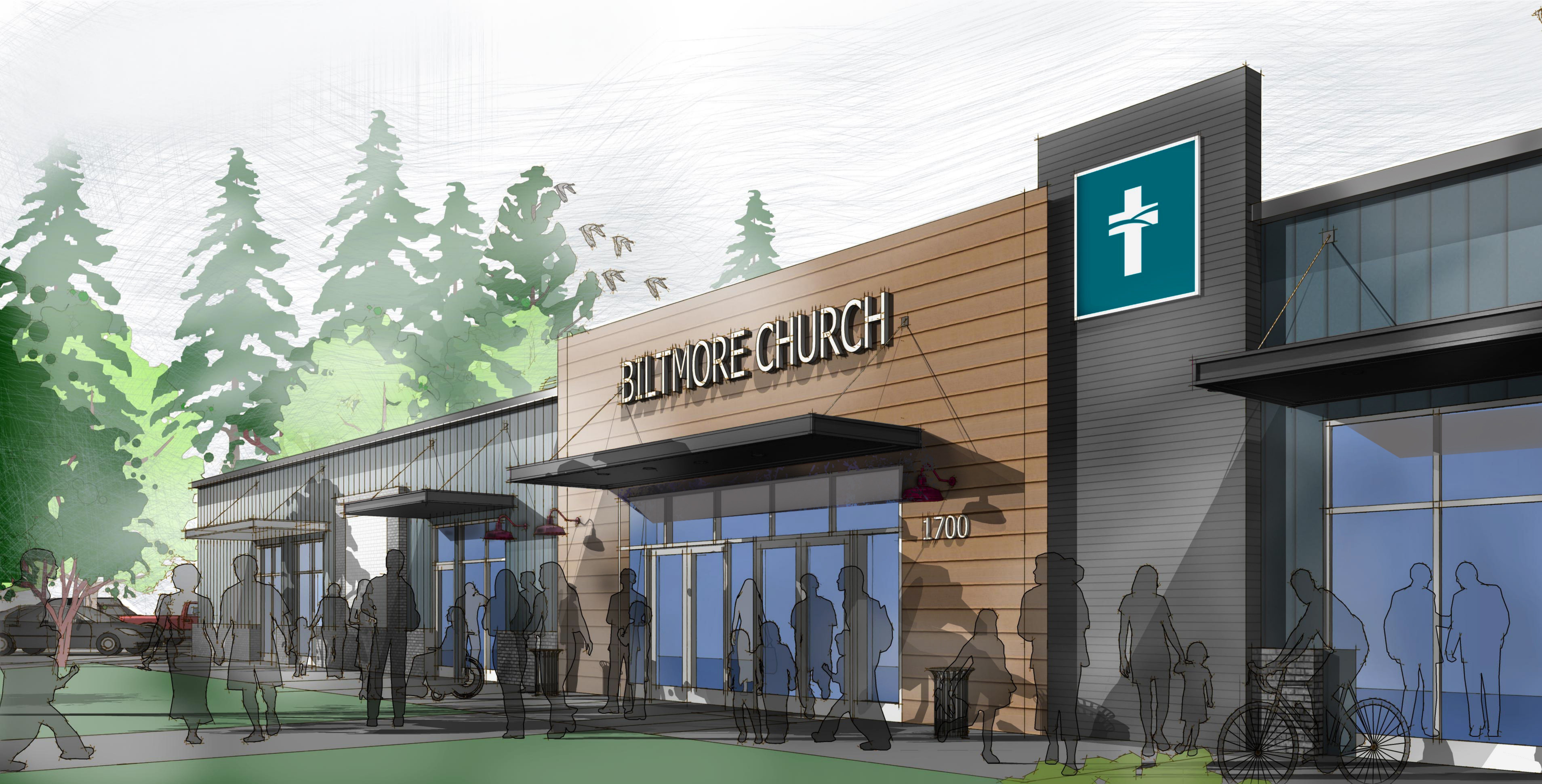
In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town’s Comprehensive Land Use Plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____



To: Waynesville Town Council
Subject: Conditional District Rezoning Worksheet
Project: Biltmore Baptist Church
Date: March 12, 2024

The Town Council hereby attaches the following conditions for the proposed Conditional District Rezoning:

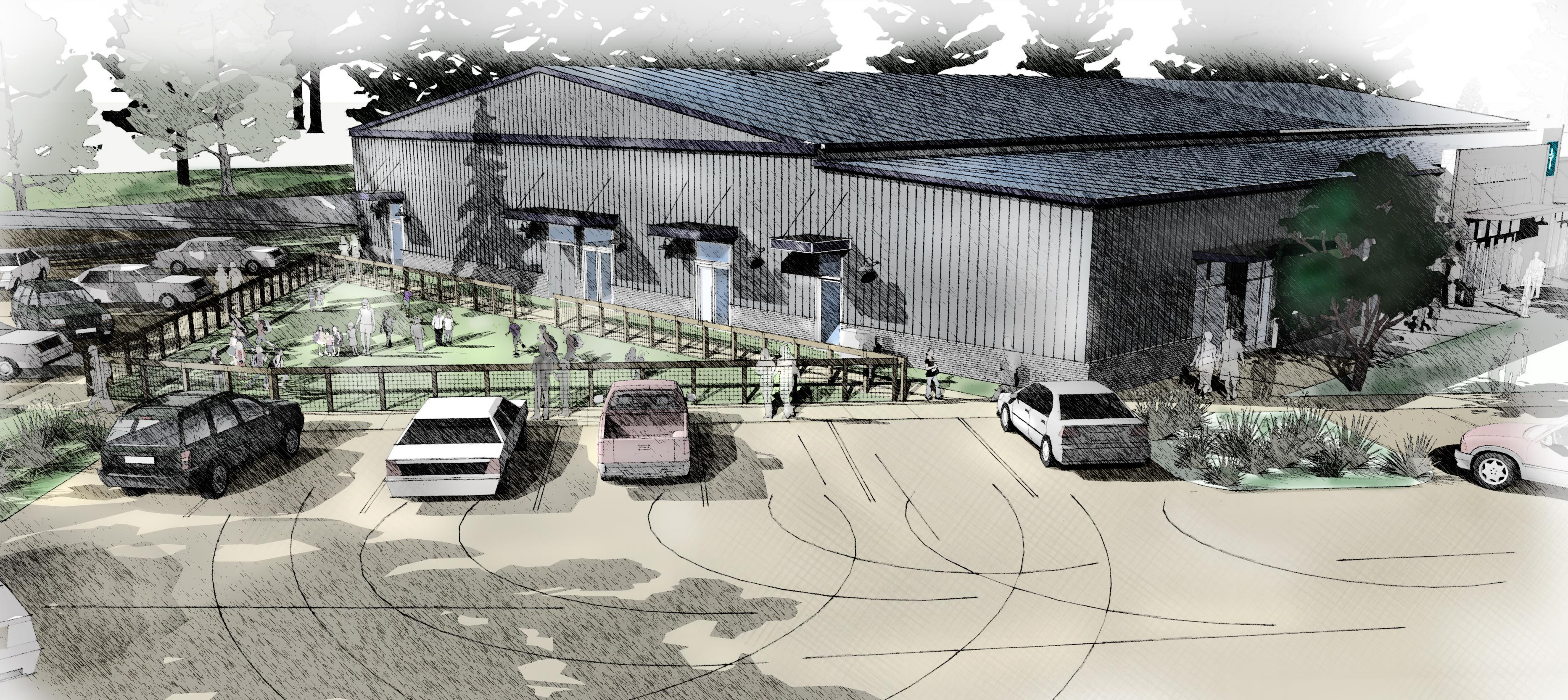
- 1.
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BILTMORE CHURCH

1700

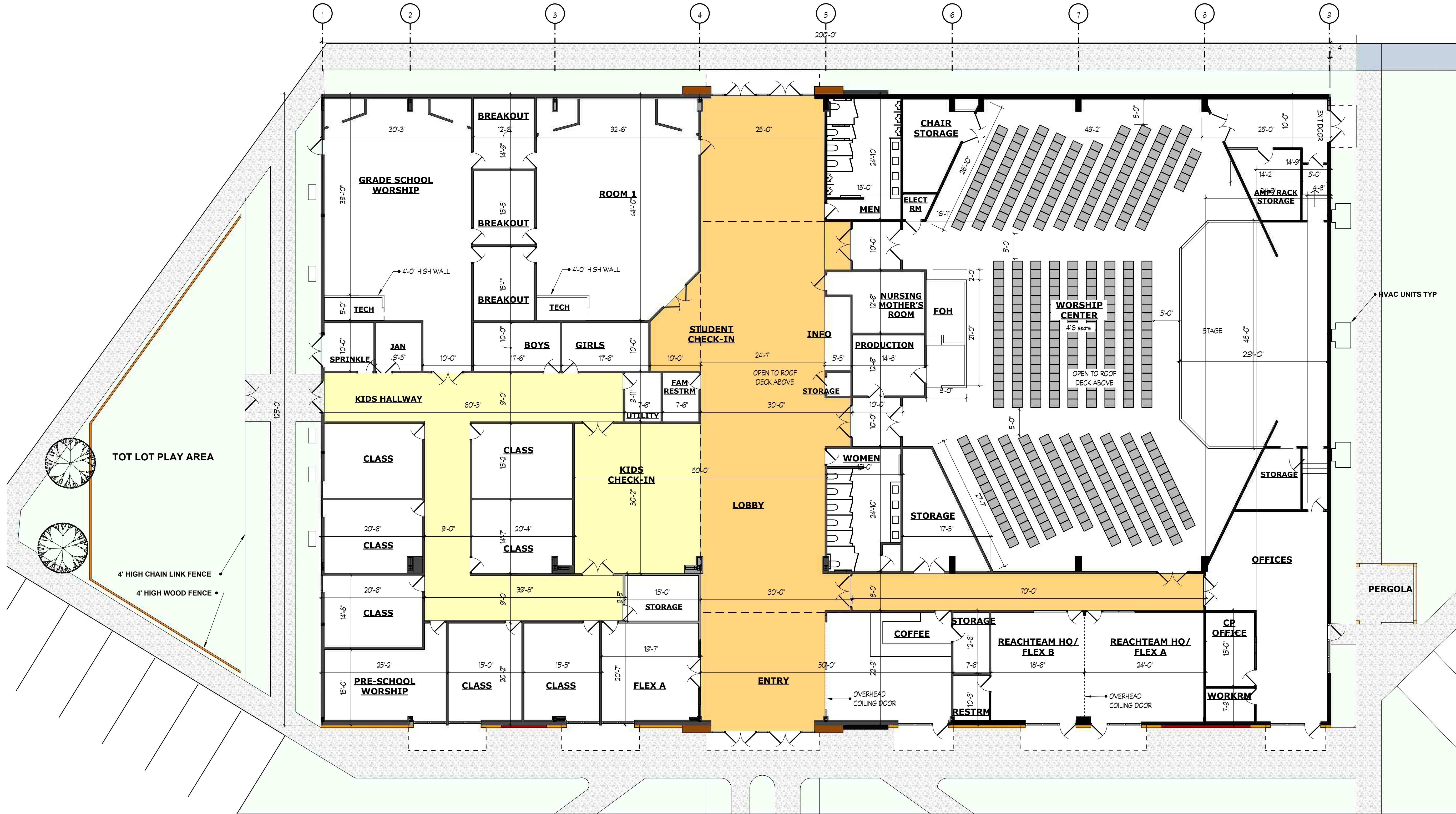




GENERAL NOTES

1. ALL DIMENSIONS ARE TAKEN FROM FACE OF FOUNDATION TO FACE OF STUDS IN ALL ROOMS.

J. Steven Coffey
15618 - NC
Consultants



01 FIRST FLOOR PLAN
A3 1" = 10'
N

Coffey Design Group
Architects:
226 Stuart Circle, Waynesville, NC 28745
314-604-5056
scoffey@coffeydesigngroup.com

Owners

Biltmore Church
Address

Project

BILTMORE CHURCH
ASHEVILLE ROAD
HAYWOOD COUNTY

Sheet Name

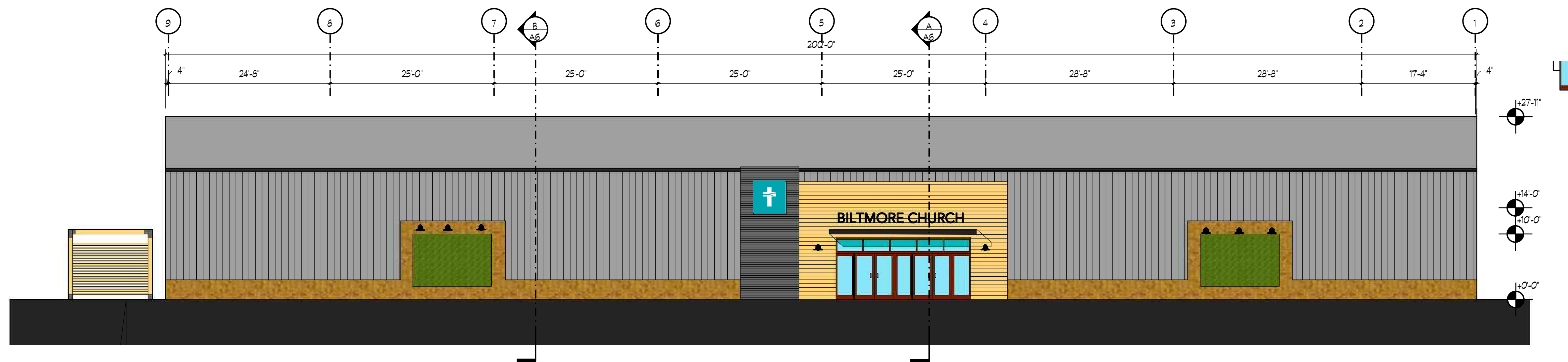
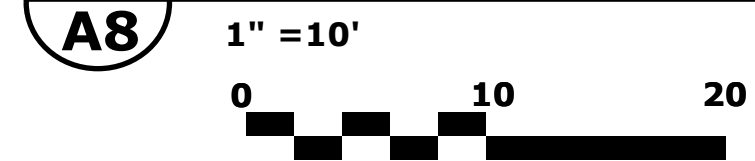
Floor Plan

Sheet # & Issue

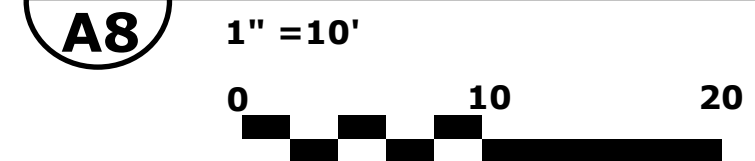
A3
JANUARY 30, 2024



A FRONT - WEST ELEVATION



B REAR - EAST ELEVATION



J. Steven Coffey
15618 - NC
Consultants

Coffey Design Group
Architects:
226 Stuart Circle, Waynesville, NC 28745
314-604-5056
scoffey@coffeydesigngroup.com

Owners

Biltmore Church
Address

Project

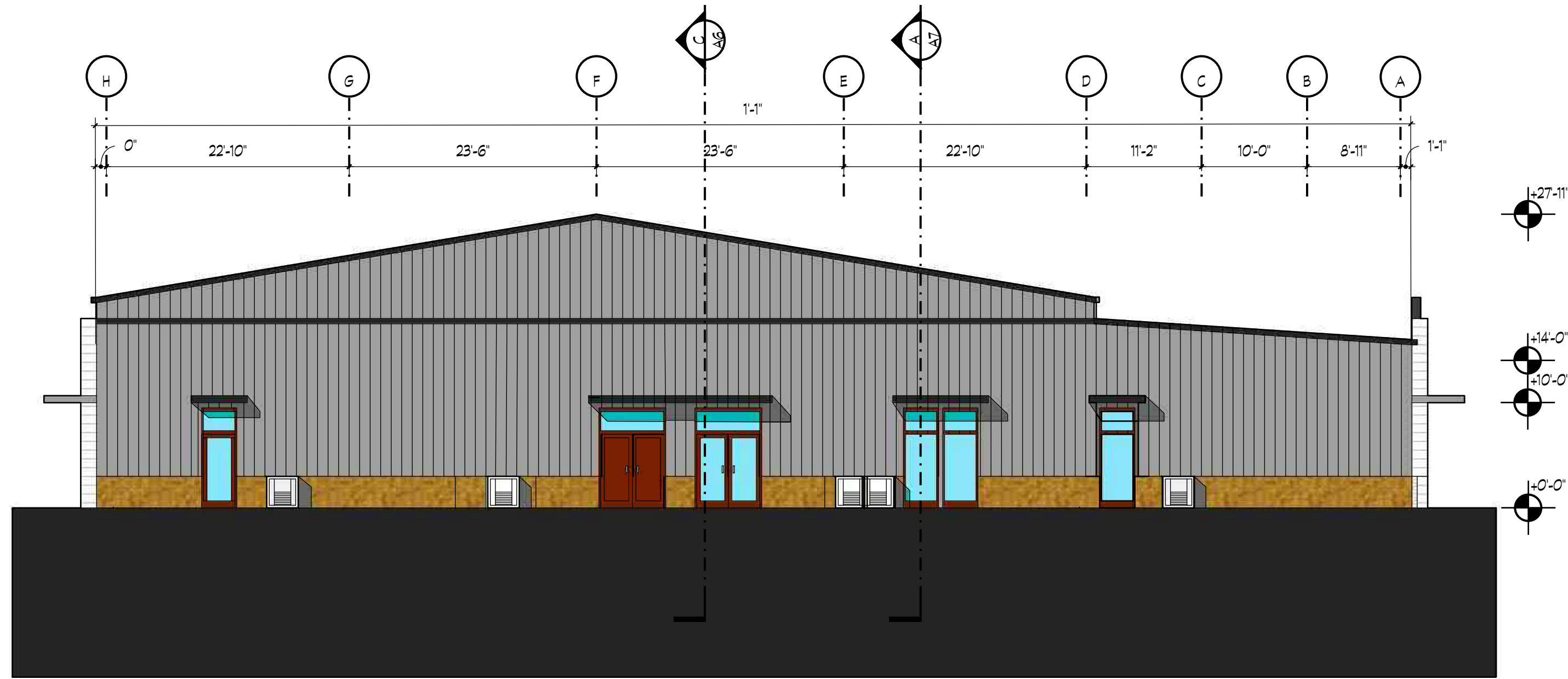
BILTMORE CHURCH
ASHEVILLE ROAD
HAYWOOD COUNTY

Sheet Name

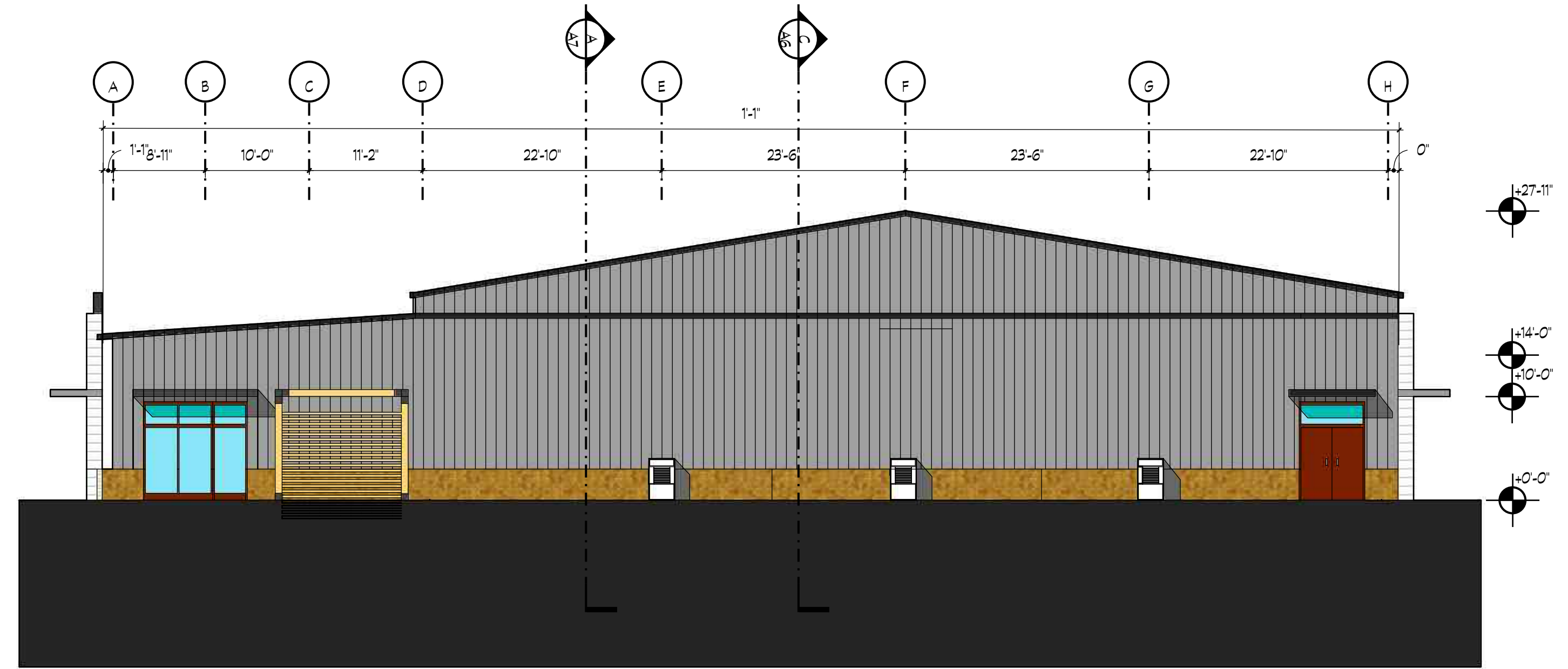
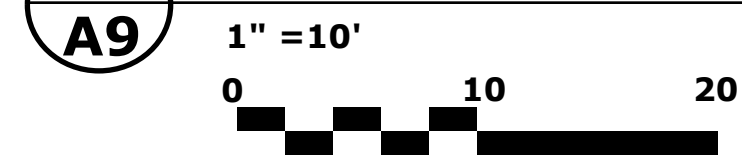
Building Elevations

Sheet # & Issue

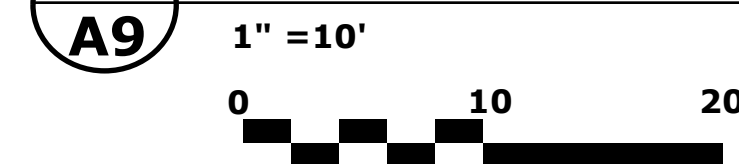
A8
JANUARY 30, 2024



A NORTH ELEVATION



B SOUTH ELEVATION



J. Steven Coffey
15618 - NC
Consultants

Coffey Design Group
Architects:
226 Stuart Circle, Waynesville, NC 28745
314-604-5056
scoffey@coffeydesigngroup.com

Owners

Biltmore Church
Address

Project

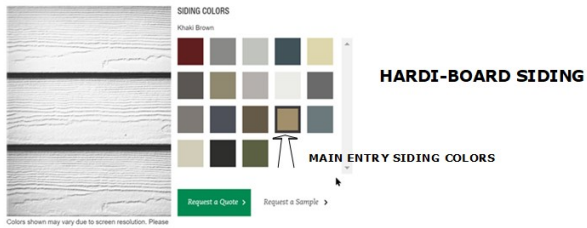
BILTMORE CHURCH
ASHEVILLE ROAD
HAYWOOD COUNTY

Sheet Name

Building Elevations

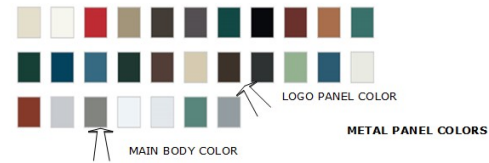
Sheet # & Issue

A9
JANUARY 30, 2024



HARDI-BOARD SIDING

Color Options:



PBR ROOF & WALL PANELS

The PBR panel is commonly used for a wide variety of architectural, agricultural, commercial and industrial applications. PBR is a structural, exposed-fastener panel that can be used both roof and wall applications.

Features

Applications: Panel Systems, Roof Systems, Wall Systems, Exposed Fastening Systems

Coverage Width: 36"

Minimum Slope: 1:12

Panel Attachment: Exposed Fastening System

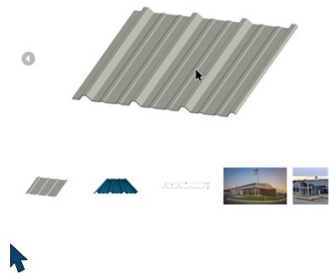
Gauge: 26 (standard); 22, 24 (optional)

Finishes: Smooth (standard); Embossed (optional)

Coatings: Galvalume Plus® - Signature® 200, Signature® 300

Rib Spacing: 12" on Center

Rib Height: 1 - 1/4"



MAIN BODY METAL SIDING

PBU ROOF & WALL PANELS

The PBU panel is an exposed fastener system that can be used for both roof and wall applications and can be installed directly over purlins or joists. PBU offers the versatility of being used in both vertical and horizontal applications to give designers a contemporary appearance for their building project.

Features

Applications: Panel Systems, Roof Systems, Wall Systems, Exposed Fastening Systems

Coverage Width: 36"

Minimum Slope: 1:12

Panel Attachment: Exposed Fastening System

Gauge: Gauge - 26 (standard); 24, 22 (optional)

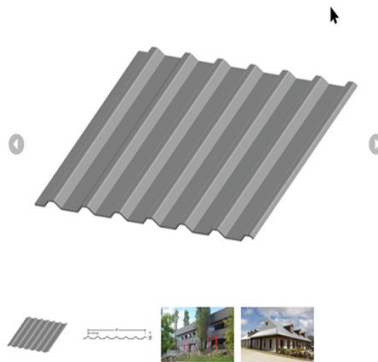
Finishes: Smooth (standard); Embossed (optional)

Coatings: Galvalume Plus® - Signature® 200, Signature® 300

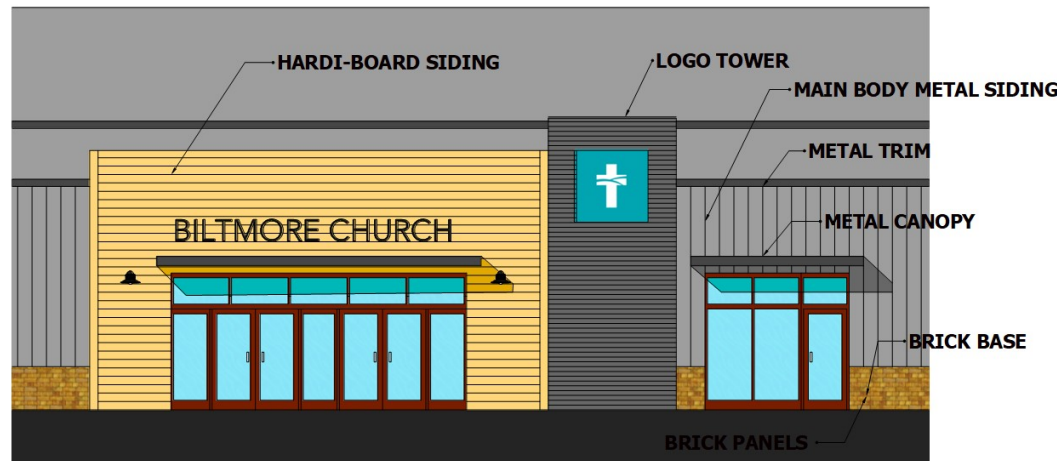
Rib Spacing: 6" on Center

Rib Height: 1/2"

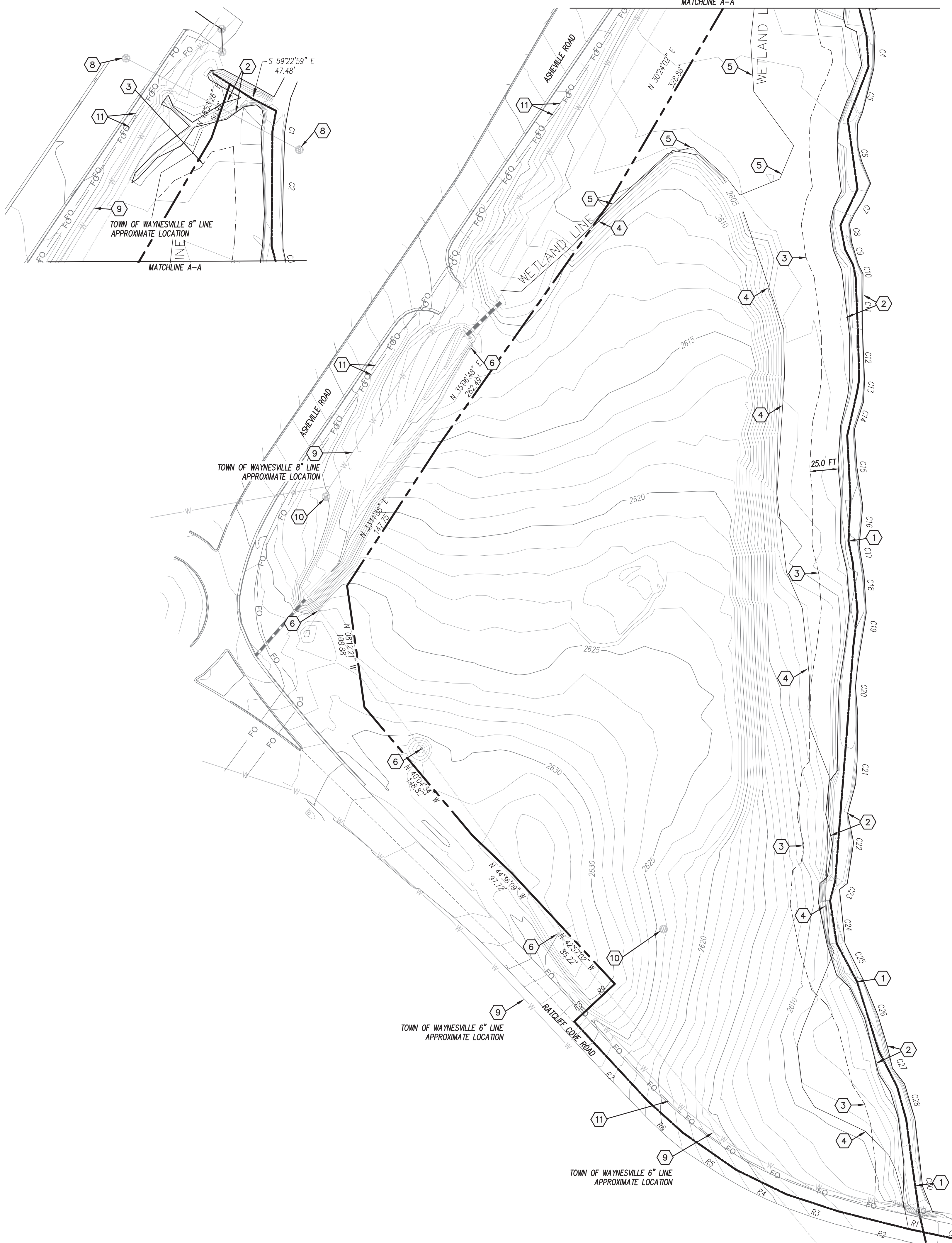
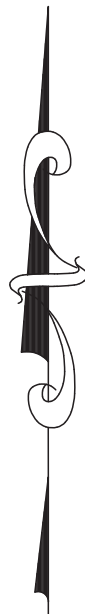
Color Options:



LOGO HORIZONTAL METAL SIDING & METAL TRIM COLOR



FRONT - WEST ELEVATION



GENERAL NOTES:

1. HAYWOOD COUNTY PARCEL NUMBERS:
PIN = 8626-00-1383
2. TOTAL PROJECT AREA: 321,395 SF (7.38 AC.)
3. EXISTING ZONING DISTRICT: RC-NC
4. THIS SITE IS LOCATED WITHIN ZONE "X" and AE FLOOD WAY (ELEV. 2603.7-2611.4) ACCORDING TO FEMA FIRM COMMUNITY PANEL NUMBER 3700862600, EFFECTIVE DATE 4/3/12
5. SITE ADDRESS: ASHEVILLE ROAD
6. EXISTING IMPERVIOUS ONSITE = 0.0 SF
7. WETLANDS LOCATED AND FLAGGED BY EGS
8. ASBUILT, BOUNDARY AND TOPOGRAPHIC SURVEY PERFORMED AND PROVIDED TO CSD ENGINEERING BY DAVENPORT, IVEY & ASSOC. INC L-C-0814; VERTICAL DATUM = 88
- LAND OWNER - BILTMORE BAPTIST CHURCH
35 CLAYTON ROAD
ARDEN, NC 28704

