

## Town of Waynesville, NC

### Town Council Regular Meeting

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

Date: January 9th, 2024 Time: 6:00 p.m.

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*Consider the environment ♦ Conserve resources ♦ Print only when necessary*

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(828) 452-2491 [cpoolton@waynesvillenc.gov](mailto: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. December 12<sup>th</sup>, 2023 Regular Scheduled Meeting Minutes
  - b. Request for budget amendment for Governors Highway Safety Grant reimbursement for overtime worked specific to traffic enforcement
  - c. Approval to use Restricted SWAT Account funds for the purchase of SRT ballistic vest.
  - d. Purchase of Red Dot Rifle Sights for our Patrol Officers
  - e. Consideration of a Resolution to support Haywood Waterways Association StRAP grant application for the purpose of debris removal within the Town's park property (PIN 8616-72-3598).
  - f. Special Event permit for Martin Luther King Walk
  - g. The purchase of self-contained breathing apparatus (SCBA) equipment for the Waynesville Fire Department.

**Motion: To approve the consent agenda as presented.**

#### E. PRESENTATIONS

3. Recognition of Jim and Mary Fords’s 13 years of dedicated service to our Civilian Police Academy
  - Police Chief David Adams
4. Retirement for K-9 Luke
  - Assistant Police Chief Brandon Gilmore

**F. PUBLIC HEARINGS**

5. Public Hearing to consider a request for Annexation for one (1) parcel off Hillside Terrace Drive in Waynesville, PIN 8626-01-2244 (2.62 acres).
  - Elizabeth Teague, Development Services Director

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

6. Public Hearing to consider a request for Annexation for one (1) parcel at 68 Hillside Terrace Drive in Waynesville, PIN 8626-01-1444 (1.11 acres).
  - Elizabeth Teague, Development Services Director

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

7. Public Hearing to consider a request for Annexation for one (1) parcel at 76 Hillside Terrace Drive in Waynesville, PIN 8616-91-9354 (0.81 acre).
  - Elizabeth Teague, Development Services Director

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

8. Public Hearing to consider a zoning map amendment request for a portion of the property at 1460 Russ Avenue, PIN 8616-24-8812, from the Dellwood Residential Medium Density District Mixed-Use Overlay (D-RM MXO) to the Russ Avenue Regional Center District (RA-RC).
  - Elizabeth Teague, Development Services Director

**Motions:**

1. ***To find that the request is reasonable and in the public interest to amend the 2035 Comprehensive Plan’s Future Land Use Map to extend the Regional Center Zoning designation along the road frontage of Russ Avenue.***
2. ***To adopt the zoning map amendment ordinance as presented to redesignate a portion of the property at 1460 Russ Avenue, PIN 8616-24-8812, from the Dellwood Residential Medium Density District, Mixed-Use Overlay (D-RM MXO), to the Russ Avenue Regional Center District (RA-RC).***

**G. NEW BUSINESS**

9. Reclassify one Senior Customer Service position to Payroll Specialist and change it from Grade 55 to Grade 61
- Misty Hagood, Finance Director

***Motion: Approve the reclassification of one Senior Customer Service position to a Payroll Specialist and move it from Grade 55 to Grade 61.***

10. The Eagles Nest Booster Station re-build project
- Assistant Public Services Director Ricky Foster

***Motion: To award the Eagles Nest Booster Station upgrade to T.P. Howard in the amount of \$224,990.00.***

11. Interview logistics for Planning Board Applicant
- Assistant Town Manager Jesse Fowler

12. Select a “Contract administrator” to aid the staff in administering the CDBG-I Infrastructure grant
- Rob Hites, Town Manager

***Motion: Approve McGill Associates as the “Grant Administrator to carry out the CDBG-I program’s Federal program requirements and authorize the staff to negotiate a contract for the service.***

13. Select an engineering firm to provide design, bid, construction observation and reporting for the Town’s CDBG Infrastructure grant.
- Rob Hites, Town Manager

***Motion: Approve \_\_\_\_\_ as the engineering firm to carry out design, bidding, construction administration and engineering reporting for the CDBG-I grant and authorize the staff to negotiate a contract for the service.***

## H. OLD BUSINESS

14. Appoint a member of the Council to the TDA Board
- Rob Hites, Town Manager

***Motion: Appoint a member to the TDA Board of Directors.***

15. Comprehensive Transportation Study for the Entirety of East Street
- Rob Hites, Town Manager

***Motion: Approve all or parts of JM Teague’s Proposal.***

## I. COMMUNICATION FROM STAFF

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

January 9, 2024

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16. Manager's Report

- Town Manager, Rob Hites

17. Town Attorney Report

- Town Attorney, Martha Bradley

**J. COMMUNICATIONS FROM THE MAYOR AND COUNCIL**

**K. ADJOURN**





# TOWN OF WAYNESVILLE

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

## CALENDAR

January 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. January 23	Town Council Meeting – Regular Session
Mon. January 15	Town Offices Closed-MLK Day
Tues, February 13	Town Council Meeting – Regular Session
Tues. February 27	Town Council Meeting – Regular Session
Tues, March 12	Town Council Meeting – Regular Session
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
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
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## Board and Commission Meetings – January 2024

ABC Board	ABC Office – 52 Dayco Drive	January 16th 3 <sup>rd</sup> Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	January-CANCELLED 1 <sup>st</sup> Tuesday 5:30 PM
Cemetery Commission	Public Services Building	January 16th, March-, July, and October 3 <sup>rd</sup> Tuesday 2:00 PM
Downtown Waynesville Commission	Municipal Building – 16 South Main Street	January 16th 3 <sup>rd</sup> Tuesday 8:30 AM
Environmental Sustainability Board	Municipal Building-16 South Main Street	January 4th 1 <sup>st</sup> and 3 <sup>rd</sup> 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	January 3rd 1 <sup>st</sup> Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	January 22 <sup>nd</sup> -Special Called 3 <sup>rd</sup> Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	January 11th 2 <sup>nd</sup> Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	CANCELLED 3 <sup>rd</sup> Monday 5:30 PM
Waynesville Housing Authority	Main Office-48 Chestnut Park Drive	January 17th 3 <sup>rd</sup> Wednesday 9:00 AM

**MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL**  
**Regular Meeting**  
**December 12, 2023**

**THE WAYNESVILLE TOWN COUNCIL** held a regular meeting on Tuesday, December 12, 2023, 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 6:00 pm 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  
Candace Poolton, Town Clerk  
Elizabeth Teague, Director of Development  
Sr. Lt. Chris Chandler  
Misty Hagood, Finance Director  
Assistant Fire Chief Chris Mehaffey  
Police Chief David Adams  
Assistant Police Chief Brandon Gilmore  
Jeff Stines, Public Services Director  
Lt. Billy Benhart

Members of the Media:

Becky Johnson, The Mountaineer

**A. CALL TO ORDER MEETING- Mayor Gary Caldwell**

Mayor Gary Caldwell called the meeting to order at 6:00pm and asked Councilmember Chuck Dickson to introduce Chief District Court Judge Roy Wijewickrama, who will be administering the oaths of office. Councilmember Dickson said that Judge Wijewickrama is a resident of Waynesville and his mother used to work for the Town.

## B. MAYOR'S OATH OF OFFICE

Chief District Court Judge Roy Wijewickrama administered the Oath of Office to Mayor Gary Caldwell.

## C. COUNCILMEMBERS' OATHS OF OFFICE

Chief District Court Judge Roy Wijewickrama administered the Oath of Office to Councilmembers Julia Freeman, Anthony Sutton, Jon Feichter, and Chuck Dickson.

### 1. Appointment of Mayor Pro Tempore

***A motion was made by Councilmember Julia Freeman, seconded by Councilmember Anthony Sutton, to appoint Councilmember Chuck Dickson as the Mayor Pro Tempore. The motion passed unanimously.***

Councilmember Dickson thanked the citizens of Waynesville for their trust. He said he appreciates that each Councilmember brings something different to the table, and that they all work together. He promised that Council will work as hard as they can for the Town citizens. He stated that their goals include repairing aging infrastructure, affordable housing, maintaining small town heritage while navigating inevitable growth, and becoming more energy efficient. Councilmember Dickson said another reason he loves this Council is because they lift each other up, they love their neighbors, and they treat others with respect. He thanked all of the Waynesville staff for all the work they do and said Council couldn't do it without them.

The other Councilmembers and Mayor thanked the citizens, Council, and staff.

### 2. Calendar/Announcements

Mayor Gary Caldwell announced that Town offices will be closed the 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup> for the Christmas holiday. He said the next Council meeting will be January 9<sup>th</sup>, 2024.

## 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.*

- a. Motion to approve the November 14<sup>th</sup>, 2023, Regular Scheduled Meeting Minutes
- b. Motion to approve Key Card Budget Amendment Ordinance No. 11
- c. Motion to approve the Agreement to purchase a portion of property known as 234 W. Marshall Street, 8616-40-7478,  
to provide greenway access between the Mountain Creek greenway and Vance Street Park.
- d. Motion to amend the Town of Waynesville Fee Schedule to include a \$100 fee for application for the Town of Waynesville's Solar Interconnection Electric Fee Rate Rider.

e. Motion to approve the purchase of the utility trailer and to approve the budget amendment as presented.

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

**E. PRESENTATION**

4. Resolution Awarding Badge and Duty Weapon (handgun) to retiring Sr. Lieutenant Christopher Chandler.

- Police Chief David Adams

Mayor Gary Caldwell thanked Sr. Lt. Chris Chandler for his work with the Town and for being there for him in a time of need.

Police Chief David Adams read the resolution awarding Sr. Lt. Chris Chandler his badge and duty gun.

Lt. Sr. Chris Chandler thanked the Council for their support and said it's been an honor to serve the Town of Waynesville.

**F. PUBLIC COMMENT**

There was no public comment.

**G. COMMUNICATION FROM STAFF**

5. Manager's Report

- Town Manager, Rob Hites

Nothing to report.

6. Town Attorney Report

- Town Attorney, Martha Bradley

Nothing to report.

**H. COMMUNICATIONS FROM THE MAYOR AND COUNCIL**

Councilmember Sutton reported that he went to Raleigh the day prior and they announced that a feasibility study will be conducted for passenger rail will going from Raleigh to Asheville. He added that he will be presenting to Council on behalf of the MPO in January and February.

**I. ADJOURN**

***A motion was made by Councilmember Freeman, seconded by Councilmember Sutton, to adjourn at 6:25pm. The motion passed unanimously.***

ATTEST:

\_\_\_\_\_  
Gary Caldwell, Mayor

\_\_\_\_\_  
Robert W. Hites, Jr. Town Manager

\_\_\_\_\_  
Candace Poolton, Town Clerk

DRAFT

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: January 9, 2024**

**SUBJECT:** Request for budget amendment for Governors Highway Safety Grant reimbursement for overtime worked specific to traffic enforcement

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Police  
**Contact:** Assistant Chief Brandon Gilmore  
**Presenter:** **Assistant Chief Brandon Gilmore**

**BRIEF SUMMARY:** The Waynesville Police Department was awarded a reimbursement grant in the amount of \$25,000 from the Governors Highway Safety. This grant is specific to reimbursing those that work overtime and concentrate their efforts to traffic enforcement. In an attempt to track this funding accurately, a specific line item is needed that will reflect the amount of overtime officers that work this assignment have utilized.

**MOTION FOR CONSIDERATION:**

Approve budget amendment as presented

**FUNDING SOURCE/IMPACT:** GHS Grant in the amount of \$25,000



Misty Hagood, Finance Director

12/20/23

Date

**ATTACHMENTS:**

Budget amendment

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

Ordinance No. O-1-24

Amendment No. 15 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:

Grants/Restricted Revenues	25,000
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Increase the following appropriations:

Police Department	25,000
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Adopted this 9th day of January 2024.

Town of Waynesville

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Gary Caldwell  
Mayor

Attest:

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Candace Poolton  
Town Clerk

Approved As To Form:

---

Martha Sharpe Bradley  
Town Attorney



**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: January 9, 2024**

**SUBJECT:** Approval to use Restricted SWAT Account funds for the purchase of SRT ballistic vest.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Police  
**Contact:** Assistant Chief Brandon Gilmore  
**Presenter:** **Assistant Chief Brandon Gilmore**

**BRIEF SUMMARY:** The Waynesville SRT team has always been slotted for 12 officers to be part of this specialized team. We are rarely fully staffed within this team due to the physical requirements and the extra responsibilities that are demanded to be an active member. When we originally purchased new ballistic vest for the team in 2021, we purchased vest for the current members at that time. Since then, we have added an additional member, and there is a need to purchase another uniform and ballistic vest.

**MOTION FOR CONSIDERATION:**

Approval of the budget amendment as presented.

**FUNDING SOURCE/IMPACT:** SWAT restricted funds

  
Misty Hagood, Finance Director

12/20/23  
Date

**ATTACHMENTS:**

1. Budget Amendment
2. Lawman's Quote

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

Ordinance No. O-3-24

Amendment No. 13 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:

Restricted Fund Balance (SWAT Funds)	\$3,768.45
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Increase the following appropriations:

Police Department	\$3,768.45
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Adopted this 9th day of January 2024.

Town of Waynesville

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Gary Caldwell  
Mayor

Attest:

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Candace Poolton  
Town Clerk

Approved As To Form:

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Martha Sharpe Bradley  
Town Attorney



3319 Anvil Place  
Raleigh, NC 27603

800 Clanton Road Suite T  
Charlotte, NC 28217

**SALES QUOTE**

SQ-398334

11/20/2023



REMIT TO: 3319 Anvil Place, Raleigh, NC 27603

<b>Customer</b>	<b>Contact</b>	<b>Ship To</b>
TOWN OF WAYNESVILLE ATTN: ACCOUNTS PAYABLE ATTN: Lt Chris Chandler 9 S. MAIN ST WAYNESVILLE NC 28786 Tel: (828)456-5363 Fax: (828)456-2001		WAYNESVILLE POLICE DEPT LT CHRIS CHANDLER 9 S. MAIN STREET WAYNESVILLE NC 28786

<b>Account</b>	<b>Terms</b>	<b>Due Date</b>	<b>Account Rep</b>	<b>Schedule Date</b>
WAYNES	NET 30 Email Delivery	12/20/2023	Zachary Parke	11/20/2023

<b>Quotation</b>	<b>PO #</b>	<b>Reference</b>	<b>Ship VIA</b>	<b>Page</b>	<b>Printed</b>
SQ-398334		SCHICK	FACTORY DIRECT	1	12/13/2023 3:47:02PM

<b>Item</b>	<b>Description</b>	<b>Qty</b>	<b>Price</b>	<b>UM</b>	<b>Discount</b>	<b>Amount</b>
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1	PAP1314799 Protech SHIFT 360 Single Flap, Advanced Webless System, VELCRO Brand Closure, RANGER GREEN  QN: NASPO	1	\$418.50	EA		\$418.50
2	SBA1350951 GASPERSON, CAMERON MEDIUM Safariland 1350951 SHIFT 360 Cumberbund Ballistics New Hardwire 68 Level IIIA	1	\$490	EA		\$490.00
3	SBA1352025RG Safariland Armor 1352025 SHIFT Shoulder Ballistics New Hardwire 68 Ranger Green	1	\$300	EA		\$300.00
4	SBA1352030RG Safariland Armor 1352030 Lower Abdomen-Spine Advanced Webless Sys Ranger Green	2	\$268	EA		\$536.00
5	PAP1350914 Protech Tactical Plate 1350914 Hardwire 8000 Type III 10X12 Multi Curve Shooters Cut	2	\$871	EA		\$1,742.00
6	111004830MR First Tactical M'S DEFENDER LS SHIRT OD GREEN MEDIUM R	1	\$89.50	EA		\$89.50
7	1140028303234 M'S DEFENDER PANT MD - COLOR - 51:OD GREEN MD - WAIST:32 MD - INSEAM:34	1	\$142.50	EA		\$142.50
8	SH SHIPPING/HANDLING	1	\$49.95	EA		\$49.95

<p>Pricing is valid for 30 days. * Please verify that the part numbers and descriptions are correct before submitting your order. * Restocking fees may apply to returned items. Firearms, ammunition, special order or customized items and certain other products may not be returned. * Many products sold have manufacturer's warranties. For returns related to matters covered by a manufacturer's warranty, please contact the manufacturer directly for instructions to repair or replace your product. We do not augment or supplement the manufacturer warranty. * Prices on this quotation assume payment with cash or check.</p>	<b>Tax Details</b>	<b>Taxable</b>	\$3,768.45
	NCCTTY7.00 \$263.791		
		<b>Total Tax</b>	\$263.79
		<b>Exempt</b>	\$0.00
		<b>Total</b>	\$4,032.24
	<b>Balance</b>	\$4,032.24	

**TOWN OF WAYNESVILLE COUNCIL MEETING  
REQUEST FOR COUNCIL ACTION  
Meeting Date: January 9, 2024**

**SUBJECT:** Purchase of Red Dot Rifle Sights for our Patrol Officers

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Police  
**Contact:** Chief David Adams  
**Presenter:** Chief David Adams


**BRIEF SUMMARY:**

We are requesting funds from the John Francis Jr. Trust (\$3,000.00) be used to purchase the Rifle Sights from Hazelwood Gun & Tactical Store in the amount of \$2,740.00.

**MOTION FOR CONSIDERATION:**

Approve budget amendment as presented.

**FUNDING SOURCE/IMPACT:** Funds that were donated by the John Francis Jr. Trust.

	12/20/23
Misty Hagood, Finance Director	Date

**ATTACHMENTS:**

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

Ordinance No. O-2-24

Amendment No. 14 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:

Donation to Police Department	\$2,740
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Increase the following appropriations:

Police Department	\$2,740
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Adopted this 9th day of January 2024.

Town of Waynesville

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Gary Caldwell  
Mayor

Attest:

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Candace Poolton  
Town Clerk

Approved As To Form:

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Martha Sharpe Bradley  
Town Attorney

**HAZELWOOD GUN & TACTICAL INC.**

495 HAZELWOOD AVE.  
 WAYNESVILLE, NC, 28786  
 TEL: 828-452-7562 FAX: 828-452-9126

RECEIPT NO: 99616

Sale Type		SPECIAL ORDER	
Sale Status	OPEN	Reg	POS 2
Purchase Date		12/20/2023	10:52:51 AM
Clerk ID	29	Close Date	OPEN

<b>Customer Info:</b> DAVID PAUL ADAMS			<b>Ship To:</b>		
Customer	Company: WAYNESVILLE POLICE DEPT.		Customer No:	Company:	
Address:			Address:		
Suite/Apt:			Suite/Apt:		
City:	State: NC	Zip:	City:	State:	Zip:
Home:	Work: - -	Cell:	Home:	Work:	Cell:

**Purchase Summary**

PI*	Part No	Description	Serial No:	Qty	Unit Price	% Disc.	Disc.	SubTotal	Tax
O	HS403B	HOLOSUN HS403B MICRO DOT SIGHT (RED)		20	\$137.00	0	\$0.00	\$2,740.00	7

**Payment Summary**

Tender Type	Pay Date	Amt. Tendered	Amt. Paid	Change	Approval #/Other Info	Tender No.	Tender Date

**Receipt Summary**

<b>SUBTOTAL (UnTaxed):</b>		\$0.00
<b>SUBTOTAL(Taxed):</b>		\$2,740.00
<b>Receipt Discount:</b>		\$0.00
<b>TAX:</b>		\$191.81
<b>RECEIPT TOTAL:</b>		\$2,931.81
<b>TOTAL TENDERED:</b>		\$0.00
<b>CHANGE DUE</b>		\$0.00
<b>CHANGE TYPE: NONE</b>		

**Customer Still Owes: \$ 2931.81**

NICS No: \_\_\_\_\_ NICS Status: \_\_\_\_\_  
 Tracking Number: \_\_\_\_\_

**Comments**

Fee Comment:  
 Void Reason

**Receipt Disclaimer**

NO CASH REFUNDS EXCHANGES ONLY! WITHIN 30 DAYS OF PURCHASE. ALL GUN SALES ARE FINAL  
 THANKS FOR SHOPPING AT HAZELWOOD GUN AND TACTICAL

**TOWN OF WAYNESVILLE COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: January 9, 2024**

**SUBJECT:** Consideration of a Resolution to support Haywood Waterways Association StRAP grant application for the purpose of debris removal within the Town's park property (PIN 8616-72-3598).