BOUNDARY - C/L CREEK		
LINE	BEARING	DISTANCE
C1	S 10°05'36" W	18.57'
C2	S 00°24'26" W	101.89'
C3	S 14°52'36" E	38.67'
C4	S 03°48'52" E	27.60'
C5	S 21°17'41" W	60.73'
C6	S 07°57'14" E	62.19'
C7	S 25°24'00" W	35.32'
C8	S 10°54'50" E	22.07'
C9	S 27°32'02" E	15.31'
C10	S 11°38'07" E	11.40'
C11	S 02°18'49" E	51.27'
C12	S 01°29'01" E	39.24'
C13	S 09°12'11" W	10.83'
C14	S 12°46'40" W	40.23'
C15	S 02°58'59" E	56.33'
C16	S 02°45'11" W	37.58'
C17	S 11°18'13" E	19.35'
C18	S 05°33'57" E	44.08'
C19	S 07°00'26" W	30.75'
C20	S 04°17'49" W	68.93'
C21	S 04°30'23" W	76.04'
C22	S 04°25'08" W	63.83'
C23	S 14°36'38" W	18.25'
C24	S 08°47'03" E	38.63'
C25	S 28°06'25" E	38.54'
C26	S 17°20'18" E	64.49'
C27	S 27°18'19" E	35.31'
C28	S 15°33'54" E	30.45'
C29	S 07°24'27" E	35.29'
C30	S 08°13'13" E	48.45'
C31	S 12°56'22" E	17.56'

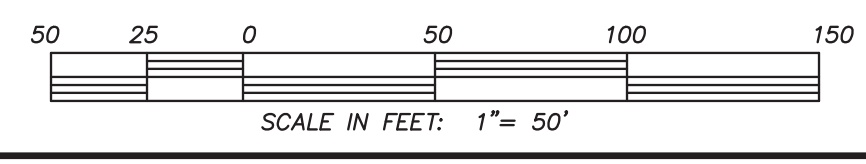
BOUNDARY - C/L RATCLIFF		
LINE	BEARING	DISTANCE
R1	N 78°03'55" W	13.65'
R2	N 75°54'36" W	63.80'
R3	N 71°50'34" W	49.05'
R4	N 64°04'03" W	49.71'
R5	N 55°08'29" W	57.65'
R6	N 47°56'40" W	41.66'
R7	N 42°48'10" W	96.45'
R8	N 47°03'00" E	29.11'
R9	N 47°06'50" E	20.10'

LEGEND

- EXISTING BOUNDARY
- W- EXISTING WATER
- SS- EXISTING SEWER
- ⊕ EXISTING FIRE HYDRANT
- EXISTING CONTOUR
- EXISTING STORM DRAIN

KEYNOTES:

- 1 CENTER LINE RACCOON CREEK (PROPERTY LINE)
- 2 TOP OF BANK
- 3 25 FT STREAM BUFFER
- 4 100 YEAR FLOOD LINE
- 5 WETLAND LINE
- 6 EX. POWER POLE
- 7 WETLAND LINE
- 8 EXISTING MANHOLE
- 9 EXISTING WATER LINE
- 10 EXISTING WATER METER
- 11 EXISTING FIBER OPTICS LINE



CSD ENGINEERING

LICENSE # C-2710
ENGINEERING
LAND PLANNING
COMMERCIAL / RESIDENTIAL

P.O. BOX 4041
WILMINGTON, NC 28406
(910) 791-4441

EXISTING CONDITIONS
BILTMORE CHURCH
ASHEVILLE ROAD
ARDEN, NC 28704

EXISTING CONDITIONS
BILTMORE CHURCH
ASHEVILLE ROAD
LOCATED IN TOWN OF WAYNESVILLE
HAYWOOD COUNTY, NORTH CAROLINA
OWNER: BILTMORE BAPTIST CHURCH
35 CLAYTON ROAD
ARDEN, NC 28704

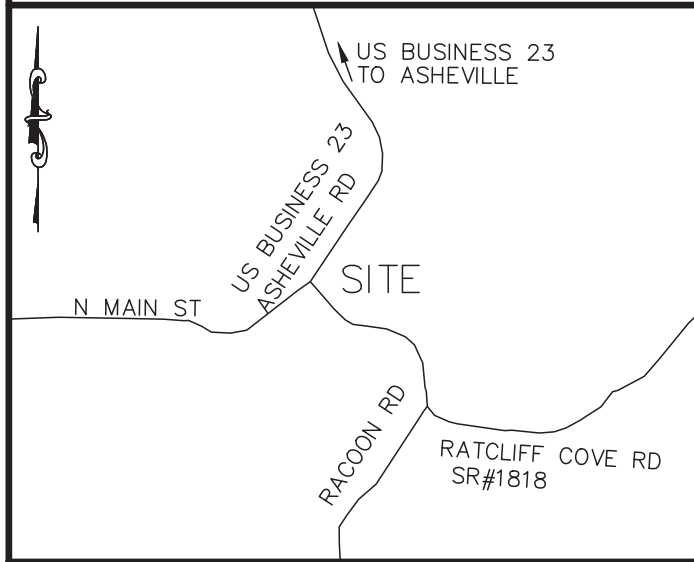
PRELIMINARY

REV.	NO.	DATE	REMARKS

DATE: 1-29-24
HORZ. SCALE: 1" = 50'
VERT. SCALE: N/A
DRAWN BY: RLW
CHECKED BY: HSR
PROJECT NO.: BC-WAYN

Sheet No. **C2** of **C14**

LOCATION MAP



GENERAL NOTES:

- HAYWOOD COUNTY PARCEL NUMBERS:
PIN = 8626-00-1383
- TOTAL PROJECT AREA: 321,395 SF (7.38 AC.)
- EXISTING ZONING DISTRICT: RC-NC
- THIS SITE IS LOCATED WITHIN ZONE "X" and AE FLOOD WAY (ELEV. 2603.7-2611.4) ACCORDING TO FEMA FIRM COMMUNITY PANEL NUMBER 3700862600J, EFFECTIVE DATE 4/3/12
- SITE ADDRESS: ASHEVILLE ROAD
- EXISTING IMPERVIOUS ONSITE = 0.0 SF
- WETLANDS LOCATED AND FLAGGED BY EGS
- ASBUILT BOUNDARY AND TOPOGRAPHIC SURVEY PERFORMED AND PROVIDED TO CSD ENGINEERING BY DAVENPORT, IVEY & ASSOC. INC L-C-0814; VERTICAL DATUM = 88
- LAND OWNER - BILTMORE BAPTIST CHURCH
35 CLAYTON ROAD
ARDEN, NC 28704

SITE & BUILDING DATA:

EXISTING ONSITE DATA:
 EXISTING BUILDINGS ON SITE = 0.00 SF
 EXISTING ASPHALT = 0.00 SF
 TOTAL: = 0.0 SF

EXISTING 0.0% IMPERVIOUS
 PROPOSED IMPERVIOUS
 PROPOSED BUILDINGS = 25,000 SF
 PROPOSED SIDEWALK = 7,453 SF
 PROPOSED ASPHALT & CURBING = 90,634 SF
 TOTAL: = 123,087 SF

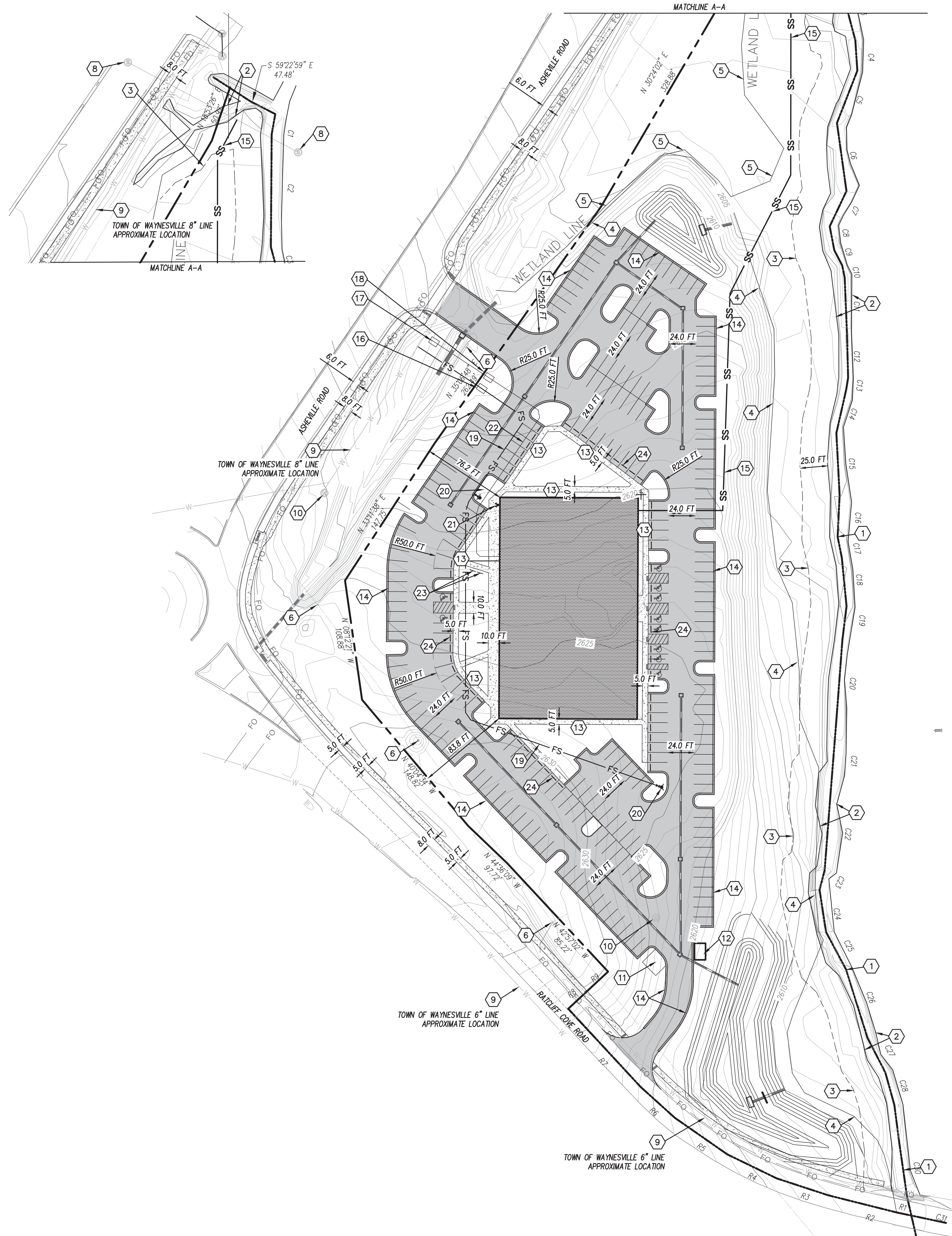
BUILDING DATA:
 NUMBER OF BUILDINGS = 1
 BUILDING HEIGHT = +/- 28 FT
 NUMBER OF STORIES = 1
 BUILDING AREA: 25,000 SF
 LOT COVERAGE: 25,000 SF / 321,395 SF = 0.078
 PROPOSED 7.8% BUILDING LOT COVERAGE

BUILDING SETBACKS:

REQUIRED SETBACKS	PROPOSED SETBACKS
FRONT SETBACK: 0 - 10 FT	FRONT SETBACK: 76.1 FT
SIDE SETBACK: 0 FT	SIDE SETBACK: > 30 FT
REAR SETBACK: 5 FT	REAR SETBACK: > 30 FT

LEGEND

- EXISTING BOUNDARY
- ▒ PROP. BUILDING
- ▒ PROPOSED CONCRETE
- ▒ PROPOSED ASPHALT
- W- EXISTING WATER
- SS- EXISTING SEWER
- ⊕ EXISTING FIRE HYDRANT
- EXISTING CONTOUR
- PROPOSED STORM DRAIN
- EXISTING STORM DRAIN
- SS- PROP. SEWER



DEVELOPMENT NOTES:

- ALL SIGNS AND PAVEMENT MARKINGS IN AREAS OPEN TO PUBLIC TRAFFIC ARE TO MEET MUTCD STANDARDS.
- THE CONTRACTOR IS RESPONSIBLE FOR THE LOCATION AND PROTECTION OF EXISTING UTILITIES DURING CONSTRUCTION. CALL U-LOD AT 1-800-632-4949. CONTRACTOR IS RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY UTILITIES, CURB AND GUTTER, SIDEWALK PANELS, PAVEMENT, ETC., THAT MAY BE DAMAGED DURING CONSTRUCTION. DAMAGED ITEMS SHALL BE REPAIRED TO AT LEAST THE QUALITY OR WORKMANSHIP FOUND IN THE ORIGINAL ITEM.
- SOLID WASTE DISPOSAL WILL BE DUMPSTER SERVICE.
- ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE TOWN OF WAYNESVILLE ZONING ORDINANCE & SUBDIVISION REGULATIONS.
- APPROVAL OF SITE PLAN DOES NOT CONSTITUTE APPROVAL OF PROPOSED SIGNAGE FOR THIS SITE. A SEPARATE SIGN PERMIT MUST BE OBTAINED.
- APPLICABLE STREET FRONTAGES SHALL HAVE NATURAL VEGETATIVE SCREENING MEETING TOWN REQUIREMENTS.
- THE DEVELOPMENT SHALL COMPLY WITH ALL TOWN OF WAYNESVILLE TECHNICAL STANDARDS AND DEVELOPMENT REGULATIONS.

FIRE & LIFE SAFETY NOTES:

- LANDSCAPING OR PARKING CANNOT BLOCK OR IMPEDE FIRE HYDRANTS OR FDC'S. A 3FT CLEAR SPACE SHALL BE MAINTAINED AROUND THE CIRCUMFERENCE OF THE HYDRANT.
- CONTRACTOR SHALL MAINTAIN AN ALL WEATHER ACCESS FOR EMERGENCY VEHICLES AT ALL TIMES DURING CONSTRUCTION.

PARKING NOTES:

- TABLE 9.2.1
MIN. PARKING FOR RELIGIOUS INSTITUTION (TOWN CENTER & REGIONAL MIXED USE DISTRICT)
REQUIRED = NO REQUIREMENT
PROVIDED = 249 SPACES
- TYPICAL SPACE IS 9 FT X 18 FT.
- HANDICAP PARKING REQUIRED = 7 SPACES, 9 SPACES PROVIDED
- BIKE PARKING: 249 / 20 = 13 STALLS REQUIRED, 14 PROVIDED

KEYNOTES:

- CENTER LINE RACCOON CREEK (PROPERTY LINE)
- TOP OF BANK
- 25 FT STREAM BUFFER
- 100 YEAR FLOOD LINE
- WETLAND LINE
- EX. POWER POLE
- WETLAND LINE
- EXISTING MANHOLE
- EXISTING WATER LINE
- EXISTING WATER METER
- PROP. DUMPSTER (WITH SCREENING)
- PROP. MAINTENANCE BUILDING
- PROP. SIDEWALK
- PROP. CURB AND GUTTER
- PROP. SEWER SERVICE
- PROP. RPDZ/MTX HOTBOX
- PROP. WATER METER
- PROP. BACKFLOW PREVENTER WITH HOTBOX
- PROP. 6" C-900 FIRE SERVICE
- PROP. FIRE HYDRANT
- PROP. FDC (WALL MOUNTED)
- PROP. WATER SERVICE, SIZE TBD
- PROP. (2) 7 BIKE CAPACITY RACK
- PROP. PARKING STOPS



LICENSE # C-2710
ENGINEERING
LAND PLANNING
COMMERCIAL / RESIDENTIAL

P.O. BOX 4041
WILMINGTON, NC 28406
(910) 791-4441

SITE PLAN FOR
BILTMORE CHURCH
ASHEVILLE ROAD

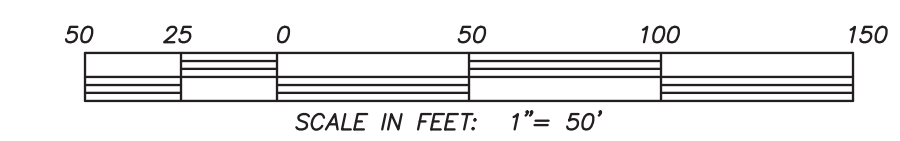
SITE PLAN FOR
BILTMORE CHURCH
ASHEVILLE ROAD
LOCATED IN TOWN OF WAYNESVILLE
HAYWOOD COUNTY, NORTH CAROLINA
OWNER: BILTMORE BAPTIST CHURCH
35 CLAYTON ROAD
ARDEN, NC 28704

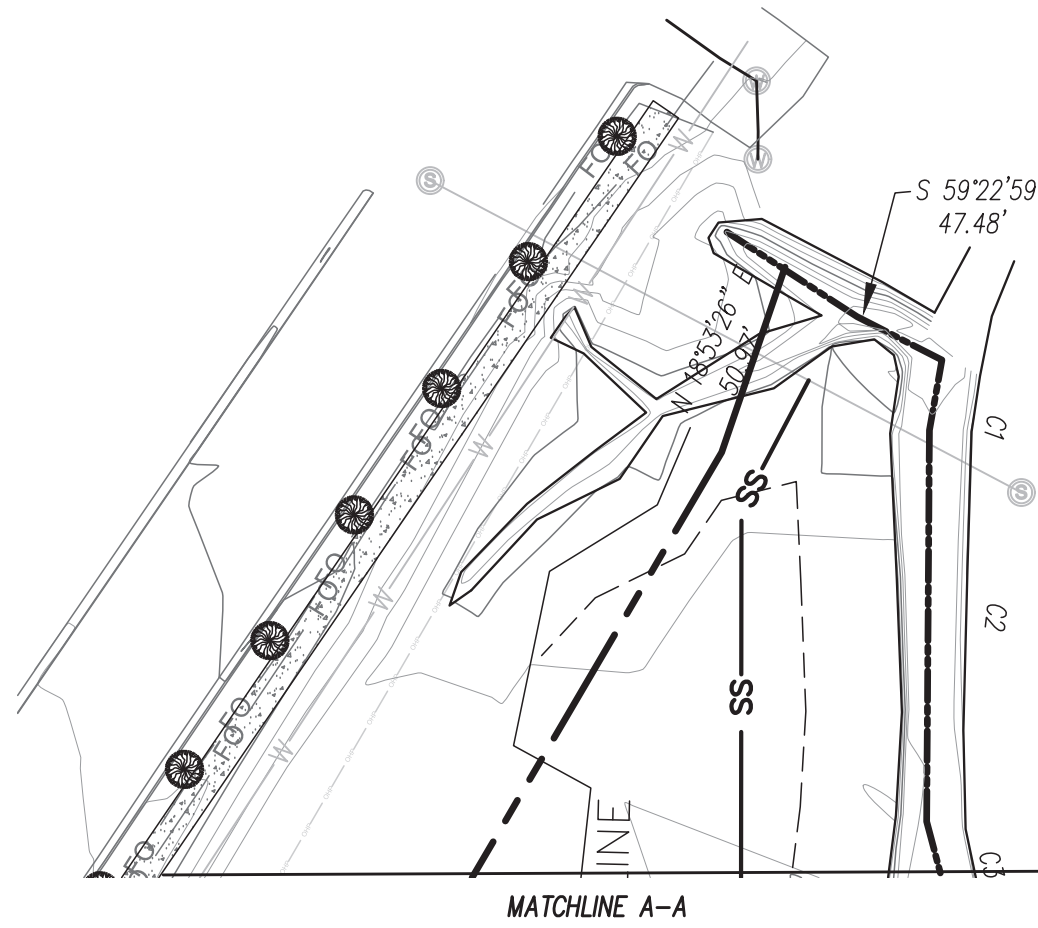
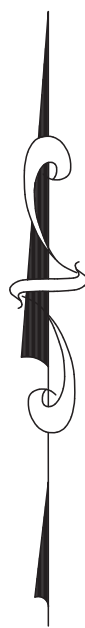
PRELIMINARY

REV.	NO.	REMARKS	BY	DATE

DATE: 1-29-24
 HORZ. SCALE: 1" = 50'
 VERT. SCALE: N/A
 DRAWN BY: RLW
 CHECKED BY: HSR
 PROJECT NO.: BC-WAYN

Sheet No. **C3** of **C14**





Proposed Plant Table

Quantity	Symbol	Scientific Name	Common Name	Container	Minimum Planting Size	Planting Remarks
21	☉	QUERCUS PHELLOS	MILLOW OAK	B & B	2" CAL	PARKING ISLANDS

Quantity	Symbol	Scientific Name	Common Name	Container	Minimum Planting Size	Planting Remarks
39	☉	QUERCUS PHELLOS	MILLOW OAK	B & B	2" CAL	40 FT O.C.

Quantity	Symbol	Scientific Name	Common Name	Container	Minimum Planting Size	Planting Remarks
48	☉	QUERCUS PHELLOS	MILLOW OAK	B & B	2" CAL	30 FT O.C.
176	○	ILEX GLABRA	INK BERRY HOLLY	1.5 GAL.	18"	5 FT O.C.

LANDSCAPE CALCULATIONS

STREET TREE PLANTINGS * SECTION 8.5.1**
 REQ'D - 1 CANOPY FOR EVERY 40 FT OF FRONTAGE
 812 LF OF FRONTAGE ON RATCLIFF COVE
 812 - 26 (DRIVEWAY) = 786 LF
 786 / 40 = 19.6

REQ'D - 1 CANOPY FOR EVERY 40 FT OF FRONTAGE
 789 LF OF FRONTAGE ON ASHEVILLE HWY
 789 - 35 (DRIVEWAY) = 754 LF
 754 / 40 = 18.9

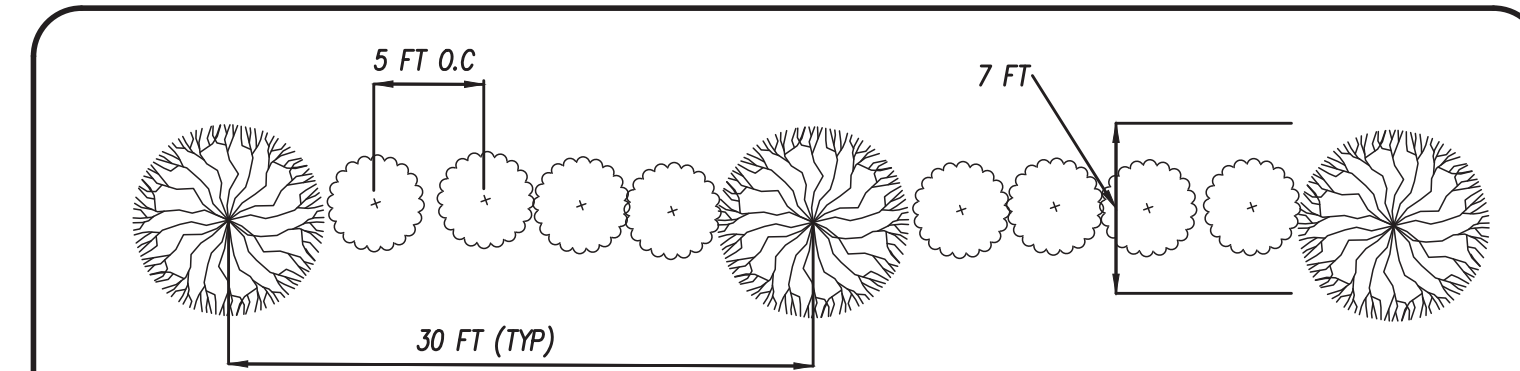
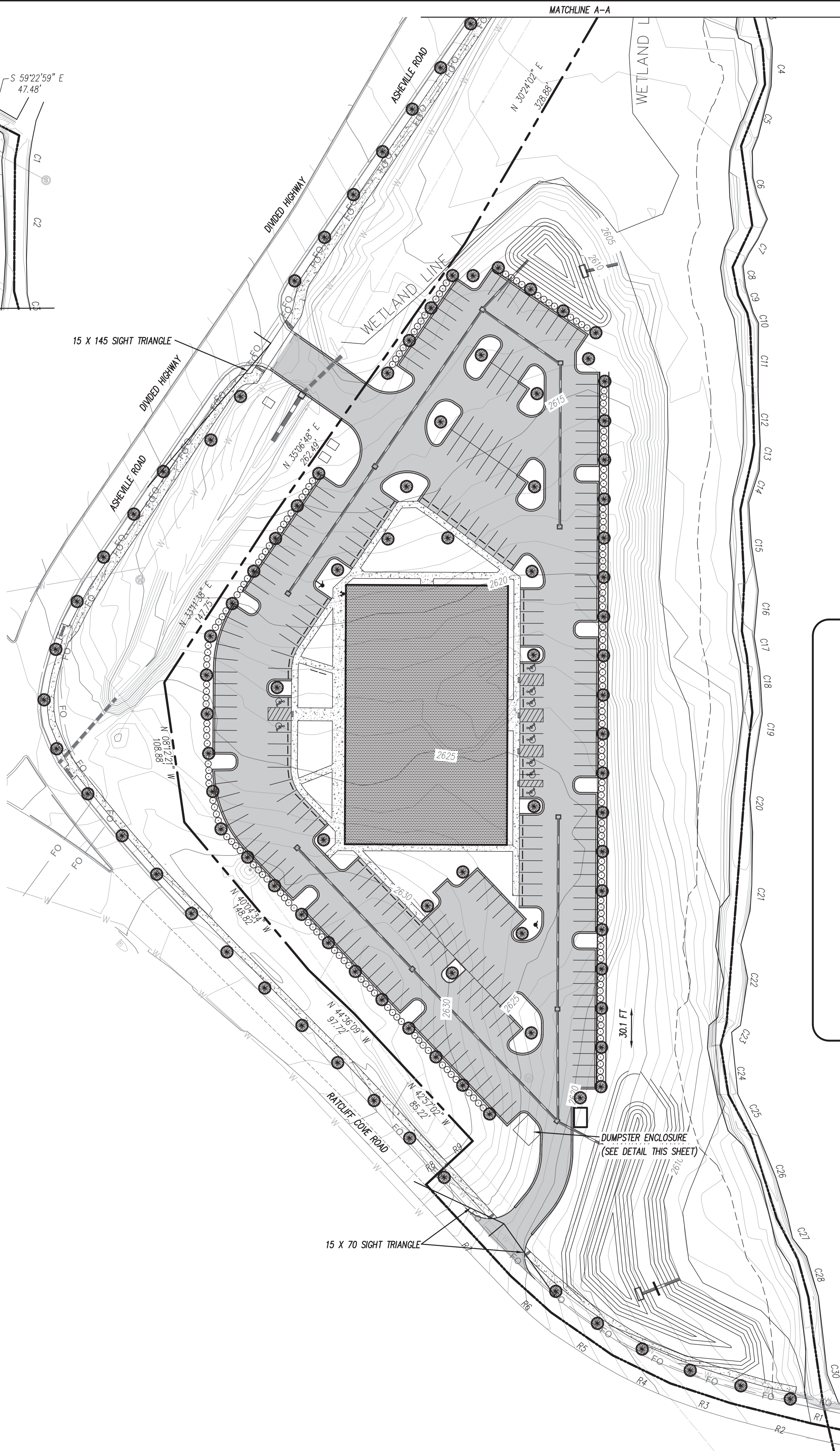
TOTAL REQ'D - 19.6 + 18.9 = 38.5 CANOPY TREES
 PROVIDED - 39 CANOPY TREES

PARKING LOT INTERIOR LANDSCAPING * SECTION 8.6.2**
 REQ'D - 1 CANOPY TREE PER 12 PARKING SPACES
 249 PARKING SPACES / 12 = 20.8
 PROVIDED - 21 TREES PROVIDED

SPECIES SHOWN ARE TO MEET MINIMUM REQUIREMENTS FOR TOWN OF WAYNESVILLE CODE. IF SPECIES ARE HARD TO FIND OR OWNER WISHES TO INSTALL A DIFFERENT TREE, THEN REFER TO CITY OF ASHEVILLE APPROVED TREE LIST FOR NATIVE CANOPY TREES. TOWN MUST APPROVE ANY REVISIONS TO TREES SPECIFIED.

LEGEND

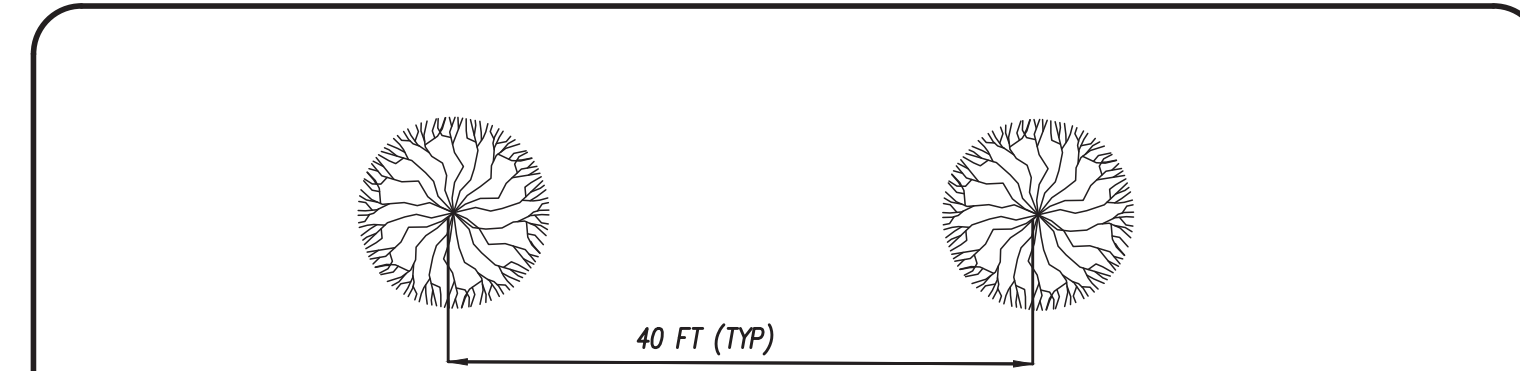
- - - EXISTING BOUNDARY
- ▨ PROP BUILDING
- ▨ PROPOSED CONCRETE
- ▨ PROPOSED ASPHALT
- W - EXISTING WATER
- SS - EXISTING SEWER
- ⊕ EXISTING FIRE HYDRANT
- EXISTING CONTOUR
- ▬ PROPOSED STORM DRAIN
- ▬ EXISTING STORM DRAIN
- SS - PROP SEWER



SECTION 8.6.1
 1. PARKING LOTS SHALL BE SCREENED FROM SIDEWALKS, STREETS, AND ADJACENT PROPERTIES BY A SEMI-OPAQUE SCREEN THAT INCORPORATE A LOW SCREEN FROM THE GROUND TO AT LEAST A HEIGHT OF 3.5 FEET ALONG WITH CANOPY TREES PLANTED WITH A MAXIMUM SPACING OF 30 FEET ON-CENTER FOR SCREENING OF CAR LIGHTS AND GLARE. EFFECTIVE SCREENING DEVICES MAY INCLUDE SOLID DECORATIVE BRICK WALLS, WOOD FENCES, EARTH BERMS, ARCHITECTURAL FEATURES (E.G., FAÇADE EXTENSION, PERGOLAS) AND TIGHT EVERGREEN HEDGES WHICH SHALL REACH THE REQUIRED HEIGHT WITHIN TWO YEARS OF PLANTING, OR ANY COMBINATION OF THE ABOVE.