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:**

Haywood Waterways Association plans to apply for the the Streamflow Rehabilitation Assistance Program (StRAP) grant. The NC General Assembly created this program to reduce flooding and restore streams across North Carolina and allocated \$38 million in funding. StRAP funds can be used for vegetative debris removal from streams, sediment removal, streambank stabilization, stream restoration, or culvert replacements. There is no match required and caps for individual projects are to be determined.

The program is administered by the state's Soil & Water Conservation Commission, working closely with the Division of Soil and Water Conservation within the NC Department of Agriculture and Consumer Services. On the local level, Haywood Soil and Water Conservation District assists with grant applications by identifying qualifying projects and providing cost-estimates.

The Haywood County Soil & Water and Haywood Waterways Association identified the reach of Richland Creek that is adjacent to the town's 6.2-acre park property (PIN 8616-72-3598) as a crucial location for debris removal. This property is the location of the new greenway and park that includes a future stream access area. Most of the property is in the floodway and a significant part of it is in a 100-year floodplain (*see exhibits*). This project would enable Haywood Waterways to coordinate with the Town to clean-up debris along the streambank and floodway on the town property as well as to remove hazards from within the creek itself. Development Services and Haywood Waterways Association staffs visited the property on December 4<sup>th</sup>, 2023 and observed organic and man-made debris along the stream bank and in the creek.

The attached Resolution provides support for Haywood Waterways Association's StRAP application, and grants permission for them to coordinate with the Town to conduct work on the Town's property (PIN 8616-72-3598). Haywood Waterways will be the applicant and would also manage the grant.

**MOTIONS FOR CONSIDERATION:**

1. Motion to adopt the Resolution to allow Haywood Waterways Association the use of Town's property (PIN 8616-72-3598) for their STRAP grant application and work.

**FUNDING SOURCE/IMPACT:**

This grant would go directly to Haywood Waterways Association and would not impact the Town's budget directly.

**ATTACHMENTS:**

1. Proposed resolution
2. STRAP Grant information
3. Maps: property card and flood boundaries



**RESOLUTION R-1-24 BY THE WAYNESVILLE TOWN COUNCIL**

**TO ALLOW HAYWOOD WATERWAYS ASSOCIATION TO APPLY FOR FUNDS AND  
IMPLEMENT STREAM IMPROVEMENTS WITHIN TOWN PARK PROPERTY**

- WHEREAS,** the North Carolina General Assembly created the Streamflow Rehabilitation Assistance Program (StRAP) to reduce flooding and restore streams across North Carolina; and
- WHEREAS,** the NC General Assembly allocated \$38 million in funding for StRAP in the budget appropriations bill for the 2021-2022 fiscal year; and
- WHEREAS,** the second round of StRAP applications is from November 27, 2023 through February 9, 2024, making use of \$20 million in non-recurring funding allocated to the program by the NC General Assembly; and
- WHEREAS,** Haywood Waterways Association would like to seek StRAP funding for stream debris removal and improvement within the Town of Waynesville property of the new park expansion (PIN 8616-72-3598); and
- WHEREAS,** Haywood Waterways Association identified this stream reach as a crucial location for debris removal and streambank improvement within the Richland Creek Watershed, and intend to use this property as the target area for their grant application and work; and
- WHEREAS,** If funded this project would result in clean-up and improvements within the Town's park property enhancing public safety, reducing of flood risk, and generally improving a significant area within the park;

**NOW, THEREFORE, BE IT RESOLVED BY THE WAYNESVILLE TOWN COUNCIL;**

1. That the Town supports Haywood Waterways Association's StRAP application with appreciation for their efforts to protect and improve water quality within the Richland Creek watershed; and
2. That Haywood Waterways Association is hereby granted permission to apply for StRAP funding for stream improvements and to undertake activities associated with the grant within the Town's property (PIN 8616-72-3598); and
3. That, if funded, the Town will coordinate with, and provide assistance as needed, to implement the project and assure compliance with the StRAP program.

Adopted this 9<sup>th</sup> day of January, 2024.

TOWN OF WAYNESVILLE

ATTEST:

\_\_\_\_\_  
J. Gary Caldwell, Mayor

\_\_\_\_\_  
Candace Poolton, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Martha Sharpe Bradley, Town Attorney



The Streamflow Rehabilitation Assistance Program (StRAP) provides grants to projects that help reduce flooding and restore streams across North Carolina. The program was created by the NC General Assembly, which approved \$38 million in funding for StRAP in the budget appropriations bill for the 2021-2022 fiscal year. StRAP allocates money for projects that protect and restore the integrity of drainage infrastructure of North Carolina's waterways.

## News

The Division will hold a second round of StRAP applications from November 27 through February 9, making use of \$20 million in non-recurring funding allocated to the program by the NC General Assembly.

## Program Overview

"This is a monumental step to help us prevent future flooding," said Agriculture Commissioner Steve Troxler. "While we have previously secured federal and state money to clear debris from waterways after flooding events such as hurricanes, those efforts were reactive approaches that were part of disaster recovery funds. StRAP now allows us to be proactive in clearing waterways so we can hopefully reduce flooding and protect people's property before the next big flood event happens. I'm grateful that the General Assembly understood the need for this program."

In 2022, a total of \$36.1 million was awarded to 111 applicants. A full list of grantees is [available here \(/SWC/watershed/documents/StRAP2022Recipients.pdf\)](/SWC/watershed/documents/StRAP2022Recipients.pdf).

## Project Scope

StRAP funds are intended to support projects that restore and protect drainage infrastructure of both natural streams and small watershed structural projects to prevent future flooding, restore streams, and reduce risks to life and property. StRAP funds may be used to provide nonfederal match for related disaster recovery activities funded by the federal government. StRAP eligible projects fall into 2 categories:

### Stream Debris Removal Projects

- Vegetative debris removal
- Instream sediment removal
- Streambank stabilization
- Stream restoration
- Other stream repair needs (ex: culvert replacement)

## P.L. 566 Small Watershed Project Rehabilitation

- Structural rehabilitation or replacement for critical components (ex: principal spillway, emergency spillway)
- Repair of critical eroding or settling areas
- Removal of accumulated sediment from the impoundment

Applicants receiving funds for removing debris or sediment from streams must ensure that the extracted debris is either removed from the 100-year floodplain (according to FEMA Flood Insurance Rate Maps (<https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>)) or processed in such a manner that debris would not pose a risk of blockage or significant impairment of normal streamflow during a subsequent flood event.

Beaver trapping and dam removal may be considered part of stream debris removal.

## **Enrollment**

Eligible organizations across North Carolina include Soil and Water Conservation Districts, cities and counties, drainage districts, water or sewer authorities, municipal or county service districts, sanitary districts, and nonprofit organizations.

No cost sharing is required for this program, but additional funding commitments will be considered as an indication of the viability and potential success for proposed activities. Project engineering, permitting, and administrative costs are eligible for payment through the program. Program funds may also be used to provide nonfederal match for related disaster recovery activities funded by the federal government (e.g. USDA Emergency Watershed Protection Program, USDA Watershed Rehabilitation Program).

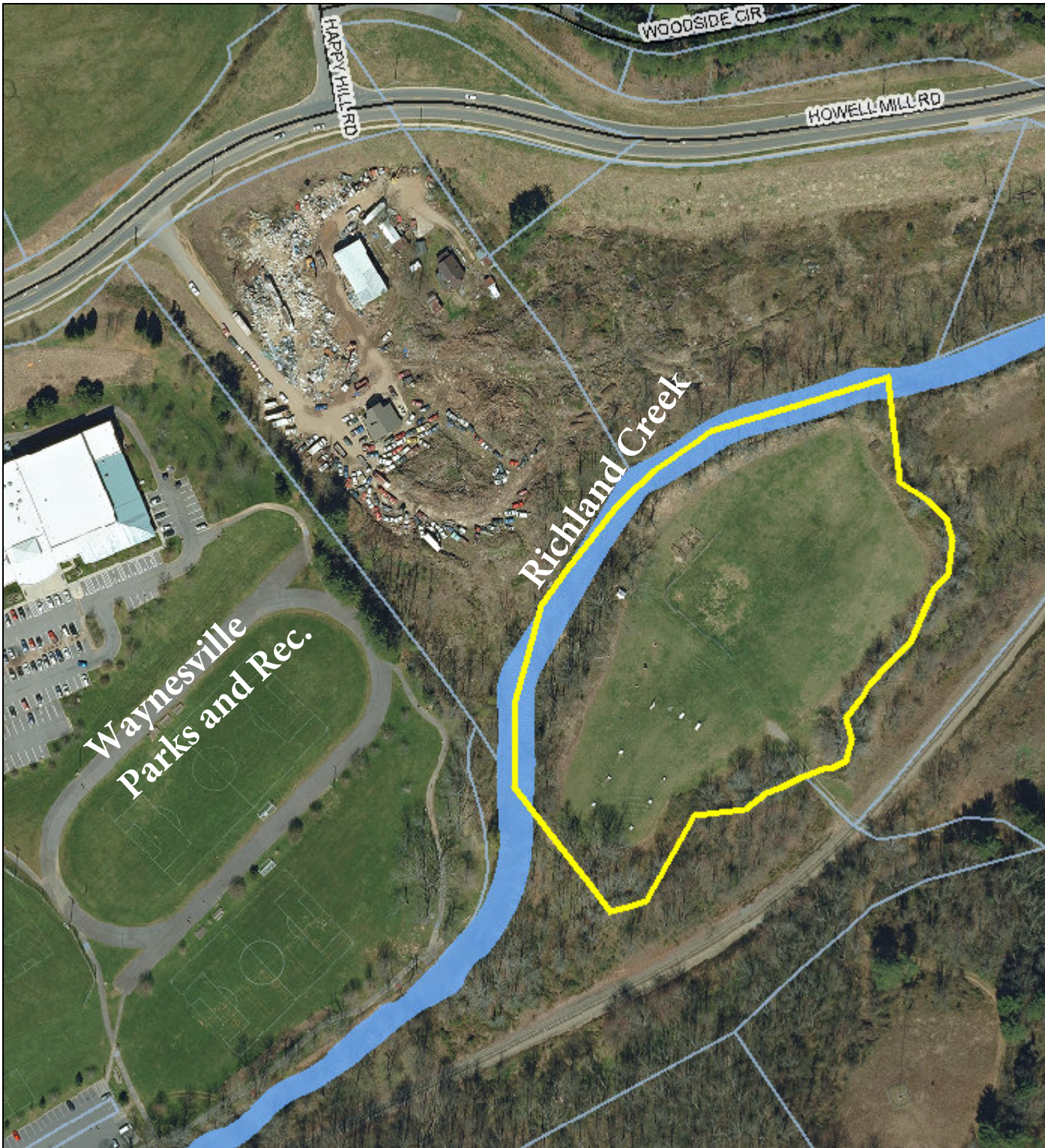
Each applicant is required to do the following:

- Complete & submit application
- Oversee project
- Provide site inspections
- Provide quarterly, 50% progress, and final reports, including pre & post pictures
- Secure contractor as needed
- Secure permits
- Secure access & rights-of-way
- Manage removal material
- Complete requests for payment, including accompany invoices

## **Contact**

Matt Safford, StRAP Manager  
NCDA&CS Division of Soil and Water Conservation  
919-707-3784  
[matt.safford@ncagr.gov](mailto:matt.safford@ncagr.gov) (<mailto:matt.safford@ncagr.gov>)





## Report For

WAYNESVILLE TOWN OF  
PO BOX C 100  
WAYNESVILLE, NC 28786

### Account Information

**PIN:** 8616-72-3598

**Legal Ref:** 930/393

**Add Ref:** CABC/7586  
S1/90

### Site Information

OFF HOWELL MILL RD

**Heated Area:**

**Year Built:**

**Total Acreage:** 6.1

**Township:** Waynesville Out

### Site Value Information

**Land Value:**

**Building Value:**

**Market Value:**

**Deferred Value:**

**Assessed Value:**

**Sale Price:**

**Sale Date:** 6/7/2017

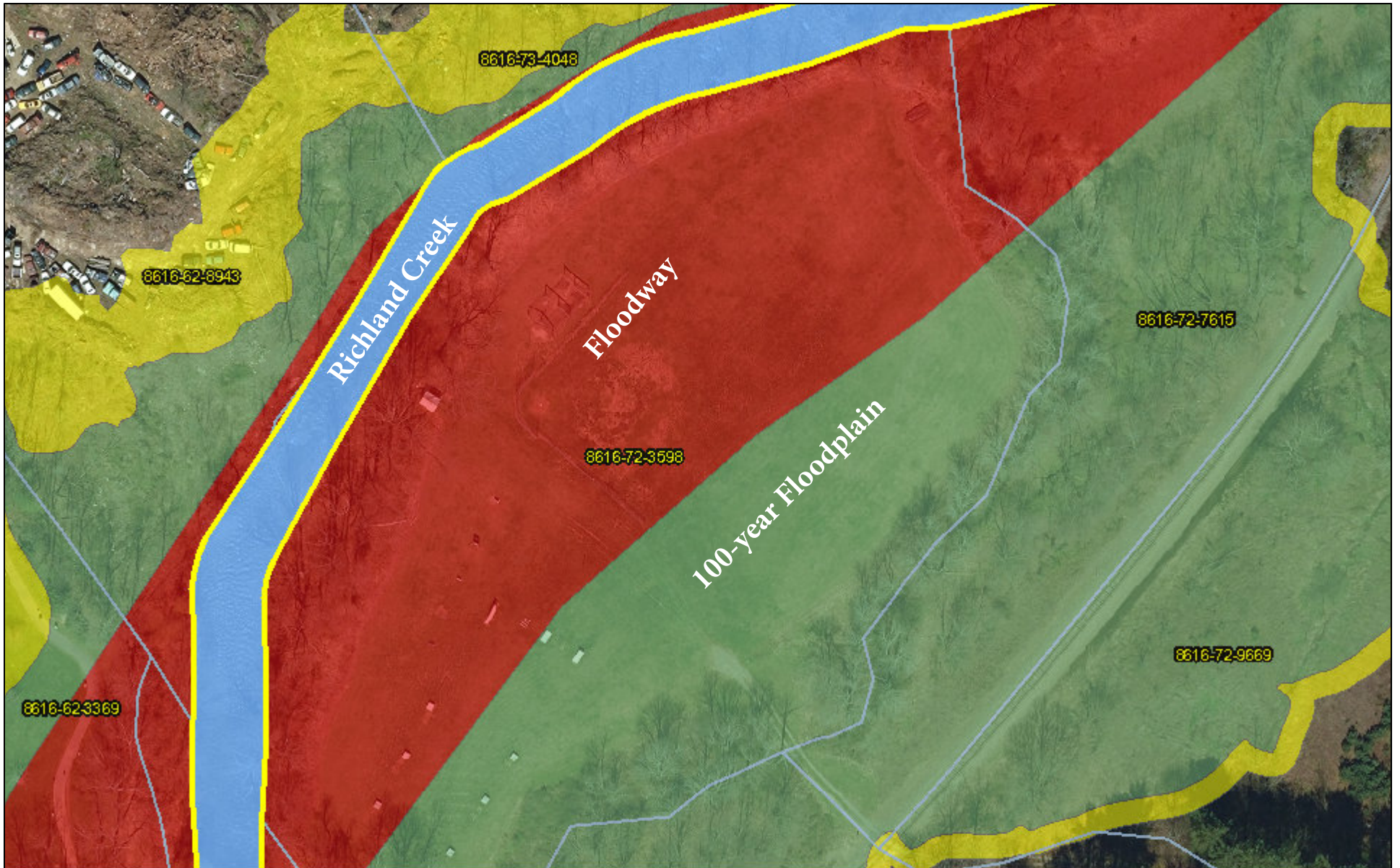


1 inch = 200 feet  
December 7, 2023

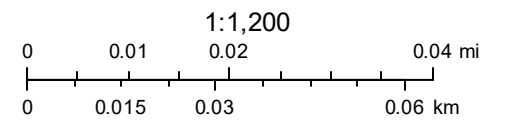
Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information 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.



# Haywood County



December 7, 2023





# Application for Special Events Permit

## I. General Information

EVENT NAME: Martin Luther King walk

EVENT DATE(S): 01/13/23  
 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: Court House down Main St ending at Pigeon Center

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

SET-UP TIME (START/END): 10.45AM

EVENT HOURS: 30 minutes

DISMANTLE HOURS (START/END): 11:00Am

ESTIMATED ATTENDANCE: 30

BASIS ON WHICH THIS ESTIMATE IS MADE: Prior 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: MLK Haywood

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

APPLICANT NAME: Tarya Hall TITLE: Treasurer

ADDRESS: 108 Elysinia Ave CITY: Waynesville STATE: NC ZIP: 28786  
82831699

PHONE: 87 FAX#: \_\_\_\_\_ EMAIL: taryahall@yahoo.com

ON-SITE CONTACT: Tammy McDowell TITLE: Group Leader

ADDRESS: 1493 Dutch Cove Rd  
82821502

PHONE #: 96 CELL PHONE #: \_\_\_\_\_ EMAIL: tammymcdowell@gmail.com

**III. Brief Description of Event**

**MLK annual walk starting at the Courthouse, walking down Main St then to Pigeon Community Center**

**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. None

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? Parking on Main St or backroad

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? No trash pick up needed

**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](mailto:bethgilmore@waynesvillenc.gov)**  
**[jfowler@waynesvillenc.gov](mailto: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  
REQUEST FOR COUNCIL ACTION  
Meeting Date: January 09, 2024

SUBJECT: The purchase of self-contained breathing apparatus (SCBA) equipment for the Waynesville Fire Department.

AGENDA INFORMATION:

Agenda Location: New Business  
Department: Fire  
Item Number:  
Contact: Chris Mehaffey, Assistant Fire Chief  
Presenter: Chris Mehaffey, Assistant Fire Chief

BRIEF SUMMARY: The Waynesville Fire Department was the recipient of a FEMA grant in the amount of \$185,928.57. The primary goal of the Assistance to Firefighters Grant (AFG) is to meet the firefighting and emergency response needs of fire departments.

MOTION FOR CONSIDERATION: To award the purchase of SCBA equipment to Rhinehart Fire Services in the amount of \$186,000.00 which will include the trade in of old SCBA equipment and cylinders valued at \$20,000.00.

FUNDING SOURCE/IMPACT: FEMA Assistance to Firefighters Grant



---

Misty Hagood, Finance Director

1/2/24

Date

ATTACHMENTS:

- Bid Tabulation
- Proposal from Rhinehart Fire Services
- Trade-In Quote

MANAGER'S COMMENTS AND RECOMMENDATIONS:

WAYNESVILLE FIRE DEPARTMENT

SCBA Units and Equipment Bid Quotation

Rhinehart Fire Services, company provides the following quoted prices to supply and deliver specified SCBA units to the Waynesville Fire Department.

Equipment Requested	Qty.	Price
A. SCOTT X8814025305304X3 PRO 4.5 Air-Paks with QD EZ Flo Regulator, UEBSS Buddy Breathing and Integrated PASS/Pak Tracker less cylinder and face piece or <b>equivalent</b> .	21	\$147200.00
B. SCOTT 804721-01 4500 30 min carbon cylinder & valve or <b>equivalent</b> .	42	\$42000.00
C. SCOTT 201215-22 AV-3000 HTR face piece or equivalent.	48	\$16800.00
<b>Final Price Quote (line A, B and C)</b>		<b>\$206,000.00</b>

The awarded contractor will be willing to negotiate with the Waynesville Fire Department, the trade-in value of 29 Paks. If approved, the above company will deliver the equipment within 120 days.

I the undersigned, as a duly authorized representative of the above company do hereby acknowledge that I have received, read, and understand the provisions of the bid specifications. Furthermore, I do hereby attest that the submitted bid complies with the above specifications and requirements to the best of my knowledge. In addition, I have duly noted any deviations or exceptions from these published specifications and have provided documentation as to their being equal to or superior to the item(s) specified. Furthermore, I am aware of the specific clauses within the specifications as they relate to performance and testing and the subsequent penalties therein.