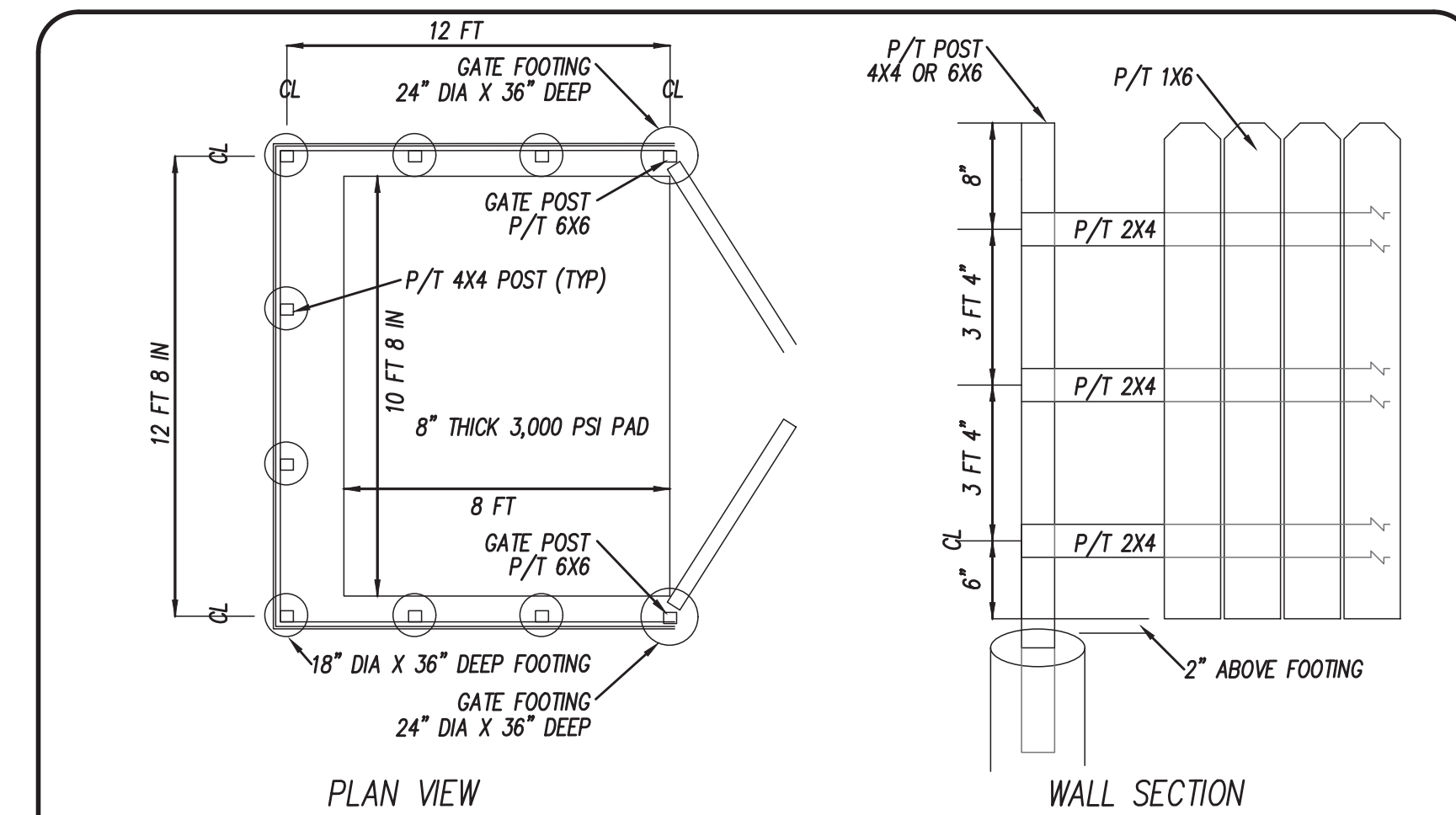
PARKING LOT SCREENING

NOT TO SCALE



STREET TREE SPACING

NOT TO SCALE



DUMPSTER ENCLOSURE

N.T.S.

P/T = PRESSURE TREATED



LICENSE # C-2710
 ENGINEERING
 LAND PLANNING
 COMMERCIAL / RESIDENTIAL

P.O. BOX 4041
 WILMINGTON, NC 28406
 (910) 791-4441

LANDSCAPE PLAN FOR
 BILTMORE CHURCH
 ASHEVILLE ROAD

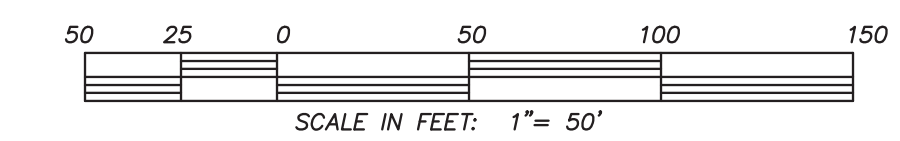
LANDSCAPE PLAN FOR
 BILTMORE CHURCH
 ASHEVILLE ROAD
 LOCATED IN TOWN OF WAYNESVILLE
 HAYWOOD COUNTY, NORTH CAROLINA
 OWNER: BILTMORE BAPTIST CHURCH
 35 CLAYTON ROAD
 ARDEN, NC 28704

PRELIMINARY
 NOT RELEASED
 FOR CONSTRUCTION

REV.	NO.	DATE	REMARKS

DATE: 1-29-24
 HORZ. SCALE: 1" = 50'
 VERT. SCALE: N/A
 DRAWN BY: RLW
 CHECKED BY: HSR
 PROJECT NO.: BC-WAYN

Sheet No. **C7** of **C14**





To: Waynesville Town Council
 From: Olga Grooman, Land Use Administrator
 Date: March 12, 2024
 Subject: Planning Board Report and Statement of Consistency
 Description: Conditional District Rezoning
 Project: Biltmore Baptist Church
 Location: 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383)

The Planning Board hereby adopts and recommends to the Town Council the following statement(s):

1. A motion was made by board member Tommy Thomas and seconded by board member Stuart Bass that the proposed zoning amendment for this Conditional District **is consistent with the Town's Comprehensive Land Use Plan and is reasonable and in the public interest** because it is consistent with:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage in-fill, mixed use, and context-sensitive development.
- Reinforce the unique character of Waynesville

Vice Chair Ginger Hain stated that the proposed Conditional District meets the development needs of the community and integrates with the long-term vision of the area.

The motion was carried unanimously.

2. Additionally, the Planning Board **recommends to approve the proposed Conditional Zoning District with the following conditions:**

1. Comply with the façade standards and include architectural elements on the north and south side building elevations in accordance with Land Development Standards (LDS) section 5.10.
2. Conduct Transportation Impact Analysis study (LDS 6.10).
3. Preserve existing street trees along Asheville Rd (LDS 8.4.1).
4. Require 5-ft sidewalks along Asheville Rd and Ratcliff Cove Rd (LDS 6.6.2 B, D).
5. Allow parking at the principal frontage, as proposed on the Master Plan (LDS 9.3).

Planning Board member John Baus made the motion to recommend these conditions to the Town Council, and board member Michael Blackburn seconded the motion. The motion passed 6-1, with Jan Grossman opposing the motion.

Ginger Hain
 Ginger Hain, Planning Board Vice Chair

2-29-24
 Date

Esther Coulter
 Esther Coulter, Administrative Assistant

2-28-24
 Date



TOWN OF WAYNESVILLE
Development Services Department
 9 South Main Street Suite 110
 Waynesville, NC 28786
 Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Application for Land Development Standards Map Amendment: Conditional District

Application is hereby made on 1-30, 2024 to the Town of Waynesville for the following map amendment to establish or amend a Conditional District:

Property owner of record: Biltmore Baptist Church

Address/location of property: 1700 Asheville Rd Waynesville NC 28786

Parcel identification number(s): 8626-00-1383

Deed/Plat Book/Page, (attach legal description): 1097 / 2009

The property contains 7.905 acres, shown as 1 number of lots under unified control.

Current district: Raccoon Creek Neighborhood Center

Conditional Districts are zoning overlays with conditions voluntarily added by the applicant onto specified properties and approved in a legislative procedure by the Board of Aldermen in accordance with G.S. 160D. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of prescribed standards guiding by-right development. Conditional Districts are not intended to relieve hardships otherwise handled with a variance procedure.

Conditional District application requirements Attached:

Environmental Survey (15.4.1)

Master Plan (15.4.3)

Other plans, drawings, renderings, elevations, maps and documents included as development documents for approval by the Board of Aldermen.

Full list of proposed uses consistent in character with the underlying zoning district and any conditions requested as part of the Master Plan.

A proposed development schedule if the project is to be phased.

Applicant Contact Information

Applicant Name (Printed):

Roger Wright

Mailing Address:

109 Buena Vista Rd Sylva N.C. 28779

Phone(s):

828-507-1814

Email:

roger@rwrightco.com

Signature of Property Owner(s) of Record Authorizing Application:

Roger Wright

Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street, Waynesville, NC 28786.

This institution is an equal opportunity provider

Conditional District Requests

RL Wright Construction, Inc.
PO Box 95
Sylva, NC 28779

(828) 586-6587
(828) 631-0888 (FAX)

Date: 1-30-2024

Architect: Steve Coffee
Date of Plans: 1-29-2024

Job Name: Biltmore Church

We are applying for a conditional district rezoning and the list below is a few standards that deviate from the prescribed zoning district.

1. 2.4.2 Table of Dimensional Standards by Mixed-Use/Non-Residential District

- a. item C. building footprint in Neighborhood center.

Our facility is proposed to be 25,000 square feet exceeding the 8000 square foot allowance unless approved by conditional district

2. 5.10.3 Ground Level Detailing.

Minimize Blank Walls: Expanses of blank walls facing streets (excluding rear access drives or alleys) or public civic spaces may not exceed 20 feet in length. (A "blank wall" is a facade that does not contain transparent windows or doors.)

- a. The two endwalls of the building are church worship areas (main and the two children's worship and classrooms) Windows are not wanted for children's privacy and the way the services are performed in worship areas windows will not allow for them to use the interior space as intended

3. Payments in Lieu: In lieu of alternative compliance in C above, the Administrator may approve a payment in lieu (in accordance with an adopted annual fee schedule) where any one or a combination of factors render compliance impractical:

Steep slopes;

Absence of existing sidewalks along the corridor and in the general neighborhood;

- a. Ratcliff cove road drops off significantly and our property ends at Raccoon creek. A sidewalk thru here could be very dangerous especially in a wheel chair. If they lost control they would end up in the creek or if a barricade is in place slam into that. We would like a payment in lieu or just not have to do the sidewalks the figures for just the sidewalk are over \$130,000.00 not including the landscaping it's approx. 1,608 l.f. of road frontage seems to be excessive, or could we do just do Asheville rd.

5. 9.3 - Permitted Parking Locations.

[SHARE LINK TO SECTION](#)
[PRINT SECTION](#)
[DOWNLOAD \(DOCX\) OF SECTION](#)
[EMAIL SECTION](#)
[COMPARE VERSIONS](#)

The following table details the permitted parking locations (by Building Type/District Category):

EXPAND

	Civic/Monument	House— Street	House— Alley	Townhouse	Apartment	Mixed- Use	Commercial	A C I
RL	IV	V	II	III	—	—	—	—
RM	IV	V	II	III	III	III	—	—
NR	IV	V	II	II	II	II	—	—
UR	IV	V	II	II	II	II	—	—
NC	IV	V	II	II	II	II	II	—

- a. We would request to park in zone 1 of the lot. We would like to have more parking in front since the main lobby is near center of building and having a service with over 350 people this would make long walk to enter the front or have a long line for people to enter from only the back. Since this is a corner lot it would hinder enough parking to support the facilities needs. The existing topography limits the parking lot layout if we cannot utilize the zone 1 parking

Conditional District Requests

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PO Box 95
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(828) 631-0888 (FAX)

Date: 1-30-2024

Architect: Steve Coffee
Date of Plans: 2-9-2024
Job Name: Biltmore Church

We are applying for a conditional district rezoning and the list below is a few standards that deviate from the prescribed zoning district.

We would like to request on additional wavier on the ordinance

1. **LDS 5.10.5 Façade Articulation:** “Any façade **visible from the public street** shall involve horizontal and vertical variation so that walls are subdivided into bays or sections that are vertically proportioned.” Also, “all architectural elevations of principal buildings [over 20 feet in height] **visible from a public street** shall have a clearly discernable base, body, and cap.” The front is compliant.
 - a. The current building design does not meet the above requirements, we believe with the horizontal band at 19’ a.f.f. it breaks the area up and gives the theory of a cap. With additional Heating and Air ducts on the side of the building and landscaping you would not be able to discern the “cap”. Distance is an issue as well; the building is over 100’ at the closest point to any road and is angled approx. 45 degrees to roads.

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 01/31/24 CUSTOMER#:
TIME: 11:45:04
CLERK: 2044ogro

RECPT#: 3009764 PREV BAL: 1100.00
TP/YR: P/2024 AMT PAID: 1100.00
BILL: 3009764 ADJSTMNT: .00
EFF DT: 01/31/24 BAL DUE: .00

Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 1100.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 1100.00
AMT APPLIED: 1100.00
CHANGE: .00

PAID BY: Biltmore Church cond
PAYMENT METH: CHECK
PAYMENT REF: 69726

TOT PREV BAL DUE: 1100.00
TOT BAL DUE NOW : .00

Report For

BILTMORE BAPTIST CHURCH
35 CLAYTON RD
ARDEN, NC 28704-8707

Account Information

PIN: 8626-00-1383

Legal Ref: 1097/2009

Add Ref: 523/1462
496/1832

Site Information

1700 ASHEVILLE RD

Heated Area:

Year Built:

Total Acreage: 7.91

Township: Waynesville Out

Site Value Information

Land Value:

Building Value:

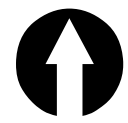
Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 11/14/2023



1 inch = 200 feet

February 9, 2024

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

Report For

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1 inch = 200 feet
February 9, 2024

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ABSTRACTS FROM ENVIRONMENTAL SURVEY

1.0 INTRODUCTION

This report presents the findings of a Waters of the U.S. Delineation Report study conducted by ECS Southeast, LLP (ECS) for Biltmore Church at the Asheville Road Site located at Ratcliff Cove Road & Asheville Road, Waynesville, Haywood County, North Carolina (35.50103, -82.96466). The Project Study Area (PSA) consists of one parcel totaling approximately 7.91 acres. According to the Haywood County Geographic Information System (GIS) website, the Parcel Identification Number (PIN) is: 8626-00-1383 (7.91 acres). The site includes approximately 7.91 acres, as shown on the Site Location Map (Appendix I; Figure 1). The site currently consists of a vacant, grassy lot with wooded land. The purpose of this study was to identify and delineate jurisdictional Waters of the U.S. (WOUS) within the project study area (PSA).

Wetlands are defined by the United States Army Corps of Engineers (USACE) and the United States Environmental Protection Agency (EPA) as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions." In order for an area to be classified as wetland, hydrophytic vegetation, hydric soils, and wetland hydrology indicators must be present described in the 1987 "Corps of Engineers Wetlands Delineation Manual" and the Appropriate Regional Supplement.

2.0 METHODOLOGY

The findings of the WOUS delineation is based on ECS' professional judgment and application of the technical criteria presented in the 1987 USACE Wetlands Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region, Version 2.0 dated April 2012.

ECS completed the following tasks to identify and delineate potentially jurisdictional WOUS boundaries onsite:

2.1 Literature Review

ECS reviewed supporting information from publicly-available databases to identify possible ecological effects the project may have on potential state- and/or federally-jurisdictional water resources. During the desktop review, ECS documented relevant, site-specific details (e.g., topographic characteristics, soil composition, recent precipitation, level of disturbance, plant community structure, etc.) and integrated the obtained information with the onsite delineation effort.

2.2 Methodology for Field Investigation

Wetland boundaries were delineated using the routine onsite determination method described in the USACE Manual and Regional Supplement, in conjunction with the Eastern Mountains and Piedmont 2020 Regional Wetland Plant List and the USDA Soil Survey.

ABSTRACTS FROM ENVIRONMENTAL SURVEY

ECS performed onsite wetland delineations as described above. First, site hydrology was observed and the plant community within the data plot was characterized. The dominant plant species within each community were then identified, and it was determined whether or not hydrophytic (wetland) plants dominated the plant community. The USFWS has defined five wetland plant indicator categories including:

- Obligate wetland (OBL) – has >99% probability of occurring in wetlands
- Facultative wetland (FACW) – has 66% to 99% chance of occurring in wetlands
- Facultative (FAC) – has 33% to 66% chance of occurring in wetlands
- Facultative upland (FACU) – has 1 to 33% chance of occurring in wetlands
- Upland (UPL) – has <1% chance of occurring in wetlands
- No Indicator (NI) – no wetland indicator for the specified species, considered UPL

Plants identified as OBL, FACW, or FAC are considered wetland plants (or hydrophytes) by USACE.

In areas determined to have hydrophytic vegetation and potential wetland hydrology, an approximately 16-24 inch hand auger soil boring or shovel test pit was completed to determine if hydric soils were present. The soil boring was also inspected to determine if indicators of wetland hydrology (inundation, soil saturation, etc.) were present.

Once an area is determined to be a wetland, further testing was performed to locate the wetland/upland (non-wetland) boundary. A second soil data point was completed in the upland area to document non-wetland conditions. Wetland boundaries were marked with consecutively numbered surveyor's ribbon flags.

Data forms specified in the Regional Supplement were completed for each wetland and non-wetland soil data point location. The data forms recorded the vegetation, soils, and hydrology observations used in making the wetland determinations.

2.3 Methodology for Delineating Streams

During the field investigation for wetlands, ECS identified potential streams onsite that could be considered jurisdictional by state and federal regulatory agencies. ECS used field indicators such as flow, substrate composition, presence/absence of defined bed and banks, origin of hydrologic source, presence/absence of vegetation in the stream channel, and composition and relative abundance of resident benthic macroinvertebrates to classify onsite streams into three stream types: ephemeral, intermittent, and perennial.

RGL No. 05-05 provides guidance on identifying physical indicators of Ordinary High Water Mark (OHWM) as defined in 33 CFR Sections 328.3(e) and 329.11(a)(1) and discusses implementation of other appropriate means that consider the characteristics of the surrounding areas to establish the lateral limits of jurisdiction over tidal and non-tidal waters. Per RGL No. 05-05, "the lateral limits of jurisdiction over non-tidal water bodies extend to the [OHWM], in the absence of adjacent wetlands. When adjacent wetlands are present, CWA jurisdiction extends beyond the OHWM to the limits of the adjacent wetlands".



ABSTRACTS FROM ENVIRONMENTAL SURVEY

3.2 Field Investigation Findings

ECS personnel conducted the field investigation on October 3, 2023. The last precipitation event prior to the site reconnaissance was on September 29, 2023 and approximately 0.03 inches of precipitation was recorded.

Four potentially jurisdictional streams and five potentially jurisdictional wetland areas were observed and delineated within the PSA. These potentially jurisdictional areas were marked with pink (wetland) and blue (stream) flagging tape, and located using a Trimble Geo7X hand-held GPS unit capable of sub-meter accuracy. ECS identified nine potentially jurisdictional areas summarized in the table below:

Table 1: Potential WOUS Summary Table

Feature ID	GPS Coordinates (decimal degrees)	Approximate Acreage	Approximate Linear Feet (if applicable)
Wetland W1	35.49854, -82.96431	0.004 acre	N/A
Wetland W2	35.50033, -82.96442	0.0003 acre	N/A
Wetland W3	35.50061, -82.96441	0.001 acre	N/A
Wetland W4	35.50086, -82.96436	0.003 acre	N/A
Wetland W5	35.50055, -82.96436	0.55 acre	N/A
Stream S1	35.49945, -82.96434	0.33 acre	1,221 LF
Stream S2	35.50104, -82.96458	0.01 acre	154 LF
Stream S3	35.50111, -82.96449	0.003 acre	44 LF
Stream S4	35.50103, -82.96466	0.0006 acre	10 LF

3.2.1 Wetland Summary

ECS observed five potentially jurisdictional wetland areas (W1-W5) within the PSA. Wetlands W1-W4 were observed abutting Stream S1 on the eastern portions of the PSA. Wetland W5 was observed on the northwestern portion of the PSA, and appeared to originate from apparent groundwater seeps. The wetland areas exhibited wetland indicators of hydrophytic vegetation, wetland hydrology, and hydric soils during the site reconnaissance. The wetland areas are depicted on the Waters of the U.S. Delineation Map (Appendix I, Figure 7). Photographs of the wetlands are presented in Appendix II.

3.2.2 Stream Summary

ECS observed four potentially jurisdictional stream features (S1-S4) within the PSA. Stream S1 was observed along the eastern PSA boundary, originating offsite. Stream S2 was observed on the northern and western portions of the PSA, where it eventually flowed into Stream S1. Stream S3 was observed on the northern portion of the PSA, and appeared to originate from a seep along



ABSTRACTS FROM ENVIRONMENTAL SURVEY

3.2 USFWS

ECS reviewed the USFWS Endangered Species Database to identify federally protected threatened and endangered species in Haywood County, North Carolina. ECS utilized the USFWS IPaC database to acquire a listing of federally protected threatened and endangered species in Haywood County, North Carolina that may have potential to occur on or within the vicinity of the PSA:

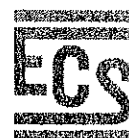
Common Name	Scientific Name	Federal Status
Birds		
Bald Eagle	<i>Haliaeetus leucocephalus</i>	BGEPA
Mammals		
Gray Bat	<i>Myotis grisescens</i>	E
Indiana Bat	<i>Myotis sodalis</i>	E
Northern Long-Eared Bat	<i>Myotis septentrionalis</i>	E
Tricolored Bat	<i>Perimyotis subflavus</i>	PE
Insects		
Monarch Butterfly	<i>Danaus plexippus</i>	C
Flowering Plants		
Small Whorled Pogonia	<i>Isotria medeoloides</i>	T
Lichens		
Rock Gnome Lichen	<i>Gymnoderma lineare</i>	E

- BGEPA - Federally protected under the Bald and Golden Eagle Protection Act
- E - Federally Endangered
- T - Federally Threatened
- CH - Critical Habitat
- PE - Proposed Endangered
- C - Candidate

Candidate and Experimental Population/Non-Essential species receive no statutory protection under the federal Endangered Species Act; therefore, the following does not include those species and they should not be considered in a habitat assessment review.

3.3 Species & Habitat Description

Bald Eagle



ABSTRACTS FROM ENVIRONMENTAL SURVEY

3.3 Historic Aerial Photograph & Topographic Map Review

ECS reviewed available historical topographic maps and aerial photographs to review for potential cultural or archeological resources.

Based on the Environmental Data Resources, Inc. (EDR) aerial imagery map dated 1956 to at least 1989, the PSA was depicted with fields, three apparent residential/agricultural structures, and an apparent stream along the eastern portion of the site. From at least 1995, the subject property was depicted with fields, an apparent residential structure on the central portion of the site, and an apparent stream along the eastern property boundary until 2006, devoid of the structures. From at least 2009 until the date of the site reconnaissance, the PSA has appeared to consist of fields, and wooded land and an apparent stream along the eastern portion of the site.

Based on the Environmental Data Resources, Inc. (EDR) topographic map dated 1935, two structures were depicted on the southern portion of the site, and a stream was depicted on the eastern and northwestern portions of the site until 1967, when two additional structures were depicted on the central and eastern portions of the site. From at least 2013, the PSA has been depicted with a Raccoon Creek along the eastern portion of the site until 2019, when an additional stream was depicted on the northwestern portion of the site.

4.0 CONCLUSIONS

Based on our site visit, review of historical aerial photographs and topographic maps, and the HPOWEB GIS Service, ECS does not believe the proposed project will affect significant architectural or archaeological resources at the subject property or within the surrounding vicinity. Please note that our services did not include detailed studies or surveys for cultural and/or archeological resources.

We are requesting a review of the proposed project for comments, questions, and/or concurrence on our preliminary determination for historic/cultural resources at the project site. Please contact us if you have require additional information or have any questions concerning this request.

ABSTRACTS FROM ENVIRONMENTAL SURVEY

Biltmore Church - Asheville Road
ECS Project No. 31-4676

November 27, 2023
Page 5

Dillsboro Loam (DsC): The parent material consists of old alluvium or old colluvium derived from igneous and metamorphic rock. Depth to restrictive feature is more than 80 inches. Depth to groundwater is expected to be more than 80 inches.

Dillsboro Urban Land Complex (DuC): The parent material consists of old alluvium or old colluvium derived from igneous and metamorphic rock. Depth to restrictive feature is more than 80 inches. Depth to groundwater is expected to be more than 80 inches.

3.0 FIELD EXPLORATION AND LABORATORY TESTING

Our exploration procedures are explained in greater detail in Appendix B. Our scope of work included seven (7) mechanical borings. Our borings were located with a handheld GPS unit and their approximate locations are shown on the Exploration Location Diagram in Appendix A.

The topographic data and elevations referenced in this report and on the included boring logs were estimated from the provided preliminary site plan. The elevations and locations provided have not been ground surveyed and therefore are not certified as correct by ECS. The users of the reported elevations do so at their own risk.

3.1 SUBSURFACE CHARACTERIZATION

The following sections provide generalized characterizations of the soil strata encountered during our subsurface exploration. For subsurface information at a specific location, refer to the boring logs in Appendix B.

Stratum	Description	Ranges of SPT ⁽¹⁾ N-values (bpf ⁽²⁾)
N/A	Topsoil – The surface layer consisted of approximately 1-2 inches of topsoil at the test locations. Thicknesses are expected to be variable across the project site. Observed topsoil depths do not include root balls which could be significantly deeper and other activities that have altered the site.	N/A
I	FILL Soils ⁽³⁾ – Soils described as fill or man disturbed soils were encountered at all borings except boring B-06, extending to depths varying from 3 to 5.5 feet below the ground surface. The soil types noted include very soft to stiff sandy lean Clay (CL), loose to medium dense silty clayey Sand (SC-SM), and loose to dense silty Sand (SM). Slight rock fragments present in some of the soil samples.	6 to 33
II	Alluvium ⁽⁴⁾ - Beneath the surface topsoil and fill at borings B-01, B-03, and B-04 are alluvial soils described as very soft sandy lean Clay (CL), soft sandy Silt (ML), and loose silty Sand (SM). The alluvial soils extend to depths of up to 12 feet.	0 to 9
II	Residual Soils – Residual soils below the topsoil, fill, and alluvium are residual soils described as very soft to stiff sandy Silt (ML) and very loose to medium dense silty Sand (SM).	1 to 12

Notes:

- (1) Standard Penetration Testing.
- (2) Blows per foot.
- (3) These soils include soils that may have been disturbed from past grading, clearing, and agricultural activities. Fill includes any material that has been transported and deposited by man.
- (4) Alluvium is a material transported and deposited by water.

Report For

BILTMORE BAPTIST CHURCH
35 CLAYTON RD
ARDEN, NC 28704-8707

Account Information

PIN: 8626-00-1383

Legal Ref: 1097/2009

Add Ref: 523/1462
496/1832

Site Information

1700 ASHEVILLE RD

Heated Area:

Year Built:

Total Acreage: 7.91

Township: Waynesville Out

Site Value Information

Land Value:

Building Value:

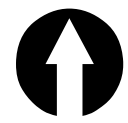
Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 11/14/2023



1 inch = 200 feet

February 9, 2024

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



Client:

BILTMORE CHURCH

Project:

ASHEVILLE ROAD SITE
RATCLIFF COVE ROAD &
ASHEVILLE ROAD,
WAYNESVILLE,
HAYWOOD COUNTY,
NORTH CAROLINA

Title:

POTENTIAL WATERS
OF THE U.S.
DELINEATION MAP

NOTES:

1. POTENTIALLY JURISDICTIONAL
WATERS OF THE US WERE
DELINEATED BY ECS ON
OCTOBER 3, 2023.

2. FINDINGS DEPICTED ON THIS
MAP HAVE NOT BEEN VERIFIED
BY THE USACE AND/OR NCDWR.
THE DELINEATION FINDINGS ARE
SUBJECT TO CHANGE BASED ON
AGENCY VERIFICATION.

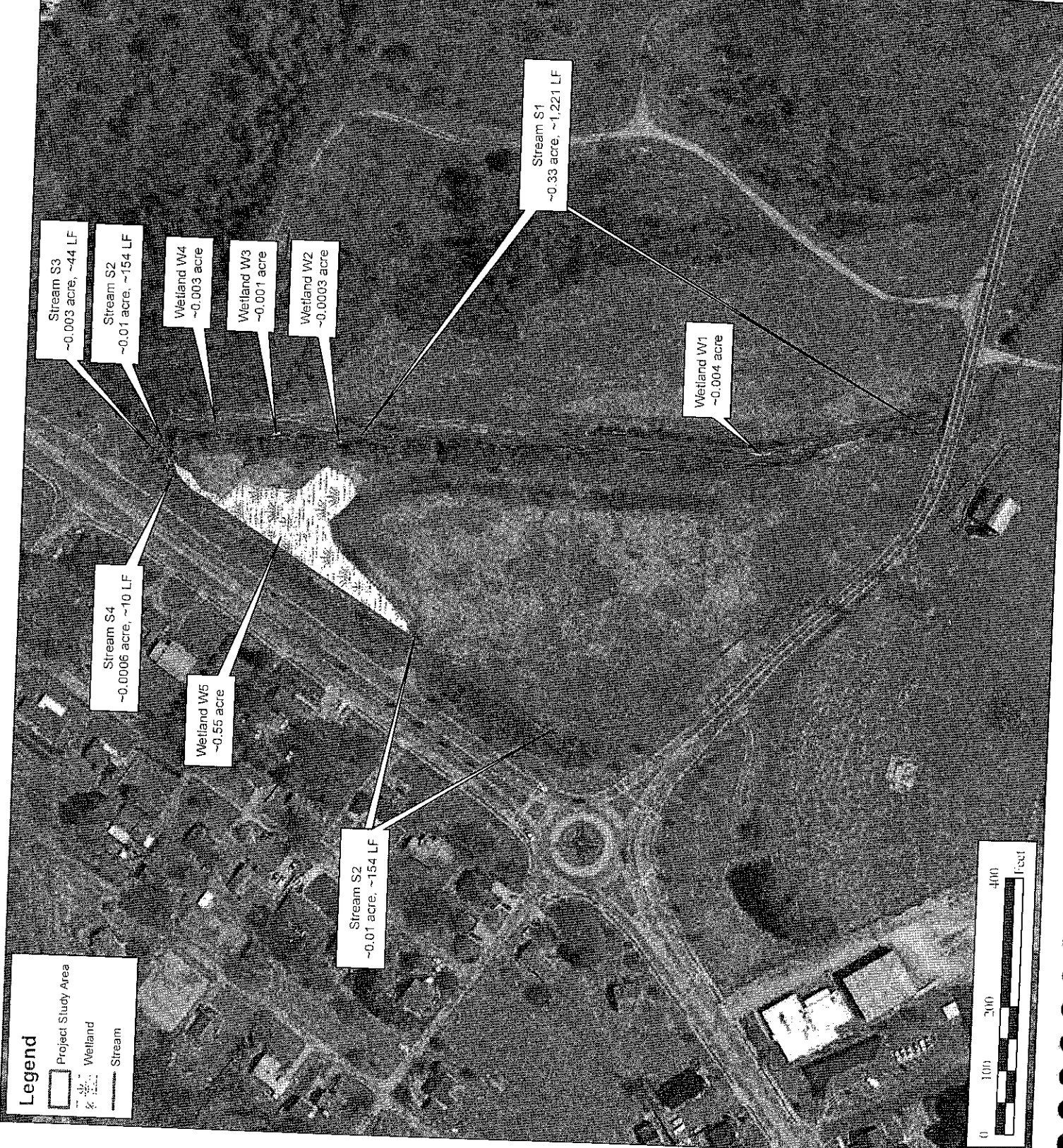
3. THIS MAP SHOULD BE USED
FOR PRELIMINARY PLANNING
PURPOSES.

Drawn By: ZJW
Scale: 1" = 200'

Approved By: PMS
Date: 10/06/2023

ECS Project No.
49: 21291-A

FIGURE 7



Legend

Project Study Area

Wetland

Stream



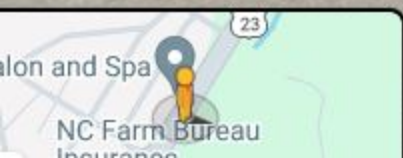




← 1664 US-23 BUS
Waynesville, North Carolina
Google Street View
Jul 2023 See more dates



ASHEVILLE RD ENTRANCE





SEWER AND WATER MAP



Gary Caldwell, Mayor
Julia Freeman, Mayor Pro Tem
Clarence "Chuck" Dickson, Council Member
Jon Feichter, Council Member
Anthony Sutton, Council Member

Robert W. Hites, Jr. Town Manager
Martha Bradley, Town Attorney

January 30, 2024

Re: PIN# 8626-00-1383
Biltmore Baptist

To whom it may concern,
Please accept this letter as confirmation that the Town of Waynesville can provide water and sewer utility services for the referenced PIN. Electric Service will be available from Duke Energy. By this Church connecting to the sanitary sewer by an individual connection, the SOC allocations will not be affected. If you were to have any questions, feel free to contact me.