Signature 

12/19/2023

Date

Robert R Rhinehart

President

Print Name

Title

# QUOTE

## RHINEHART FIRE SERVICES

DATE 1/2/2024

22 Piney Park Rd., Asheville NC 28806  
Office 828-273-1789

EXPIRATION DATE 1/31/2024

TO WAYNESVILLE FIRE DEPARTMENT  
ATTN JOEY WEBB  
[JWEBB@WAYNESVILLENC.GOV](mailto:JWEBB@WAYNESVILLENC.GOV)

WAYNESVILLE FIRE DEPARTMENT  
ATTN CHIEF WEBB 828-400-8563  
1022 NORTH MAIN STREET  
WAYNESVILLE, NC 28786

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
	FBR300-200	NET 10	

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
21	SCOTT X3 PRO 4.5 Air-Paks with QD EZ Flo Regulator, UEBSS Buddy Breathing and Integrated PASS/ Pak Tracker Less Cylinder Less Face Piece X8814025305304		\$206000.00
42	Scott 4500 30 min Carbon Cylinder & Valve		Included
48	Scott AV-3000 HT Face Piece		Included
	PRICE INCLUDES DELIVERY TO YOUR LOCATION		
	Trade for old SCBA and Cylinders		\$-20,000.00

OTHERLESS NOTED ABOVE PRICES DO NOT INCLUDE ANY APPLICABLE TAX	SUBTOTAL	\$186000.00
OR SHIPPING CHARGES	7% SALES TAX	+ Local sales tax
	TOTAL	

Quotation prepared by: JODY BROWN REGIONAL SALE PERSON RHINEHART FIRE SERVICES, INC. \_\_\_\_\_

This is a quotation on the goods named, subject to the conditions noted below: (Describe any conditions pertaining to these prices and any additional terms of the agreement. You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: \_\_\_\_\_

# TOWN OF WAYNESVILLE

FBR 300-200

Self-Contained Breathing Apparatus



<b>Contractor/Vendor</b>	<b>Cost</b>	<b>Equipment Brand</b>	<b>Trade-In</b>	<b>Final Cost</b>
Newton's Fire & Safety	\$ 167,643.00	MSA		\$ 167,643.00
<b>Rhinehart Fire Services</b>	<b>\$ 206,000.00</b>	<b>Scott</b>	<b>\$ 20,000.00</b>	<b>\$ 186,000.00</b>
MES	\$ 213,777.00	Scott		\$ 213,777.00

The Waynesville Fire Department has requested the purchase of Scott SCBA equipment. This same brand name equipment is used by all Haywood County mutual aid fire departments . It is paramount in assistance if equipment such as tanks etc. are interchangeable between agencies.

**TOWN OF WAYNESVILLE COUNCIL MEETING  
REQUEST FOR COUNCIL ACTION  
Meeting Date: January 9, 2024**

**SUBJECT:** Recognition of Jim and Mary Fords’s 13 years of dedicated service to our Civilian Police Academy.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Police  
**Contact:** Chief David Adams  
**Presenter:** Chief David Adams

**BRIEF SUMMARY:**

Jim & Mary were instrumental in organizing and developing the Civilian Police Academy into a well-respected volunteer program throughout North Carolina. They are leaving the program in great shape, and they will be sorely missed.

**MOTION FOR CONSIDERATION:**

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

---

Misty Haygood, Finance Director

Date

**ATTACHMENTS:**

**MANAGER’S COMMENTS AND RECOMMENDATIONS:**

**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: January 9, 2024**

**SUBJECT:** Retirement for K-9 Luke

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:**  
**Department:** Police  
**Contact:** Assistant Chief Brandon Gilmore  
**Presenter:** **Assistant Chief Brandon Gilmore**

**BRIEF SUMMARY:** K-9 Luke will be retiring after 8 years of service. Keeping with tradition we would like to present officer Pressley and Luke with a plaque acknowledging their service to the Waynesville Police Department and the community.

**MOTION FOR CONSIDERATION:**

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

N/A

---

Misty Hagood, Finance Director Date

**ATTACHMENTS:**

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

**TOWN OF WAYNESVILLE COUNCIL**  
**REQUEST FOR ACTION**  
**Meeting Date: January 9, 2024**

**SUBJECT:** Public Hearing to consider a request for Annexation for one (1) parcel off Hillside Terrace Drive in Waynesville, PIN 8626-01-2244 (2.62 acres).

**AGENDA INFORMATION:**

**Agenda Location:** Public Hearing  
**Item Number:**  
**Department:** Development Services  
**Contact:** Olga Grooman, Land Use Administrator  
**Presenter:** Olga Grooman, Land Use Administrator

**BRIEF SUMMARY:** On November 10, 2023, the Town received the attached “Petition for Annexation for a Non-Contiguous ‘Satellite’ Area” from Ronald Leatherwood and Lawrence Leatherwood, the owners of the property. The annexation request is for one (1) parcel off Hillside Terrace Drive in Waynesville, PIN 8626-01-2244 (2.62 acres). The property currently does not have any structures on it, and it is within the Town’s extra-territorial jurisdiction. The parcel is zoned Raccoon Creek Neighborhood Residential (RC-NR). Annexing the property would allow it to connect to Town’s sewer through a tap. The closest sewer line is the 8-inch line located between Asheville Rd and Hillside Terrace Dr (See attached sewer map and utilities letter by Public Services).

The staff submits that this proposed non-contiguous annexation meets the statutory standards of the NCGS, Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas. 160A-58.1- Petition for annexation; standards:

1. *The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city:* the property is approximately 0.16 miles from the primary corporate limits (per Haywood County GIS).
2. *No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section:* the closest town to this parcel is Waynesville.
3. *The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits:* The Town can provide water, sewer, and sanitation services for the abovementioned parcel, and the utilities availability letter from the Public Services is attached.
4. *If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.*- it is not a subdivision.

**MOTION FOR CONSIDERATION:**

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



**FUNDING SOURCE/IMPACT:** Future action to annex this property will allow the property to receive town municipal services, and be subject to Town property tax.

**ATTACHMENTS:**

1. Petition
2. Platted map, metes and bounds
3. Proximity to municipal boundaries, zoning, and sewer maps
4. Signed Resolution to Consider
5. Utilities letter by Public Services
6. Agent Authorization
7. Public notices: Mountaineer newspaper, property signs

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

PETITION FOR ANNEXATION OF  
NON-CONTIGUOUS "SATELLITE" AREAS

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

11/07/2023  
Date

TO: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 3 below be annexed to the Town of Waynesville.

2. Standards which the satellite area must meet:

- a. The nearest point on the satellite area must not be more than three (3) miles from the primary limits of the annexing city.
- b. No point on the satellite area may be closer to the primary limits of another municipality than to the annexing city.
- c. Note: When there is any substantial question as to whether the area is closer to another city, the tax map submitted with the petition shall show the satellite area also in relation to the primary corporate limits of the other city.
- d. The area proposed for annexation must be situated that services provided the satellite area can be equivalent to the services provided within the primary limits.
- e. If the area proposed for annexation, or any portion thereof, is a subdivision, as defined in G.S. 160A-376, all of the subdivision must be included.
- f. The area within the proposed satellite limits plus the area within all other satellite corporate limits may not exceed ten percent (10%) of the total land area within the primary corporate limits of the annexing city.

3. The area to be annexed is non-contiguous to the Town of Waynesville and the boundaries of such territory are as follows:

42 HILLSIDE TERRACE, WAYNESVILLE NC

a. Metes and bounds description is attached.

4. A tax map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Waynesville. If there is substantial question as to whether the area may be closer to another city than to the annexing city, the map should show the relation to the primary corporate limits of the other town.

NAME Ronald C Lathwood SIGNATURE Ronald C Lathwood  
ADDRESS 171 Scenic Circle, Waynesville NC 28786

828.421.4516

## Exhibit A

### Metes and Bounds Description of Lot: 42 Hillside Terrace: Larry and Ron Leatherwood

Using N.C.G.S. Monument "HAY 10" (N = 661.022.52', E = 820.289.45'), go N 03 Deg. 46' 01" W 19.93 ft. to TIE to an Iron Pin (N = 661.042.40', E = 820.288.14'). thence BEGIN N 86 Deg. 22' 55" W 55.89'. thence S 34 Deg. 50' 14" W 15.00'. thence N 56 Deg. 06' 33" W 275.02'. thence N 06 Deg. 18' 08" W 24.39'. thence N 41 Deg. 45' 29" E 100.52'. thence N 38 Deg. 10' 08" E 91.16'. thence N 60 Deg. 31' 44" E 100.29'. thence N 47 Deg. 38' 31" E 140.66' to IPS. thence S 28 Deg. 32' 29" E 40.96'. thence S 37 Deg. 23' 58" E 218.99'. thence S 34 Deg. 32' 09" W 303.03' to Beginning IPC.

Rlv1.03102021



HILLSIDE TERRACE DR

NESBITT ST

SIMS CIR

76

CLEMENT DR

88

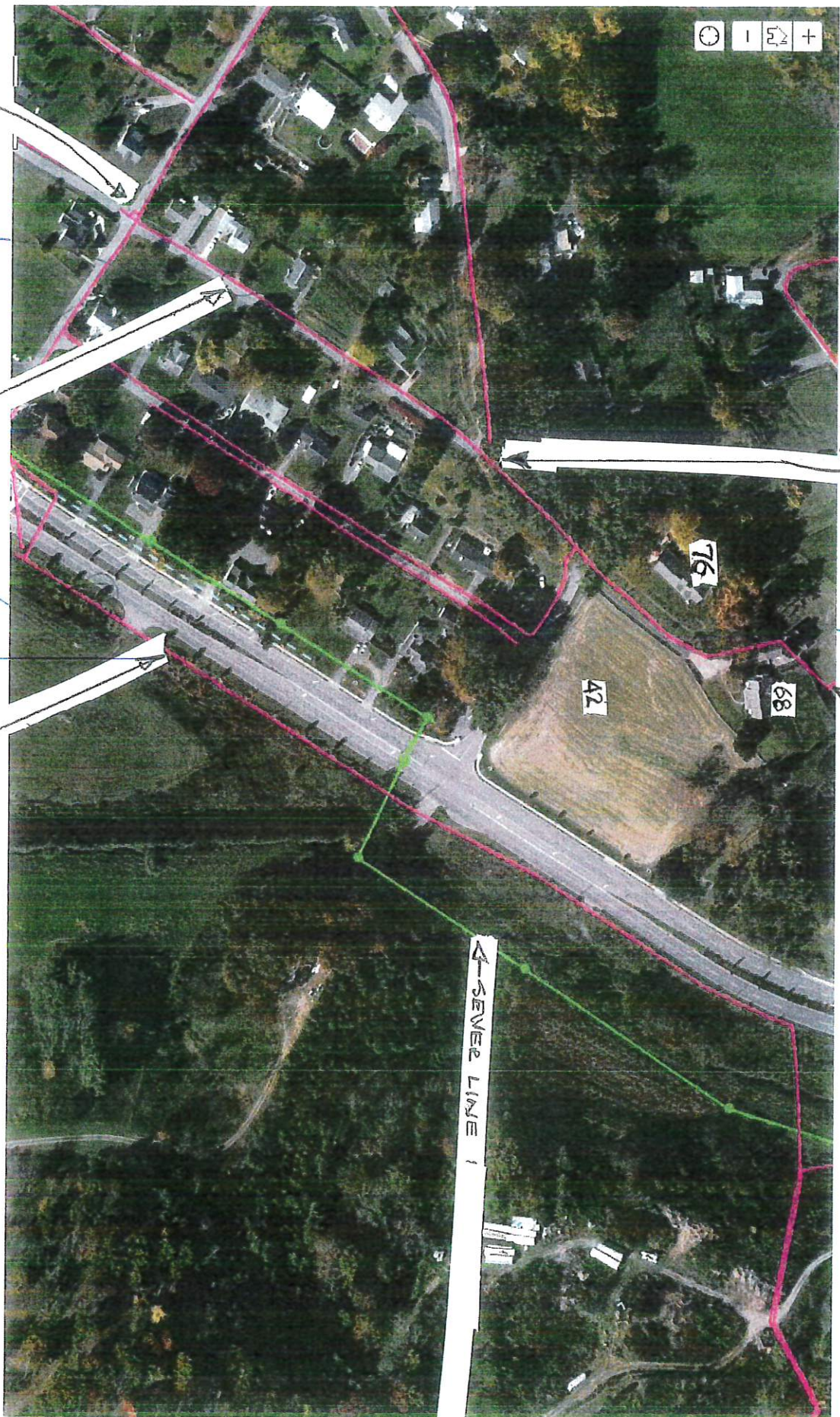
42

ASHEVILLE RD

WHITE PINE DR







FIRE HYDRANT  
(NO FLOW INTERVAL)

2" C.I. WATER LINE (NOT BEARING)

SEWER LINE 1

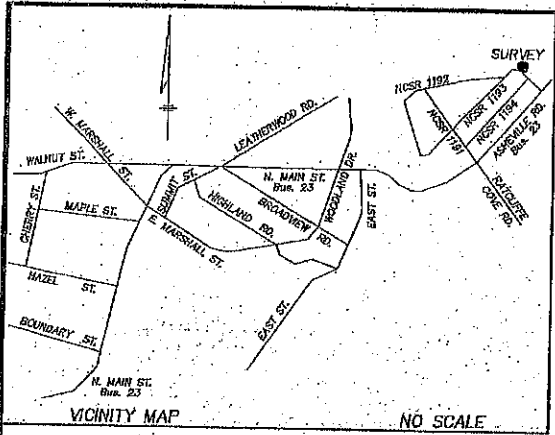
4" C.I.  
WATER LINE

FIRE HYDRANT

- 998 gal/min
- 90 PSI STATIC PRESS.
- 30 PSI RESIDUAL PRESS.

5" PVC  
200' S  
WATER LINE





- NOTES & LEGEND**
- 1.) ALL ROADS ARE PRIVATE, UNLESS OTHERWISE NOTED.
  - 2.) AREA COMPUTED BY D.M.D. METHOD.
  - 3.) TOTAL AREA = 4.987 ACRES.
  - 4.) I.P.S. = IRON PIN SET = 5/8" REBAR WITH LD. CAP.
  - 5.) ALL DISTANCES ARE HORIZONTAL GROUND.
  - 6.) ALL GRID INFORMATION IS N.A.D. '83(2011).
  - 7.) FENCE = - - - - -

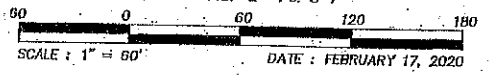
**CERTIFICATE OF "TOWN OF WAYNESVILLE"**  
 I HEREBY CERTIFY THAT THIS PLAT WAS REVIEWED AND APPROVED BY THE TOWN OF WAYNESVILLE PLANNING & ZONING FOR RECORDING IN THE OFFICE OF THE REGISTRAR OF DEEDS OF HAYWOOD COUNTY.  
*John Lane* 2/19/20  
 TOWN OF WAYNESVILLE PLANNING DIRECTOR DATE

STATE OF NORTH CAROLINA  
 COUNTY OF HAYWOOD  
 REVIEW OFFICER OF HAYWOOD COUNTY  
 CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.  
 REVIEW OFFICER DATE

**SURVEY FOR  
 AMELIA B. LEATHERWOOD (Heirs)**

AMELIA B. LEATHERWOOD (Heirs) - OWNER  
 WAYNESVILLE TWP. HAYWOOD CO., N.C.

- REFERENCES: ESTATE FILE: 2010-E-79  
 D.B. 406 PG. 324  
 D.B. 156 PG. 144  
 D.B. 155 PG. 10  
 D.B. 148 PG. 16  
 P.B. "D" PG. H-18  
 P.B. "E" PG. S-7

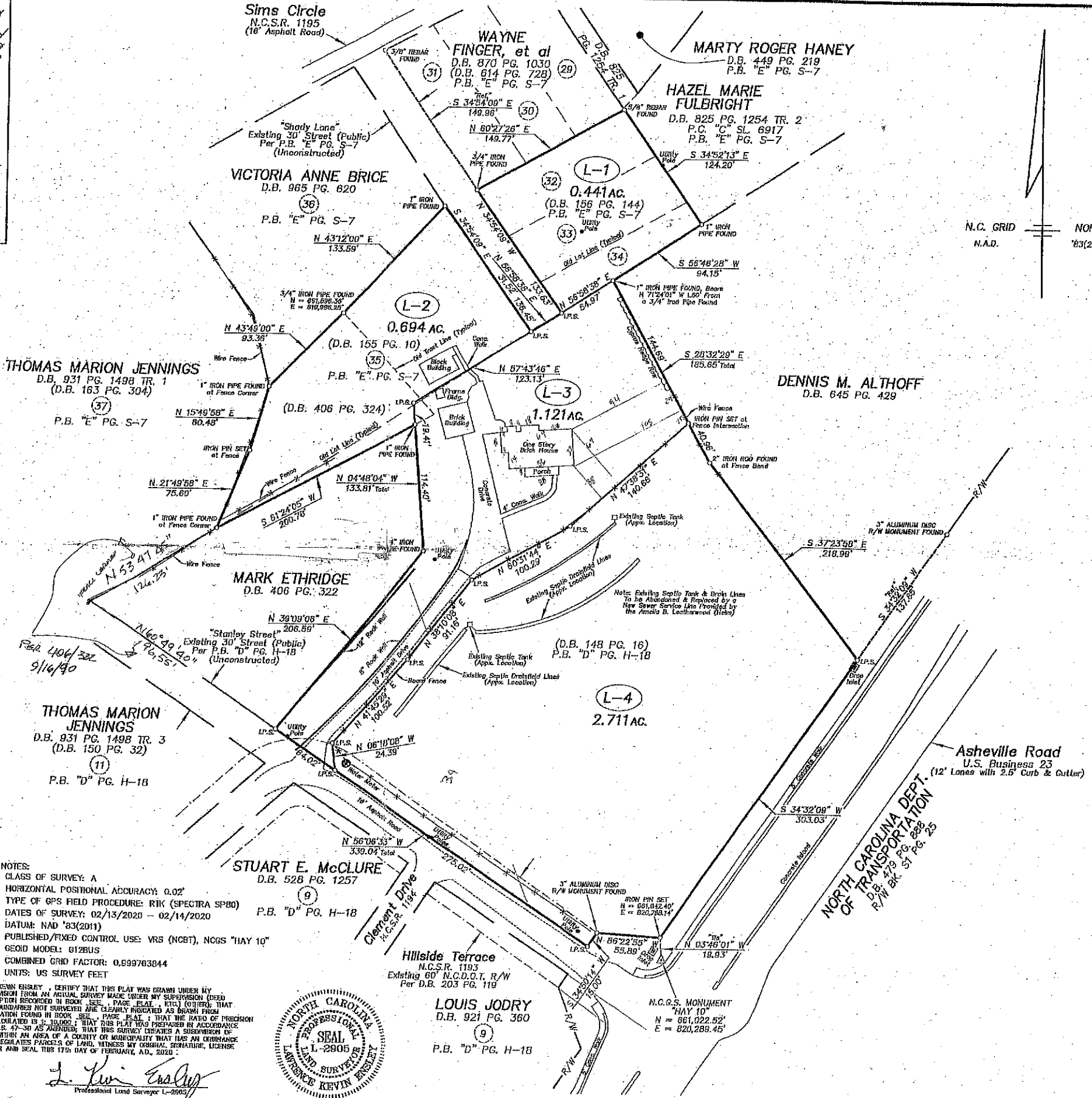
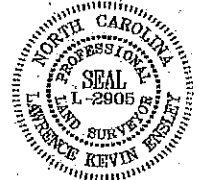


L. KEVIN ENSLEY, P.L.S.  
 429 DELLWOOD ROAD  
 WAYNESVILLE, N.C. 28786  
 (704) 436-6335

A-016-20

- GPS NOTES:**
- 1.) CLASS OF SURVEY: A
  - 2.) HORIZONTAL POSITIONAL ACCURACY: 0.02'
  - 3.) TYPE OF GPS FIELD PROCEDURE: RIK (SPECTRA SP80)
  - 4.) DATES OF SURVEY: 02/13/2020 - 02/14/2020
  - 5.) DATUM: NAD '83(2011)
  - 6.) PUBLISHED/FIXED CONTROL USE: VRS (NCBT), NCGS "HAY 10"
  - 7.) GEOID MODEL: G12BUS
  - 8.) COMBINED GRID FACTOR: 0.899763844
  - 9.) UNITS: US SURVEY FEET

I, L. KEVIN ENSLEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK, SEE PAGE, PLAT, ETC.) (OTHER) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK, SEE PAGE, PLAT, ETC.) (OTHER) THAT AS CALCULATED IS 3.15(100); THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN AN AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 17th DAY OF FEBRUARY, A.D. 2020.



N.C. GRID NORTH  
 N.A.D. '83(2011)

**Asheville Road**  
 U.S. Business 23  
 (12' Lanes with 2.5' Curb & Outter)

**NORTH CAROLINA DEPT. OF TRANSPORTATION**  
 D.B. 479 PG. 823  
 R/W BK. 57 PG. 25

SCALE

**THOMAS MARION JENNINGS**  
 D.B. 931 PG. 1498 TR. 1  
 (D.B. 163 PG. 304)  
 (37)  
 P.B. "E" PG. S-7

**MARK ETHRIDGE**  
 D.B. 406 PG. 322

**THOMAS MARION JENNINGS**  
 D.B. 931 PG. 1498 TR. 3  
 (D.B. 150 PG. 32)  
 (11)  
 P.B. "D" PG. H-18

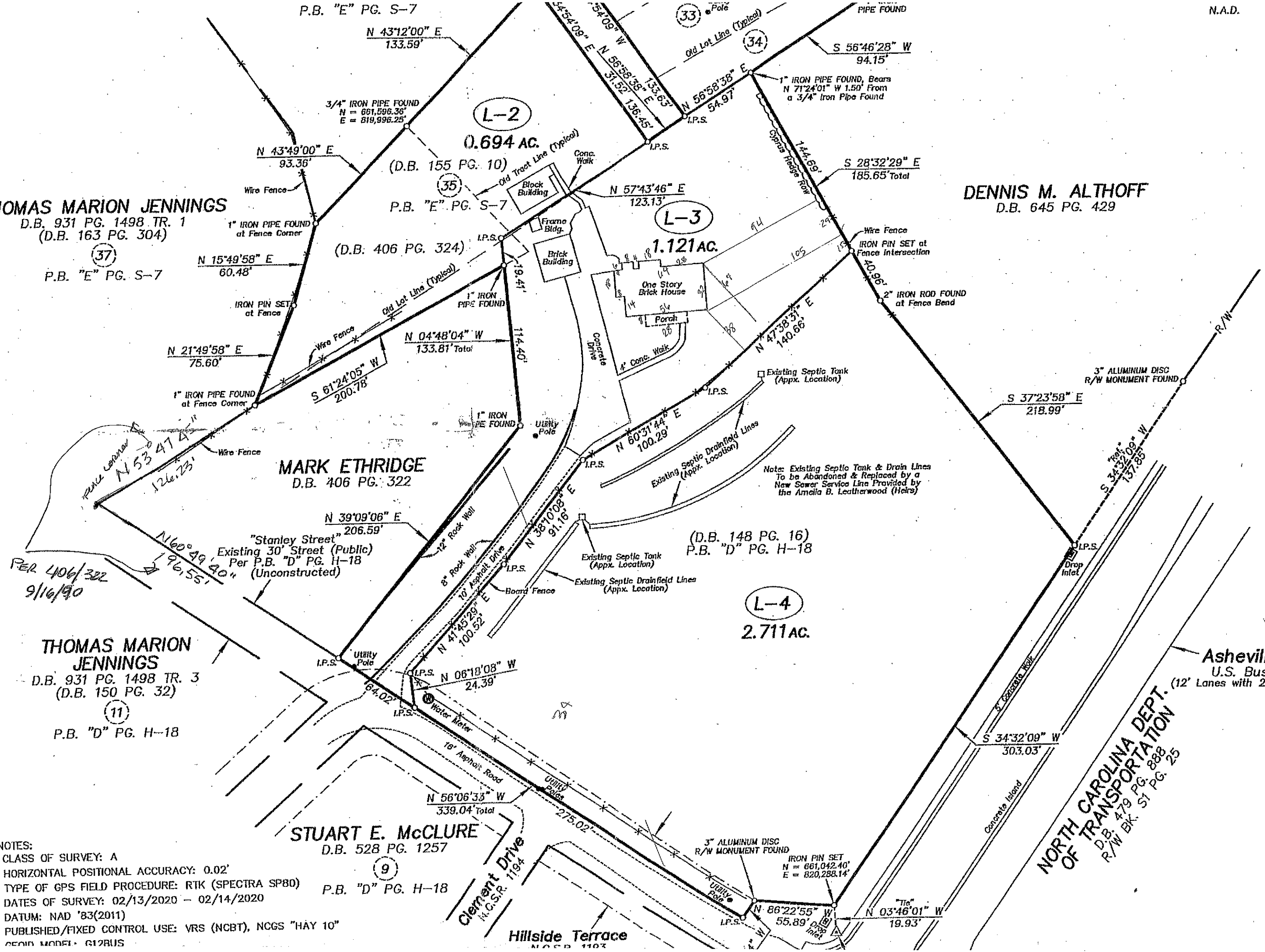
**STUART E. McCLURE**  
 D.B. 528 PG. 1257  
 (9)  
 P.B. "D" PG. H-18

**DENNIS M. ALTHOFF**  
 D.B. 645 PG. 429

**Asheville Road**  
 U.S. Business 23  
 (12' Lanes with 2.5' Curb & Gutt)

**NORTH CAROLINA DEPT. OF TRANSPORTATION**  
 D.B. 479 PG. 888  
 R/W BK. ST PG. 25

- GPS NOTES:
- 1.) CLASS OF SURVEY: A
  - 2.) HORIZONTAL POSITIONAL ACCURACY: 0.02'
  - 3.) TYPE OF GPS FIELD PROCEDURE: RTK (SPECTRA SP80)
  - 4.) DATES OF SURVEY: 02/13/2020 - 02/14/2020
  - 5.) DATUM: NAD '83(2011)
  - 6.) PUBLISHED/FIXED CONTROL USE: VRS (NCBT), NCGS "HAY 10"
  - 7.) BEING MODEL: G12BUS



Note: Existing Septic Tank & Drain Lines To be Abandoned & Replaced by a New Sewer Service Line Provided by the Amelia B. Leatherwood (Heirs)

Heirs)







ORDINANCE NO. O-4-24

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned voluntarily under G.S. G.S. 160A-58.1, to annex the area as described in the petition for a non-contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance any area not contiguous to its primary corporate limits 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 NCGS, Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas. 160A-58.1-Petition for Annexation; standards, to wit:

- a. The petition follows the form required by the 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 not contiguous to the Town's municipal boundary; and
- d. The nearest point on the proposed satellite corporate limits is not not more than three miles from the primary corporate limits of Waynesville; and
- e. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city; and
- f. The area is so situated that Waynesville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits; and
- g. The Town Clerk has conducted an investigation in compliance with G.S. 160A-58.1, and has certified the sufficiency of the petition; and

WHEREAS, a public hearing on the question of annexation was held at Town Hall at 6:00 pm, on the 9<sup>th</sup> day of January, 2024; and

WHEREAS, the Town 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 8626-01-2244; and

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 non-contiguous territory is hereby annexed and made part of the Town of Waynesville as of the Ninth Day of January, 2024. Metes and bounds description is in Exhibit A attached hereto and incorporated by reference.

Section 2. Upon and after the Ninth Day of January, 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 the 9<sup>th</sup> day of January, 2024.

TOWN OF WAYNESVILLE

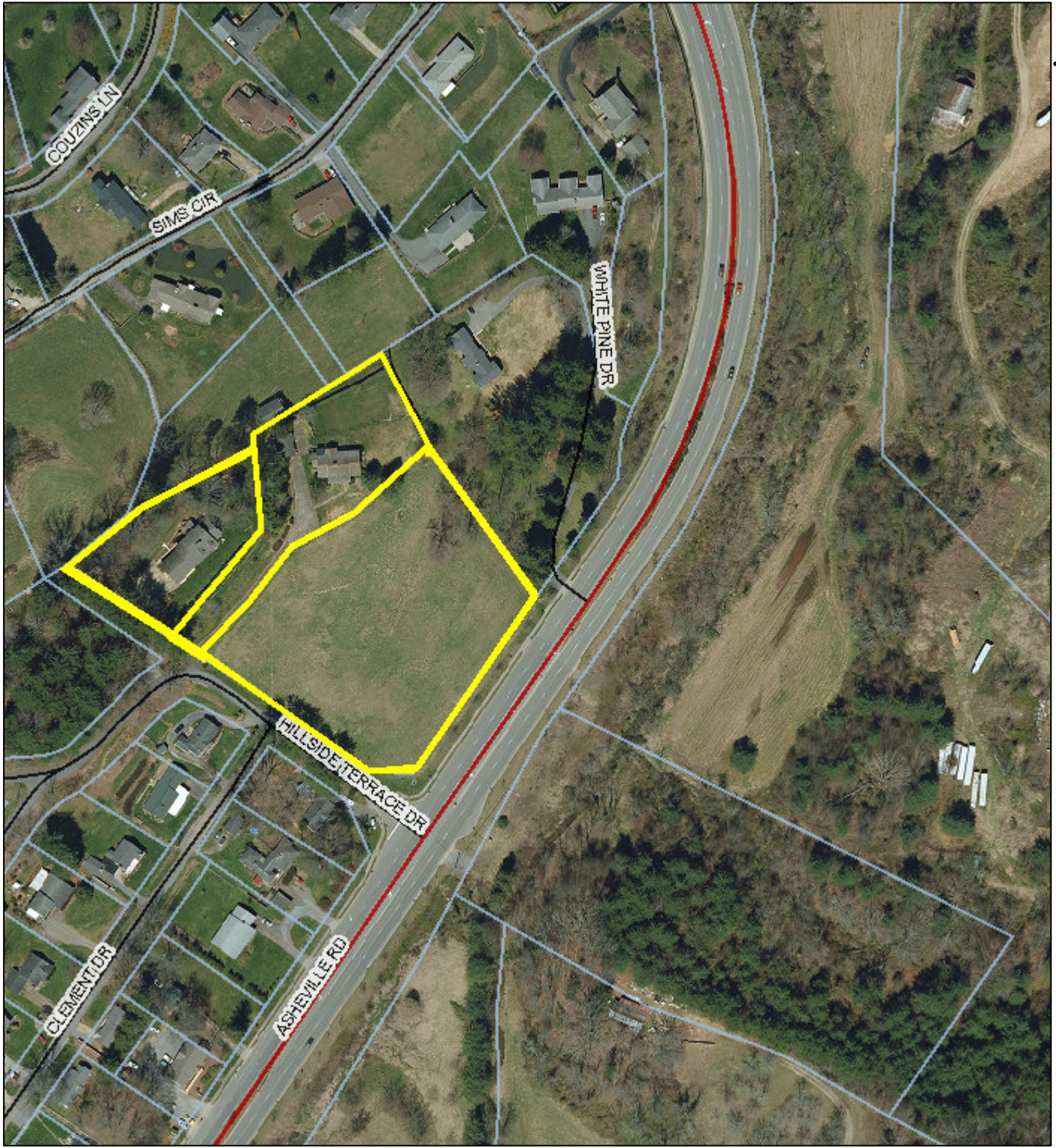
ATTEST:

\_\_\_\_\_  
J. Gary Caldwell, Mayor

\_\_\_\_\_  
Candace Poolton, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Martha Sharpe Bradley, Town Attorney



COUZINS LN

SIMS CIR

WHITE PINE DR

HILLSIDE TERRACE DR

CLEMENT DR

ASHEVILLE RD





COUZINS LN

SIMS CIR

WHITE PINE DR

Raccoon Creek Neighborhood Residential  
Residential

HILLSIDE TERRACE DR

ASHEVILLE RD

Raccoon Crk Neighborhood Residential MXO  
Mixed-Use

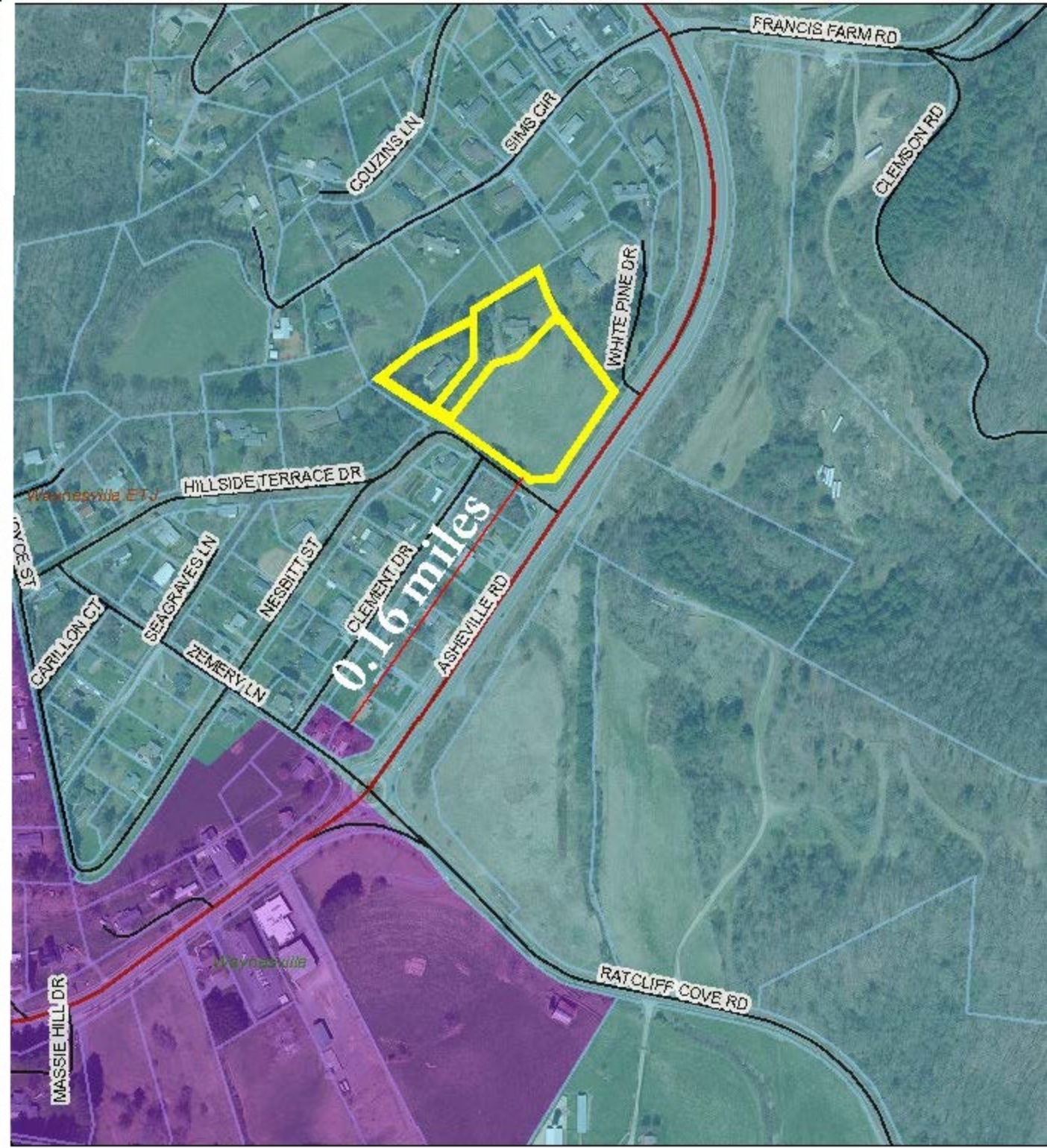
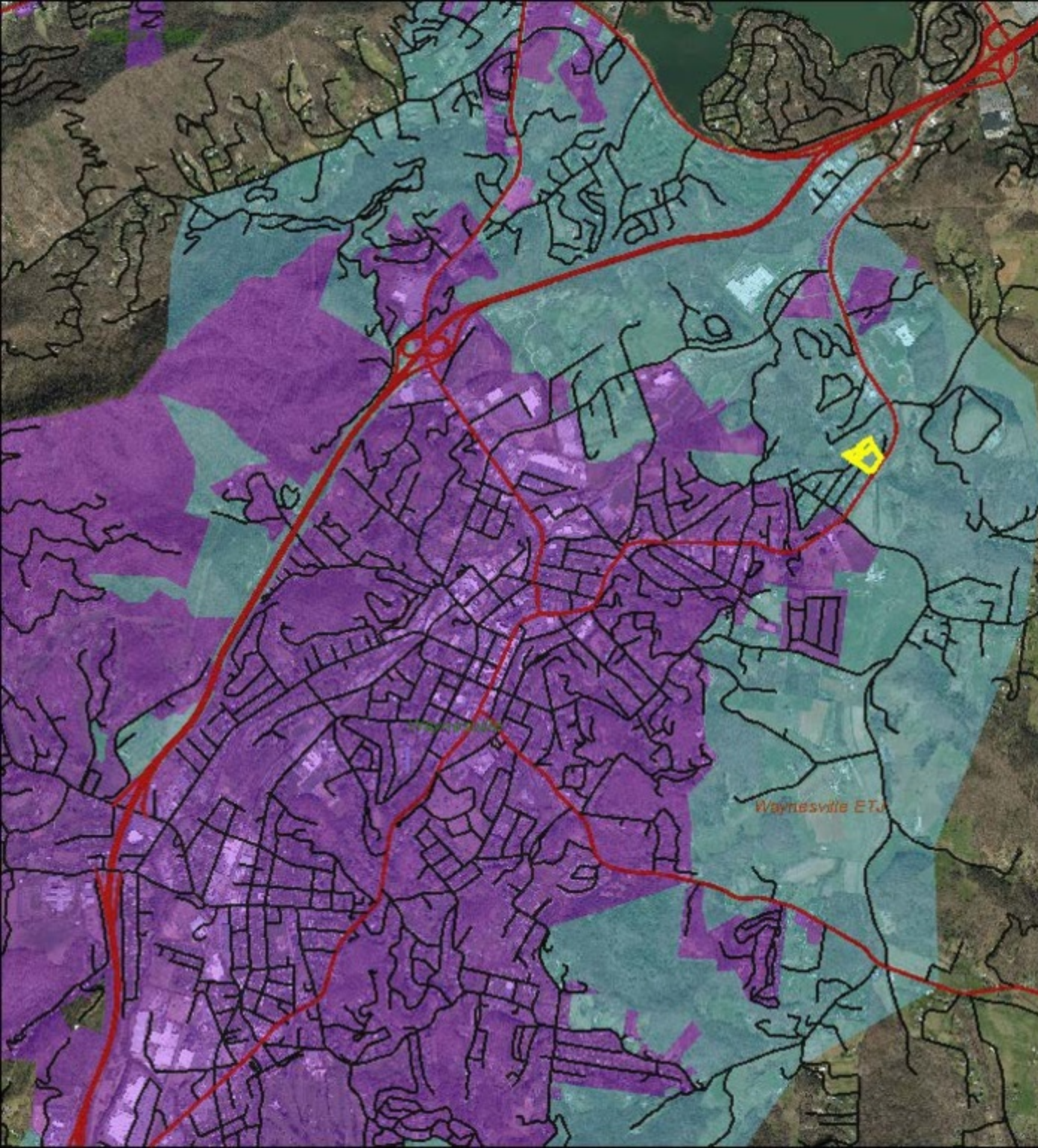
Raccoon Creek Neighborhood Center  
Residential

Raccoon Creek Neighborhood Center  
Residential

Raccoon Creek Neighborhood Res Mixed Use Overlay 2  
Mixed-Use

CLEMENT DR







# sGravityMain: 8" PVC



Get directions

Zoom to

FacilityID	
Nominal Diameter	8"
Material	PVC
Lifecycle Status	Active
Upstream Invert	2,604.35
Downstream Invert	2,598.64
Slope	2.00
LiftStation ID	Unknown
Install Date	1,996
Comments	Ex

Last edited by lisambaker on 2/22/2023, 4:21 PM.