Town of Waynesville
Director of Public Services
Jeff Stines

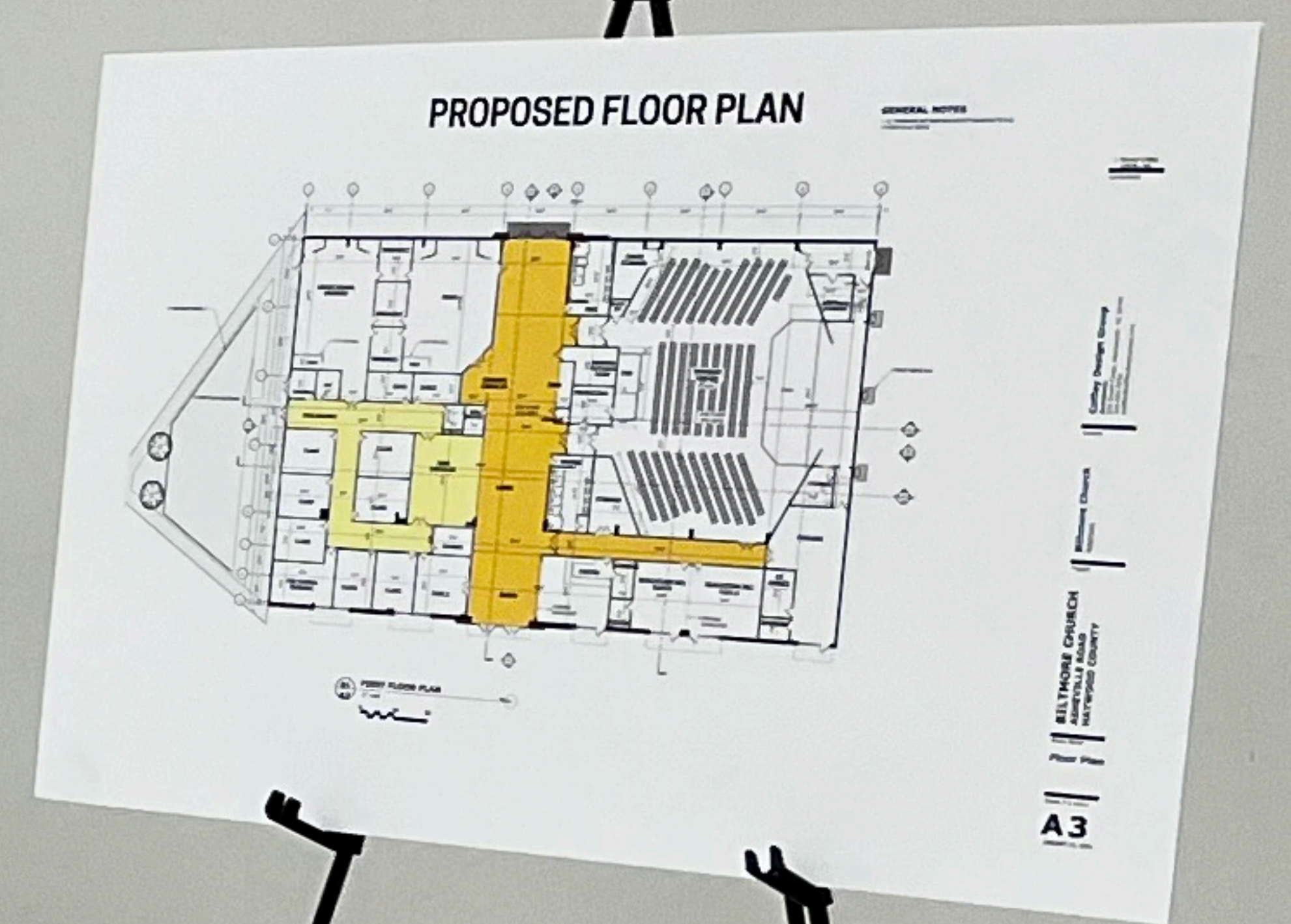
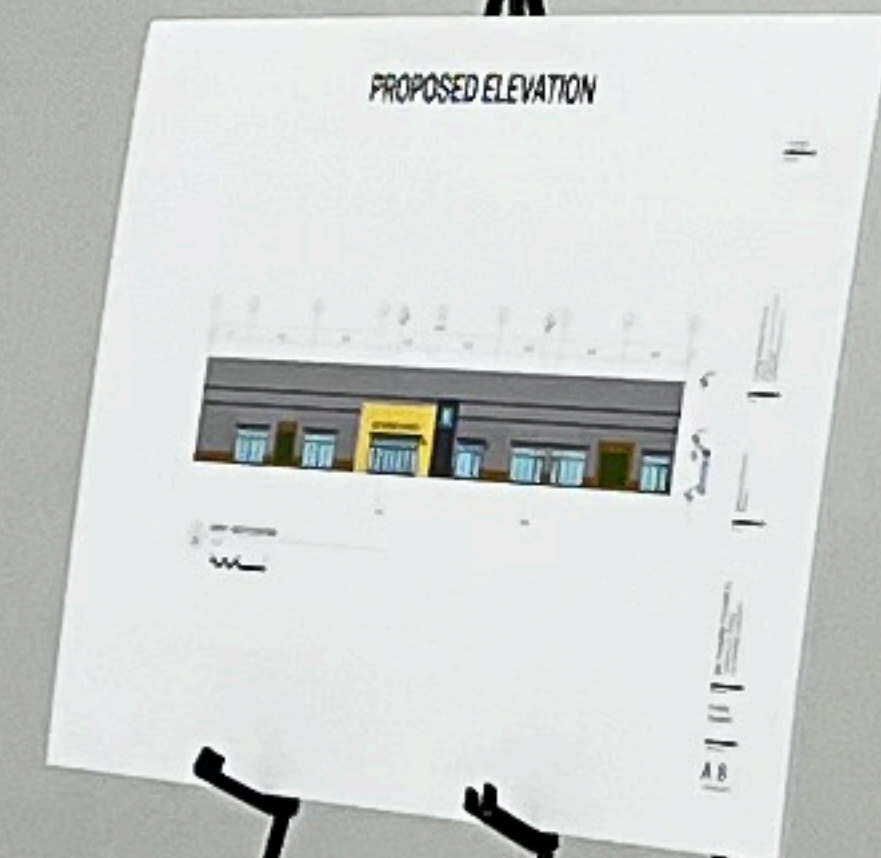
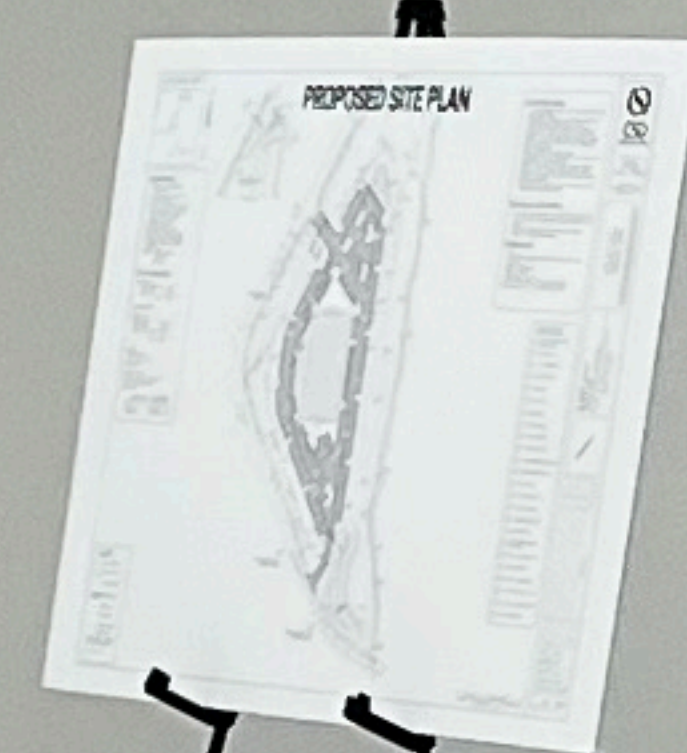


BILTMORE
CHURCH

Waynesville Neighborhood Interest Party Sign-In

1. Jim H. Francis III
2. Jim Francis JR.
3. Olga Grooman
4. Esther Coulter
5. James Myers
6. Neil White
7. Dylan Crawford
8. Caleb Crosby
9. Curt McClure
10. Roger Wright
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____

NEIGHBORHOOD MEETING





**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1700 Asheville Rd. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Roger Wright

Title and Company: Project Manager - R.L. Wright Construction


Address: 109 Buena Vista Rd. Sylva, NC. 28779

Phone and email: 828-507-1814. - roger@rlwrightco.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 28th day of February, 2024.

Owner or Party with Contractual Interest in Property:



NEIL WHITE - ADMINISTRATIVE PASTOR
BILTMORE BAPTIST CHURCH

Address and phone number:

Biltmore Baptist Church

35 Clayton Rd.
Arden, NC

28704
828-887-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1700 Asheville Rd. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Rodney Wright

Title and Company: Project Manager - CSD Engineering

Address: 109 Buena Vista Rd. Sylva, NC. 28779

Phone and email: 828-507-1814. - rodney@csd-engineering.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 26th day of February, 2024.

Owner or Party with Contractual Interest in Property:



NEIL WHITE - ADMINISTRATIVE PASTOR

BALTIMORE BAPTIST CHURCH

Address and phone number:

Baltimore Baptist Church

35 Clayton Rd.

Arden, NC

28704

828-687-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1700 Asheville Rd. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Steve Coffey

Title and Company: Owner - Coffee Design Group

Address: 226 Stuart Circle, Waynesville, NC 28745

Phone and email: 314-604-5056 scoffey@coffeydesigngroup.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 28th day of February, 2024.

Owner or Party with Contractual Interest in Property:


NEIL WHITE - ADMINISTRATIVE PASTOR

Address and phone number:

Biltmore Baptist Church

35 Clayton Rd.

Arden, NC

28704

828-887-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1700 Asheville Rd. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Richard Wright

Title and Company: Owner - R.L. Wright Construction

Address: 186 Wild Bird Dr., Sylva, NC 28779

Phone and email: 828-421-6587 richard@riwrightco.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 26th day of February, 2024.

Owner or Party with Contractual Interest in Property:


NEIL WHITE - ADMINISTRATIVE PASTOR

Address and phone number:

Biltmore Baptist Church

35 Clayton Rd.

Arden, NC

28704

828-687-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1700 Asheville Rd. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Nell White

Title and Company: Administrative Pastor - Biltmore Baptist Church

Address: 35 Clayton Rd Arden, NC 28704

Phone and email: 828-687-1111 nwhite@biltmorechurch.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 26th day of February, 2024.

Owner or Party with Contractual Interest in Property:


NELL WHITE - ADMINISTRATIVE PASTOR

Address and phone number:

Biltmore Baptist Church
35 Clayton Rd.
Arden, NC
28704
828-687-1111



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

February 28, 2024

Notice of Public Hearing Waynesville Town Council

Waynesville Town Council will hold a **public hearing on March 12, 2024 at 6:00 p.m.** or as closely thereafter as possible, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a conditional district zoning amendment for a 7.9-acre unaddressed parcel between Asheville Rd and Ratcliff Cove Rd (PIN 8626-00-1383). The proposal is a site plan for Biltmore Baptist Church.



Questions related to the hearing itself should be directed to the Waynesville Development Services Department, (828) 356-1172, ogrooman@waynesvillenc.gov.



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: February 28th and March 6th (Wednesday) editions

Date: February 12, 2024

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing Town of Waynesville Council

The Town of Waynesville Council will hold two (2) public hearings on Tuesday, March 12, 2024 at 6:00 p.m. or as closely thereafter as possible, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider:

1. Conditional district zoning amendment for a 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383). The proposal is a site plan for Biltmore Baptist Church.
2. Request for Annexation of a 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383).

For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Property Posted on 2-28-24

THE TOWN COUNCIL
WILL HOLD
A PUBLIC HEARING
ON MARCH 12, 2024 AT 6:00 PM
IN THE TOWN HALL BOARD ROOM
AT 9 SOUTH MAIN ST.
TO CONSIDER
A CONDITIONAL DISTRICT REZONING
CONTACT DEVELOPMENT SERVICES
T. 828-456-8647

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR ACTION
Meeting Date: March 12, 2024**

SUBJECT: Public Hearing to consider a request for a contiguous annexation for one (1) 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383).

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Olga Grooman, Land Use Administrator
Presenter: Olga Grooman, Land Use Administrator

BRIEF SUMMARY: The Town received the attached “Petition for Annexation” for a contiguous area from Neil White, Administrative Pastor of Biltmore Church. The petition is for one 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383). The property is the future site of a proposed Biltmore Baptist Church campus. It is within the Town’s extra-territorial jurisdiction and is zoned Raccoon Creek Neighborhood Center (RC-NC). Annexing the property would allow it to connect to municipal sewer through a tap. The closest sewer line is the 8-inch line located along the creek on the eastern portion adjacent to the property.

MOTION FOR CONSIDERATION:

1. Adoption of attached Ordinance to approve the annexation of the described property.

FUNDING SOURCE/IMPACT: Future action to annex this property will allow it to receive the Town’s municipal services and be subject to Town’s property taxes.

ATTACHMENTS

1. Petition with map, metes and bounds, payment
2. Proximity to municipal boundaries and zoning maps
3. Signed Resolution
4. Newspaper notice
5. Property Posting
6. Annexation Ordinance

MANAGER’S COMMENTS AND RECOMMENDATIONS:

**TOWN OF WAYNESVILLE
PLANNING DEPARTMENT
P.O. BOX 100, WAYNESVILLE, NC 28786
828-456-2004**

**ANNEXATION UPON PETITION
OF ALL OWNERS OF REAL PROPERTY**

(G.S. 160A-31, as amended)

Date: 2/5/24

To: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described below be annexed to the Town of Waynesville.
2. Character of area to be annexed:
 - a. Any area which is contiguous to the corporate limits of the Town of Waynesville may be annexed by petition.
 - b. For purposes of these laws, an area is deemed "contiguous" if, at the time the petition is submitted, the area either abuts directly on the municipal boundary or is separated from the municipal boundary by a street, right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State.
3. The area to be annexed is contiguous to the Town of Waynesville and the boundaries of such territory are as follows:
 - a. Metes and bounds description is attached.
 - b. Tax map of the proposed territory is attached.

Name NEIL WHITE Signature 

Address 35 CLAYTON RD ARDEN, NC 28704

Name DYLAN CRAWFORD Signature 

Address 35 Clayton RD Arden NC 28704

Name _____ Signature _____

Address _____

(Attach additional sheet if necessary)

PENDING REVIEW FOR TAX LISTING

DATE 2023-11-14 **BY** shaun.garrison

HAYWOOD COUNTY TAX CERTIFICATION

Sebastian Cothran, Haywood County Tax Collector

Date: 2023-11-14 By: Mike

There are no delinquent taxes due that are a lien against parcel(s)

2023009848

HAYWOOD COUNTY NC FEE \$26.00
STATE OF NC REAL ESTATE EXT X

\$2072.00

PRESENTED & RECORDED

11/14/2023 02:49:02 PM

SHERRI C. ROGERS

REGISTER OF DEEDS

BY: TARA E. REINHOLD

DEPUTY

BK: RB 1097

PG: 2009 - 2012

NORTH CAROLINA GENERAL WARRANTY DEED

Excise tax: \$ 2,072.00 (\$1,035,750.00)

Parcel Identifier No. 8626-00-1383

Mail after recording to: Grantee

This instrument was prepared by: Frank G. Queen, Attorney, Waynesville NC 28786

THIS DEED is made this 13th day of November, 2023, between

GRANTOR	GRANTEE
Haywood Electric Membership Corporation	Biltmore Baptist Church
Address: 376 Grindstone Road, Waynesville NC 28785	Address: 35 Clayton Road, Arden NC 28704
If checked, this WAS a Grantor's Principal Residence (otherwise ignore): [<input type="checkbox"/>]	

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

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

See attached Exhibit A, describing vacant tract on Asheville Road, Waynesville NC 28786.

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to

Submitted electronically by "McMillan PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Haywood County Register of Deeds.

EXHIBIT A

BEGINNING at a point in center of Old US Highway 19A-23, beginning corner of the 42.128 acre tract hereinafter referred to, and running with line of Post property described in Deed Book 432, Page 1319, South 62 deg. 08 min. 41 sec. East (passing through a point at headwall over 24 inch CMP, passing an iron pipe at fence corner at 20 feet and running with fence thereafter) 195.82 feet to a point in center of Raccoon Creek; thence with center of Raccoon Creek as follows: South 04 deg. 01 min. 25 sec. West 110.57 feet, South 00 deg. 11 min. 58 sec. East 61.11 feet, South 07 deg. 28 min. 12 sec. East 51.99 feet, South 06 deg. 39 min. 18 sec. West 31.68 feet, South 07 deg. 33 min. 13 sec. East 41.64 feet, South 08 deg. 17 min. 21 sec. West 47.82 feet, South 13 deg. 23 min. 59 sec. East 60.32 feet, South 02 deg. 04 min. 11 sec. West 150.74 feet, South 06 deg. 08 min. 26 sec. East 74.65 feet, South 05 deg. 20 min. 05 sec. East 76.69 feet, South 02 deg. 07 min. 43 sec. West 98.65 feet, South 02 deg. 38 min. 18 sec. West 105.67 feet, South 18 deg. 42 min. 20 sec. East 231.27 feet, and South 12 deg. 07 min. 47 sec. East 87.56 to a point in center of Raccoon Creek in bridge over center of NCSR #1818 (Ratcliff Cove Road); thence with the center of Ratcliff Cove Road, eight (8) calls as follows: North 80 deg. 55 min. 52 sec. West 88.33 feet to a point; in a northwesterly direction with the arc of a curve to the right (clockwise) having a radius of 277.64 feet, an arc distance of 174.07 feet (chord bearing: North 62 deg. 58 min. 12 sec. West 171.23 feet) to a point, North 45 deg. 00 min. 36 sec. West 214.84 feet to a point; in a northwesterly direction with the arc of a curve to the left (counterclockwise), having a radius of 1102.59 feet, an arc distance of 91.95 feet (chord bearing: North 47 deg. 23 min. 56 sec. West 91.92 feet) to a point; North 49 deg. 47 min. 16 sec. West 105.37 feet to a point at the intersection of the centerline of Ratcliff Cove Road and the intersecting road; North 64 deg. 15 min. 05 sec. West 50.84 feet to a point in the centerline of said intersecting road; in a westerly direction with the arc of a curve to the left (counterclockwise), having a radius of 306.00 feet, an arc distance of 214.49 feet (chord bearing: North 84 deg. 19 min. 57 sec. West 210.13 feet) to a point; and South 75 deg. 35 min. 12 sec. West 60.52 feet to a point in the center of Old US Highway 19A-23; thence with the center of the highway, two (2) calls as follows: in a northeasterly direction with the arc of a curve to the left (counterclockwise), having a radius of 577.01 feet, an arc distance of 133.04 feet (chord bearing: North 38 deg. 28 min. 23 sec. East 132.74 feet) to a point; and North 31 deg. 51 min. 52 sec. East 939.17 feet to the BEGINNING, containing 11.878 acres.

BEING the identical property conveyed to Haywood Electric Membership Corporation by deed dated December 18, 1996, recorded in Book 457, page 122, Haywood County Registry.

LESS and EXCEPT the tract described as:

BEGINNING on a point 15.00 meters (49.21 ft.) Northeasterly of and normal to Survey Station 11+60.00, Survey Line Y5; thence in a Southwesterly direction in a straight line passing through a point on the existing right of way limits of SR 1818, Ratcliff Cove Rd Northeasterly of and normal to Survey Station 11+60, Survey line Y5 to a point lying in or near the centerline of SR 1818, Ratcliff Cove Rd; thence in a Northwesterly direction with a Southwest property line of the undersigned to a Northwestern property corner lying in or near the existing centerline of US 23 Business; thence in a Northeasterly

direction with a Northwest property line to a Northeastern property corner of the undersigned lying in or near the existing centerline of US 23 Business; thence in a Southeasterly direction with the division property line between the undersigned and George and Tara Post to a point lying on a straight line between a point 22.00 meters (72.18 ft.) Southeasterly of and normal to Survey Station 19+60.000 Survey Line L and a point 33.00 meters (108.27 ft.) Southeasterly of and normal to Survey Station 19+20.000, Survey Line L; thence in a Southwesterly direction in a straight line to a point 33.00 meters (108.27 ft.) Southeasterly of and normal to Survey Station 19+20.000, Survey Line L; thence in a Southwesterly direction in a straight line to a point 47.873 meters (157.06 ft.) Southeasterly of and normal to Survey Station 18+20.000, Survey Line L, thence in a Southwesterly direction in a straight line to a point 47.83 meters (156.92 ft.) Southeasterly of and normal to Survey Station 17+40.000, Survey Line L; thence in a Southwesterly direction in a straight line to a point 40.000 meters (131.23 ft.) Southeasterly of and normal to Survey Station 16+95.00, Survey Line L; thence in a Southerly direction in a straight line to a point 20.00 meters (65.62 ft.) Northeasterly of and normal to Survey Station 10+60.000, Survey Line Y5; thence in a straight line in a Southeasterly direction to a point 15.00 meters (49.21 ft.) Northeasterly of and normal to Survey Station 11+05.100, Survey Line Y5, thence in a straight line in a Southeasterly direction to a point 15.00 meters (49.21 ft.) Northeasterly of and normal to Survey Station 11+34.017, Survey Line Y5; thence in a straight line in a Southeasterly direction to the point of BEGINNING.

The exception tract is the property conveyed to the North Carolina Department of Transportation by deed dated April 25, 2001 in Book 496, page 1832, Haywood County Registry.

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 02/06/24 CUSTOMER#:
TIME: 12:28:42
CLERK: 2044ecou

RECPT#: 3012131 PREV BAL: 250.00
TP/YR: P/2024 AMT PAID: 250.00
BILL: 3012131 ADJSTMNT: .00
EFF DT: 02/06/24 BAL DUE: .00

Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 250.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 250.00
AMT APPLIED: 250.00
CHANGE: .00

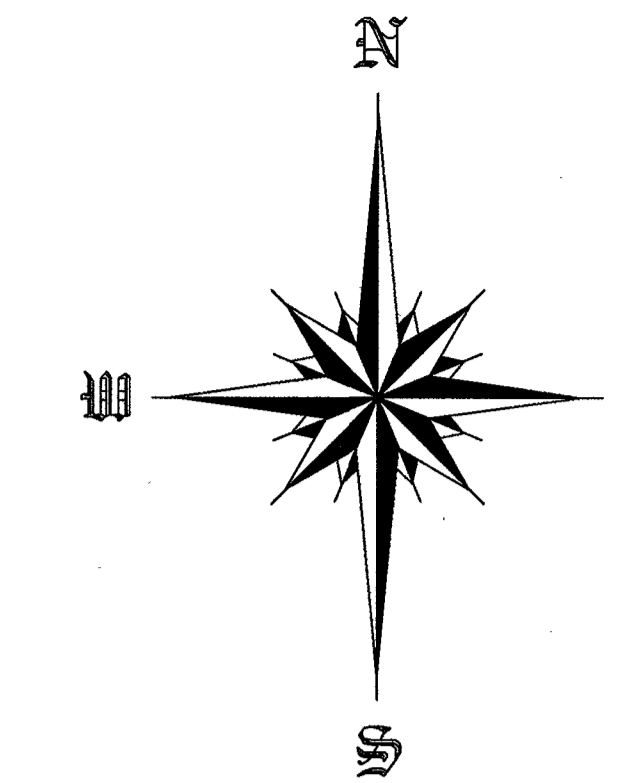
PAID BY: R.L. wright Annex
PAYMENT METH: CHECK
PAYMENT REF: 69737

TOT PREV BAL DUE: 250.00
TOT BAL DUE NOW : .00

LEGEND

- IPS - IRON PIN SET
- IPF - IRON PIN FOUND
- EIP - EXISTING IRON PIPE
- CMS - CONCRETE MONUMENT SET
- CMF - CONCRETE MONUMENT FOUND
- MNS - MAG NAIL SET
- MNF - MAG NAIL FOUND
- POL - POINT ON LINE
- R/W - RIGHT-OF-WAY
- FENCE
- CREEK OR WATERCOURSE
- * * * * * TOP OF RIDGE
- TOR - TOP OF RIDGE
- PP - POWER POLE
- SP - SERVICE POLE
- OHP - OVERHEAD POWER LINE
- PT - POINT
- CMP - CORRUGATED METAL PIPE
- CPP - CORRUGATED PLASTIC PIPE
- RCP - REINFORCED CONCRETE PIPE

GRID NORTH NAD '83



PROPOSED TO:
BILTMORE CHURCH
 D.B.457 PG.122
 7.38 Acres

I, JAMES R. DAVENPORT CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION, DEED DESCRIPTION RECORDED IN BOOK 457, PAGE 122, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 609, PAGE 174, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THE GLOBAL POSITIONING SYSTEM (GPS) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS (GNSS IF DUAL CONSTITUTION ARE USED) SURVEY.

CLASS OF SURVEY: A
 POSITIONAL ACCURACY: HORIZONTAL 0.06 - VERTICAL 0.08
 TYPE OF GPS FIELD PROCEDURE: RTN
 DATES OF SURVEY: OCTOBER 2023
 DATUM/EPOCH: NAD 83 (2011) EPOCH 2010.00
 PUBLISHED/FIXED CONTROL: N/A
 GEOID MODEL: GEOID 12B
 COMBINED GRID FACTOR(S): 0.99987139
 UNITS: US SURVEY FEET

THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION (F)(1)(C)(1).

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 16th DAY OF OCTOBER, AD. 2023

James R. Davenport
 JAMES R. DAVENPORT - P.L.S. L-1462

- NOTES: 1) ACREAGE CALCULATED BY COORDINATE COMPUTATIONS.
 2) THIS PROPERTY LIES PARTIALLY IN A FLOOD HAZARD AREA.
 3) THIS PROPERTY SUBJECT TO RIGHT OF WAYS, EASEMENTS AND RESTRICTIONS OF RECORD, UNRECORDED, WRITTEN AND/OR UNWRITTEN.

I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:
 G.S. 47-30 (D)(1)(c)(1). THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

James R. Davenport
 JAMES R. DAVENPORT, P.L.S. L-1462

STATE OF NORTH CAROLINA
 COUNTY OF _____

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

REVIEW OFFICER _____ DATE _____

STATE OF NORTH CAROLINA: COUNTY OF _____
 THE FOREGOING CERTIFICATES OF JAMES R. DAVENPORT, PROFESSIONAL LAND SURVEYOR, AND REVIEW OFFICER, ARE CERTIFIED TO BE CORRECT. THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDED IN THIS OFFICE IN PLAT CABINET _____ SLIDE _____ THIS _____ DAY OF _____ AT _____ O'CLOCK _____ M. 20____ AD.

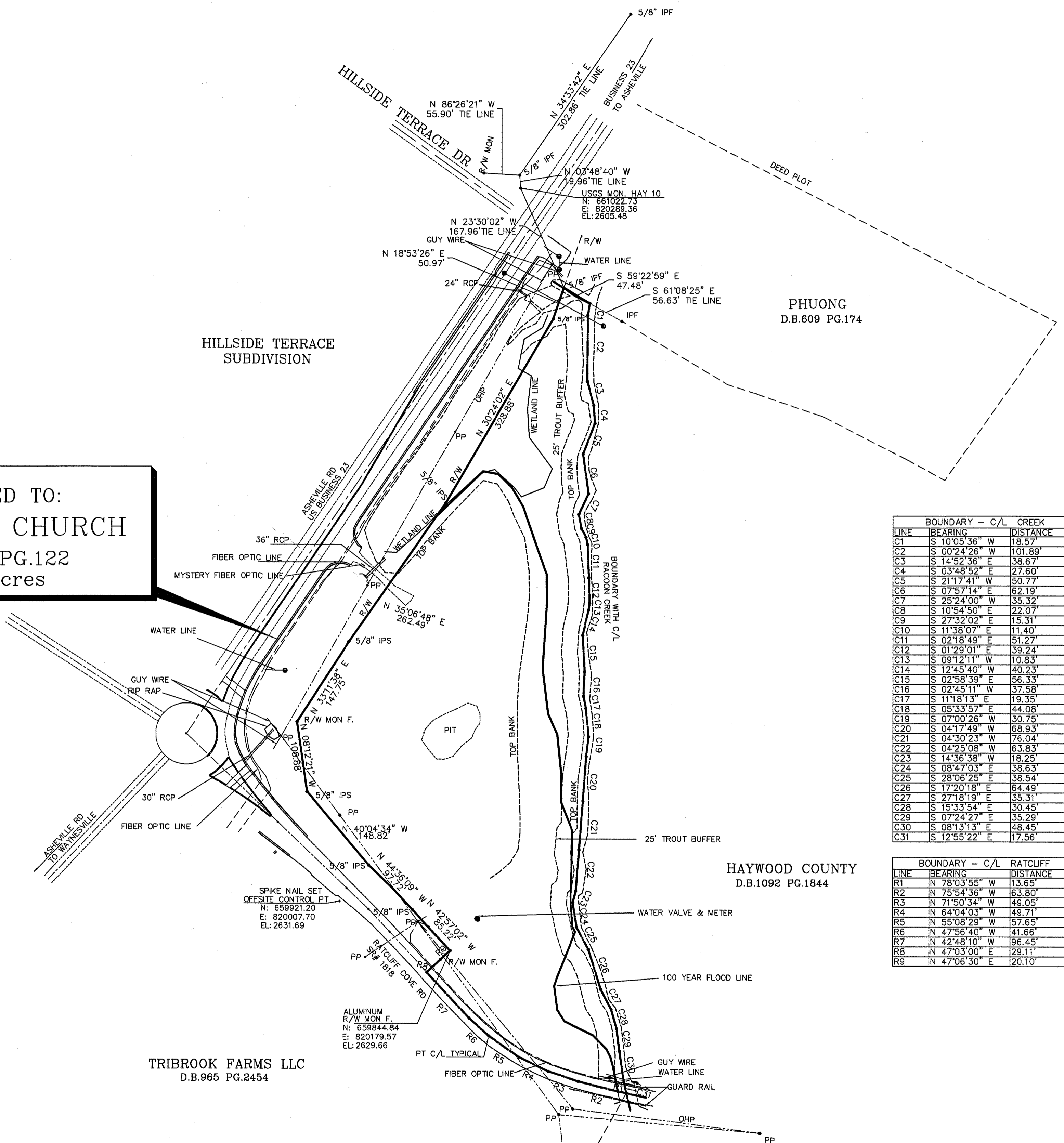
REGISTER OF DEEDS



TRIBROOK FARMS LLC
 D.B.965 PG.2454

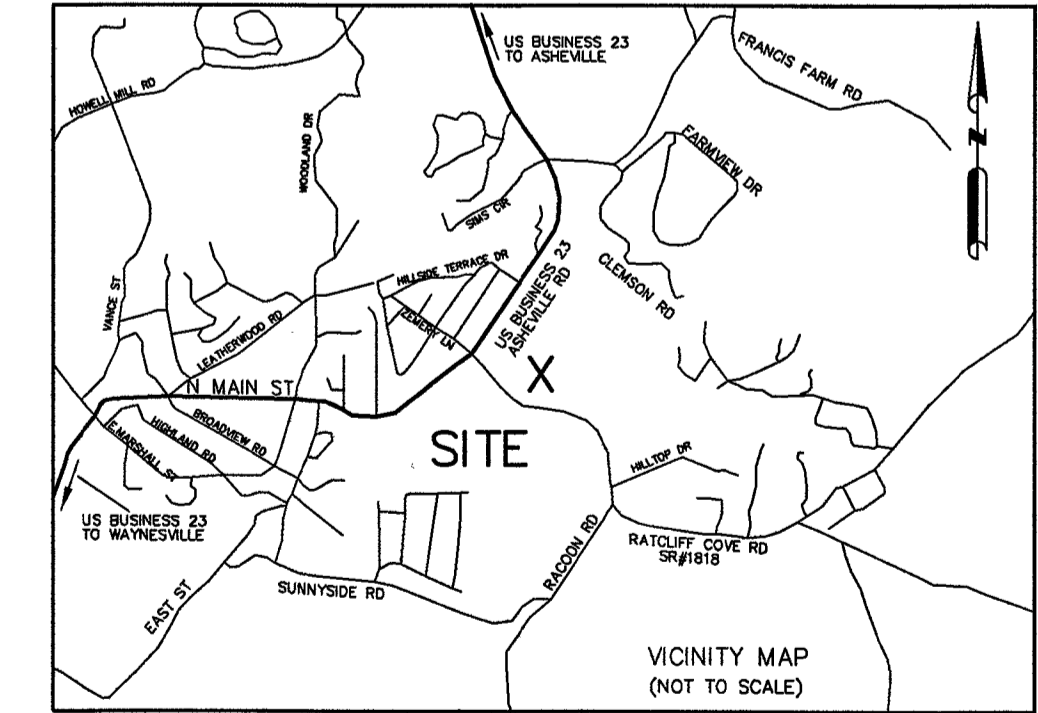
HAYWOOD COUNTY
 D.B.1092 PG.1844

AL&CHARLES MOUNTAIN LLC
 D.B.476 PG.2377



BOUNDARY - C/L CREEK		
LINE	BEARING	DISTANCE
C1	S 10°05'36" W	18.57
C2	S 00°24'26" W	101.89
C3	S 14°52'36" E	38.67
C4	S 03°48'52" E	27.60
C5	S 21°17'41" W	50.77
C6	S 07°57'14" E	62.19
C7	S 25°24'00" W	35.32
C8	S 10°54'50" E	22.07
C9	S 27°32'02" E	15.31
C10	S 11°38'07" E	11.40
C11	S 02°18'49" E	51.27
C12	S 01°29'01" E	39.24
C13	S 09°12'11" W	10.83
C14	S 12°45'40" W	40.23
C15	S 02°58'39" E	56.33
C16	S 02°45'11" W	37.58
C17	S 11°18'13" E	19.35
C18	S 05°33'57" E	44.08
C19	S 07°00'26" W	30.75
C20	S 04°17'49" W	68.93
C21	S 04°30'23" W	76.04
C22	S 04°25'08" W	63.83
C23	S 14°36'38" W	18.25
C24	S 08°47'03" E	38.63
C25	S 28°06'25" E	38.54
C26	S 17°20'18" E	64.49
C27	S 27°18'19" E	35.31
C28	S 15°33'54" E	30.45
C29	S 07°24'27" E	35.29
C30	S 08°13'13" E	48.45
C31	S 12°55'22" E	17.56

BOUNDARY - C/L RATCLIFF		
LINE	BEARING	DISTANCE
R1	N 78°03'55" W	13.65
R2	N 75°54'36" W	63.80
R3	N 71°50'34" W	48.05
R4	N 64°04'03" W	43.71
R5	N 55°08'29" W	57.65
R6	N 47°56'40" W	41.66
R7	N 42°48'10" W	96.45
R8	N 47°03'00" E	28.11
R9	N 47°06'30" E	20.10



DAVENPORT SURVEYING INC.
 PROFESSIONAL LAND SURVEYORS
 P.O. BOX 234 CULLOWHEE, N.C. 28723
 LICENSE NO. C-0814 (828) 293-3258

SURVEY FOR: **BILTMORE CHURCH**
 D.B.457 PG.122

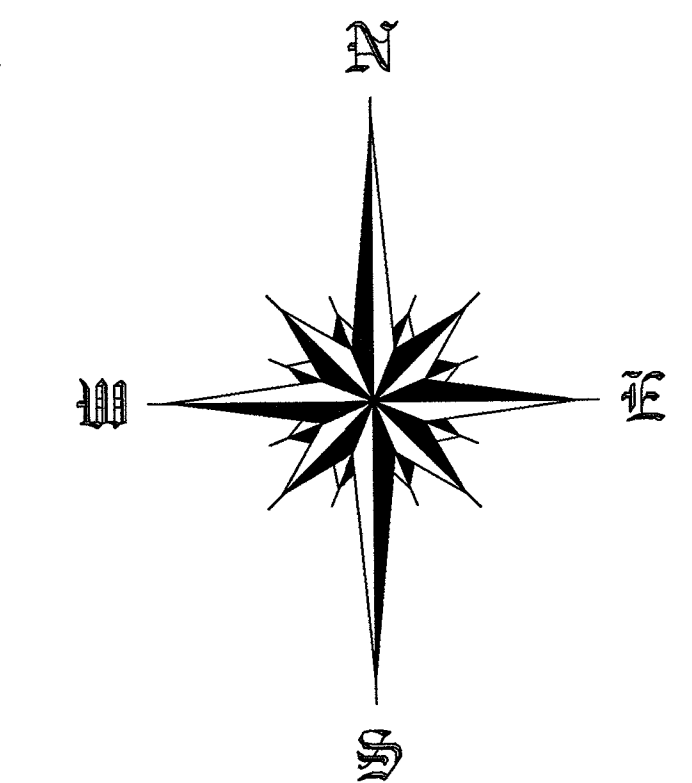
STATE: NORTH CAROLINA COUNTY: HAYWOOD
 TOWNSHIP: WAYNESVILLE DATE: 10-11-2023
 COR. FILE: H150 DRAWN BY: DRD
 SCALE: 1"=100' FIELD BK: N/A DWG. NO: H-150



LEGEND

- IPS - IRON PIN SET
- IPF - IRON PIN FOUND
- EIP - EXISTING IRON PIPE
- CMS - CONCRETE MONUMENT SET
- CMF - CONCRETE MONUMENT FOUND
- MNS - MAG NAIL SET
- MNF - MAG NAIL FOUND
- POL - POINT ON LINE
- R/W - RIGHT-OF-WAY
- FENCE
- CREEK OR WATERCOURSE
- * * * * * TOP OF RIDGE
- * * * * * TOR - TOP OF RIDGE
- PP - POWER POLE
- SP - SERVICE POLE
- OHP - OVERHEAD POWER LINE
- PT - POINT
- CMP - CORRUGATED METAL PIPE
- CPP - CORRUGATED PLASTIC PIPE
- RCP - REINFORCED CONCRETE PIPE

GRID NORTH NAD '83



PROPOSED TO:
BILTMORE CHURCH
 D.B.457 PG.122
 7.38 Acres

I, JAMES R. DAVENPORT CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK 457, PAGE 122. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 609, PAGE 174. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+ THAT THE GLOBAL POSITIONING SYSTEM (GPS) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS (GNSS IF DUAL CONSTELLATION ARE USED) SURVEY:

CLASS OF SURVEY: A
 POSITIONAL ACCURACY: HORIZONTAL 0.08 - VERTICAL 0.08
 TYPE OF GPS FIELD PROCEDURE: RTN
 DATES OF SURVEY: OCTOBER 2023
 DATUM/EPOCH: NAD 83 (2011) EPOCH 2010.00
 PUBLISHED/FIXED CONTROL: N/A
 GEOID MODEL: GEOID 12B
 COMBINED GRID FACTOR(S): 0.99987139
 UNITS: US SURVEY FEET

THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION (F)(1)(c)(1).

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 16th DAY OF OCTOBER, AD. 2023

James R. Davenport
 JAMES R. DAVENPORT - P.L.S. L-1462

- NOTES: 1) ACREAGE CALCULATED BY COORDINATE COMPUTATIONS.
 2) THIS PROPERTY LIES PARTIALLY IN A FLOOD HAZARD AREA.
 3) THIS PROPERTY SUBJECT TO RIGHT OF WAYS, EASEMENTS AND RESTRICTIONS OF RECORD, UNRECORDED, WRITTEN AND/OR UNWRITTEN.

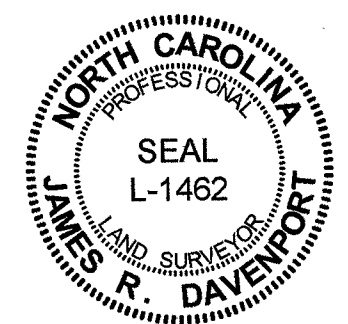
I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE: G.S. 47-30 (c)(1)(c)(1). THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

James R. Davenport
 JAMES R. DAVENPORT, P.L.S. L-1462

STATE OF NORTH CAROLINA
 COUNTY OF _____, REVIEW OFFICER OF _____ COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 REVIEW OFFICER _____ DATE _____

STATE OF NORTH CAROLINA: COUNTY OF _____
 THE FOREGOING CERTIFICATES OF JAMES R. DAVENPORT, PROFESSIONAL LAND SURVEYOR, AND _____ REVIEW OFFICER, ARE CERTIFIED TO BE CORRECT. THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDED IN THIS OFFICE IN PLAT CABINET _____ SLIDE _____ THIS _____ DAY OF _____ AT _____ O'CLOCK _____ M. 20____ AD.

REGISTER OF DEEDS

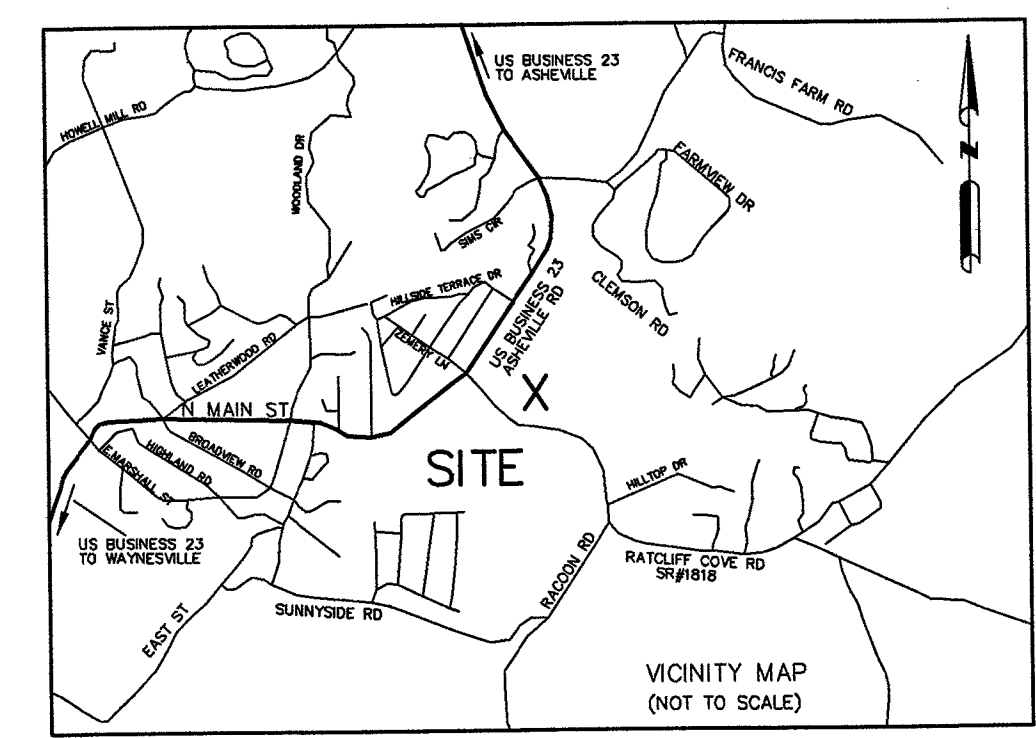


TRIBROOK FARMS LLC
 D.B.965 PG.2454

AL&CHARLES MOUNTAIN LLC
 D.B.476 PG.2377

LINE	BEARING	C/L	CREEK	DISTANCE
C1	S 10°05'36" W			18.57
C2	S 00°24'26" W			101.89
C3	S 14°52'36" E			38.67
C4	S 03°48'52" E			27.60
C5	S 21°17'41" W			50.77
C6	S 07°57'14" E			82.19
C7	S 25°24'00" W			35.32
C8	S 10°54'50" E			22.07
C9	S 27°32'02" E			15.31
C10	S 11°38'07" E			11.40
C11	S 02°18'49" E			51.27
C12	S 01°29'01" E			39.24
C13	S 09°12'11" W			10.83
C14	S 12°49'40" W			40.23
C15	S 02°58'39" E			56.33
C16	S 02°45'11" W			37.58
C17	S 11°18'13" E			19.35
C18	S 05°33'57" E			44.08
C19	S 07°00'26" W			30.75
C20	S 04°17'49" W			68.93
C21	S 04°30'23" W			76.04
C22	S 04°25'08" W			63.83
C23	S 14°36'38" W			18.25
C24	S 08°47'03" E			38.63
C25	S 28°06'25" E			38.54
C26	S 17°20'18" E			64.49
C27	S 27°18'19" E			35.31
C28	S 15°33'54" E			30.45
C29	S 07°24'27" E			35.29
C30	S 08°13'13" E			48.45
C31	S 12°53'22" E			17.56

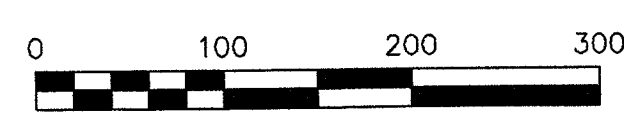
LINE	BEARING	C/L	RATCLIFF	DISTANCE
R1	N 78°03'55" W			13.65
R2	N 75°54'36" W			63.80
R3	N 71°50'34" W			49.05
R4	N 64°04'03" W			49.71
R5	N 55°08'29" W			57.65
R6	N 47°56'40" W			41.66
R7	N 42°48'10" W			96.45
R8	N 47°03'00" E			22.11
R9	N 47°06'30" E			20.10



DAVENPORT SURVEYING INC.
 PROFESSIONAL LAND SURVEYORS
 P.O. BOX 234 CULLOWHEE, N.C. 28723
 LICENSE NO. C-0814 (828) 293-3258

SURVEY FOR: BILTMORE CHURCH
D.B.457 PG.122

STATE: NORTH CAROLINA COUNTY: HAYWOOD
 TOWNSHIP: WAYNESVILLE DATE: 10-11-2023
 COR. FILE: H150 DRAWN BY: DRD
 SCALE: 1"=100' FIELD BK: N/A DWG. NO: H-150



**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1700 ASHEVILLE RD. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: NEIL WHITE

Title and Company: ADMINISTRATIVE PASTOR, BILTMORE CHURCH

Address: 35 CLAYTON RD. ARDEN, NC 28704

Phone and email: 828-687-1111

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 6th day of FEBRUARY, 2024.

Owner or Party with Contractual Interest in Property:

NEIL WHITE

Address and phone number:

35 CLAYTON RD

ARDEN, NC 28704

828-687-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1700 Ashenille Rd. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Caleb Crosby
Title and Company: Environments Director, Biltmore Church
Address: 35 Clayton Rd. Arden, NC 28704
Phone and email: 828-687-1111

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 6th day of February, 2024

Owner or Party with Contractual Interest in Property:

Neil White

Address and phone number:

35 Clayton Rd.
Arden, NC 28704
828-687-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1700 Ashenville Rd in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Curt McClure

Title and Company: Waynesville Campus Pastor, Biltmore Church

Address: 35 Clayton Rd. Arden, NC 28704

Phone and email: 828-687-1111

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 6th day of February, 2024

Owner or Party with Contractual Interest in Property:

Neil White

Address and phone number:

35 Clayton Rd

Arden, NC 28704

828-687-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

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Name of Authorized Agent: Devin Goins

Title and Company: Executive Pastor of Strategic Development, Biltmore Church

Address: 35 Clayton Rd. Arden, NC 28704

Phone and email: 828-687-1111

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 6th day of February, 2024.

Owner or Party with Contractual Interest in Property:

Neil White

Address and phone number:

35 Clayton Rd

Arden, NC 28704

828-687-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1700 Asheville Rd in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Bruce Frank

Title and Company: CEO, Biltmore Church

Address: 35 Clayton Rd. Arden, NC 28704

Phone and email: 828-687-1111

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 6th day of February, 2024.

Owner or Party with Contractual Interest in Property:

Neil White

Address and phone number:

35 Clayton Rd.

Arden, NC 28704

828-687-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

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Name of Authorized Agent: Carl Setterlund III

Title and Company: Executive Pastor of Creative Ministries, Biltmore Church

Address: 35 Clayton Rd. Arden, NC 28704

Phone and email: 828-687-1111

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This the 6th day of February, 2024

Owner or Party with Contractual Interest in Property:

Neil White

Address and phone number:

35 Clayton Rd.

Arden, NC 28704

828-687-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1700 ASHEVILLE RD in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Dylan Crawford

Title and Company: CFO, Biltmore Church

Address: 35 Clayton Rd. Arden, NC 28704

Phone and email: 828-687-1111

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This the 6th day of February, 2024.

Owner or Party with Contractual Interest in Property:

Neil White

Address and phone number:

35 Clayton Rd.

Arden, NC 28704

828-687-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

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Name of Authorized Agent: Jason Gaston

Title and Company: Executive Pastor of NextGen Ministries & Residences,

Address: 35 Clayton Rd. Arden, NC 28704 Baltimore Church

Phone and email: 828-687-1111

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 6th day of February, 2024.

Owner or Party with Contractual Interest in Property:

Neil White

Address and phone number:

35 Clayton Rd

Arden, NC 28704

828-687-1111

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

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Name of Authorized Agent: James Myers

Title and Company: Executive Pastor of Multi-Site & Discipleship, Bi-Honor Church

Address: 35 Clayton Rd. Arden, NC 28704

Phone and email: 828-687-1111

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 6th day of February, 2024

Owner or Party with Contractual Interest in Property:

Neil White

Address and phone number:

35 Clayton Rd.

Arden, NC 28704

828-687-1111

Report For

BILTMORE BAPTIST CHURCH
35 CLAYTON RD
ARDEN, NC 28704-8707

Account Information

PIN: 8626-00-1383

Legal Ref: 1097/2009

Add Ref: 523/1462
496/1832

Site Information

1700 ASHEVILLE RD

Heated Area:

Year Built:

Total Acreage: 7.91

Township: Waynesville Out

Site Value Information

Land Value:

Building Value:

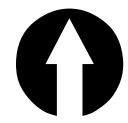
Market Value:

Deferred Value:

Assessed Value:

Sale Price:

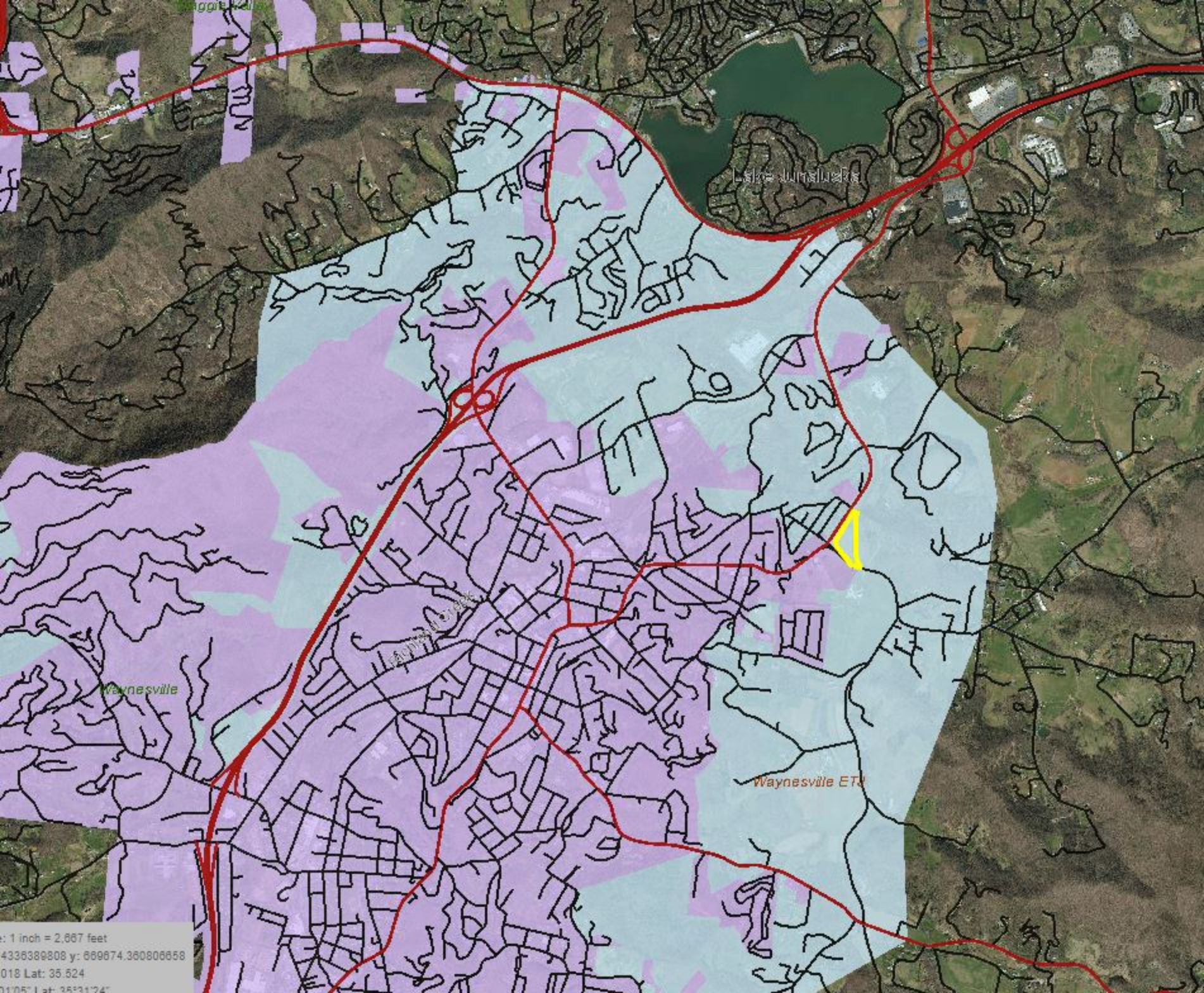
Sale Date: 11/14/2023



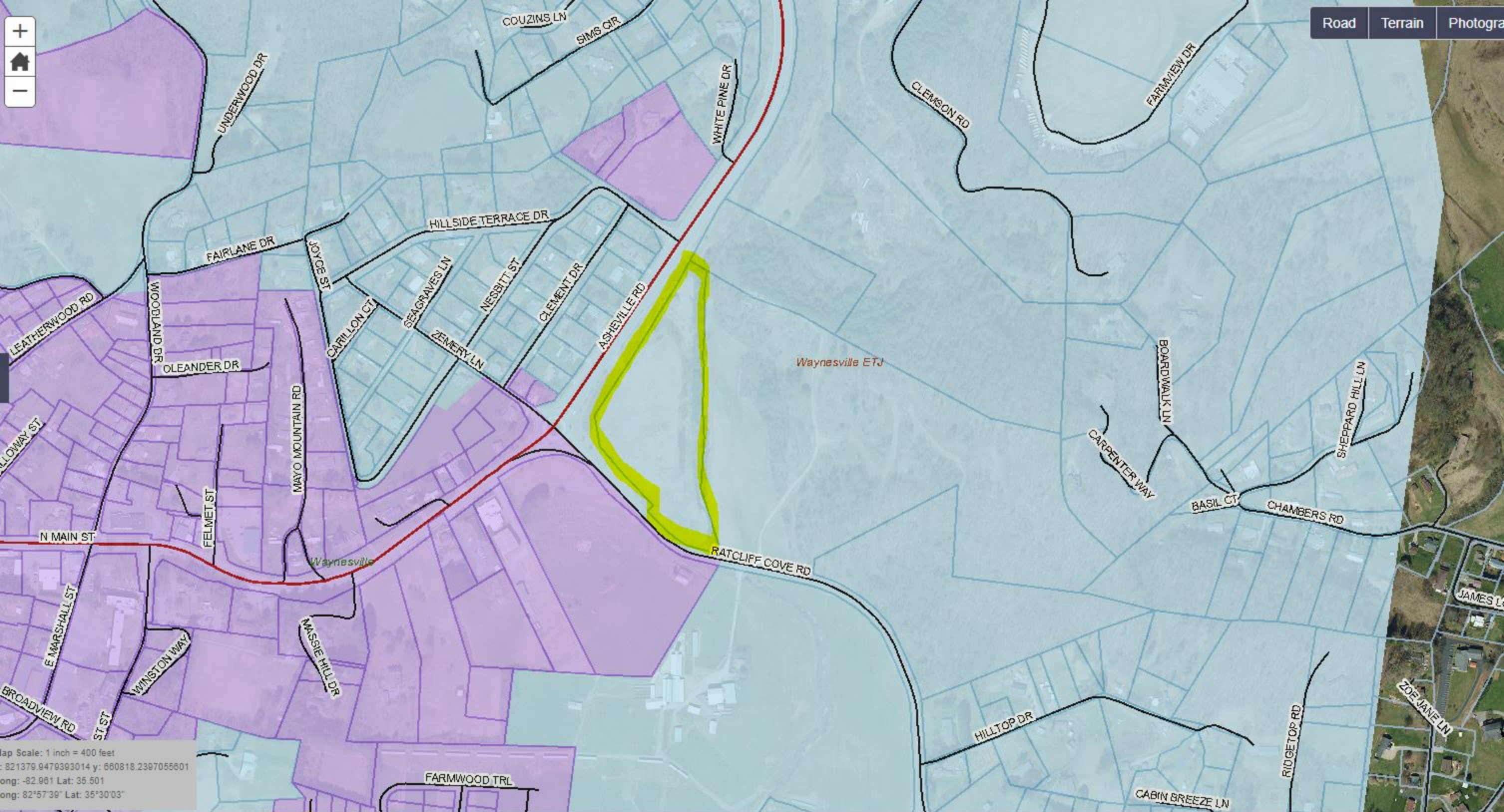
1 inch = 200 feet

February 9, 2024

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



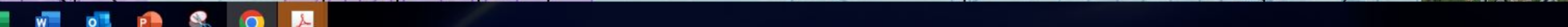
Scale: 1 inch = 2,687 feet
4338389808 y: 669674.360806658
018 Lat: 35.524
01'05" Lat: 35°31'24"



Waynesville ETJ

Waynesville

Map Scale: 1 inch = 400 feet
x: 821379.9479393014 y: 660818.2397056801
Longitude: -82.981 Lat: 35.501
Longitude: 82°57'39" Lat: 35°30'03"





WELLSIDE TERRACE DR

HESBITT ST

CLEMENT DR

ASHEVILLE RD

ASHEVILLE RD

HILLSIDE TERRACE DR

ASHEVILLE RD

RATCHLIFE COVERD

RATCHLIFE COVERD

Raccoon Creek

Report For

BILTMORE BAPTIST CHURCH
35 CLAYTON RD
ARDEN, NC 28704-8707

Account Information

PIN: 8626-00-1383

Legal Ref: 1097/2009

Add Ref: 523/1462
496/1832

Site Information

1700 ASHEVILLE RD

Heated Area:

Year Built:

Total Acreage: 7.91

Township: Waynesville Out

Site Value Information

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Building Value:

Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 11/14/2023



1 inch = 200 feet

February 9, 2024

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R-2-24 RESOLUTION TO CONSIDER

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Waynesville Town Council has been petitioned under G.S. 160A-31, to annex the area as described in the petition for a contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all real property located within the area; and

WHEREAS, the clerk of the Town of Waynesville certifies the sufficiency of the petition in accordance with 160A-31, to wit:

- a. The petition follows the form required by statute in which the owner of real property has requested the area described for voluntary annexation; and
- b. That the petitioning owner of record owns 100 percent of the property in question; and
- c. The property is contiguous to the Town's municipal boundary, abutting other contiguous property;


WHEREAS, the Town Council must fix a date for a public hearing, and cause notice of the public hearing to be published in a newspaper at least 10 days prior to the hearing;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville, North Carolina:

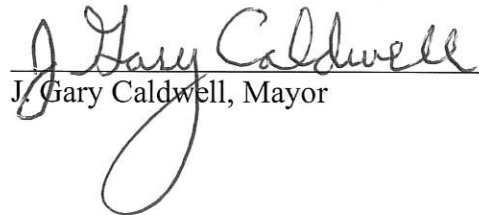
1. To fix the date for the public hearing on March 12, 2024, during the regularly scheduled meeting of the Council, at 6:00 pm or close to that time within the agenda of the meeting, in the Town Board Room at 9 South Main Street, Waynesville, NC 28786; and
2. To direct the Town Clerk to notice the public hearing in the Mountaineer at least 10 days prior to the meeting; and
3. To post the property in at least three locations providing additional notice to the public.

Adopted this 27th day of February, 2024.

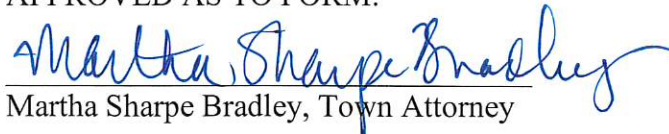
ATTEST:


Candace Poolton, Town Clerk

TOWN OF WAYNESVILLE


J. Gary Caldwell, Mayor

APPROVED AS TO FORM:


Martha Sharpe Bradley, Town Attorney



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: February 28th and March 6th (Wednesday) editions

Date: February 12, 2024

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing Town of Waynesville Council

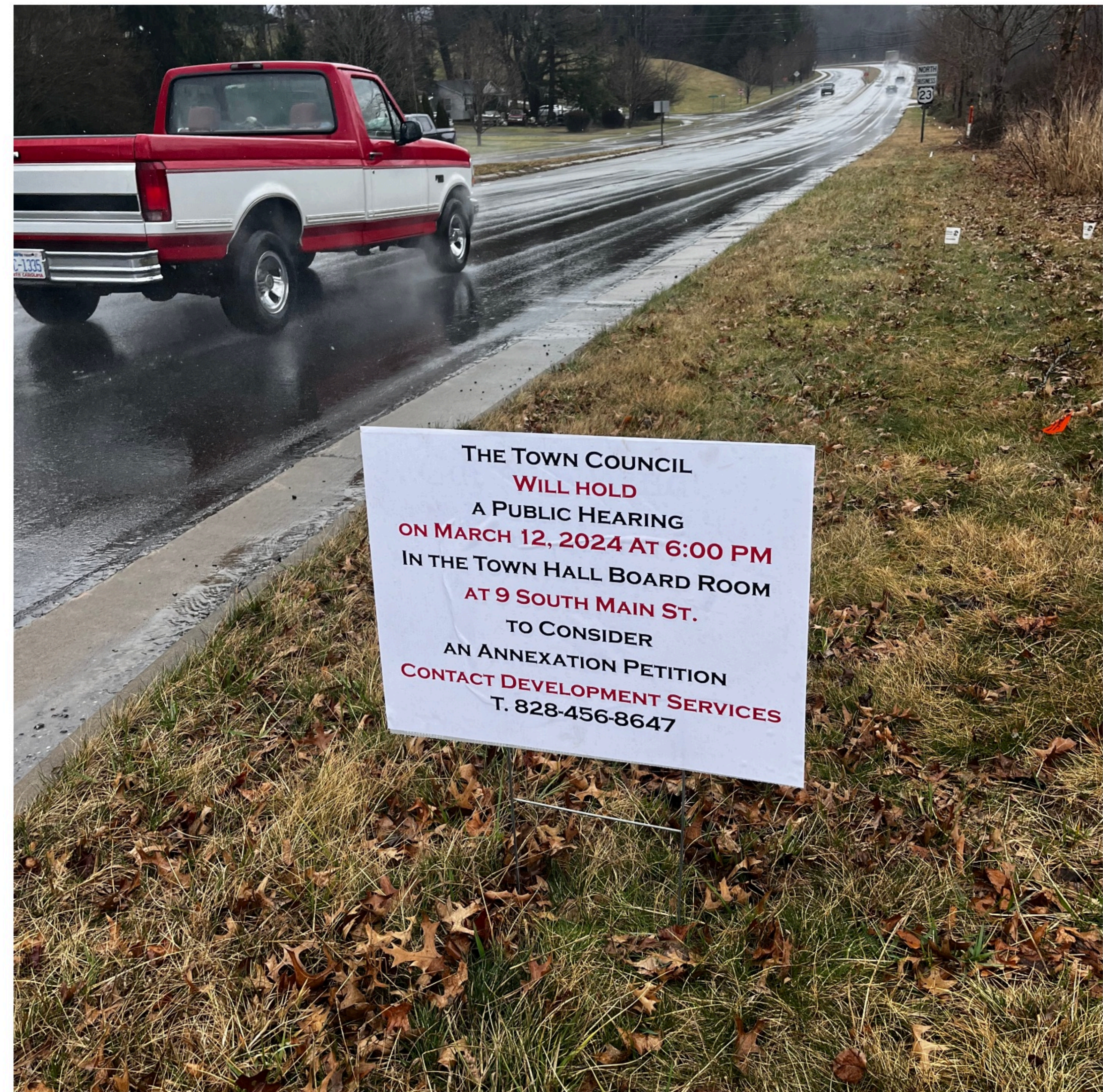
The Town of Waynesville Council will hold two (2) public hearings on Tuesday, March 12, 2024 at 6:00 p.m. or as closely thereafter as possible, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider:

1. Conditional district zoning amendment for a 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383). The proposal is a site plan for Biltmore Baptist Church.
2. Request for Annexation of a 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383).