Green- Sewer Lines  
Pink- Water Lines

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE  
16 S MAIN ST

DATE: 11/17/23 CUSTOMER#:  
TIME: 12:02:03  
CLERK: 2044ecou

RECPT#: 2980786 PREV BAL: 250.00  
TP/YR: P/2024 AMT PAID: 250.00  
BILL: 2980786 ADJSTMNT: .00  
EFF DT: 11/17/23 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: Ron Leatherwood Annex  
PAYMENT METH: CHECK  
PAYMENT REF: 6730

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



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

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

November 16, 2023

Re: 76 & 68 Hillside Terrace Drive and PIN 8626-01-2244

To whom it may concern,  
Please accept this letter as confirmation that the Town of Waynesville can provide utility services for the referenced addresses and PIN to include water and sewer services. Electric Service will be available by Duke Energy. By these dwellings connecting to the sanitary sewer by individual connections, 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



**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 76 Hillside Ter Dr 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: RON LEATHERWOOD

Title and Company: \_\_\_\_\_

Address: P.O. Box 826, Waynesville NC 28786

Phone and email: 828-421-4516 rleatherwood@charter.net

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 20<sup>th</sup> day of November, 20 23

Owner or Party with Contractual Interest in Property:

Linda Stridge

Address and phone number:

76 Hillside Ter Dr Waynesville NC 28786  
828 269 0144



# Report For

ETHRIDGE, MARK  
ETHRIDGE, LINDA KANOS  
76 HILLSIDE TERRACE  
WAYNESVILLE, NC 28786

## Account Information

PIN: 8616-91-9354

Legal Ref: 406/322

Add Ref:

## Site Information

DWELLING

76 HILLSIDE TERRACE DR

Heated Area: 2579

Year Built: 1974

Total Acreage: 0.81

Township: Waynesville Out

## Site Value Information

Land Value: \$35,300

Building Value: \$313,500

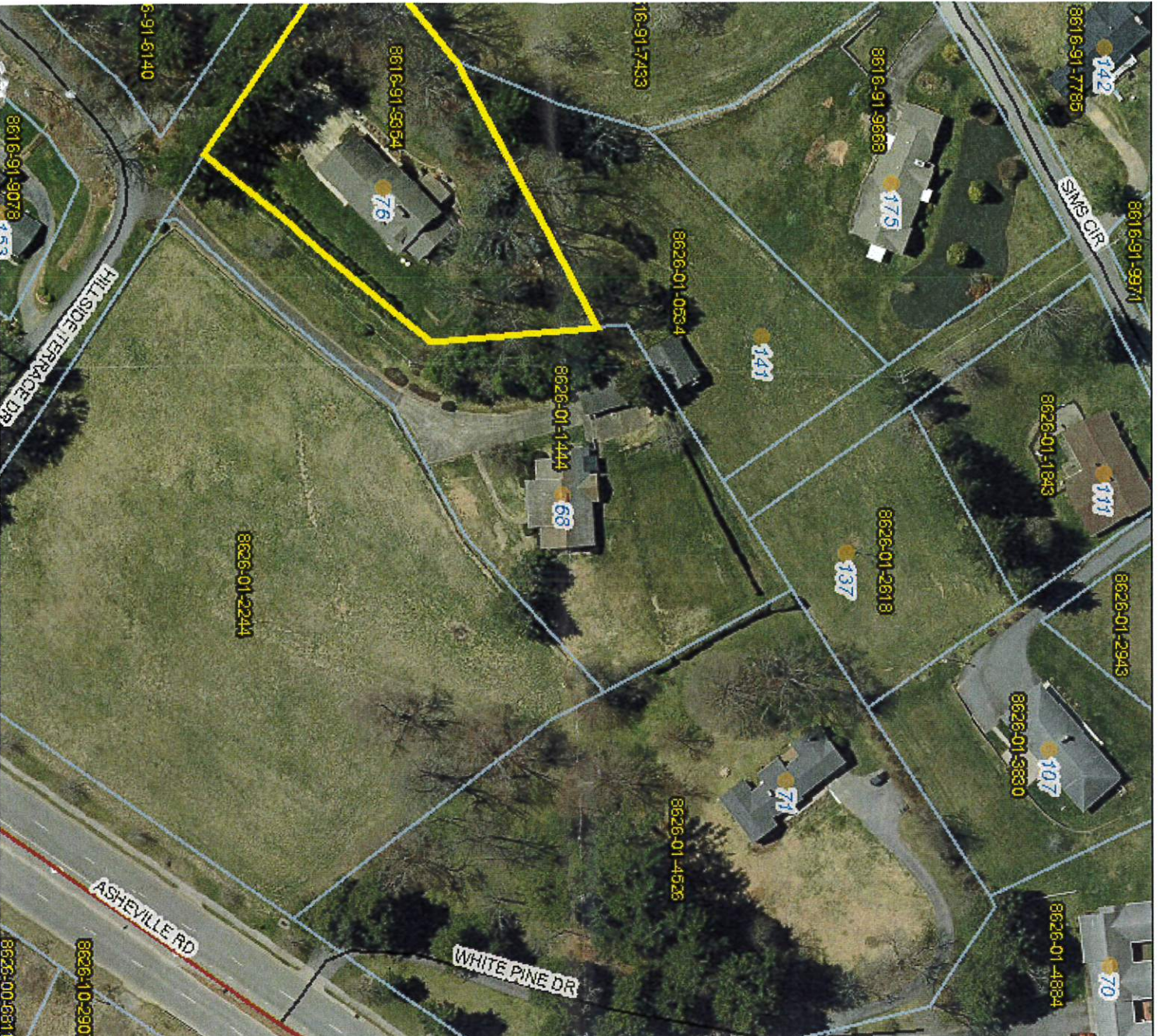
Market Value: \$348,800

Deferred Value: \$0

Assessed Value: \$348,800

Sale Price: \$60,000

Sale Date: 2/16/1990



1 inch = 100 feet

November 16, 2023

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within the 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



**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 68 Hillside Terrace Drive 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: RON LEATHERWOOD

Title and Company: \_\_\_\_\_

Address: P.O. Box 826, Waynesville NC 28786

Phone and email: 828-421-4516 r.leatherwood@charter.net

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 20 day of 11, 2023.

Owner or Party with Contractual Interest in Property:

Buddy Yates / Naureen Hullender Yates

Address and phone number:

68 Hillside Terrace Dr.

Waynesville NC 28786

828-400-2777



# Report For

YATES, BUDDY DEWAYNE  
YATES, DARLENE HULLENDER  
217 HOWELL RD  
CANTON, NC 28716-8889

## Account Information

PN: 8626-01-1444  
Legal Ref: 992/2443

Add Ref: CABD/591  
522/1901

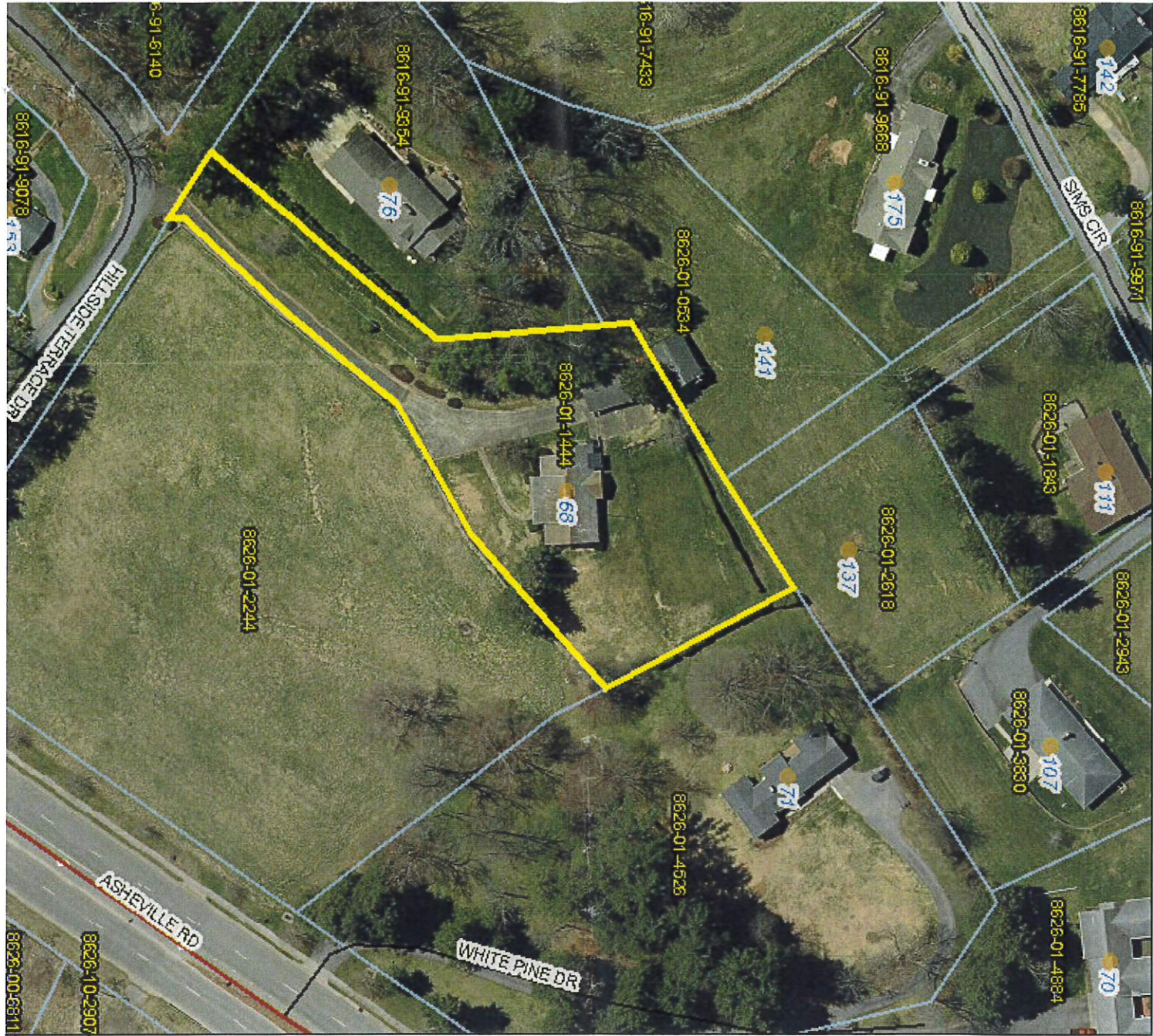
## Site Information

HILLSIDE TERRACE  
DWELLING

68 HILLSIDE TERRACE DR  
Heated Area: 2075  
Year Built: 1950  
Total Acreage: 1.11  
Township: Waynesville Out

## Site Value Information

Land Value: \$41,100  
Building Value: \$259,800  
Market Value: \$300,900  
Deferred Value: \$0  
Assessed Value: \$300,900  
Sale Price: \$205,000  
Sale Date: 3/10/2020



1 inch = 100 feet

November 16, 2023

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



RESOLUTION **R-27-23** TO CONSIDER

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned under NC G.S. Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas, to annex the area as described in the petition for a non-contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance an area non-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 G.S. 160A-58, 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 non-contiguous to the Town's municipal boundary; and

WHEREAS, the Waynesville 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 January 9, 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 28<sup>th</sup> day of November, 2023.

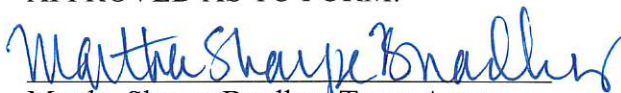
ATTEST:

  
Candace Poolton, Town Clerk

TOWN OF WAYNESVILLE

  
J. Gary Caldwell, Mayor

APPROVED AS TO FORM:

  
Martha Sharpe Bradley, Town Attorney

RESOLUTION **R-28-23** TO CONSIDER

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned under NC G.S. Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas, to annex the area as described in the petition for a non-contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance an area non-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 G.S. 160A-58, 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 non-contiguous to the Town's municipal boundary; and

WHEREAS, the Waynesville 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 January 9, 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 28<sup>th</sup> day of November, 2023.

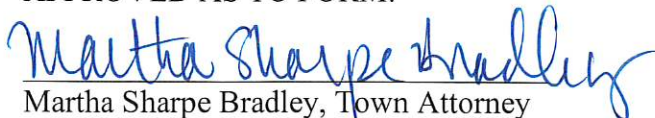
ATTEST:

  
Candace Poolton, Town Clerk

TOWN OF WAYNESVILLE

  
J. Gary Caldwell, Mayor

APPROVED AS TO FORM:

  
Martha Sharpe Bradley, Town Attorney

RESOLUTION **R-29-23** TO CONSIDER

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned under NC G.S. Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas, to annex the area as described in the petition for a non-contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance an area non-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 G.S. 160A-58, 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 non-contiguous to the Town's municipal boundary; and

WHEREAS, the Waynesville 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:

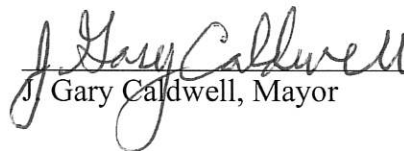
1. To fix the date for the public hearing on January 9, 2024, during the regularly scheduled meeting of the Council, at 6:00 pm or close to that time within the agenda of the meeting, in the Town Board Room at 9 South Main Street, Waynesville, NC 28786; and
2. To direct the Town Clerk to notice the public 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 28<sup>th</sup> day of November, 2023.

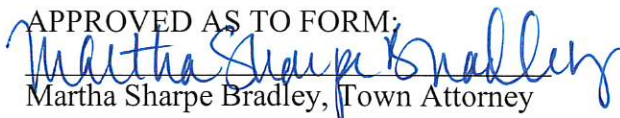
ATTEST:

  
Candace Poolton, Town Clerk

TOWN OF WAYNESVILLE

  
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](http://www.waynesvillenc.gov)

FOR PUBLICATION IN THE MOUNTAINEER: December 17 and December 24 Sunday Editions

Date: December 5, 2023

Contact: Olga Grooman, (828) 356-1172

## **Notice of Public Hearing Town of Waynesville Council**

The Town of Waynesville Council will hold three public hearings on Tuesday, January 9, 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. The purpose of these public hearings is to consider three (3) requests for Annexation of the following properties:

1. 68 Hillside Terrace Drive, 1.11 acres (PIN 8626-01-1444)
2. 76 Hillside Terrace Drive, 0.81 acre (PIN 8616-91-9354)
3. Unaddressed parcel off Hillside Terrace Drive, 2.62 acres (PIN 8626-01-2244)

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



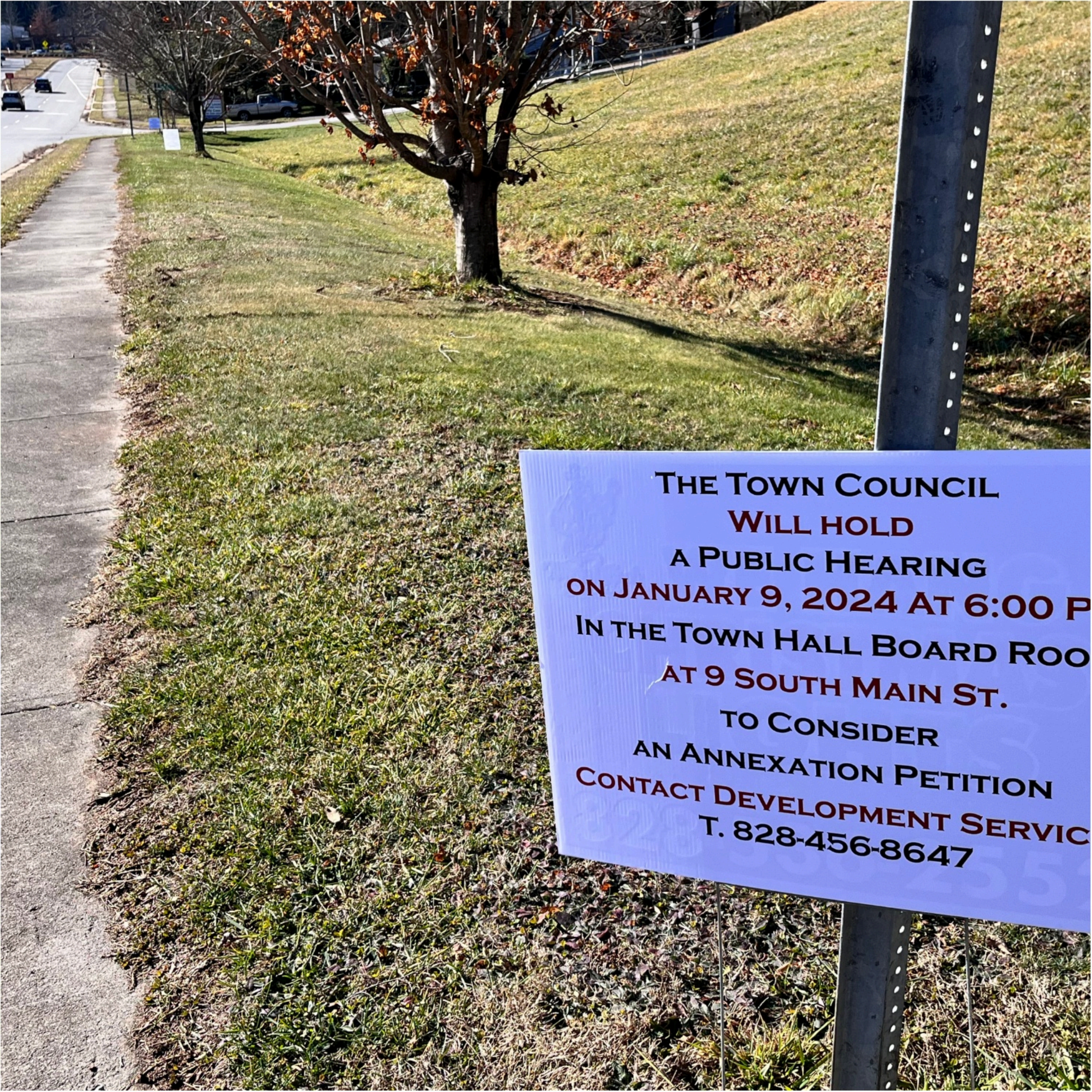
# Three properties (3) posted on 12-18-23







Three properties (3) posted on 12-18-23





**TOWN OF WAYNESVILLE COUNCIL**  
**REQUEST FOR ACTION**  
**Meeting Date: January 9, 2024**

**SUBJECT:** Public Hearing to consider a request for Annexation for one (1) parcel at 68 Hillside Terrace Drive in Waynesville, PIN 8626-01-1444 (1.11 acres).

**AGENDA INFORMATION:**

**Agenda Location:**      **Public Hearing**  
**Item Number:**  
**Department:**          Development Services  
**Contact:**                Olga Grooman, Land Use Administrator  
**Presenter:**              Olga Grooman, Land Use Administrator

**BRIEF SUMMARY:** On November 10, 2023, the Town received the attached “Petition for Annexation for a Non-Contiguous ‘Satellite’ Area” from Buddy Yates and Darlene Yates, the owners of the property. The annexation request is for one (1) parcel at 68 Hillside Terrace Drive in Waynesville, PIN 8626-01-1444 (1.11 acres). The property is within the Town’s extra-territorial jurisdiction and is zoned Raccoon Creek Neighborhood Residential (RC-NR). Annexing the property would allow it to connect to Town’s sewer through a tap. The closest sewer line is the 8-inch line located between Asheville Rd and Hillside Terrace Dr (*See attached sewer map and utilities letter by Public Services*).