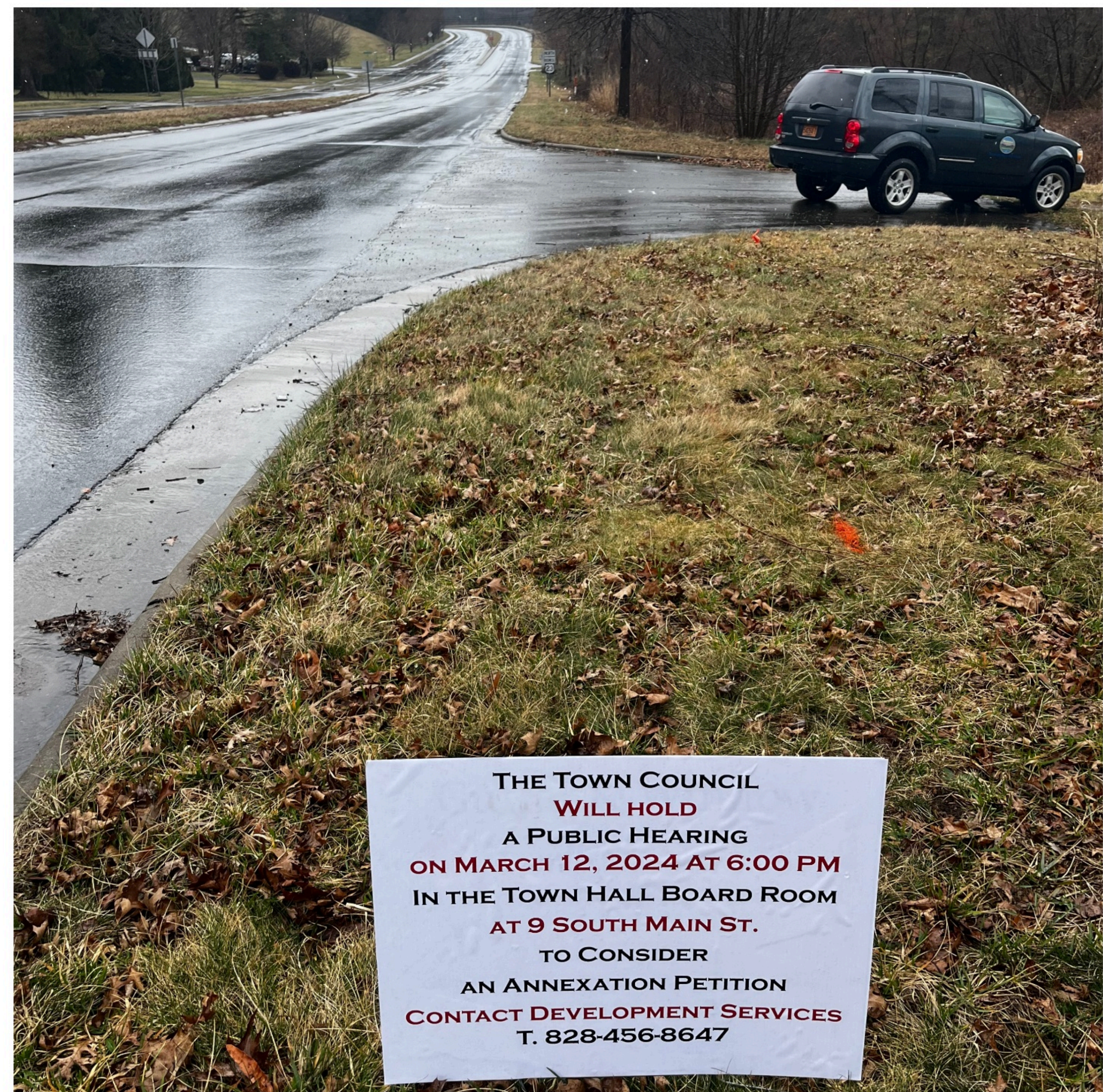
For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Property posted in 3 places on 2/28/24

THE TOWN COUNCIL
WILL HOLD
A PUBLIC HEARING
ON MARCH 12, 2024 AT 6:00 PM
IN THE TOWN HALL BOARD ROOM
AT 9 SOUTH MAIN ST.
TO CONSIDER
AN ANNEXATION PETITION
CONTACT DEVELOPMENT SERVICES
T. 828-456-8647



THE TOWN COUNCIL
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AN ANNEXATION PETITION
CONTACT DEVELOPMENT SERVICES
T. 828-456-8647

ORDINANCE NO. O-12-24

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Waynesville Town Council has been petitioned voluntarily under G.S. 160A-31, to annex the area as described in the petition for a contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all real property located within the area; and

WHEREAS, the Town Council finds the sufficiency of the petition in accordance with 160A-31, to wit:

- a. The petition follows the form required by statute in which the owner of real property has requested the area described for voluntary annexation; and
- b. That the petitioning owner of record owns 100 percent of the property in question; and
- c. The property is contiguous to the Town's municipal boundary, abutting other contiguous property;
- d. The Town Clerk has conducted an investigation in compliance with G.S. 160A31(c) and has certified the sufficiency of the petition; and
- e. The provisions of G.S. 160A-31(b1) and 160A-31(j) do not apply to the area described in the petition.

WHEREAS, a public hearing on the question of annexation was held at Town Hall at 6:00 pm, on the **12th Day of March, 2024**, and

WHEREAS, the Council does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the Town and of the area proposed for annexation will best be served by annexing the area described as **PIN 8626-00-1383**.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville, North Carolina:

Section 1. By virtue of the authority granted by North Carolina General Statutes, the following described contiguous territory is hereby annexed and made part of the Town of Waynesville as of **March 12th, 2024**. Metes and bounds description is in Exhibit 1 attached hereto and incorporated by reference.

Section 2. Upon and after the **12th Day of March, 2024**, the above described territory,

and its citizens, and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Waynesville and shall be entitled to the same privileges and benefits as other parts of the Town of Waynesville. Said territory shall be subject to municipal taxes according to G.S. 160A.

Section 3. The Mayor of the Town of Waynesville shall cause to be recorded in the office of the Register of Deeds of Haywood County and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Haywood County Board of Elections as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Waynesville.

Adopted this 12th Day of March, 2024.

TOWN OF WAYNESVILLE

ATTEST:

J. Gary Caldwell, Mayor

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Sharpe Bradley, Town Attorney

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: March 12, 2024**

SUBJECT: Cemetery Master Plan

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Asset Services
Contact: Julie Grasty
Presenter: **Julie Grasty**

BRIEF SUMMARY: Included in the 2023-2024 budget was funding for a Cemetery Master Plan. An RFQ was sent out in November to seven firms, and two proposals were received. At the January 25th meeting of the Cemetery Committee the firm WC FRY DESIGN was selected to perform the Master Plan. Attached is WC FRY DESIGN's proposal.

MOTION FOR CONSIDERATION: To approve/disapprove to award of the development of Green Hill Cemetery Master Plan in the amount of \$ 43,400.

FUNDING SOURCE/IMPACT: Included in FY24 budget


Misty Hagood, Finance Director

2/26/24

Date

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS



response to request for proposal
GREEN HILL CEMETERY

MASTER PLAN PROPOSAL

WAYNESVILLE, NORTH CAROLINA FEBRUARY 19, 2024



WC FRY DESIGN
LANDSCAPE
ARCHITECTURE

L.F. Sloane
CONSULTING
GROUP



RICHARD GRUBB
& ASSOCIATES



WithersRavenel
Our People. Your Success.



February 19, 2024

WC Fry Design, LLC

P | 734.790.0791
E | wfry@wcfrydesign.com
W | www.wcfrydesign.com

Town of Waynesville
Attn: Julie Grasty, Asset Services Manager
129 Legion Drive
Waynesville, NC28786

RE: **Green Hill Cemetery**

Dear Ms. Grasty,

Our team is pleased to have been chosen to work with the Town of Waynesville to develop your Comprehensive Land Use, Conservation and Strategic Master Plan to provide guidance for preservation, conservation, future development and on-going maintenance of one of the Town's treasured resources: Green Hill Cemetery.

We are excited for this opportunity and are bringing our experienced and knowledgeable team. Our team includes WC Fry Design, LLC (WCFry) as team leader and cemetery master planner; LF Sloane Consulting Group (Sloane), nationally recognized cemetery specialists; Richard Grubb and Associates (RGA), historians and cultural resource specialists; and WithersRavenel (WR), for survey and civil consulting.

Our proposal is based on your RFQ which we received in November 2023, and your email response to questions, dated December 18, 2023, January 2, 2024; phone conversations with yourself, and our team's experience with cemeteries.

This proposal is firm for ninety days following the date of submittal, February 19, 2024.

Please reach out if you have any questions regarding this proposal. We look forward to working with you and the Town of Waynesville to develop the land use and strategic Comprehensive Land Use, Conservation and Strategic Master Plan for Green Hill Cemetery.

Thank you for your consideration of our proposal.

Sincerely,

Wendy C. Fry, ASLA, PLA, CLARB, LEED AP
President



I. Project Understanding and Approach 3

 Phase 1 - Kickoff, Project Planning, Data Gathering (Virtual)..... 4

 Phase 2 – Cemetery/Stakeholder Meeting #1, Continued Data Gathering (On Site) 6

 Phase 3 - Cemetery/Stakeholder Meeting #2, Research and Conceptual Design (Virtual) 8

 Phase 4 – Continued Conceptual Design, Landscape and Burial Design and Final Recommendations, Cemetery/Stakeholder Meeting #3 (Virtual) 9

 Phase 5 – Report Writing..... 9

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 Public Cemetery Workshop 15

 Conservation Training Three-day Workshop..... 15

 Green Hill Cemetery Inventory..... 15

I. Project Understanding and Approach



The WC Fry Design team (Design Team) understands that Green Hill Cemetery is located in Waynesville, NC and a short distance south of downtown and the Main Street Historic District. It is approximately twenty-six acres, of which four to five acres are undeveloped. Green Hill is a municipal cemetery, with a National Historic Register of Historic Places listing. Remaining burial capacity includes full body ground burial, an urn garden and a columbarium.

Waynesville desires creation of a Comprehensive Land Use, Conservation and Strategic Master Plan (Master Plan) that will provide a long-term vision and guidance for preservation, future development and cemetery maintenance. A Phasing Plan is important for the implementation of the Master Plan recommendations.



We will follow a multi-phase process for our Master Planning work. We work very collaboratively, building on each other's findings and ideas, with continuous input from the Town.

WC Fry Design will lead the team and land planning and physical master planning work. WC Fry will incorporate the recommendations of the LF Sloane findings as well as those of the other consultants.

LF Sloane will analyze undeveloped land to determine its best use in the short and long term, based on burial needs, trends and projections that they develop. This will begin with a basic capacity study and then an analysis of demographics and cemetery trends to understand the community's future needs.

Richard Grubb will lead the cultural resource overview and provide recommendations for future/Phase 2 conservation work. The recommendations will be incorporated into the Master Plan and written Report.

WithersRavenel will provide civil engineering stormwater consulting and survey.

Our teams have a proven process for development of the Master Plan, recommendations, and report. The process involves five phases, with one onsite, in person meeting and the rest of the process conducted remotely.

While we anticipate many elements will be as described below, we recognize that each project is unique. We expect to work with you to determine your specific

needs and to ensure that we address them in our final recommendations. Upon receipt of a contract, we will develop a detailed schedule for the work described in this proposal. We envision taking approximately six months to complete the study.

The Master Plan for Green Hill Cemetery will concisely document the existing conditions and outline direction for future projects. We will provide a series of well organized, clearly communicated goals, based on conversations with you and the cemetery stakeholders. Development guidelines, and solutions will be part of the Master Plan. We will assist you in determining priorities for moving forward and determining phasing for expansion and capital expenditures. Our experienced team brings the skills and knowledge to work with you to create the Cemetery Master Plan.

PHASE 1 - KICKOFF, PROJECT PLANNING, DATA GATHERING (VIRTUAL)

Upon award of the Master Plan contract, the design team will lead a kick-off meeting with you. The goal of this initial phase is to contextualize the cemetery to see how it fits into the community and to identify initial opportunities.

Several options exist for creation of the base map which will be the basis of our planning and graphic recommendations.



Option 1: Basic. WithersRavenel will download the latest North Carolina State Lidar Information and process the data to produce two foot contours within the survey limits and check state LiDAR data to the field established control points to ensure accuracy consistency within the two data sets.

The state topographic information will be combined with an high resolution aerial image obtained by WithersRavenel. An Unmanned Aerial System (UAS) will be used to obtain the aerial image. The process consists of:

- UAS Flight Standards
 - UAS flight crew may consist of a 1 or 2-man crew, one Pilot in Command (PIC) and one Visual Observer (VO)
 - Take-off and recovery of the aircraft will be completed on the CLIENTS property and the UAS will never leave subject property
 - All flights are limited to 400 feet above ground level (AGL) or below, and within visual line of sight (VLOS) of the UAS flight crew
 - For safety and adherence to FAA regulations, each project area may be broken into multiple flight missions, with multiple launch and recovery sites
- GPS/GNSS survey control points for vertical and horizontal data QAQC

- UAS Photogrammetry will be post processed in the office by WithersRavenel to produce orthorectified aerial imagery.

Option 2: Enhanced. The aerial imagery described in Option 1 will be enhanced with the addition of a UAS LiDAR Topographic Survey. One foot contours will provide a higher level of accuracy. The aerial image and the topography will be checked and aligned to each other, producing accuracy within one to two inches. This option is suitable for development of new burial sections and features.

- UAS Flight Standards
 - UAS flight crew may consist of a 1 or 2-man crew, one Pilot in Command (PIC) and one Visual Observer (VO)
 - Take-off and recovery of the aircraft will be completed on the CLIENTS property and the UAS will never leave subject property
 - All flights are limited to 400 feet above ground level (AGL) or below, and within visual line of sight (VLOS) of the UAS flight crew
 - For safety and adherence to FAA regulations, each project area may be broken into multiple flight missions, with multiple launch and recovery sites
- Flight missions may be completed via autonomous flight for efficient data collection
- GPS/GNSS survey control points for vertical and horizontal data QAQC
- Data collected via the UAS LiDAR will be post processed in the office by WithersRavenel to produce a 3D surface for the purpose of calculating elevations and contours within the survey limits
- Topographic data will be processed to produce 1-ft topographic survey data within the project limits with GPS/GNSS control check points and extended 25' beyond survey limit and to centerlines of adjoining roads.
- LiDAR mapping using UAS (Unmanned Air System) will be used by WR to provide the topographic base survey model. Agreement to this proposal will constitute permission to fly the UAS over the project site and properties.
- ***Obscure areas defined as highly vegetated where it is determined ground density is not sufficient to produce accurate surface model will be eliminated from the dataset. If desired and with written approval of scope and fee, WR can provide additional boots on the ground survey to verify the obscure areas.

Meetings: Kickoff Meeting (Virtual)

Deliverables: Project Schedule, Base map consisting of a high resolution aerial image and topography (choose Option 1 Basic or Option 2 Enhanced), in AutoCAD.

Town Responsibilities: Executed Contract, share background information and files.

PHASE 2 – CEMETERY/STAKEHOLDER MEETING #1, CONTINUED DATA GATHERING (ON SITE)

The Design team will initiate the physical evaluation of the site and complete a visual inspection of the developed and undeveloped areas of the cemetery and surrounding area. To do this, we would like to conduct a two-day charrette at the Cemetery. At this time, we would like to tour the existing cemetery grounds and buildings, the expansion areas, and review the roles of the team and stakeholders. We will note limitations and opportunities based on what we observe and information that we receive from you.

In Phase 2, we will begin discussions with Cemetery management and employees at a Staff Meeting. We would like to meet with the key administrative and maintenance staff that you identify so that we understand operational capabilities, limits, burial practices, record keeping practices and future needs, and are able to discuss areas needing corrective action.

During the first Stakeholder Meeting, the team will have the opportunity to listen to those for whom the cemetery is a relevant place. We find that the best results are obtained when stakeholders are actively involved in the planning and decision-making process. This allows us to hear from each committee member and stakeholder, as time permits, and allows the entire team to receive this input. This is part of generating new ideas, fostering out-of-the-box thinking and generating consensus. We would like to confirm your goals, priorities and schedule while hearing your ideas described by yourselves. We will suggest and begin to evaluate new programs and revenue producing opportunities for the cemetery.

We will tour Green Hill and other local cemeteries, as time permits, to understand the history and future desires for your property.

A second meeting will be held with you on day two of the charette. We will share initial ideas and receive your feedback so that we can keep moving forward with the plan.

An integral part of our work is being on-site and viewing the cemetery, the people, the processes, and surrounding areas. During this time, we will observe the things that cannot be learned from a map or data set, including surrounding land uses, transportation networks, wayfinding, condition of the grounds and infrastructure, views, vegetation, topography, slopes, roads, parking and accessibility, pedestrian activity, and other elements that must be observed first-hand. We will document this information in the **Issues and Opportunities** plan. The plan will document our

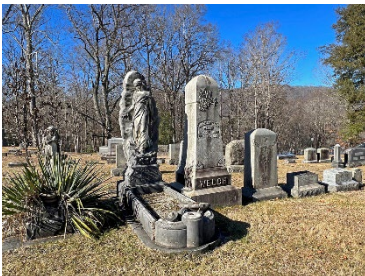


findings, important elements about the site, maintenance needs and opportunities.

Site drainage will be evaluated with respect to existing drainage systems, drainage issues, detention requirements and/or required improvements which may include appropriate best management practices (BMP's) for stormwater management. Eroded areas will be reviewed, with recommendations provided. We will review local zoning and wetland requirements and incorporate the necessary requirements into our planning and recommendations.

WithersRavenel will join the team for day one of the charrette to provide civil engineering expertise and assist in the review of existing conditions, recommendations for maintenance and stormwater management. Their recommendations will be folded into the Design Team's Issues and Opportunities findings, the Master Plan and the Phasing Plan.

LF Sloane will research and provide recommendations for future burial types and the appropriate scale and quantities. During our visits we will look for opportunities to increase efficiency and reduce maintenance costs. Our recommendations will reflect your goals and be reasonable in terms of cost to implement and maintain.



RGA will begin the high-level assessment of historic and cultural resources, including walls surrounding family burial plots, monuments, copings and stairs. RGA will attend one day of the charrette in Waynesville with the Design Team and Town. They will tour the cemetery, meet with town staff and stakeholders, gather relevant project info, etc. Findings of the high-level assessment will be documented in a memo-style summary and will identify next steps and recommendations for future phased work. A limited amount of GIS labor for mapping to illustrate the report is also included.

The recommendations will be folded into the Design Team's Issues and Opportunities findings, the Master Plan and the Phasing Plan.

We understand the value of the historic resources in the cemetery and are recommending a future phase of detailed inventory (future contract) that will include a detailed inventory of monuments, markers and other cemetery cultural resources. This phase will include community workshops for volunteers to learn the proper techniques of monument cleaning and basic repairs. Refer to Appendix 1 for more details.



Meetings: Cemetery and Stakeholder Meetings #1 (Onsite)

Deliverables: Prior to Phase 3, we will provide the **Issues and Opportunities Plan** and other **Inventory Plans** such as slopes, soils and available burial areas, as well as the **Preliminary Cultural Resources** recommendations. Deliverables will be presented at the following meeting.

Town Responsibilities: Meeting Location, Invite Town Staff to Staff Meeting, Invite Stakeholders to the Stakeholder Meeting.

PHASE 3 - CEMETERY/STAKEHOLDER MEETING #2, RESEARCH AND CONCEPTUAL DESIGN (VIRTUAL)

We will begin to develop the Master Plan and **Conceptual Designs**. Key areas, such as the new sections or a possible columbarium garden, may be developed and illustrated in more detail. Concepts might include options such as low and high intensity uses, revenue producing program alternatives, land acquisition, land preservation or disposition, cultural resource conservation, etc. The goal is to look at alternatives and weigh the pros and cons of each.

Discussion and recommendations will include ways to diversify burial offerings, differentiate the cemetery, and identify the highest and best uses for the currently undeveloped land within the cemetery.

Cemeteries are important cornerstones of communities, where generations of families visit ancestors and reflect on the history of their lives. They can also be excellent ways to bring new life to an area, boosting the walkability and recreation opportunities available by adding trails for nature strolls and biking, sitting areas for picnics or bird watching, and water features that offer needed stormwater management in addition to contributing to the overall aesthetic. We recognize that every cemetery should be as unique as the community it serves, and we look forward to familiarizing ourselves with the character of Green Hill and integrating our observations with the Town's long-term goals.

The second planning meeting will be virtual, and held with the Cemetery, Town and Stakeholders, as invited by you. During this meeting we will introduce our initial recommendations and receive your feedback. The **Inventory Plans**, the **Issues and Opportunities Plan** and initial planning concepts will be reviewed, and recommendations discussed.

Initial cemetery maintenance and operations findings; assessment of roads, parking and utilities; and proposed stormwater and maintenance will be introduced.

Cultural Resource inventory and findings will be introduced, and preliminary recommendations shared.

Meetings: Staff/Stakeholder Meeting #2 (Virtual)

Deliverables: Conceptual Comprehensive Land Use, Conservation and Strategic Master Plan, Inventory Projections, Proposed Burial Mix. Preliminary Cultural Resource Recommendations. Deliverables will be presented at the following meeting.

Town Responsibilities: Invite Town Cemetery Staff and Stakeholders to the virtual review meeting.

PHASE 4 – CONTINUED CONCEPTUAL DESIGN, LANDSCAPE AND BURIAL DESIGN AND FINAL RECOMMENDATIONS, CEMETERY/STAKEHOLDER MEETING #3 (VIRTUAL)

Once the overall concept for the cemetery is accepted, we will move into more detail. We will develop a conceptual landscape plan for the undeveloped areas of the cemetery. We will include guidelines for landscape development and preservation of existing vegetation. If invasive species are an issue, we will provide management recommendations.

Our team will provide recommendations for the development of the proposed burial sections. Within each section, we will provide an estimate of the quantity of graves, cremation burials, or other burial types. We will make recommendations for the location of columbarium gardens and possibly a cenotaph. Please understand that detailed burial layouts and sales plans are beyond the scope of the Master Plan. These items should be created once road layouts, utilities and grading are finalized (future design and engineering phases).

Meetings: Cemetery/Stakeholder Meeting #3 (Virtual)

Deliverables: Conceptual Landscape Design, Conceptual Section Design, Conceptual Land Use, Conceptual Utility Plan, Phasing Plan, Cultural Resource Plan, Business and Management Plan.

Town Responsibilities: Arrange Virtual Stakeholder Meeting (Meeting #3)

PHASE 5 – REPORT WRITING

Based on feedback from the meetings, and an understanding of priorities, costs, potential revenues, and expenses, we will develop a draft of the Master Plan. The

land use and cultural resources reports will include relevant plans, sketches, and phasing diagrams. The draft will be presented as an electronic version for your review. We recommend that feedback and comments be consolidated into a single set of comments within a pdf of the draft report, and then transmitted to us for discussion and incorporation in the final report.

With feedback from the Town, we will refine our recommendations and create an actionable Cemetery Comprehensive Land Use, Conservation and Strategic Master Plan that can be implemented, but also includes innovative recommendations which are future looking. The final Cemetery Master Plan will include business, land use, conservation and strategic planning initiatives.

Meetings: Optional, small group, virtual meeting to receive written comments.

Deliverables: Draft Report: PDF. Comprehensive Land Use, Conservation and Strategic Master Plan – Final (10 bound, hard copies, 1 unbound hard copy, 1 electronic PDF copy, 1 electronic Word copy). A PowerPoint of recommendations will be provided for the Committee's use.

Town Responsibilities: One set of Town comments and notes in the PDF Draft Report.

II. Schedule

Upon contract award, we will discuss the schedule with you and put actual dates to the outline below.

Phase 1 | Days 0-40

Kickoff, Project Planning, Data Gathering (Virtual)

- Kickoff meeting with planning team leaders and Town
- Receive background information
- Field work to develop survey (base map development)
- Refine schedule and establish meeting days.

Phase 2 | Days 40-70

Cemetery/Stakeholder Meeting #1, Continued Data Gathering, (Onsite)

- Approximately two-day, onsite meeting with the design team, Town and stakeholders
- Establish goals
- Information gathering/interviews
- Site Investigations.

Phase 3 | Days 70-100

Cemetery/Stakeholder Meeting #2, Research and Conceptual Design (Virtual)

- Research, Programming and Conceptual Design
- Cemetery Management and Maintenance Planning
- Burial Mix Development.

Phase 4 | Days 100-130

Cemetery/Stakeholder Meeting #3 (Virtual)

- Continued Conceptual Design
 - Landscape
 - Burial
 - Utility
 - Preliminary Master Plan.

Phase 5 | Days 130-160

Report Writing and Optional Virtual Meeting #4 (Virtual)

- Present Draft Report for Review
- Receive Comments

-
- Finalize Master Plan Report (this may go beyond the 160 day mark).

Optional Services (not included in the above scope or fee):

- Conservation Workshop with WC Fry Team, Town and volunteers/Friends. Refer to Appendix 1.
- Subsurface Utility Engineering (SUE)/Ground Penetrating Radar (GPR) to locate areas of Lost Graves
- Public Presentations
- Any service not specifically included in the above scope.



III. Professional Fee + Reimbursables

The professional fees are presented as a lump sum. Reimbursable expenses are provided as a separate line item below.

The Scope of Work for this project has been detailed above and enables us to determine the work effort required to complete the project. We propose to conduct this project on a lump sum fee basis and invoice monthly based on the percentage of completion.

Lump Sum Fee, Land Use, Conservation and Strategic Master Plan Professional Services.....\$41,400.

Optional Lump Sum Fee, Survey Option 2: Enhanced. Add:.....\$5,300.

Reimbursables (Travel, Report Copies, Postage).....\$2,000.

Additional in-person meetings: \$3000 - \$8000, depending on who is requested to be in attendance.

Work requested beyond the Scope of Work detailed above, e.g., meetings, presentations, report copies, or other related activities beyond those described above will be charged on a time and materials fee basis.

Work not specifically described above is not included in the scope of services.

Appendix I: Recommended Additional Services

PUBLIC CEMETERY WORKSHOP

RGA will conduct a one-day public workshop on the cleaning, repair, and preservation of gravemarkers, as well as proper cemetery maintenance and best preservation practices. The workshop will include safety at the site; how to safely remove vegetation and biofilms from gravemarkers; how to properly clean historic markers; considerations for long-term maintenance; how to safely record the information from gravemarkers; and demonstrations of advanced repair techniques such as the use of mortars, epoxies, pinning, and the use of lifts for resetting large monuments.

The workshop will be capped at around 20 participants and RGA will provide all materials, supplies and equipment.

Budget: \$4,900

CONSERVATION TRAINING THREE-DAY WORKSHOP

This three-day workshop will train town maintenance staff in the basics of ongoing cemetery conservation and repair. Town staff will be introduced to and work with cemetery conservation materials, equipment, and techniques so that all but the most complex projects can be completed in-house. The training will include the basics of cleaning/treating stained gravemarkers with D/2 biological solution, resetting leaning gravemarkers, repairing damaged gravestones and monuments using pins, epoxies and lime mortars to stabilize a variety of gravestone types and forms. Additionally, we will introduce the town staff to using a hoist to safely maneuver larger monuments.

The hands-on workshop will comprise both classroom and field training at Green Hill Cemetery and RGA will provide all the equipment, supplies, and materials.

Budget: \$8,000

GREEN HILL CEMETERY INVENTORY

The gravemarker inventory will document the physical features of the approximately 30,000 gravemarkers and monuments that lie within the Green Hill Cemetery National Register historic district boundary. Photographs will be taken of each gravemarker, inscriptions (name, birth and death date, epitaphs, etc.) and stone cutter marks will be transcribed, and physical details, such as marker type and materials, will be recorded. This information can be collected in a database adapted by RGA (such as FileMaker), or within a commercially available cemetery

management software (costs for this software are not included). The fee assumes that 80% of the fieldwork will be carried out by unpaid volunteers, with RGA providing volunteer training and supervision, database management, quality control and GIS support. The inventory could be phased out over multiple years. The fee includes hotel and per diem.

Assumptions:

- The National Register District boundary is approximately 40 acres.
- No baseline inventory is available from the town.
- Fee estimate is based on 750 gravemarkers per acre, for a total of 30,000 graves to be inventoried.
- 80% of the fieldwork will be carried out by unpaid volunteers.
- The mapping for the inventory will be based on drone-collected Lidar mapping conducted as part of the master planning process.

Budget: \$90,000

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date 3/12/24**

SUBJECT Approval of required CDBG regulatory compliance documents for the South Waynesville Water and Sewer Improvements and Extension projects.

AGENDA INFORMATION:

Agenda Location: New Business

Item Number:

Department: Administration

Contact: Rob Hites and Elizabeth Teague

Presenter: **Rob Hites**

BRIEF SUMMARY : The Town has been awarded three CDBG-I grants totaling over \$3 million dollars, this includes the Phase 1 and Phase 2 sewer projects and the waterline replacement and extension proposals for the area of Sawyer Street, Explorer Street, Muse Street, Franklin Street, and Hendrix Street.

The grants require that the Mayor sign specified compliance documents. By separate action, Town Council must also authorize at least two signatories for other grant related documents on behalf of the Council, but the Mayor must sign specific compliance documents as required by CDBG

MOTION FOR CONSIDERATION: Authorize the Mayor to execute required compliance documents for the South Waynesville Sewer Improvements and Extension Projects.

FUNDING SOURCE/IMPACT: Water/Sewer

ATTACHMENTS: CDBG Compliance documents

MANAGER'S COMMENTS: **None**

Town of Waynesville

16 South Main Street, Waynesville, NC 28786

**SECTION 504 COMPLIANCE OFFICER/GRIEVANCE PROCEDURE
COMMUNITY DEVELOPMENT BLOCK GRANT**

The Governing Body of Town of Waynesville, hereby designates Elizabeth Teague, Development Director, Section 504 Compliance Officer throughout the implementation of the Town of Waynesville Community Development Block Grant Program.

Citizens with Section 504 grievance may do so at any point in the program. The Locality will respond in writing to written citizen grievances. Citizen grievances should be mailed to: Town of Waynesville, P.O. Box 100 Waynesville, Nc 28786 Ph.828-452-249. The Town of Waynesville will respond to all written citizen grievances within fifteen (15) days of receipt of the comments.

Should any individual, family, or entity have a grievance concerning any actions prohibited under Section 504, a meeting with the Compliance Officer to discuss the grievance will be scheduled. The meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the grievance, a reply will be made, in writing, within five (5) calendar days.

If citizen is dissatisfied with the local response, they may write to the North Carolina Department of Environmental Quality (NCDEQ), Division of Water Infrastructure CDBG-I Unit:

- Mailing Address - 1633 Mail Service Center, Raleigh, North Carolina, 27699-1633
- NCDEQ will respond only to written comment within ten (10) calendar days of the receipt of the comment.