The staff submits that this proposed noncontiguous annexation meets the statutory standards of the NCGS, Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas. 160A-58.1- Petition for annexation; standards:

1. *The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city:* the property is approximately 0.16 miles from the primary corporate limits (per Haywood County GIS).
2. *No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section:* the closest town to this parcel is Waynesville.
3. *The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits:* The Town can provide water, sewer, and sanitation services for the abovementioned parcel, and the utilities availability letter from the Public Services is attached.
4. *If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.-* it is not a subdivision.

**MOTION FOR CONSIDERATION:**

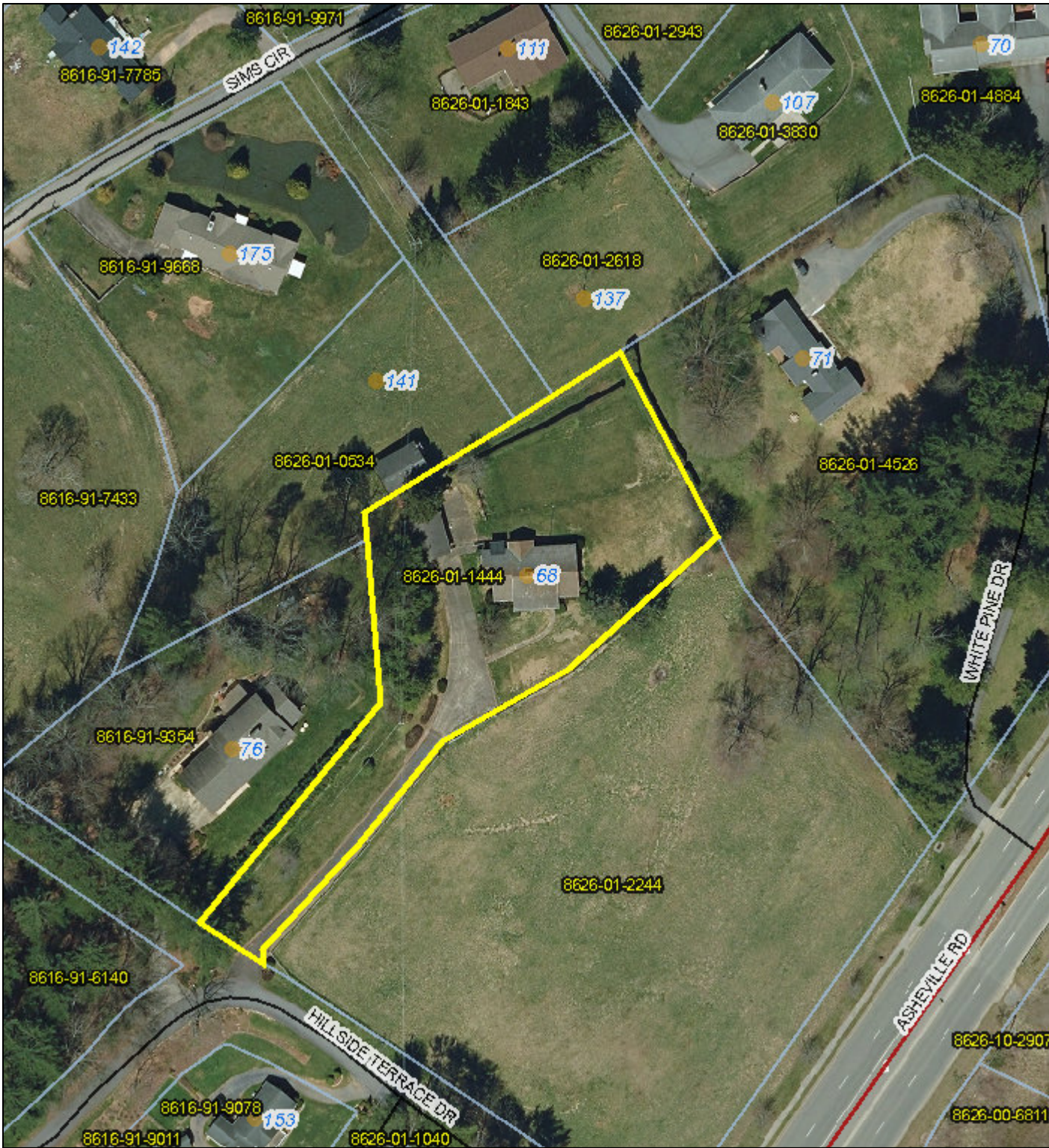
1. Adoption of attached ordinance to approve the annexation of described property

**FUNDING SOURCE/IMPACT:** Future action to annex this property will allow the property to receive town municipal services, and be subject to Town property tax.

**ATTACHMENTS:**

1. Petition
2. Platted map, metes and bounds
3. Proximity to municipal boundaries, zoning, and sewer maps
4. Signed Resolution to Consider
5. Utilities letter by Public Services
6. Agent Authorization
7. Public notices: Mountaineer newspaper, property signs

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**



# Report For

YATES, BUDDY DEWAYNE  
 YATES, DARLENE HULLENDER  
 217 HOWELL RD  
 CANTON, NC 28716-8889

**Account Information**

**PIN:** 8626-01-1444  
**Legal Ref:** 992/2443

**Add Ref:** CABD/591  
 522/1901

**Site Information**

HILLSIDE TERRACE  
 DWELLING

68 HILLSIDE TERRACE DR

**Heated Area:** 2075  
**Year Built:** 1950  
**Total Acreage:** 1.11  
**Township:** Waynesville Out

**Site Value Information**

**Land Value:** \$41,100  
**Building Value:** \$259,800  
**Market Value:** \$300,900  
**Deferred Value:** \$0  
**Assessed Value:** \$300,900  
**Sale Price:** \$205,000  
**Sale Date:** 3/10/2020



1 inch = 100 feet  
 November 16, 2023

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.



ORDINANCE NO. O-5-24

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned voluntarily under G.S. G.S. 160A-58.1, to annex the area as described in the petition for a non-contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance any area not contiguous to its primary corporate limits 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 NCGS, Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas. 160A-58.1-Petition for Annexation; standards, to wit:

- a. The petition follows the form required by the 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 not contiguous to the Town's municipal boundary; and
- d. The nearest point on the proposed satellite corporate limits is not not more than three miles from the primary corporate limits of Waynesville; and
- e. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city; and
- f. The area is so situated that Waynesville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits; and
- g. The Town Clerk has conducted an investigation in compliance with G.S. 160A-58.1, and has certified the sufficiency of the petition; and

WHEREAS, a public hearing on the question of annexation was held at Town Hall at 6:00 pm, on the 9<sup>th</sup> day of January, 2024; and

WHEREAS, the Town 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 8626-01-1444; and

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 non-contiguous territory is hereby annexed and made part of the Town of Waynesville as of the Ninth Day of January, 2024. Metes and bounds description is in Exhibit A attached hereto and incorporated by reference.

Section 2. Upon and after the Ninth Day of January, 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 the 9<sup>th</sup> day of January, 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 ACTION**  
**Meeting Date: January 9, 2024**

**SUBJECT:** Public Hearing to consider a request for Annexation for one (1) parcel at 76 Hillside Terrace Drive in Waynesville, PIN 8616-91-9354 (0.81 acre).

**AGENDA INFORMATION:**

**Agenda Location:** Public Hearing  
**Item Number:**  
**Department:** Development Services  
**Contact:** Olga Grooman, Land Use Administrator  
**Presenter:** Olga Grooman, Land Use Administrator

**BRIEF SUMMARY:** On November 10, 2023, the Town received the attached “Petition for Annexation for a Non-Contiguous ‘Satellite’ Area” from Mark Ethridge and Linda Ethridge, the owners of the property. The annexation request is for one (1) parcel at 76 Hillside Terrace Drive in Waynesville, PIN 8616-91-9354 (0.81 acre). The property is within the Town’s extra-territorial jurisdiction and is zoned Raccoon Creek Neighborhood Residential (RC-NR). Annexing the property would allow it to connect to Town’s sewer through a tap. The property would be tapping to the 8-inch sewer line located between Asheville Rd and Hillside Terrace Dr (See attached sewer map and utilities letter by Public Services).

The staff submits that this proposed noncontiguous annexation meets the statutory standards of the NCGS, Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas. 160A-58.1- Petition for annexation; standards:

1. *The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city:* the property is approximately 0.16 miles from the primary corporate limits (per Haywood County GIS).
2. *No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section:* the closest town to this parcel is Waynesville.
3. *The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits:* The Town can provide water, sewer, and sanitation services for the abovementioned parcel, and the utilities availability letter from the Public Services is attached.
4. *If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.-* it is not a subdivision.

**MOTION FOR CONSIDERATION:**

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



**FUNDING SOURCE/IMPACT:** Future action to annex this property will allow the property to receive town municipal services, and be subject to Town property tax.

**ATTACHMENTS:**

1. Petition
2. Platted map, metes and bounds
3. Proximity to municipal boundaries, zoning, and sewer maps
4. Signed Resolution to Consider
5. Utilities letter by Public Services
6. Agent Authorization
7. Public notices: Mountaineer newspaper, property signs

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

PETITION FOR ANNEXATION OF  
NON-CONTIGUOUS "SATELLITE" AREAS

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

11/10/23  
Date

TO: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 3 below be annexed to the Town of Waynesville.

2. Standards which the satellite area must meet:

a. The nearest point on the satellite area must not be more than three (3) miles from the primary limits of the annexing city.

b. No point on the satellite area may be closer to the primary limits of another municipality than to the annexing city.

c. Note: When there is any substantial question as to whether the area is closer to another city, the tax map submitted with the petition shall show the satellite area also in relation to the primary corporate limits of the other city.

d. The area proposed for annexation must be situated that services provided the satellite area can be equivalent to the services provided within the primary limits.

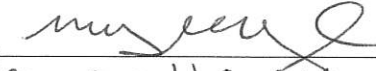
e. If the area proposed for annexation, or any portion thereof, is a subdivision, as defined in G.S. 160A-376, all of the subdivision must be included.

f. The area within the proposed satellite limits plus the area within all other satellite corporate limits may not exceed ten percent (10%) of the total land area within the primary corporate limits of the annexing city.

3. The area to be annexed is non-contiguous to the Town of Waynesville and the boundaries of such territory are as follows: 76 Hillside Terrace Drive, Waynesville NC

a. Metes and bounds description is attached.

4. A tax map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Waynesville. If there is substantial question as to whether the area may be closer to another city than to the annexing city, the map should show the relation to the primary corporate limits of the other town.

NAME MARK ETHRIDGE SIGNATURE   
ADDRESS 76 Hillside Ter Dr Waynesville NC 28786

*Linda Ethridge*

## Exhibit A

### Metes and Bounds Description for Lot: 76 Hillside Terrace: Mark and Linda Etheridge

Beginning at IP at the SW most corner of the lot, N 56 Deg. 06' 33" W 196.55'. thence S 53 Deg. 47', 45". W 126.23'. thence S 61 Deg. 24', 05" W 200.78'. thence N 04 Deg. 48', 04" W 114.40. thence N 39 Deg. 09', 06" W 206.59' to IP at Beginning.

Rlv1.03102021





HILLSIDE TERRACE DR

SIMS CIR

NESBITT ST

CLEMENT DR

ASHEVILLE RD

WHITE PINE DR

76

68

42



2" C.I. WATERLINE (NOT VERIFIED)

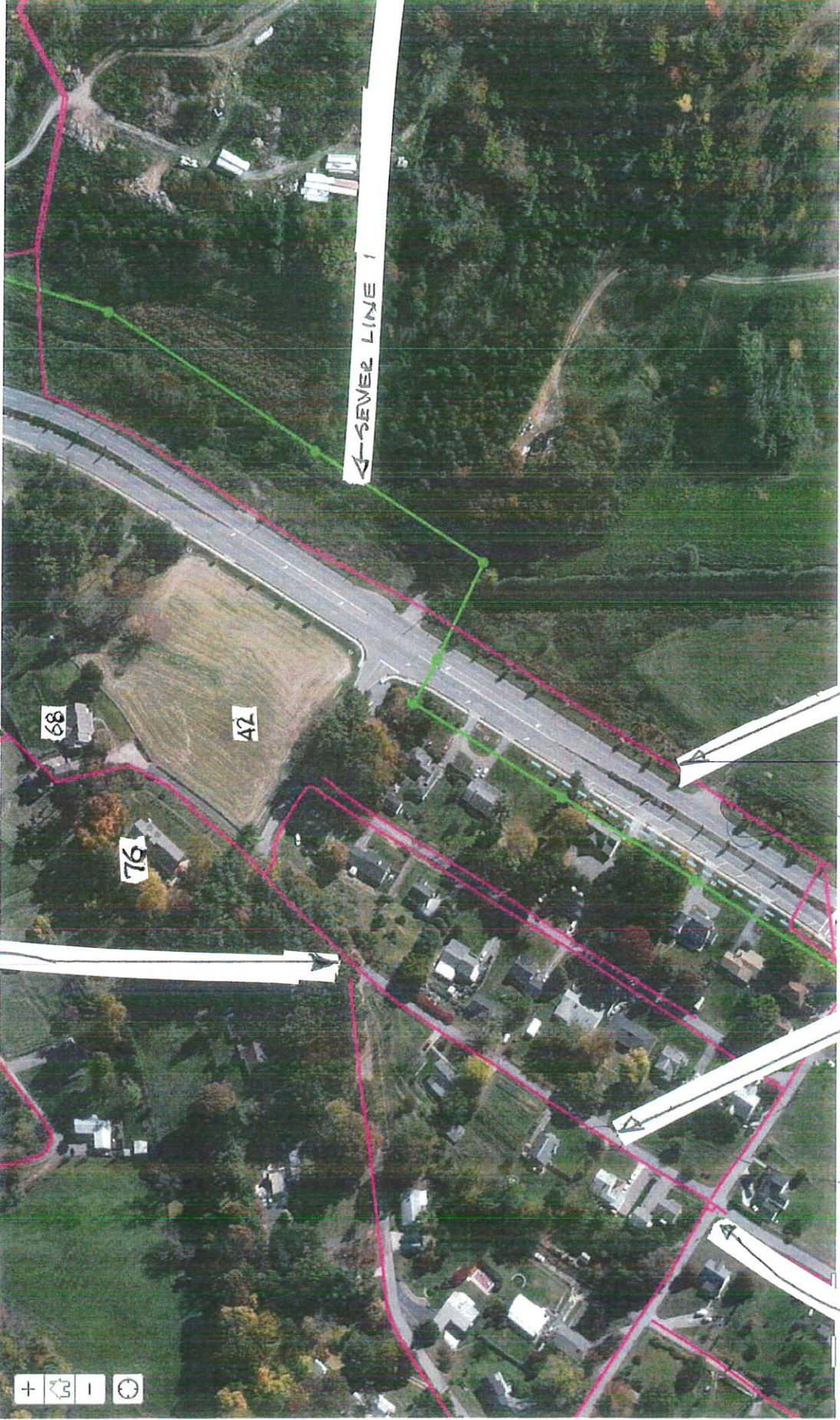
FIRE HYDRANT  
CND FLOW WFS YET

SEWER LINE 1

4" C.I.  
WATER LINE

5" P.C.  
COOL  
WATER LINE

FIRE HYDRANT  
998 gal/min  
90 PSI STATIC PRESS.  
30 PSI RESIDUAL PRESS.







SCALE

**THOMAS MARION JENNINGS**  
 D.B. 931 PG. 1498 TR. 1  
 (D.B. 163 PG. 304)  
 (37)  
 P.B. "E" PG. S-7

**MARK ETHRIDGE**  
 D.B. 406 PG. 322

**THOMAS MARION JENNINGS**  
 D.B. 931 PG. 1498 TR. 3  
 (D.B. 150 PG. 32)  
 (11)  
 P.B. "D" PG. H-18

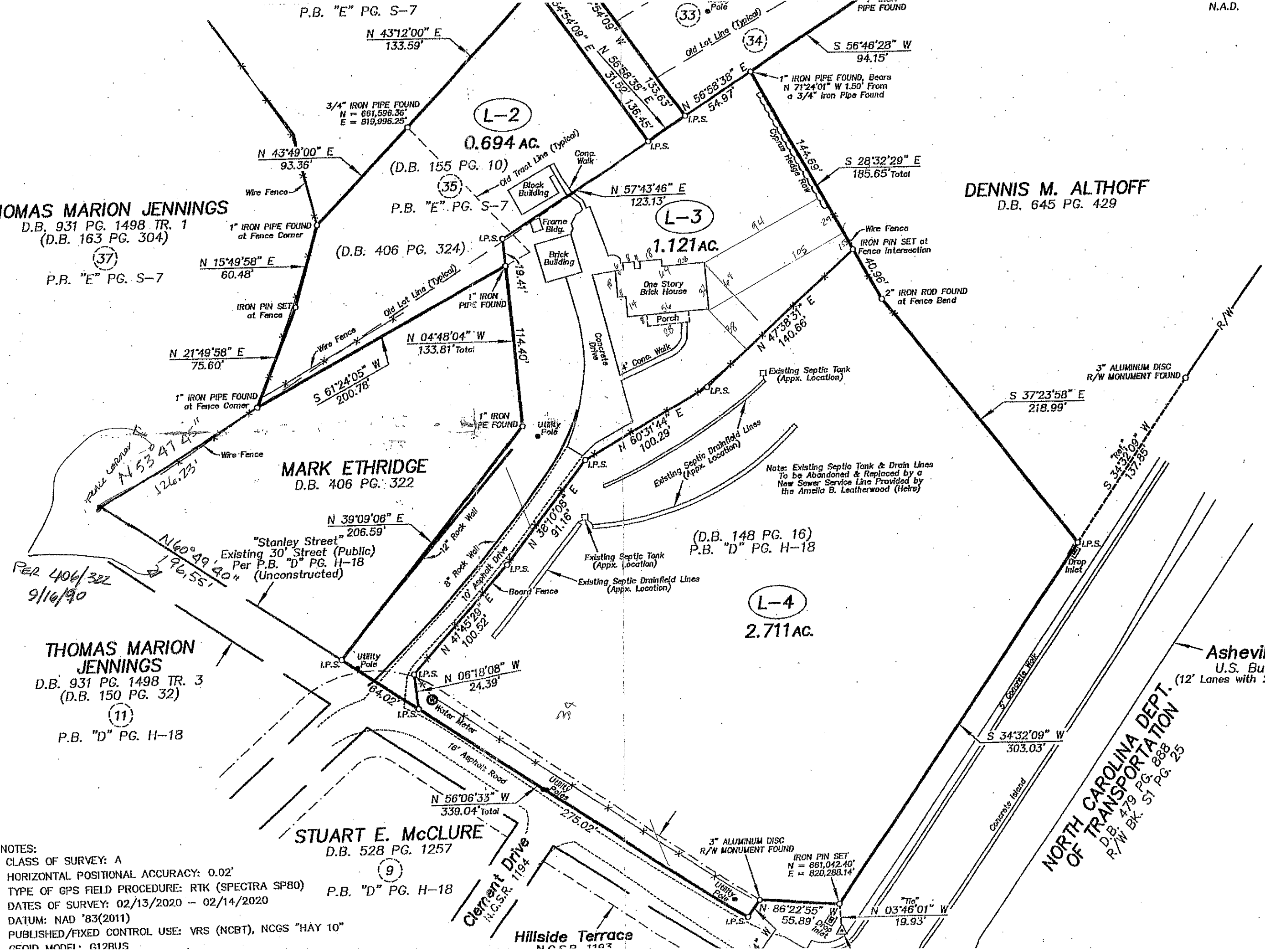
**STUART E. McCLURE**  
 D.B. 528 PG. 1257  
 (9)  
 P.B. "D" PG. H-18

**DENNIS M. ALTHOFF**  
 D.B. 645 PG. 429

**Asheville Road**  
 U.S. Business 23  
 (12' Lanes with 2.5' Curb & Gutt)

**NORTH CAROLINA DEPT. OF TRANSPORTATION**  
 D.B. 479 PG. 888  
 R/W BK. S1 PG. 25

- GPS NOTES:
- 1.) CLASS OF SURVEY: A
  - 2.) HORIZONTAL POSITIONAL ACCURACY: 0.02'
  - 3.) TYPE OF GPS FIELD PROCEDURE: RTK (SPECTRA SP80)
  - 4.) DATES OF SURVEY: 02/13/2020 - 02/14/2020
  - 5.) DATUM: NAD '83(2011)
  - 6.) PUBLISHED/FIXED CONTROL USE: VRS (NCBT), NCGS "HAY 10"
  - 7.) GEOID MODEL: G12RUS



Note: Existing Septic Tank & Drain Lines To be Abandoned & Replaced by a New Sewer Service Line Provided by the Amelia B. Leatherwood (Heirs)

PER 406/322  
 9/16/90



# Report For

ETHRIDGE, MARK  
ETHRIDGE, LINDA KANOS  
76 HILLSIDE TERRACE  
WAYNESVILLE, NC 28786

## Account Information

**PIN:** 8616-91-9354

**Legal Ref:** 406/322

**Add Ref:**

## Site Information

DWELLING

76 HILLSIDE TERRACE DR

**Heated Area:** 2579

**Year Built:** 1974

**Total Acreage:** 0.81

**Township:** Waynesville Out

## Site Value Information

**Land Value:** \$35,300

**Building Value:** \$313,500

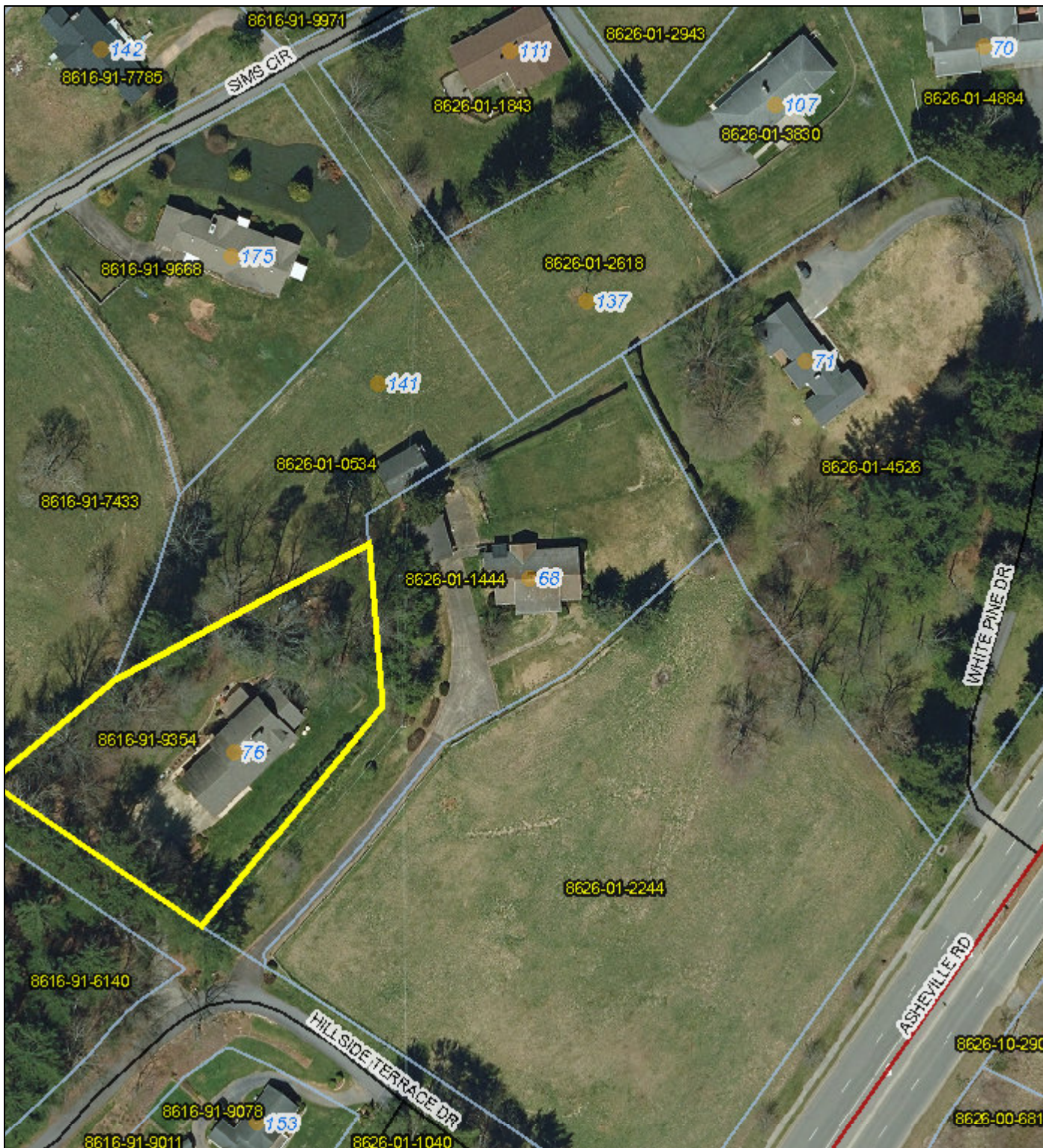
**Market Value:** \$348,800

**Deferred Value:** \$0

**Assessed Value:** \$348,800

**Sale Price:** \$60,000

**Sale Date:** 2/16/1990



1 inch = 100 feet  
November 16, 2023

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.



ORDINANCE NO. O-6-24

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned voluntarily under G.S. G.S. 160A-58.1, to annex the area as described in the petition for a non-contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance any area not contiguous to its primary corporate limits 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 NCGS, Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas. 160A-58.1-Petition for Annexation; standards, to wit:

- a. The petition follows the form required by the 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 not contiguous to the Town's municipal boundary; and
- d. The nearest point on the proposed satellite corporate limits is not not more than three miles from the primary corporate limits of Waynesville; and
- e. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city; and
- f. The area is so situated that Waynesville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits; and
- g. The Town Clerk has conducted an investigation in compliance with G.S. 160A-58.1, and has certified the sufficiency of the petition; and

WHEREAS, a public hearing on the question of annexation was held at Town Hall at 6:00 pm, on the 9<sup>th</sup> day of January, 2024; and

WHEREAS, the Town 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 8616-91-9354; and

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 non-contiguous territory is hereby annexed and made part of the Town of Waynesville as of the Ninth Day of January, 2024. Metes and bounds description is in Exhibit A attached hereto and incorporated by reference.

Section 2. Upon and after the Ninth Day of January, 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 the 9<sup>th</sup> day of January, 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 BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: January 9, 2024**

**SUBJECT:** Public Hearing to consider a zoning map amendment request for a portion of the property at 1460 Russ Avenue, PIN 8616-24-8812, from the Dellwood Residential Medium Density District Mixed-Use Overlay (D-RM MXO) to the Russ Avenue Regional Center District (RA-RC).

**AGENDA INFORMATION:**

**Agenda Location:**

**Item Number:**

**Department:** Development Services

**Contact:** Elizabeth Teague, Development Services Director

**Presenter:** Elizabeth Teague, Development Services Director

**SUMMARY:** At their November 20, 2023 regularly scheduled meeting, the Planning Board held a public hearing and recommended support for the application to rezone 1.943 acres of a 6.03 acre parcel of property at 1460 Russ Avenue and to approve a change in the Future Land Use Map of the Comprehensive Plan. This change would continue the Russ Avenue Regional Center zoning northward 336' along the frontage of Russ Avenue. The Planning Board voted 6 to 1 in support of this application in consideration of the property's frontage along Russ Avenue, its location near the Great Smoky Mountain Expressway, and that the extension of the RA-RC district in this area creates an opportunity for commercial growth.

**MOTIONS FOR CONSIDERATION:**

1. To find that the request is reasonable and in the public interest to amend the 2035 Comprehensive Plan's Future Land Use Map to extend the Regional Center Zoning designation along the road frontage of Russ Avenue.
2. To adopt the zoning map amendment ordinance as presented to redesignate a portion of the property at 1460 Russ Avenue, PIN 8616-24-8812, from the Dellwood Residential Medium Density District, Mixed-Use Overlay (D-RM MXO), to the Russ Avenue Regional Center District (RA-RC).

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

**ATTACHMENTS:**

1. Draft Ordinance
2. Report from the Town Planning Board
3. Application and property information
4. NCDOT Driveway Permit

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**



**ORDINANCE NO. O-7-24**

**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 received a zoning map amendment request for a portion of the property known as 1460 Russ Avenue, PIN 8616-24-8812, within the Town of Waynesville, by the property owner of record.

**WHEREAS**, the Planning Board reviewed the proposed map amendment to the Official Land Development Map (Zoning Map) at a duly notified hearing on November 20, 2023, and finds by a majority vote of 6 to 1, that the request is reasonable and in the public interest, and recommends that the Future Land Use Map of the 2035 Comprehensive Plan be adjusted to extend the Russ Avenue Regional Center (RA-RC) District northward along the frontage of this property for enactment by the Board of Aldermen; and

**WHEREAS**, the Town Council finds that the rezoning request is reasonable and in the public interest because the property:

1. Has three hundred and thirty five feet of frontage on Russ Avenue, a major commercial thoroughfare, and is located approximately 1,800 feet from US Highway 23/74; and
2. Much of the RA-RC frontage along Russ Avenue has been built out, and expansion of the district on this lot provides an opportunity for economic growth; and
3. That the rezoning is consistent with the following goals of the 2035 Comprehensive Plan to:
  - a. (Goal 1) Continue to promote smart growth principles in land use planning and zoning, and to encourage infill, mixed-use, and context sensitive development; and
  - b. (Goal 5) Create opportunities for a sustainable economy by strengthening Waynesville's current and future workforce, and encouraging creatively designed, mixed-use, walkable commercial districts.

**WHEREAS**, after notice duly given, a public hearing was held at the November, 20, 2023, meeting of the Waynesville Planning Board, and on January 9, 2024 regularly scheduled meeting of the Waynesville Town Council;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF WAYNESVILLE COUNCIL, AT THIS THE REGULAR MEETING ON JANUARY 9, 2024, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:**

That the Official Land Development Map be amended with that portion of property, PIN 8616-24-8812, as shown in Attachment A, being rezoned from Dellwood Residential Medium Density Mixed Use Overlay (D-RM MXO) to: Russ Avenue Regional Center District (RA-RC), and



That the Future Land Use Map of the Comprehensive Plan be adjusted to indicate the area of rezoning as a Mixed Use – Regional area.

**ADOPTED** this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

TOWN OF WAYNESVILLE

\_\_\_\_\_  
J. Gary Caldwell, Mayor

ATTEST:

\_\_\_\_\_  
Candace Poolton, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Martha Bradley, Town Attorney



**Town Council Staff Report**  
**Zoning Map Amendment Application**  
**January 9, 2024**

**Agenda Item:** Map Amendment (Rezoning) Application  
**Location:** 1460 Russ Avenue  
**PIN:** 8616-24-8812  
**Area:** 1.943 Acres of a 6.03 acre property  
**Owner:** Kyle Edwards  
**Authorized Rep:** Brian Noland

**Background**

The property in question is the Russ Avenue frontage of a 6.03-acre parcel that is currently located in two zoning districts. The western third of the property is located within the Russ Avenue Regional Center District (RA-RC), while the eastern two-thirds (approximately 4 acres) is located in the Dellwood Residential Medium Density District Mixed-Use Overlay (D-RM MXO). The portion of the parcel requested for rezoning has approximately 336 feet of frontage along Russ Avenue and is contiguous to the RA-RC District. This portion along Russ Avenue is flat, while the rear of the property – which is not requested to be rezoned - rises from an elevation of 2,675 feet to 2,830 feet at the southwest corner. The property is currently occupied by a single-family dwelling, and has been granted a driveway permit and access easement by NCDOT.

The purpose of the Dellwood Residential Medium Density District as specified in the Land Development Standards Section 2.3.2B states:

The **Dellwood Residential - Medium Density District (D-RM)** shall develop predominately as a low to medium density residential district separating the Russ Avenue and Dellwood/Junaluska Town Centers. Promoting a mixture of residential densities, this district shall be developed with such enhancements to residential living as pedestrian access and the provision of open space. Higher density development and limited business and professional services shall be promoted along Russ Avenue with larger lots and cluster development promoted throughout the district. Nonresidential uses typically found in residential areas are permitted, however, development in this district shall be designed to clearly define the residential appearance and scale of the area and to define the differences between this area and the Russ Avenue Town Center and Dellwood/Junaluska Area Center.

The request to be considered is for a map amendment to rezone 1.943 acres of the property (the flat frontage of the property along Russ Avenue) from Dellwood Residential Medium Density District Mixed-Use Overlay to the Russ Avenue Regional Center District, the purpose of which is stated in the Land Development Standards Section 2.3.7C:

The **Russ Avenue Regional Center District (RA-RC)** is a gateway for the community and often defines the first image a visitor has of the town. This district shall be a setting for high intensity land uses addressing the needs of the Waynesville community and surrounding areas. The Russ Avenue Town Center is envisioned as supporting dense development options due to the ample infrastructure in place and the proximity to downtown and the other municipalities in the county. The past emphasis in the Russ Avenue area on automobile traffic only shall be reduced by changing the nature of the district to make the area comfortable for other modes of transit including pedestrian, bicycle, and mass transportation options. Central to this



transformation is the redesign of Russ Avenue - turning the existing middle lane into a tree-lined landscaped median. The standards for future development along this corridor will also be important to this transformation, incorporating principles designed to manage access along Russ Avenue. The development of an accessway connecting the rear portions of lots fronting on Russ Avenue will further reduce traffic congestion along the Russ Avenue corridor. Building development in the area is designed to create a comfortable streetscape and public realm by bringing buildings closer to the street, providing sidewalks and street trees, and providing access between development and public areas. The mixture of residential and commercial uses is encouraged. Development sensitive to the appearance of the corridor is essential within this district. The highway bridge forms a gateway into the area (and the town) and any future designs should be sensitive to this fact.

Notification of this hearing was mailed to adjacent property owners, posted with a sign on the property, and published in *The Mountaineer* on December 27, 2023, and January 3, 2024.

At their November 20, 2023 Meeting, and after a public hearing, the Planning Board voted 6 to 1 to rezone this property from D-RM MXO to RA-RC. They also voted to amend the future land use map of the 2035 Comprehensive Plan from “mixed use -community” to “mixed-use-regional.”

### **Surrounding Land Use and Zoning Pattern**

The subject property is surrounded by the following land use types.

- (1) To the immediate north and across Russ Avenue is the Barberville Baptist Church, and to the northwest is the Snappy Lube/Snappy Car Wash, Lenny’s Custom Detailing, and the former K-Mart Shopping Plaza.
- (2) To the south and west, adjacent to the property are a single-family dwelling, vacant, wooded land, and a commercial building owned by Tap Root Drive Rental, off of Taproot Drive.
- (3) To the east is a medical office and vacant, wooded land.

The properties to the north and east are located within the Dellwood Residential Medium Density District Mixed-Use Overlay, the properties to the south are located within the Dellwood Residential Medium Density District, and the properties to the west and south are located within both the Dellwood Residential Medium Density District Mixed-Use Overlay and the Russ Avenue Regional Center District.

### **Consistency with the 2035 Comprehensive Plan**

Found in the introduction to Waynesville 2035: Planning With Purpose, the Town of Waynesville’s Comprehensive Plan purpose is to:

“serve as a guideline for community decision making into the future. It is intended to be used by the town staff, the Board of Aldermen, and other Town Boards and Commissions as they make decisions about resources and land use”.

Chapter 2 of the Comprehensive Plan lays out several goals and objectives to provide guidance for implementing the overall plan. The following goals and objectives apply to this application:



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

- Encourage infill, mixed-use, and context-sensitive development.

Goal 5: Create opportunities for a sustainable economy.

- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

Found in the Appendix to the Comprehensive Plan (page 174), the Future Land Use Map indicates that the property being considered for map amendment is a Mixed Use – Community area for the purposes of future land use planning. Mixed Use – Community 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.” Based on the property’s location, the Planning Board recommends that the rezoning incorporate a change to the future land use map to designate this area as Mixed Use – Regional, which is described as, “nodes of activity located on major thoroughfares or adjacent to highways (that)include commercial, lodging, entertainment, healthcare facilities. And light industrial uses,” (p27).

### **Staff Comments**

The property in question is contiguous to the Russ Avenue Regional Center District and is located within an area designated as Mixed Use–Community in the Comprehensive Plan. The portion of property requested for rezoning has over 330 feet of frontage on Russ Avenue and is located approximately 1,800 feet from U.S. Highway 23/74, a major commercial thoroughfare. Consideration should be given to the likely pattern of development along Russ Avenue between U.S. Highway 23/74 and Dellwood/Junaluska Regional Center District to the north, as well as this property’s proximity to the 23/74 interchange.

The Regional Center District is the most flexible commercial district and allows uses such as drive-thrus and hotels, while the Mixed Use Overlay over the Dellwood Medium Residential District is a transitional commercial zone allowing less impactful uses such as professional and personal services, banks and government services.

On the Future Land Use Map of the Comprehensive Plan, this area is designated as Mixed-Use Community, as opposed to Mixed-Use Regional. While consistent with the goals of the comprehensive plan, this rezoning would not be consistent with the future land use map of the Comprehensive Plan. This means that rezoning this property would be a change to both the regulatory land use map and the Comprehensive Plan’s future land use map along Russ Avenue for the frontage of the property. In their deliberations, the Planning Board felt that this is an appropriate change and in the public interest to expand the regional center district along this corridor. On the rezoning worksheet that the Planning Board uses for reference, they considered and recommend that: “In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town’s comprehensive land use plan.**”

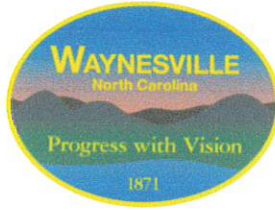
### **Requested Actions**

1. Motion to find or not find the request consistent with the goals of the 2035 Comprehensive Land Use Plan, and to amend the future land use map of the Comprehensive Plan;
2. Motion to approve (or deny) the attached map amendment ordinance legislating a map amendment for 1.943 acres of the property described as 1460 Russ Avenue (PIN 8616-24-8812), from Dellwood Residential Medium Density District Mixed-Use Overlay to the Russ Avenue Regional Center District.









To: Waynesville Town Council  
From: Byron Hickox, Land Use Administrator  
Date: November 28, 2023  
Subject: Planning Board Report and Statement of Consistency  
Description: Map Amendment (Rezoning) Request for Property at 1460 Russ Avenue (PIN 8616-24-8812)

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

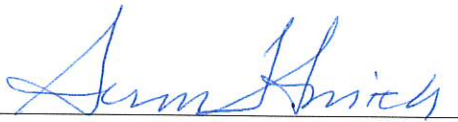
A motion was made by Planning Board Member John Baus and seconded by Planning Board Member Michael Blackburn **to amend the 2035 Comprehensive Land Use Plan and to find the proposed map amendment (rezoning) consistent therewith, and reasonable and in the public interest** for the following reasons:

The property has significant frontage on Russ Avenue and is located approximately 1,800 feet from U.S. Highway 23/74, a major commercial thoroughfare. Most of the frontage along Russ Avenue south of Highway 23/74 has been built out, and future development will continue to push northward.

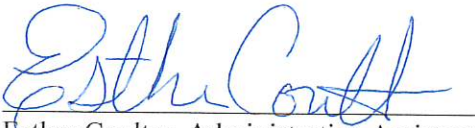
The motion passed with six (6) members voting in favor and one (1) in opposition.

A motion was made by Planning Board Member Stuart Bass and seconded by Planning Board Chair Susan Teas Smith **to recommend to the Town Council approval of the proposed map amendment (rezoning) for 1.943 acres of the property described as 1460 Russ Avenue (PIN 8616-24-8812) from Dellwood Residential Medium Density District Mixed-Use Overlay to the Russ Avenue Regional Center District.**

The motion passed with six (6) members voting in favor and one (1) in opposition.