This information is available in Spanish or any other language upon request. Please contact Elizabeth Teague, Development Director, at 828-456-8647 or at 9 South Main Street, Waynesville, NC 28786 for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Elizabeth Teague, Development Director, al 828-456-8647 o en 9 South Main Street, Waynesville, NC 28786 de alojamiento para esta solicitud.



Adopted this _____ day of March, 2024.

_____ Gary Caldwell, Mayor

ATTEST: _____ (Candace Poolton



RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

This Residential Anti-Displacement and Relocation Assistance Plan is prepared by the **Town** in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG¹ projects.

MINIMIZE DISPLACEMENT

Consistent with the goals and objectives of activities assisted under the Act, the **Town** will take the following steps to minimize the direct and indirect displacement of persons from their homes:

(The steps provided below are examples only, each jurisdiction must determine the actions it will take based on local needs and priorities, select one or multiple steps or describe others steps below)

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.



CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.
- Other: (*Describe*) [Click or tap here to enter text.](#)

A. Relocation Assistance to Displaced Persons

The **Town** will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

B. One-for-One Replacement of Lower-Income Dwelling Units

The **Town** will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing **Town** to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the **Town** will make public by publication in the Smokey Mountain News and submit to State CDBG Program(s) North Carolina Department of Environmental Quality (NC DEQ) the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. [*See also 24 CFR 42.375(d)*].
5. The source of funding and a time schedule for the provision of the replacement dwelling units;



6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the **Town** will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

C. Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the **Town** may submit a request to the State (NC DEQ) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

D. Contacts

The Elizabeth Teague, Development Services Director, 828-456-8647 is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The Elizabeth Teague, Development Services Director, 828-456-8647 is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

Adopted this _____ day of March, 2024.

(Gary Caldwell, Mayor)

ATTEST:

(Candace Poolton, Clerk)



CITIZEN PARTICIPATION PLAN FOR CDBG-I GRANTEES

CDBG-I Recipient/Grantee Name:	TOWN OF WAYNESVILLE
CDBG-I Recipient/Grantee Mailing Address:	P.O. BOX 100, WAYNESVILLE, NC 28786
CDBG-I Recipient/Grantee Physical Address <i>(if different from mailing):</i>	9 SOUTH MAIN STREET, WAYNESVILLE, NC 28786
Contact Person & Title:	ELIZABETH TEAGUE, DEVELOPMENT SERVICES DIRECTOR
Contact Email:	ETEAGUE@WAYNESVILLENC.GOV
Contact Phone Number:	828-456-8647
TDD#:	711 OR 800-735-2962

I. PURPOSE AND INTRODUCTION

The **Town/City/County** has designed this community-wide Citizen Participation Plan to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) program.

This Plan is an essential element of the **Town's** present and future community development process and has been developed to comply with the regulations and requirements of the CDBG program as administered by the North Carolina Department of Environmental Quality – Division of Water Infrastructure (NCDEQ-DWI) and the Department of Housing and Urban Development (HUD). The Citizen Participation Plan is required by Section 104(a)(2) of the Housing and Community Development Act and by regulations at 24 CFR 570.486(a)(6).

The primary goal of this Citizen Participation Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the **Town's** CDBG program(s) and project(s).

The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized.

The plan is vitally important to the success of CDBG-funded activities undertaken by local units of general government. Compliance with the plan reduces the number of legal challenges and citizen complaints against the local government recipient.

Local units of general government must provide citizens with reasonable advance notice of and opportunity to comment on proposed activities in an application to the state; and for grants already made, the same opportunities must be provided for activities proposed to be added, deleted, or substantially



changed from the original application to the state. Substantially changes include, but not limited to, purpose, scope, location or beneficiaries.

Citizens are encouraged to participate in all phases of the CDBG program(s) and will be provided full access to program information. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the **Town**.

2. SCOPE OF PARTICIPATION

The **Town** will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG program(s) undertaken by the **Town**. Local officials will make every effort to involve citizens in all phases of the development, implementation and assessment of community development programs including, but not limited to, the following phases:

- a. Identification and assessment of housing and community development needs; determination of CDBG project(s) and documentation; and the development of CDBG application(s);
- b. Changes and/or amendments to approved CDBG projects; and,
- c. Assessment of CDBG program performance.

All phases of the community development process will be conducted by local officials in an open manner. Citizens of the **Town/City/County** are encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program as outlined herein.

3. CITIZEN PARTICIPATION CONTACT PERSON

Elizabeth Teague, Development Service Director has been designated Citizen Participation Coordinator by the **Mayor** and will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Citizen Participation Coordinator shall include, but not necessarily be limited to: disseminating information concerning proposed projects and the status of current project activities; coordinating various groups which may be participating in the community development process; receiving written comments; serving as a vehicle by which ideas, comments, and proposals from local residents may be transmitted to local officials and/or program staff; and, monitoring the citizen participation process and proposing such amendments to the Citizen Participation Plan as may be necessary.

The Citizen Participation Coordinator may be contacted at 9 South Main Street, Waynesville Nc 28786 or 828-456-8647 during regular business hours. All questions concerning citizen participation in the community development process should be addressed to the Citizen Participation Coordinator.



4. TECHNICAL ASSISTANCE

The staff of the **Town** shall provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG program(s).

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG program requirements.

Technical assistance shall be provided on request and may include, but not necessarily be limited to: interpreting the CDBG program and its rules, regulations, procedures and/or requirements; providing information and/or materials concerning the CDBG program; and, assisting low and moderate income citizens, and residents of blighted neighborhoods to develop statements of views, identify their needs, and to develop activities and proposals for projects which, when implemented, will resolve those needs.

Technical assistance may be obtained by contacting the Town Manager of the **Town** or the Citizen Participation Coordinator.

5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the views and proposals of all citizens, especially low and moderate income persons and residents of areas where CDBG activities are proposed or on-going.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and performance of CDBG programs. Local officials will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific CDBG project to the governing body at any regularly scheduled meeting.

PUBLIC HEARING TIMES AND LOCATIONS

All public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, and residents of blighted neighborhoods and CDBG project areas.

Public hearings will be scheduled for convenient times as determined by the **Town**. Public hearings may be held at any site which, in the opinion of the **Town** provides adequate access for citizen participation.

Hearings will normally be held at the 9 South Main Street, Waynesville, Nc 28786. This site is centrally located and generally accessible to all citizens. This building is also accessible to persons with disabilities. Hearings may, however, at the option of the **Town**, be held at an alternate location to be specified in the public hearing notice(s).



APPLICATION PUBLIC HEARING

One public hearing shall be held during any CDBG program fiscal year prior to the submission of an application to the NCDEQ-DWI for CDBG assistance. The primary purposes of the public hearing shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the CDBG program; and also to present for public comment and review the program activities which have been selected by the **Town** to resolve the identified needs.

An application public hearing will be held during the initial stage of program development to discuss items regarding community development and housing needs, the CDBG program, and the application process. The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities and options associated with the development and submission of a CDBG application. Local officials will also entertain proposals and comments from citizens concerning community development activities at this hearing.

This hearing will normally serve to discuss and review the information appropriate for all applications submitted by the **Town** during any fiscal year. Additional changes in community development or housing needs in the community as determined by local officials can be addressed by a community meeting where citizens can share their comments prior to the submission of other CDBG applications late in the fiscal year.

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG program; the total amount of CDBG funds available for the fiscal year and for the funding round; the role of citizens in program planning, implementation, and assessment; the range of activities which may be undertaken; the process to be followed in developing a CDBG application; a statement that 100 percent of the CDBG funds will be used to benefit low-to-moderate income people; the schedule of meetings and hearings; location where the application can be reviewed; activities previously funded in the **Town** through the CDBG program; and, an identification of projects which could result in the relocation of area residences or businesses; and the actions that would be undertaken if such relocation were necessary; provide citizens with contact information such as address, telephone number, and dates for submitting complaints or grievances. Furthermore, the effectiveness of the Citizen Participation Plan in allowing citizen participation in the community development process and potential changes and/or amendments to the Plan shall also be discussed at this meeting.

The **Town** may, at the option of local officials, review multiple CDBG project applications at one hearing when more than one application is to be submitted during the same fiscal year. Each such hearing shall be held prior to, and in preparation for, the application's approval by the **Town**.

A second objective of citizen participation during this stage is to inform citizens of the proposed project activities to be included in a CDBG application(s) and to solicit comments from citizens concerning these activities.

Citizens attending this hearing will be provided with information concerning the CDBG project(s) proposed including, but not necessarily limited to: the project application(s) to be submitted and the applicable CDBG fund; specific project activities to be included; the location of the project activities; the



approximate cost estimate for the proposed activities; the estimate of local match required; the impact of the project on low and moderate income persons; and, the approximate application submittal date.

PROJECT AMENDMENT PUBLIC HEARINGS

The **Town**) will assure the opportunity for citizen participation during the implementation of any CDBG program(s) when changes to the project are under consideration by the **Town**. Citizen participation shall be obtained and considered in any amendments to a CDBG program which involves changes in dollar amount spent on any activity, changes in program beneficiaries, changes in the location of approved activities, addition to or deletion of project activities, and major budget shifts between approved activities.

To ensure adequate opportunity for citizen participation during CDBG programs, the **Town** shall hold a public hearing on all formal amendments which require the NCDEQ-DWI approval. For “local” amendments and changes for which the NCDEQ-DWI approval is not required, input from citizens concerning changes or amendments will be received at regularly scheduled **Town/City/County** meetings where such changes or amendments are considered.

ASSESSMENT OF PERFORMANCE (CLOSE-OUT) PUBLIC HEARINGS

This public hearing must be held after all third-party contracts’ payments have been submitted.

Citizens of the **Town** will be provided with the opportunity to comment on the performance of local officials, the **Town** staff, consultants, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the **Town** in resolving identified community development and housing needs, and in achieving its community development goals and objectives. On-going community assessment of the effectiveness of the community development process is considered essential to the success of the CDBG program.

At the conclusion of each CDBG project, a public hearing will be held to review program activities and to assess program performance. This hearing shall be held prior to the submission of the Performance Assessment Report and any other required closeout documents to the NCDEQ-DWI for a CDBG project. This hearing will be used to ensure community-wide participation in the evaluation of the CDBG program.

ADDITIONAL HEARINGS

Other public hearings may be held as deemed necessary by the **Town** in order to inform citizens of community development project(s) and activities, and to solicit citizen opinions and comments. All additional hearings shall comply with the requirements set forth in this Plan.



6. PUBLIC HEARING ACCOMMODATIONS AND ACCESSIBILITY

VIRTUAL HEARINGS

During a declaration of a state of emergency by the NC Governor or NC General Assembly; and authorized by the CARES Act (*Part III.B.4. (a)(ii) Virtual Hearings*), published in the Federal Register on August 20, 2020, and applicable since August 7, 2020; as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, the CARES Act authorizes virtual hearings in lieu of in-person public hearings for fiscal year 2020 CDBG grants.

- Local governments may use online platforms to hold virtual hearings that facilitate public access to all questions and responses and provide timely responses from local officials.
 - Virtual hearing methods could include, but are not limited to conference calls, Google Hangouts, Adobe Connect, Facebook Live, a video streaming service (WebEx, Zoom, etc.), local community television stations, live streaming on county/city website, or other virtual platforms can help accommodate these meetings. A call-in option that does not require internet connection is strongly recommended.
 - A local government must provide the public with access to a recording of any telephonic or videoconference meeting.
- All virtual hearings held shall provide reasonable notification and access for citizens, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.
- Local governments must take appropriate actions to encourage the participation of all residents, including the elderly, minorities, persons with limited English proficiency, as well as persons with disabilities. Therefore, a virtual hearing method or platform must be selected and appropriate accommodations made for those individuals that may not have access to phone or internet so they can participate in the hearing.
- Whether hearings are in-person or virtual, local governments must take appropriate steps to ensure effective communication with persons with disabilities consistent with the requirements of accessibility laws, such as Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
 - Thus, a local government must provide appropriate auxiliary aids and services where necessary to afford individuals with hearing and vision impairments an equal opportunity to access and participate in such hearings.
 - These may include effective methods that make aurally delivered information available to individuals who are deaf or hard of hearing, and visually delivered materials available to individuals who are blind or have low vision.
 - The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved;



and the context in which the communication is taking place.

- In determining what types of auxiliary aids and services are necessary, a local government shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services should be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
 - For virtual hearings, such steps should include ensuring that information is provided on an accessible website, that e-mails and other digital notifications are accessible, and that the application or platform used to host the hearing is also accessible. Additional services such as audio description or captioning may also be needed to provide effective communication in a digital context.
 - There are some helpful guidelines for ensuring the accessibility of web-based and digital materials are available through the World Wide Web Consortium's Web Accessibility Initiative at <https://www.w3.org/WAI/>. Examples of auxiliary aids and services that may be necessary when conducting hearings online can be found at 28 CFR 35.104.
- Local governments are highly encouraged to use various forms of social media, and we will accept public comments in written form (i.e. emailed comments, mailed, comments collected via social media, and other communication types made possible by web-based platforms or digital materials).
 - Local governments must document their efforts and the reason for them and update their citizen participation plans as soon as possible to add the use of virtual hearings if the plan doesn't already mention them.
 - Additional information on public hearing requirements can be found in Appendix B: Public Hearings.
 - Local governments should consult with their attorney before undertaking such meetings to ensure conformance with the NC Senate Bill 704.

Additional legal resources are:

- Session Law 2020-3: Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (COVID-19)
<https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S704v6.pdf>
- School of Government's summary of Session Law 2020-3:
<https://canons.sog.unc.edu/new-rules-for-meetings-of-public-bodies-during-state-level-declared-emergencies/>



LIMITED ENGLISH PROFICIENCY RESIDENTS

The **Town** has followed the guidance provided in the Language Access Plan (LAP) to determine the need to undertake reasonable actions to facilitate the participation of persons with Limited English Proficiency. Local officials will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons with Limited English Proficiency.

PUBLIC HEARING NOTICE

Notice of public hearings must be published in a local newspaper of general circulation, in a non-legal section of the paper at least ten (10) days prior to the hearing date, but no more than 25 days prior to the meeting date. Each notice of a hearing shall include the time, date, place, and topics and procedures to be discussed.

ACCESSIBILITY TO LOW AND MODERATE INCOME PERSONS

The public hearing procedures outlined herein are designed to promote participation by low and moderate income citizens, as well as residents of blighted neighborhoods and CDBG project areas in any public hearing(s).

Local officials may take additional steps to further promote participation by such groups, or to target program information to these persons should officials feel that such persons may otherwise be excluded or should additional action be deemed necessary.

Activities to promote additional participation may include: posting of notices in blighted neighborhoods and in places frequented by low and moderate income persons, and holding public hearings in low and moderate income neighborhoods or areas of existing or proposed CDBG project activities.

ACCESSIBILITY TO PERSONS WITH DISABILITIES

The locations of all public hearings as described herein shall be made accessible to persons with disabilities. The **Town/City/County** shall provide a sign language interpreter whenever the Citizen Participation Coordinator is notified in advance that one or more deaf persons will be in attendance.

The **Town/City/County** shall provide a qualified reader whenever the Citizen Participation Coordinator is notified in advance that one or more visually impaired persons will be in attendance.

Additionally, the **Town/City/County** shall provide reasonable accommodations whenever the Citizen Participation Coordinator is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.



7. PROGRAM INFORMATION

Citizens will be provided full access to CDBG program information during all phases of a CDBG project. Local officials of the **Town** shall make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted or Limited English Proficiency neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the Citizen Participation Coordinator will keep all documents related to a CDBG program on file in the Development Services Department, 9 Sotu Main Street, Waynesville, NC 28786. Information from the project files shall be made available for examination and duplication, on request, during regular business hours. CDBG program information and materials, concerning specific CDBG projects will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Furthermore, information concerning any CDBG project will be available at regularly scheduled council meetings where the program is discussed.

Materials to be made available shall include, but are not necessarily limited to: the Citizen Participation Plan; records of public hearing; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by the NCDEQ-DWI and/or HUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program, and written responses from the **Town**; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case shall the **Town** disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the **Town** shall not disclose any information which may, in the opinion of the Mayor, be deemed of a confidential nature.

8. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS

The public hearings scheduled, as described in this Citizen Participation Plan, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of a community development program at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the **Town**.

Any citizen or citizen's group desiring to comment or object to any phase of the planning, development or approval of the application for CDBG funds, or to the implementation of any CDBG program, should submit such comments or objections in writing to the **Mayor**. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the **Mayor**, then the aggrieved may appeal his/her case to the **Town**.



Local officials shall make every effort to provide written responses to citizen proposals or complaints within fifteen (15) working days of the receipt of such comments or complaints where practicable. Should the **Town** be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to the NCDEQ-DWI.

Citizens may, at any time, contact the NCDEQ-DWI and/or HUD directly to register comments, objections or complaints concerning the **Town** CDBG application(s) and/or program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting the NCDEQ-DWI or HUD.

All comments or complaints submitted to the NCDEQ-DWI or the HUD shall be addressed in writing to:

NC Department of Environmental Quality
Division of Water Infrastructure / CDBG-I Unit
1633 Mail Service Center
Raleigh, North Carolina 27699-1633

Or:

U.S. Department of Housing and Urban Development
Community Planning and Development Division
Greensboro Field Office
1500 Pincroft Road
Greensboro, North Carolina 27407

Records of all comments, objections and/or complaints by citizens concerning the **Town** CDBG program and subsequent action taken in response to those comments shall be maintained on file at **Town/City/County** and shall be made available for public inspection upon request.

9. AMENDMENTS

The **Town** may, from time to time, modify the provisions outlined herein through amendment to this Citizen Participation Plan. It shall be the policy of the **Town** to periodically review and discuss the effectiveness of this Citizen Participation Plan in allowing citizen participation in the community development process and in helping to meet the community development needs and goals identified by the citizens of the **Town**. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development program as discussed herein, and potential amendments to the Plan will be reviewed at this time.

Amendments to the Plan will be made as necessary. All amendments shall be approved by resolution of the **Town** and shall be incorporated into this Plan.



10. AUTHORITY

No portion of this Citizen Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the **Town** in the development, implementation and execution of any Community Development Block Grant program.

ADOPTED this _____ day of March, 2024.

(Gary Caldwell, Mayor)

ATTEST:

(Candace Poolton, Clerk)



CODE OF CONDUCT POLICY FOR CDBG-I GRANTEES

WHEREAS, the **Town**, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, the conflict of interest provisions, including but not limited to those found at N.C. General Statutes § 14-234, 2 C.F.R. § 200.317-318, 320-321, 323-326, 24 C.F.R. § 570.489 (g) and (h), and 24 C.F.R. § 570.611 must be carried out;

WHEREAS, certain limited exceptions to the conflict of interest rules listed in 24 C.F.R. § 570.489 may be granted in writing by Housing and Urban Development (HUD) and/or NCDEQ upon written request and the provision of information specified in 24 C.F.R. § 570.489(h)(ii)(4);

WHEREAS, no persons described in this policy who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter;

WHEREAS, the conflict of interest provisions of this policy apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds; and

WHEREAS, the failure to adhere and enforce this policy may cause the **Town** to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED, by the **Town's Council** that the **Town** will pass and adhere to this policy.

Adopted this the ___ day of March, 2024 in Waynesville, North Carolina.

Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Clerk



EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PLAN

WHEREAS, the **Town**, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, Section 109 of Title 1 of the Housing and Community Development Act of 1974; Title VII of Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Age Discrimination Act of 1975; the Equal Employment Opportunity Act; the Immigration Reform and Control Act of 1986; the Vietnam Era Veterans' Readjustment Act of 1974, amended to Jobs for Veterans Act in 2002; Federal Executive Orders 11246, 11625, 12432, and 12138; Section 3 of the Housing and Urban Development Act of 1968; N.C.G.S. 126-16 (Equal Employment Opportunity); N.C.G.S. 143-422.2 (Equal Employment Practice Act); N.C.G.S. 168A-5-11 (Handicapped Persons Protection Act); N.C.G.S. 75B 1-7 (Discrimination in Business); N.C.G.S. 95-151(OSHA); N.C.G.S. 95-28.1; N.C.G.S. 127B-10-15 (Discrimination Against Military Personnel); N.C.G.S. 130A-148(i); N.C.G.S. 126-16; N.C.G.S. 143-48 and 143-128; and all applicable federal and other state regulations.

WHEREAS, the **Town** maintains the policy of providing equal employment opportunities for all persons regardless of race, color, creed, religion, sex, national origin, physical or mental disability, age, genetic information, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupational qualifications for employment.

NOW THEREFORE, BE IT RESOLVED:

- SECTION 1: In furtherance of this policy, the **Town** prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.
- SECTION 2: The **Town** shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.
- SECTION 3: Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the **Town Manager** to assist in the implementation of this policy statement.
- SECTION 4: The **Town** shall develop a self-evaluation mechanism to provide periodic examination and evaluation. Every two years the results of the self-evaluation reporting on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the **Town Manager**. Records presented to the **Town Manager** shall be maintained in the files and will be provided to NCDEQ/Division of Water Infrastructure as needed.



SECTION 5: The **Town** is committed to this policy and is aware that with its implementation, the community will receive positive benefits through the greater utilization and development of all its human resources.

SECTION 6: The **Town** shall include the Equal Employment Opportunity logo and/or the phrase affirming Equal Employment Opportunity on all the CDBG documents intended to be shared with the staff and the public.

SECTION 7: The **Town** shall obtain commitment from contractors that they will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, physical or mental disability, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment. Contractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, physical or mental disability, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

SECTION 8: The **Town** shall obtain commitment from Contractors that will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, national origin, physical or mental disability, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

PASSED BY THE TOWN COUNCIL, TOWN OF WAYNESVILLE, NORTH CAROLINA.

Adopted this _____ day of March, 2024

ATTEST:

(Gary Caldwell, Mayor)

(Candace Poolton, Town Clerk)



THE PROHIBITION OF THE USE OF EXCESSIVE FORCE FOR CDBG-I GRANTEES RESOLUTION R-07-24

WHEREAS, the **Town**, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, Title 1 of the Housing and Community Development Act (HCDA) of 1974, Section 519 of Public Law 101-144, and 1990 HUD Appropriations Act requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations;

WHEREAS, all recipients of CDBG funds are further required to follow a policy enforcing applicable federal, state and local laws against physically barring entrances or exists to a facility that is the subject of a non-violent demonstration;

WHEREAS, **Town** endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy; and

WHEREAS, the failure to enforce such policy may cause the **Town** to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED:

SECTION 1: It is the Policy of the **Town** that excessive force by local law enforcement agencies shall not be used against individuals engaged in lawful and non-violent civil rights demonstrations within the its boundaries.

SECTION 2 It is the Policy of the **Town** to enforce applicable federal, state and local laws against the physical barring of an entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction.

SECTION 3: The **Town Council** will coordinate with the local law enforcement agency(ies) to implement this Resolution.

PASSED BY THE **TOWN COUNCIL, TOWN OF WAYNESVILLE, NORTH CAROLINA.**

Adopted this _____ day of March, 2024.

ATTEST:

Gary Caldwell, Mayor

Candace Poolton, Clerk



LANGUAGE ACCESS POLICY AND PLAN FOR CDBG-I GRANTEES

PURPOSE

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964, and clarified in Executive Order 13166, requires units of general local government (UGLG) to ensure individuals with limited English proficiency (LEP) have meaningful access to federally-funded programs and services. These individuals are protected from the national origin discrimination under Title VI. All recipients are federally-funded assistance are expected to make reasonable efforts to provide this language assistance.

MEANINGFUL OPPORTUNITIES

All CDBG recipients are required to take reasonable steps to ensure meaningful access to their programs and activities. The methodology recommended by HUD is properly prepare a Limited English Proficiency Plan is as follows:

1. Conduct a four factor analysis;
2. Develop a Language Access Plan (LAP); and
3. Provide appropriate language assistance.

DEFINITIONS

Limited English Proficient (LEP) Individual.

Any prospective, potential, or actual beneficiary of services from the local unit of government whose primary language is not English and who has a limited ability to speak, read, write, or understand English are entitled to language assistance with respect to a particular service, benefit, or encounter. May be citizens or non-citizens.

Meaningful Access.

The ability to access programs and participate in services or activities.

Title VI Compliance Officer.

The person or persons responsible for administering compliance with the Title VI LEP policies.

ADDITIONAL INFORMATION AND RESOURCES

Additional LEP resources can be found at these websites:

- <https://www.lep.gov/>
- http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq



POLICY AND PLAN FOR PROVIDING MEANINGFUL COMMUNICATION WITH PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

In order to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, the **Town** will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the unit of general local government (UGLG) has to ensure LEP individuals can communicate effectively.

1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE(S)

FOUR FACTOR ANALYSIS

CDBG recipients must first assess and evaluate four factors when determining how to best serve eligible LEP persons. These factors include:

1. The number or proportion of LEP persons eligible to be served/encountered in an eligible service population (town/city/or county level);
2. The frequency with which LEP individuals come in contact with the CDBG program;
3. The nature and importance of the program, activity, or service provided by the CDBG program to people's lives; and
4. The (financial and human) resources available to the grantee/recipient and costs of language service options.

Factor 1. The number or proportion of LEP persons eligible to be served/encountered in an eligible service population.

To determine the number or proportion of LEP persons served in **Town**, use the most recent American Community Survey data and complete the below table. *Attach maps and/or relevant data to this LAP. All data or maps provided must be accurately sourced.*

Grantee Population (<i>5 years and older</i>)	<u>9020</u>
LEP Population (<i>speaking English "not well" or "not well at all"</i>):	<u>3.9%</u>
<u>Languages Spoken:</u>	
1. More than 5% of the eligible population or beneficiaries and has more than 50 in number; or	<u>3.9%</u>
2. More than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or	<u>Not applicable</u>
3. More than 1,000 individuals in the eligible population in the market area or among current beneficiaries.	<u>Spanish 2.6%</u> <u>Asian 0.6%</u> <u>Other Indo-European 0.8%</u> <u>Other 0.2%</u>



Factor 2. The frequency with which LEP persons come into contact with the CDBG program.

This frequency with which a program engages with the public can vary depending upon the type of assistance. For CDBG grants, grantees must engage with the public at these critical steps:

- When notifying the public about a grant award application and its proposed activities
- When notifying the public about the grant award and its funded activities
- When seeking applicants to participate in the program (i.e., seeking new connections/ hookups for water/sewer services)
- When seeking qualified contractors to bid on projects
- When working with homeowners selected for assistance
- When notifying the public on their civil rights and complaint procedures
- When notifying the public about the grant closeout and its accommodations

Provide below a description of how your community engages with the public and how frequently does this occur.

Provided Grant at the point of application during the public hearing, during the grant award Town Board meeting, through local newspaper announcements, during Town Board Meeting Project updates Quarterly, and during Contract Awards at Town Board Meetings.

Factor 3. The nature and importance of the programs, activities, or services to people's lives

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP persons, the more likely the need for language services. The obligations to communicate rights to a person who is being evicted differ, for example, from those to provide recreational programming. A CDBG recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual.

Provide below answers to the following questions: 1) What is the nature of the program? e.g. Providing improved water and sewer services, 2) What is the importance of the program? 3) Would denial or delay of access to services or information could serious or even life-threatening implications for the LEP individual?

1. Nature of the Project – Public Water and Sanitary Sewer Improvement and Extend public water and sewer to unserved areas within the Town of Waynesville.

Note: In the case where the overall jurisdiction numbers fall below the threshold to provide translated written documents but existing or planned target areas exist, the recipient must evaluate whether there are LEP households within the target areas that may need notification or other LAP services. The recipient's evaluation should use local knowledge or data or other relevant data in conducting its evaluation and should indicate its conclusions regarding the steps necessary to reach out to these households in the language they speak to ensure that adequate notification is achieved. This evaluation will be particularly important for grants with limited rehabilitation activities (new connections/hookups) where eligible applicants for assistance may need application or other documents translated to take advantage of available services.



2. To provide safe and sanitary water and sewer to underserved and unserved households and individuals within the Town or Waynesville.
3. Yes, not implementing this project could have negative public health impacts on the residents with in the project area.

Factor 4. Resources available to grantee/recipient and costs.

Town takes all reasonable steps to ensure meaningful access for LEP persons to CDBG programs and activities. The availability of resources, however, may limit the provision of language assistance services in some instances. “Reasonable steps” may cease to be reasonable when the costs imposed substantially exceed the benefits. **Town’s** LAP balances the needs of the LEP community with the funding resources available. If resources limit the provision of services already laid out in this document, **Town** will keep record of both the service requested and financial reasoning for the limitation.

Language assistance measures that **Town** might provide to LEP persons are outlined in Section 2 below.

2. LANGUAGE ASSISTANCE MEASURES

The type of language assistance necessary to provide meaningful access will vary depending on the type of communication **Town** staff is having with the LEP person (i.e., phone, in-person, or written communication) and in some circumstances more than one method will work. Regardless of how the language assistance is provided, **Town** recognizes the importance of providing such services in a timely manner and in an appropriate place. Failure to do so may effectively delay or deny LEP residents access to CDBG programs and services. **Town** staff understands that the extent of the **Town** obligation is to provide both oral and written translations is dependent on the four-factor analysis conducted by the community.

“I SPEAK” CARDS

Language-specific cards should inform the reader on the use of the card on one side, while instructing staff (on the other side and in their vernacular language) which procedures to follow to assist the card holder. The “I Speak” card in Spanish, for example, would read in Spanish as follows: “The language I speak is Spanish. Please find someone who is fluent so that I may communicate effectively. Thank you.”

The **Town** will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or “I speak cards,” <http://www.lep.gov/resources>) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

OBTAINING A QUALIFIED INTERPRETER

Elizabeth Teague, Development Services Director
eteague@waynesvillenc.gov

Check all methods that will be used.

Note: The Unit of General Local Government (UGLG) must notify the Division of Water Infrastructure (DWI) CDBG-I Compliance Specialist immediately of changes in name or contact information for the local Title VI compliance officer.



- Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff (*provide the list*): insert information here
- Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language. Identify the organization (s) name(s) with whom you have contracted or made arrangements. insert information here
- Have/has agreed to provide qualified interpreter services. The organization's (or organizations') telephone number(s) is/are insert number here and the hours of availability are insert hours here.
- Other (*describe*): Describe here

UGLG Staff.

All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

Family Member or Friend as an Interpreter.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file.

If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

WRITTEN TRANSLATIONS

The **Town** has chosen to follow the Safe Harbor rule, contained in HUD's final guidance, to assist in determining when to provide translations of vital documents. The Safe Harbor rule for written translation of vital documents is based on the number and percentages of the market area-eligible population or current beneficiaries and applicants that are LEP. According to the Safe Harbor Rule:

HUD would expect translation of vital documents to be provided when the eligible LEP population in the market area or current beneficiaries exceeds 1,000 persons or if it exceeds 5% of the eligible population or beneficiaries along with more than 50 people. In



cases where more than 5% of the eligible population speaks a specific language, but fewer than 50 persons are affected, there should be a translated written notice of the person’s right to an oral interpretation.

As such, the **Town** ‘s eligible LEP population or current beneficiaries is:

- Exceeds 1,000 persons. Therefore, vital documents will be translated.
- More than 5% of the eligible LEP population or current beneficiaries and more than 50 in number. Therefore, vital documents will be translated.
- More than 5% of the eligible population or current beneficiaries and 50 or less in number. Therefore, there will be a translated written notice of the person’s right to an oral interpretation of vital documents.
- 5% or less of the eligible population or current beneficiaries and less than 1,000 in number. Therefore, vital documents will not be translated at this time but, rather, a translated written notice of the person’s right to an oral interpretation will be provided.

Note: In the case where the overall jurisdiction numbers fall below the threshold to provide translated written documents but existing or planned target areas exist, the recipient must evaluate whether there are LEP households within the target areas that may need notification or other LAP services. The recipient’s evaluation should use local knowledge or data or other relevant data in conducting its evaluation and should indicate its conclusions regarding the steps necessary to reach out to these households in the language they speak to ensure that adequate notification is achieved. This evaluation will be particularly important for grants with limited rehabilitation activities (new connections/hookups) where eligible applicants for assistance may need application or other documents translated to take advantage of available services.

When translation of vital documents is needed, the **Town** will submit documents for translation into frequently-encountered languages. Ensure records are kept of those documents that apply to your local unit of government.

Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

VITAL DOCUMENTS

The **Town** has chosen to follow the Safe Harbor rule, contained in HUD’s final guidance, in determining vital documents. **Town’s** has identified those vital documents for each federally funded program that directly faces LEP individuals and for which a delay in service provision might significantly, negatively impact the wellness of any individual that program serves.

Town’s has prioritized those documents for which either the following statements are true, according to direct program contacts:

- 1) Without this document, an individual could not access the program;
- 2) This document allows access to a major activity within the program.

These vital documents include:

- Public Notices – public meetings and public hearings;
- Notices of Intent to Request the Release of Funds;



- Findings of No Significant Impact;
- Bid Documents and Notices;
- Fair Housing Information;
- Civil Rights Notices;
- Applications for Assistance;
- Income Surveys; and
- Complaint Procedures.

NOTICE TO LEP PERSONS

The **Town** will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. For example, the notification will include, in the primary language of the applicant/recipient, the following language:

*“Important: If you need help reading this, ask the **Town** for an interpreter for assistance. An interpreter is available free of charge.”*

Minimum Required Phases.

The **Town** shall include at minimum the following phrases in English and Spanish in any document requesting public comments, or notifying the community of any modifications/amendments to the CDBG program during the life of the grant, including but not limited to, public hearing notifications, citizen participation documents, fair housing notices and documentation, Environmental Review notifications, among other documents:

“This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request.”

*“Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert Name) al (Insert Phone Number) o en (Insert physical location) de alojamiento para esta solicitud.” **

All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

*Note: The address and name itself in the Spanish sentence above should not be translated (e.g. “Charlie” should not be translated to “Carlos”; “Main Street” should not be translated to “Calle Principal”)

MINIMUM REQUIRED NOTICES AND SIGNS

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited, to the main lobbies, waiting rooms, etc.

Hazelwood Post Office, Waynesville Town Hall, Waynesville Library, Waynesville Billing Office.



Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations

The Mountaineer and the Smoky Mountain Times

3. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, the **Town** will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the **Town** will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

COMPLIANCE PROCEDURES, REPORTING AND MONITORING

1. Reporting:

The **Town** will complete an annual compliance report and send this report to DWI. The form can be found at on the Division of Water Infrastructure website under CDBG-I Reports.

2. Monitoring:

The **Town** complete a self-monitoring report on a semi-annual basis, using a standardized reporting system proposed by the local government. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the Division of Water Infrastructure upon request. The **Town** will cooperate, when requested, with special reviews by the Division of Water Infrastructure.

APPLICANT/RECIPIENT COMPLAINTS OF DISCRIMINATORY TREATMENT

1. Complaints:

The **Town** will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint.

- a. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
- b. The form can be found on the Division of Water Infrastructure website under CDBG-I Compliance and Reporting Information.
- c. The **Town** will maintain records of any complaints filed, the date of filing, actions taken and resolution.
- d. The **Town** will notify the appropriate section within Division of Water Infrastructure of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

2. Resolution of Matter:

If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice (DOJ). This notice will be provided in the primary language of the individual with Limited English Proficiency. If not resolved by Division of Water Infrastructure, then complaint will be forwarded to U.S.



Department of Justice (DOJ) and U.S. Department of Housing and Urban Development
(HUD) Field Office.

SUBMITTED AND ADOPTED BY:

Gary Caldwell, Mayor

Signature of Chief Elected Official

Date



Procurement Policy and Plan for CDBG-I Grantees RESOLUTION R-08-24

WHEREAS, the **Town** will comply with the terms and conditions of federal funding that is awarded and accepted, including, but not limited to, the terms and conditions of the Grant Contract, and the *Procurement Policy of the North Carolina Department of Environmental Quality's Water Infrastructure Division, Community Development Block Grant-Infrastructure Program (CDBG-I Procurement Policy)*, attached;

WHEREAS, the States were advised by Housing and Urban Development (HUD) to develop their own procurement policies, and the CDBG-Infrastructure Program has developed and adopted the attached policy (*CDBG-I Procurement Policy*) as reference for its grantee communities, using portions of 2 CFR Part 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements of Federal Awards," supplemented with NC General Statutes 143-64.31, 143-129, and 143-131; and 24 C.F.R. § 570.489(g), which explicitly prohibit cost plus a percentage of cost and percentage of construction cost methods of contracting. In addition, all purchase orders and contracts shall include any clauses required by Federal Statutes, executive orders, and implementing regulations including the Section 3 clause, per 24 C.F.R. 570.489 (g) and 24 C.F.R. 135.38;

WHEREAS, the **Town**, as the recipient of Federal CDBG funds, acknowledges its responsibility to and will adhere to the aforesaid *CDBG-I Procurement Policy* of the North Carolina Department of Environmental Quality's Division of Water Infrastructure;

WHEREAS, the **Town** will, to the extent applicable, follow methods of procurement, procure by contracting with small, minority firms, women's business enterprises, and labor surplus area firms, when those entities offer the best level of knowledge, skills and abilities for professional services, and when those entities offer the knowledge, skills and abilities and are the lowest cost responsive, responsible bidders in building trade and related services; and

WHEREAS, the **Town** will demonstrate contract cost and price awareness and adhere to awarding agency contract provisions (2 CFR Part 200, Appendix II, except for items F and J, which were not adopted by the CDBG-Infrastructure Program, as allowed under 2 CFR Part 200.101(d)(1));

NOW THEREFORE, BE IT RESOLVED;

SECTION 1: All procurement of goods and services by the **Town** with CDBG grant funds shall be accomplished in accordance with the requirements of the *CDBG-I Procurement Policy*, and HUD implementing regulations at 24 CFR Part 570.489 (g) and (h), which prohibits cost plus a percentage of construction cost method of contracting for services.

SECTION 2: In addition, all purchase orders and contracts shall include any clauses required by Federal Statutes, Executive Orders, and implementing regulations including the Section 3 clause, per 24 CFR 570.489(g) and 24 CFR 135.38, or the North Carolina General Statutes Chapter 143 applying to procurement in general by North Carolina municipalities and counties.



SECTION 3: When Federal and State regulations are different, the more restrictive regulation shall apply to the procurement in question, as outlined in the *CDBG-I Procurement Policy*

SECTION 4: The **Town** will adhere to the following guidelines during procurement of goods and services using Federal funds:

- A. In all cases where goods or services are procured based on one bid or proposal received, the **Town** will follow established principles to verify the reasonable cost of the procurement and shall contact the State Agency supervising the grant program before making any contract award based on non-competitive negotiation. The **Town** shall follow all noticing and advertising requirements prior to accepting the single source respondent. Written permission from the CDBG-I Program shall be obtained prior to entering into a single source contract.
- B. Section 3 certified businesses, and historically underutilized businesses, including women-owned and minority-owned enterprises shall be included on bidders' or professional services' lists maintained by the **Town**. Firms shall be solicited for all competitive negotiations, small purchases, and informal and formal bids when such firms are potential competitive sources for goods and services.

SECTION 5: The **Town** will adhere to the following guidelines during procurement of professional service contracts:

- A. Professional services shall be procured through the use of Request for Proposals (administrative services) or Request for Qualifications (engineering services). Respondents offering administrative services shall be selected on the basis of the best qualified respondent for the price. Respondents offering engineering services shall be selected on the basis of the best qualified respondent, without regard for price. A written selection procedure shall be used to evaluate respondents, and those records maintained in the procurement files.
- B. The **Town** shall develop a written scope of work for each service to be awarded on the basis of competitive negotiation, which shall include descriptions of tasks to be completed, project timetables, and an outline of fee proposal requirements. The selected engineering services respondent and the **Town** shall then enter into competitive negotiations to arrive at a mutually agreeable price for engineering services. All contracts awarded through competitive negotiations shall be awarded strictly on the basis of the written selection procedure.

SECTION 6: The **Town** will adhere to the following guidelines during procurement of construction contracts:

- A. Construction service contracts shall be competitively bid using sealed bids, with the award going to the lowest responsive, responsible bidder. A minimum of three bids shall be received prior to opening the sealed bids.

SECTION 7: Additionally, the **Town** will adhere to the following guidelines during all procurement:



- A. Prior to any contract award, the **Town** shall verify the consultant and/or contractor's eligibility to participate in a federally assisted program.
- B. No consultant or bidder shall assist in the development of the Request for Proposals, in the Request for Qualifications, nor the construction bid posting in which the consultant or bidder has a direct or indirect interest.
- C. No consultant or bidder shall assist in the evaluation of proposals or bid packages for contracts in which that consultant or bidder has a direct or indirect interest. The **Town** shall adhere to all applicable Federal and State conflict of interest regulations in making contract awards.
- D. The **Town** shall request references or check references of contractors or firms who are awarded contracts with Federal grant funds and will request a written warranty for all goods and services provided through the small purchase's procedure.
- E. The **Town** shall not award any contract for federally-assisted projects on a contingency or cost-plus-percentage of construction basis.
- F. The **Town** shall hold a pre-bid meeting and a pre-construction meeting for each construction project bid competitively using CDBG-Infrastructure funds. Evaluation criteria for the bids may add points for attending the pre-bid meeting of contractors, but it is not a prerequisite.

PASSED BY THE TOWN COUNCIL, NORTH CAROLINA.

Adopted this _____ day of March, 2024.

Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Clerk

EQUAL HOUSING OPPORTUNITY RESOLUTION R-04-24

WHEREAS, the Town of Waynesville, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, the Civil Rights Act of 1964 prohibits all racial discrimination in the sale or rental of property;

WHEREAS, The Fair Housing Act (Act) declares a national policy of fair housing throughout the United States, making illegal any discrimination in the sale, rental and financing of housing, or making dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin or disability;

WHEREAS, Executive Order 12892, Equal Opportunity in Housing, as amended (*Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing*), provides that programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) shall be administered in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the design and delivery of Federal programs and activities; and

WHEREAS, North Carolina State Fair Housing Act, prohibits unlawful discriminatory housing practices for any person in real estate transactions, because of race, color, religion, sex, national origin, handicapping condition, or familial status; unlawful discriminatory housing practice to discriminate in land-use decisions or in the permitting of development based on race, color, religion, sex, national origin, handicapping condition, familial status, or, except as otherwise provided by law, the fact that a development or proposed development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of area median income.

NOW THEREFORE, BE IT RESOLVED:

The Town hereby endorses a Affirmatively Furthering Fair Housing Plan that ensures equal opportunity and fair housing for all persons to rent, purchase, obtain financing and enjoy all other housing attributes, that is affordable, safe, decent, free of unlawful discrimination and accessible as required on a non-discriminatory basis as provided by state and federal statutes and regulations.

In addition, the Town will take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with the civil rights and fair housing laws.

PASSED BY THE TOWN COUNCIL, TOWN OF WAYNESVILLE, NORTH CAROLINA.

Adopted this _____ day of March, 2024

ATTEST:

(Gary Caldwell, Mayor)

(Candace Poolton, Clerk)



FAIR HOUSING COMPLAINT PROCEDURE

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and the North Carolina Fair Housing Act. In an effort to promote fair housing and that the rights of housing discrimination victims are protected, Town of Waynesville has adopted the following procedures for receiving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in the Town may do so by informing the town/city/county administrator of the facts and circumstance of the alleged discriminatory acts or practice.
2. Upon receiving a housing discrimination complaint, the Town Manager shall acknowledge the complaint within fifteen (15) working days in writing and inform the Division of Water Infrastructure and the North Carolina Human Relations Commission about the complaint.
3. The Town Manager shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the Town.
4. The Town shall publicize in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

It is the policy of the Town of Waynesville to implement the CDBG program to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, sex, familial status, or disability.

If you have any questions about the complaint procedure or would like to register a complaint of fair housing discrimination, please contact the Town Development Services Director, 828-456-8647, 9 South Main Street, Waynesville, NC 28786, eteague@waynesvillenc.gov. , or for the hearing impaired, TDD assistance is available at (711 or 800-735-2962 and providing the facts and circumstances of alleged discriminatory act or practice.

This information is available in Spanish or any other language upon request. Please contact Elizabeth Teague, Development Services Director, at 828-456-8647 or at 9 South Main Street, Waynesville, NC 28786 for accommodations for this request.9

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Elizabeth Teague al 828-456-8647 o en 9 South Main Street, Waynesville, NC 28786 de alojamiento para esta solicitud.



Adopted this _____ day of March, 2024.

_____ (Gary Caldwell, Mayor)

ATTEST: _____ (Candace Poolton, Clerk)

**SECTION 504 COMPLIANCE OFFICER/GRIEVANCE PROCEDURE
COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION R-05-24**

Town of Waynesville

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

The Town of Waynesville has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act (ADA) and by United States Department of Housing and Urban Development regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794).

Section 504 states, in part, that "no otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Complaints should be addressed to: (Brittany Angel, Human Resource Coordinator, 16 South Main Street, Waynesville, NC 28786, 828-452-2492, who has been designated to coordinate Section 504/ADA compliance efforts.

1. A complaint should be filed in writing or verbally (alternate methods of communication such as personal interview, tape recording, Braille, etc. are acceptable), contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 10 days after the complainant becomes aware of the alleged violation. (Processing allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, will follow a filing of a complaint. The investigation will be conducted by Rob Hites, Town Manager, Administration Department, who shall be appointed by the chief elected official. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by Rob Hites, Town Manager, Administration Department and a copy forwarded to the complainant no later than 15 days its filing.
5. The Section 504/ADA coordinator will maintain the files and records of the ((Brittany Angel, Human Resource Coordinator) relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within (10 days) to (Rob Hites, Town Manager, Administration Department). The request for reconsideration may be mailed to (P.O. Box 100 Waynesville, NC 28786) or hand delivered at (16 South Main Street, Waynesville, NC 28786). The request will be promptly reviewed, and a final determination issued.
7. If the citizen is dissatisfied with the local response, they may write to the North Carolina Department of Environmental Quality (DEQ), Division of Water Infrastructure (DWI), 1633 Mail

Service Center, Raleigh, North Carolina, 27699-1633, Phone: (919) 707-9057, TDD: (800) 735-2962. DEQ will respond only to written comments within ten (10) calendar days of the receipt of the comments.

8. The right of a person to a prompt and equitable resolution of the filed complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 or ADA complaint with the U.S. Department of Housing and Urban Development (HUD). Using this grievance procedure is not a prerequisite to the pursuit of other remedies.
9. These rules will be construed to protect the substantive rights of interested persons, meet appropriate due process standards, and assure that Rob Hites, Town Manager, Administration Department) complies with the ADA, Section 504 and their implementing regulations.

This information is available in Spanish or any other language upon request. Please contact (Brittany Angel, Human Resource Coordinator) at (828-452-2492) or at (Insert physical location) for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Brittany Angel, Human Resource Coordinator) al (828-452-2492) o en (16 South Main Street, Waynesville, NC 28786) de alojamiento para esta solicitud.



Adopted this _____ day of March, 2024.

_____ (Gary Caldwell, Mayor)

ATTEST: _____ (Clerk)

SECTION 3 ACTION PLAN RESOLUTION R-06-24
(Town of Waynesville)

WHEREAS, the Town of Waynesville was awarded a CDBG-Infrastructure (CDBG-I) grant from the North Carolina Department of Environment Quality (NCDEQ), Division of Water Infrastructure, by virtue of this awarded, the Town of Waynesville is required by the North Carolina Department of Environmental Quality and Section 3 of the Housing and Urban Development Act of 1968 to adopt a Section 3 Action Plan; and

WHEREAS, the Section 3 Action Plan is intended to ensure, to the greatest extent feasible, will provide job training, employment and contracting opportunities generated by the U.S. Department of Housing and Urban Development projects be given to low-income workers of the Section 3 project area, and that contracts for work in connection with this project be awarded to qualified Section 3 Business Concerns;

WHEREAS, if awarded, it is the intention of the Town of Waynesville to implement its (Community Development Block Grant – Infrastructure grant program) projects in accordance with all program regulations including the said Section 3 requirements.

NOW, THEREFORE, BE IT RESOLVED that the Town of Waynesville adopts the name grant program Section 3 Action Plan, which is attached hereto as “Attachment A” and made a part hereof.

ADOPTED this the ____ day of March, 2024

Town of Waynesville, North Carolina

ATTEST:

CANDACE POOLTON, CLERK

BY: _____
GARY CALDWELL, MAYOR

“ATTACHMENT A” GRANTEE SECTION 3 ACTION PLAN

In accordance with 12 U.S.C. 1701u the Town of Waynesville agrees to implement the following steps, which, to the greatest extent feasible, will provide job training, employment and contracting opportunities for Section 3 workers and Section 3 businesses of the area in which the project is being carried out.

- A. Pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 workers and businesses.
- B. Assign duties related to implementation of this plan to a designated Section 3 Coordinator. This Coordinator is: Elizabeth Teague, Development Services Director, 828-456-8647, 9 South Main Street, Waynesville, NC 28786, eteague@waynesvillenc.gov.
- C. Identify projected employment, training, and contracting opportunities as the recipient of federal funds and to facilitate the training and employment of Targeted Section 3 workers, Section 3 workers and contracting with Section 3 businesses.
- D. Notify and recruit Section 3 workers and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG grant awards through the use of: public hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce, NCWorks; local advertising media including public signage; project area committees and citizen advisory boards and meetings; local HUD offices; regional planning agencies; public and private institutions operating within or serving the project area; and all other appropriate referral sources.
- E. Include Section 3 information in procurement solicitations, incorporate Section 3 clauses in contractual documents, and review Section 3 information at the pre-bid meeting and preconstruction conference and then monitor contractor compliance.
- F. Maintain a list of those eligible Section 3 business concerns for utilization in CDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general grant recipient procurement needs.
- G. Maintain a list of those persons who have identified themselves as Section 3 workers and contact those persons when hiring/training opportunities are available through either the grant recipient or contractors.
- H. Require all bidders, and their subcontractors, to submit a written Section 3 Affirmative Action Plan with their bids. In addition, require submission of and monitor all prime contractors and subcontractors' forms and reports to document actual accomplishments and compliance.

- I. Submit reports as required by HUD or NCDEQ regarding compliance with Section 3.
- J. Maintain records, including copies of correspondence, memoranda, reports, contracts, etc., which document that the above action steps have been taken and any barriers encountered. And submit reports and qualitative information on accomplishments as required.
- K. To the extent feasible, additional affirmative steps and qualitative efforts will be taken to encourage and utilize Section 3 workers and businesses and to reach employment, training, and contracting numerical benchmarks.

As the chief local official, I have read and fully agree to this Section 3 Action Plan and agree to actively pursue full implementation of this program.

Gary Caldwell, Mayor

Date

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: 3/12/24**

SUBJECT Amend Fee schedule of budget ordinance to include a \$25 pole attachment rate.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Electric
Contact: Rob Hites
Presenter: Rob Hites

BRIEF SUMMARY : The State Legislature authorizes utilities to charge a “pole attachment charge” to vendors who request use of space on their poles or within their utility system. The utility performs periodic audits of their systems to determine who is attached to their poles. An attachment may be in the form of a cable connection, security light, transmitter, amplifier, transformer etc. The utility will use the results of the pole attachment inventory to bill the various utilities for their use of the space. The Town has not conducted a pole inventory nor changed its \$8 per pole rate in a number of years. In 2016, UTEK Engineers recommended a sliding scale of pole attachments however, the pole attachment fee was not brought to the Council. We recommend that the Council adopt a \$25 per pole fee for the remainder of the fiscal year and review the market rates during the budget.

MOTION FOR CONSIDERATION: Amend the Fee Schedule of the 2023-24 budget to include a \$25 pole attachment fee.

FUNDING SOURCE/IMPACT: Electric

ATTACHMENTS: None

MANAGER’S COMMENTS: The Finance Department has been charging an \$8 per pole fee for years. The Town is currently negotiating a pole attachment agreement with a small wireless communications company. The \$25 per pole rate we recommend will be used as the initial rate. During the budget season, we will determine what the current market rate is for pole attachments and recommend a rate as part of the budget. I believe, the General Assembly capped pole attachment rates at \$50 per pole though I hear that rate is receiving kickback from the utility industry. We also need to conduct a “pole attachment inventory” in order to determine how much to bill the utilities .

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: March 12, 2024**

SUBJECT: Report on settlement with Autobell-Arrowhead, Inc. and Autobell Car Wash, LLC and budget amendment

AGENDA INFORMATION:

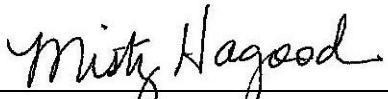
Agenda Location: New Business
Item Number:
Department: Legal
Contact: Martha Bradley
Presenter: **Martha Bradley**

BRIEF SUMMARY: Through its counsel, Autobell-Arrowhead, Inc. and Autobell Car Wash, LLC have agreed to settle in exchange for \$60,000.00 and the Town's agreement not to file an appeal. The Release and Settlement Agreement negotiated with opposing counsel is attached for approval by the Council.

MOTION FOR CONSIDERATION:

1. To approve the settlement with Autobell-Arrowhead, Inc. and Autobell Car Wash, LLC and to authorize the Mayor to sign the Release and Settlement Agreement.
2. Approve budget amendment as presented.

FUNDING SOURCE/IMPACT: General Fund Balance Appropriation / \$60,000



Misty Hagood, Finance Director 3/7/2024
Date

ATTACHMENTS:

1. Release and Settlement Agreement
2. Budget Amendment

COMMENTS AND RECOMMENDATIONS

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

**RELEASE AND
SETTLEMENT AGREEMENT**

THIS RELEASE AND SETTLEMENT AGREEMENT (this “Agreement”) is made and entered into this ____ day of _____, 2024, by and between **AUTOBELL CAR WASH, LLC and AUTOBELL-ARROWHEAD, INC.**, (hereinafter cumulatively the “Plaintiffs” or “Autobell”) and the **TOWN OF WAYNESVILLE**, (hereinafter “Defendant” or “Town”). The Plaintiffs and Defendant are collectively referred to as the “Parties.”

RECITALS:

WHEREAS, certain disputes between Plaintiffs and Defendant have arisen, which became the subject of a lawsuit for declaratory and injunctive relief and damages filed in Superior Court of Haywood County, North Carolina, captioned “*Autobell Car Wash, LLC and Autobell-Arrowhead, Inc. v. Town of Waynesville*”, under Haywood County File No. 23 CVS 948 (hereinafter the “Lawsuit”); and

WHEREAS, summary judgment in favor of Autobell was entered by the Honorable Bradley B. Letts enjoining Defendant from preventing the relocation of Autobell’s on-premises business sign within the same parcel, subject to the sign development standards in place at the time said sign was lawfully established, being Sections §154.078-154.079 and §154.083 of the Town of Waynesville Code of Ordinances (hereinafter “Letts Judgment”); and

WHEREAS, Plaintiffs have the right to seek attorney's fees and expenses from Defendant pursuant to N.C.G.S. § 6-21.7; and

WHEREAS, Defendant has the right to file notice of appeal from entry of the Letts Judgment; and

WHEREAS, the Parties are desirous of settling the remainder of the disputes between them, and the Parties further agree to execute a general release and settlement of all claims.

NOW, THEREFORE, in consideration of the agreements and undertakings set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties enter into this Agreement as follows:

1. CONSIDERATION.

- a. Within 21 days of the complete execution of this Agreement, Defendant shall pay and deliver to Plaintiffs the sum of \$60,000.00 as payment in full for all matters related to the Lawsuit, including damages and attorney's fees. Payment shall be in the form of a check drawn from the Town's funds and made payable to AUTOBELL-ARROWHEAD, INC with timely delivery of said check to the Van Winkle Law Firm at 11 North Market Street, Asheville, North Carolina 28801.
- b. Plaintiffs agree to accept the foregoing sum, which is less than the total amount of claimed damages and fees, as full and final settlement of all matters related to the Lawsuit in exchange for

Defendant's waiver of its right to file a notice of appeal from the Letts Judgment.

2. PLAINTIFFS' RELEASE OF CLAIMS; DISMISSAL BY PLAINTIFFS. In exchange for the terms and conditions of this Agreement, and upon and subject to the complete satisfaction of the payment terms of paragraph 1 above, Plaintiffs, for each of themselves and their successors and assigns, do hereby release and discharge the Town and any of the Town's employees, agents, successors and assigns from any and all claims, demands, damages, actions, causes of action, fees, expenses or costs, of any kind or nature, arising out of or connected with the Lawsuit, known or unknown, which were or could have been asserted related to same, except for specific enforcement of this Agreement. Within ten (10) days of the complete satisfaction of the payment terms of paragraph 1 above, the Plaintiffs shall dismiss, with prejudice, the remaining claim for damages against the Town in the Lawsuit, reserving as between the Parties the effectiveness and applicability of the Letts Judgment, and cause notice of the same to be filed with the Court.

3. COSTS. Except as provided above in paragraph 1 above, all Parties agree that they will bear their own attorney's fees, costs and expenses of any kind incurred in the Lawsuit so long as this Agreement is not breached.

4. CHOICE OF LAW; CHOICE OF FORUM. This Release and Settlement Agreement shall be governed by and interpreted in accordance with the laws of North Carolina. In the event of a dispute related to the terms or the enforceability of this Release and Settlement Agreement, Haywood County, North

Carolina Superior Court shall be the exclusive venue for the resolution of such disputes.

5. **MERGER.** The Parties represent that they have read this Release and Settlement Agreement and acknowledge that no representation or promise of any kind, other than as contained herein, has been made by the Parties hereby released or anyone acting for them. The Parties have relied fully and completely on their own judgment and advice of their attorneys in executing this.

6. **VOLITIONAL ACT.** By signing this Release and Settlement Agreement, the Parties acknowledge they have done so voluntarily, having been advised by their attorneys as to its contents. Each of the Parties hereto represents that he, she or it has carefully read and fully understands the terms, conditions, meaning and intent of this Release and Settlement Agreement, and that each of the Parties has had an opportunity to discuss the terms, conditions and provisions with legal counsel prior to the execution hereof. Each of the Parties specifically hereby acknowledges receipt of a copy of this Release and Settlement Agreement before signing it and understands that each and every provision of this Release and Settlement Agreement is contractual, legally binding and not mere recitals. Each of the Parties acknowledges that they are executing this Release and Settlement Agreement after having received from independent legal counsel of his, her or their own choosing, legal advice as to his, her or their rights hereunder and the legal effect thereof, to the extent each of the Parties deemed appropriate. Each of the Parties agrees to sign this Release and Settlement Agreement as his, her or their own

voluntary act and deed, and represents that such execution was not the result of any duress, coercion or undue influence upon any of them.

7. **MULTIPLE COUNTER-PARTS.** This Release and Settlement Agreement may be executed in several counterparts, each of which will be deemed an original but all of which will constitute one and the same instrument. However, in making proof with respect to this Release and Settlement Agreement, it will be necessary to produce only one copy hereof signed by the Party or Parties to be charged.

8. **NO DRAFTING PRESUMPTIONS.** This Release and Settlement Agreement has been drafted by the Parties and no presumptions or rules of construction related to drafters shall be applied in favor of one against the other.

9. **FUTURE COOPERATION.** The Parties agree to cooperate fully, to promptly execute any and all supplementary documents, and to promptly take all additional actions that may be necessary to give full force and effect to the terms of this Release and Settlement Agreement.

10. **SUCCESSORS/ASSIGNS.** This Release and Settlement Agreement shall be binding upon and inure to the benefit of the successors and assigns of each of the Parties hereto. The terms of this Release and Settlement Agreement are contractual and not a mere recital.

11. **RELEASE A COMPLETE DEFENSE.** If any Party sues any other Party based on any claim or right that is released, waived, or relinquished in this Agreement, then this Agreement, when pleaded, shall be a complete defense.

12. **NO ADMISSION OF LIABILITY.** Except for and subject to the Letts Judgment, by which the Town agrees to be bound, nothing contained in the terms of the Agreement, nor the execution of the Agreement, shall be deemed to constitute or be construed to be an admission of liability by any Party with respect to any allegation, claim, or defense asserted by any Party with respect to the Lawsuit; each Party to this Agreement expressly denies all allegations against it. Each of the Parties agrees that it is entering into this Agreement to settle the disputes encompassed in this Agreement solely as a business decision for the purposes of avoiding the further cost of litigation with respect to those disputes. This agreement inures to the benefit of the Parties and cannot be relied upon by any third party.

13. **SEVERABILITY.** If any paragraph, or any part of any paragraph, of this Agreement is held by a court of competent jurisdiction to be void or unenforceable, the remainder of this Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Release and Settlement Agreement as of the day and year first set forth hereinabove.

**[SIGNATURES AND NOTARY ACKNOWLEDGEMENTS OF PARTIES ON
FOLLOWING PAGES]**

ATTORNEYS OF RECORD:

For Plaintiffs

For Defendant

AUTOBELL CAR WASH, LLC

By: _____

Print Name: _____

Print Title: _____

STATE OF _____

COUNTY OF _____

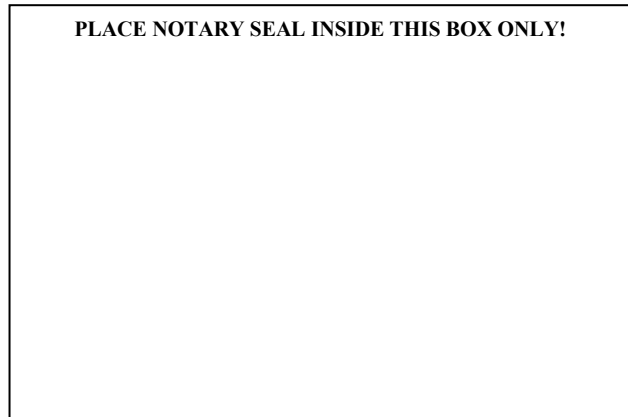
I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is the _____ of **Autobell Car Wash, LLC** and that he/she, as _____, being authorized to do so, executed the foregoing instrument on behalf of **Autobell Car Wash, LLC**.

Date: _____

Notary Public

(Printed Name of Notary)

My Commission Expires: _____



AUTOBELL-ARROWHEAD, INC.

By: _____

Print Name: _____

Print Title: _____

STATE OF _____

COUNTY OF _____

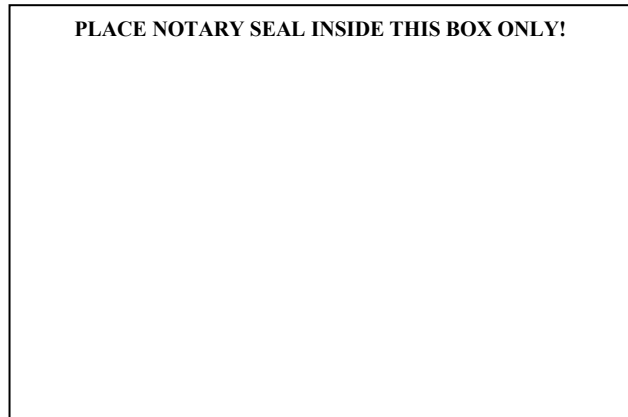
I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is the _____ of **Autobell-Arrowhead, Inc.** and that he/she, as _____, being authorized to do so, executed the foregoing instrument on behalf of **Autobell-Arrowhead, Inc.**

Date: _____

Notary Public

(Printed Name of Notary)

My Commission Expires: _____



TOWN OF WAYNESVILLE

By: _____
Gary Caldwell, Mayor

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

I, CANDACE H. POOLTON, Clerk for the Town of Waynesville, certify that **Gary Caldwell** personally came before me this day and acknowledged that he is the duly-elected **Mayor** of the **Town of Waynesville** and that he, as **Mayor**, being authorized to do so, executed the foregoing instrument on behalf of the **Town of Waynesville**.

Date: _____
Candace H. Poolton

APPROVED AS TO FORM:

By: _____
Martha Sharpe Bradley, Town Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Misty Hagood, Finance Director

Ordinance No. O-14-24

Amendment No. 18 to the 2023-2024 Budget Ordinance

WHEREAS, the Town Council of the Town of Waynesville, wishes to amend the 2023-2024 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville that the 2023-2024 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Fund Balance Appropriation	\$60,000
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Increase the following appropriations:

Town Council	\$60,000
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Adopted this 12th day of March 2024.

Town of Waynesville

Gary Caldwell
Mayor

Attest:

Candace Poolton
Town Clerk

Approved As To Form:

Martha Sharpe Bradley
Town Attorney