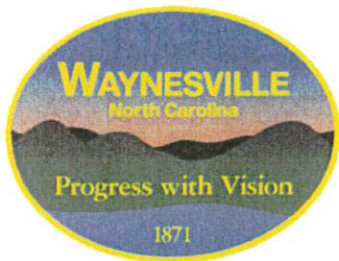
  
\_\_\_\_\_  
Susan Teas Smith, Planning Board Chair

11/28/23  
Date

  
\_\_\_\_\_  
Esther Coulter, Administrative Assistant

11-29-23  
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](http://www.waynesvillenc.gov)

**Application for Land Development Standards Map Amendment**

Application is hereby made on \_\_\_\_\_, 20\_\_\_\_ to the Town of Waynesville for the following map amendment to establish or amend a Conditional District:

Property owner of record: Kyle Edwards  
 Address/location of property: 1460 Russ Ave, Waynesville, NC  
 Parcel identification number(s): 8616 - 24 - 8812  
 Deed/Plat Book/Page, (attach legal description): RB 1015 Page 2415-2417  
 The property contains 6.03 acres; Asking to rezone ± 2 acres  
 Current district: Dellwood Residential Medium Density MXO  
 Requested district: Russ Ave. Regional Center Commercial

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

Spread out commercial uses along Russ Ave.

**Applicant Contact Information**

Applicant Name (Printed): Kyle Edwards  
 Mailing Address: 20 Kyles way Maggie Valley N.C, 28751  
 Phone(s): 928 926 1288 cell 928 421 3039  
 Email: \_\_\_\_\_

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

Kyle Edwards

Note: Map Amendment Request fee is \$500 for one acre or less and \$50 for each additional acre. The request will be scheduled for a hearing before the Waynesville Planning Board before being forwarded to the Board of Aldermen, in accordance with Land Development Standards Section 15.14. Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street Suite 110, Waynesville, NC 28786.

*This institution is an equal opportunity provider*



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

The undersigned Owner or Party with a contract or option to purchase that real property located at 1460 Russ Avenue 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: Brian Noland

Title and Company: Allen Tate / Beverly Henks

Address: 74 N. Main Street, Waynesville NC 28786

Phone and email: (828) 734-5201    brian.noland@allentate.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 2<sup>nd</sup> day of October, 2023.

Owner or Party with Contractual Interest in Property:

Kyle Edwards

Address and phone number:

20 Kyle's way Maggie Valley N.C  
28757











# Report For

EDWARDS, KYLE  
EDWARDS, MARY SUE  
20 KYLES WAY  
MAGGIE VALLEY, NC 28751-7634

## Account Information

**PIN:** 8616-24-8812  
**Legal Ref:** 1015/2415  
1002/1322  
**Add Ref:** CABD/1081  
899/998

## Site Information

DWELLING  
1460 RUSS AVE  
**Heated Area:** 1386  
**Year Built:** 1964  
**Total Acreage:** 6.03  
**Township:** Town of Waynesville

## Site Value Information

**Land Value:** \$409,900  
**Building Value:** \$142,700  
**Market Value:** \$552,600  
**Deferred Value:** \$0  
**Assessed Value:** \$552,600  
**Sale Price:** \$400,000  
**Sale Date:** 12/10/2020



1 inch = 200 feet  
October 2, 2023

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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EDWARDS, MARY SUE  
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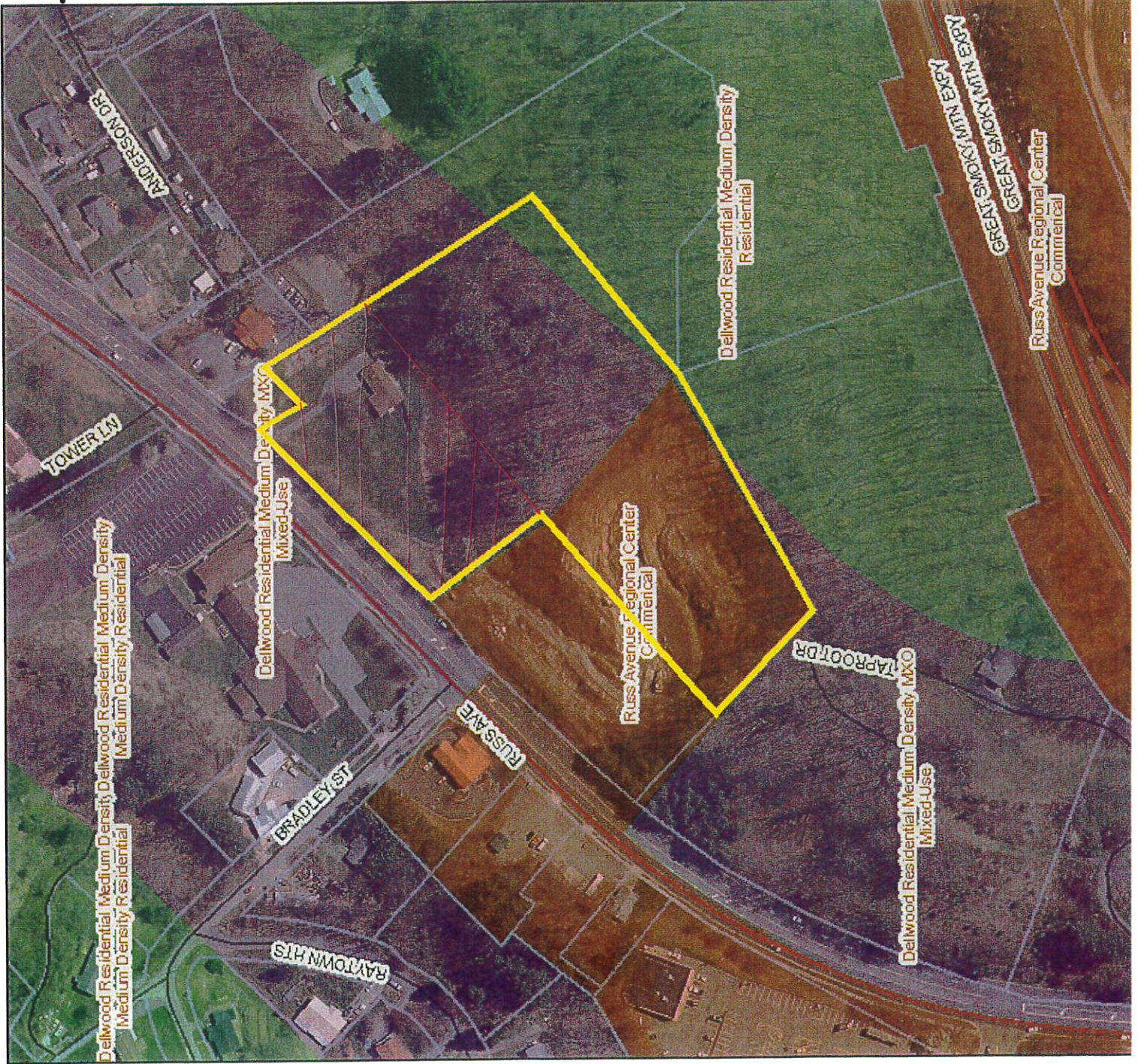
## Site Value Information

**Land Value:**  
**Building Value:**  
**Market Value:**  
**Deferred Value:**  
**Assessed Value:**  
**Sale Price:** 12/10/2020  
**Sale Date:**



1 inch = 200 feet  
October 2, 2023

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# Report For

EDWARDS, KYLE  
EDWARDS, MARY SUE  
20 KYLES WAY  
MAGGIE VALLEY, NC 28751-7634

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**PIN:** 8616-24-8812  
**Legal Ref:** 1015/2415  
1002/1322  
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899/998

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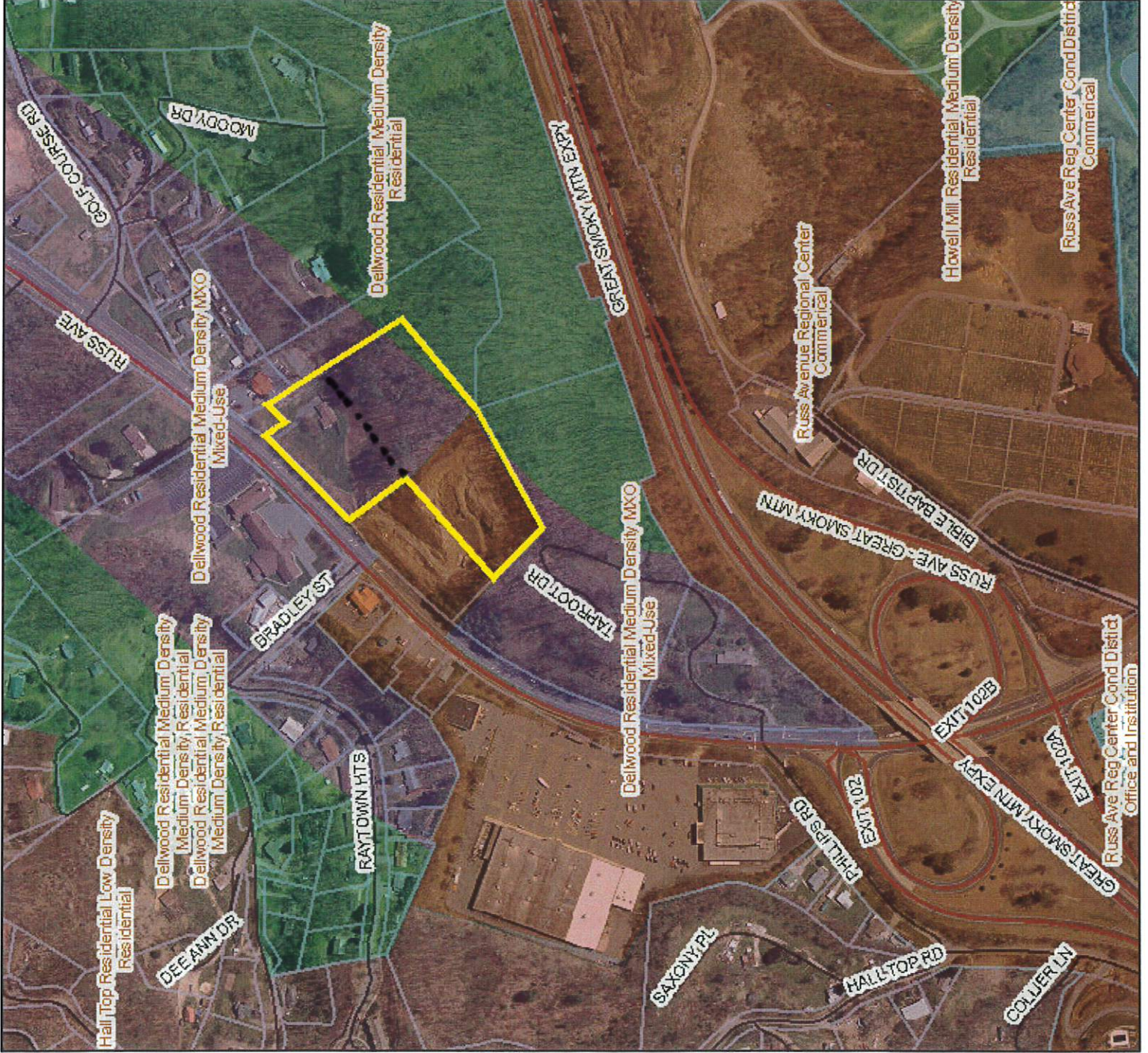
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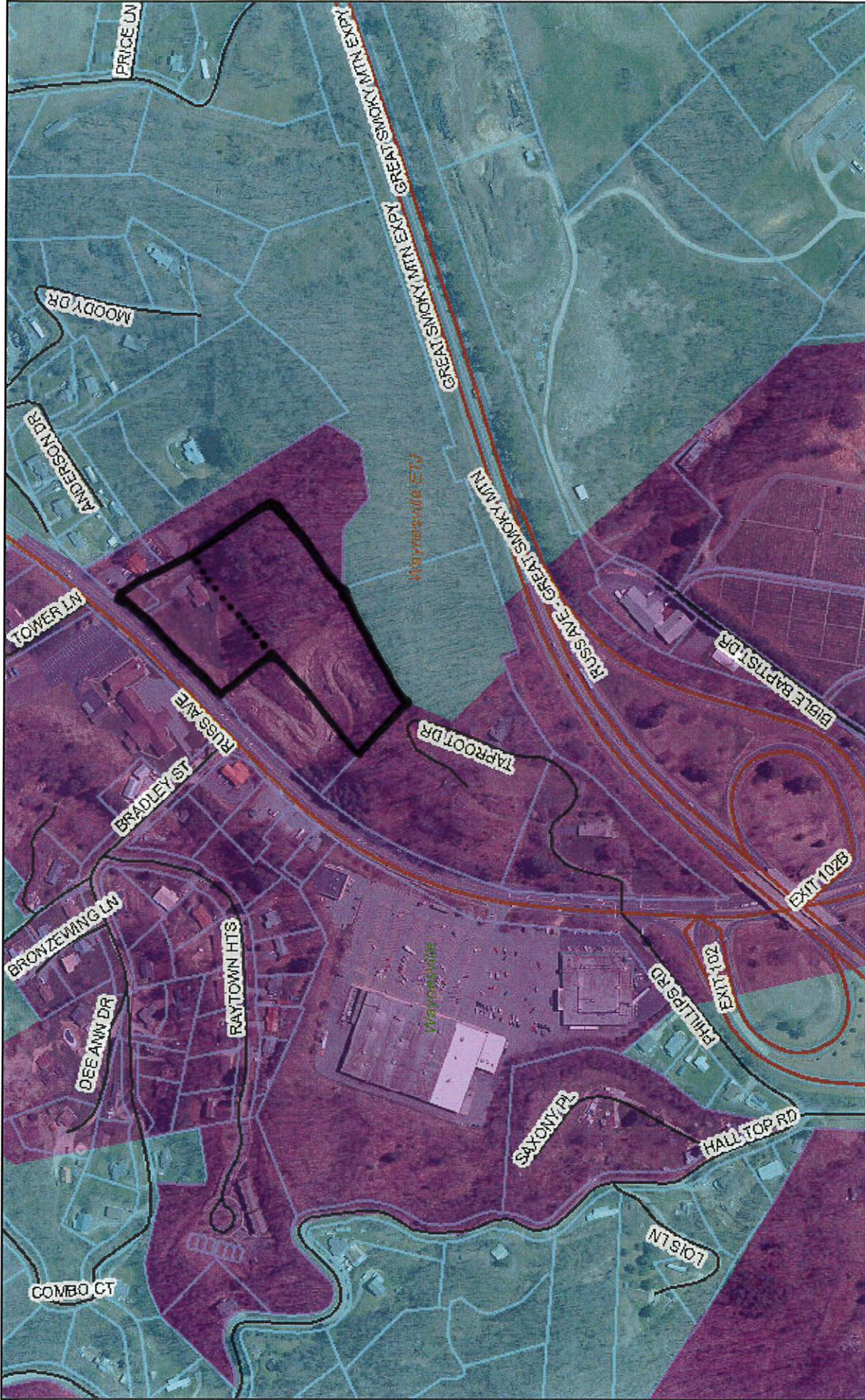
1 inch = 400 feet

December 29, 2023

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Municipal Boundary in pink; ETJ in blue



December 29, 2023





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

7/17/2023

Kyle Edwards  
20 Kyles Way  
Maggie Valley, NC

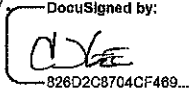
County: Haywood  
Subject: Street and Driveway Access Permit Application - Approval  
Permit No.: D142-044-23-00013

Dear: Mr. Edwards,

This office has reviewed your proposed Street Access Permit that you submitted to us. Your proposal has been **approved**, however the followings conditions apply:

1. No storm water shall be discharged onto US-276.
2. The District Engineer must approve any changes.
3. Driveway(s) shall be constructed as indicated on plans.
4. Notify District 2 Office three working days, prior to the start of construction.

If you have any questions feel free to contact me at (828) 497-7333.

Sincerely, 826D2C8704CF469...

Chris Lee, P. E.  
District Engineer

CL/jbs

cc: Keith Blazer, Haywood Maintenance Engineer  
File

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION 14 - DISTRICT 2  
178 HENRY BIRD ROAD  
WHITTIER, NC 28789-7646

Telephone: (828) 497-7333  
Fax: (828) 497-6095  
Customer Service: 1-877-368-4968

Website: [www.ncdot.gov](http://www.ncdot.gov)

Location:  
178 HENRY BIRD ROAD  
WHITTIER, NC 28789-7646



APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION STREET AND DRIVEWAY ACCESS  PERMIT APPLICATION
Driveway Permit No. <u>D142-044-23-000013</u>	Date of Application <u>7/14/23</u>	
County: <u>HAYWARD</u>		
Development Name: <u>KYLE EDWARDS</u>		

**LOCATION OF PROPERTY:**

Route/Road: US HWY 276 ± 1460 RYSS AVE

Exact Distance 2200'       Miles       Feet      N  S  E  W

From the Intersection of Route No. US 23/74 and Route No. US 276 Toward Lake Junaluska

Property Will Be Used For:  Residential /Subdivision     Commercial     Educational Facilities     TND     Emergency Services     Other

Property:  is     is not    within WAYNESVILLE City Zoning Area.

**AGREEMENT**

- I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.
- I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.
- I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.
- I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.
- I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.
- I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.
- I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".
- I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.
- I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.
- I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.
- I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.
- I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.
- I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.
- The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.
- I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.
- **I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.**



**SIGNATURES OF APPLICANT**

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	<u>Ryley Edwards &amp; Cordell Co.</u>	NAME	<u>JAMES B Sturden</u>
SIGNATURE	<u>[Signature]</u>	SIGNATURE	<u>[Signature]</u>
ADDRESS	<u>20 Ryley = 4000/111116 N.C.</u>	ADDRESS	<u>178 Henry Blvd Raleigh</u>
	Phone No. <u>421 3089</u>		<u>Whitaker Rd 28789</u>

AUTHORIZED AGENT		WITNESS	
COMPANY	_____	NAME	_____
SIGNATURE	_____	SIGNATURE	_____
ADDRESS	_____	ADDRESS	_____
	Phone No. _____		_____

**APPROVALS**

APPLICATION RECEIVED BY DISTRICT ENGINEER

<u>[Signature]</u>	<u>7-14-23</u>
SIGNATURE	DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

_____	_____	_____
SIGNATURE	TITLE	DATE

APPLICATION APPROVED BY DISTRICT ENGINEER

<u>Chris Lee, PE</u>	DocuSigned by:	<u>07/17/2023</u>
SIGNATURE	<u>[Signature]</u>	DATE
	826D2C8704CF469...	

INSPECTION BY NCDOT

_____	_____	_____
SIGNATURE	TITLE	DATE

COMMENTS:

No storm water shall be discharged onto US-276.







# Report For

DEPARTMENT OF TRANSPORTATION  
253 WEBSTER RD  
SYLVA, NC 28779

## Account Information

PIN: 8616-25-8263

Legal Ref: 415/131

Add Ref: A91/645

A91/254

## Site Information

RUSS AVE

Heated Area:

Year Built:

Total Acreage: 0.12

Township: Town of Waynesville

## Site Value Information

Land Value: \$9,000

Building Value: \$0

Market Value: \$9,000

Deferred Value: \$0

Assessed Value: \$9,000

Sale Price: \$0

Sale Date: 1/28/1991



1 inch = 100 feet

December 29, 2023

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**WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: January 9, 2024**

**SUBJECT:**

Reclassify one Senior Customer Service position to Payroll Specialist and change it from Grade 55 to Grade 61

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:**

I have been working on reorganizing the Finance Department and updating all of the job descriptions. We currently have two (2) Senior Customer Service positions, but one of the positions main functions is payroll. I would like to request that we reclassify one of the Senior Customer Service positions to a Payroll Specialist and move it from a Grade 55 to a Grade 61 based on the updated job description. Page and I have looked at the salary in other municipalities our size and it would fall into Grade 61 in our Pay and Classification Table.

**MOTIONS FOR CONSIDERATION:**

1. Approve the reclassification of one Senior Customer Service position to a Payroll Specialist and move it from Grade 55 to Grade 61.

**FUNDING SOURCE/IMPACT:**

With recent personnel changes there is enough in the budget to cover the change in salary for the grade change.

  
Misty Hagood, Finance Director

12/18/2023

Date

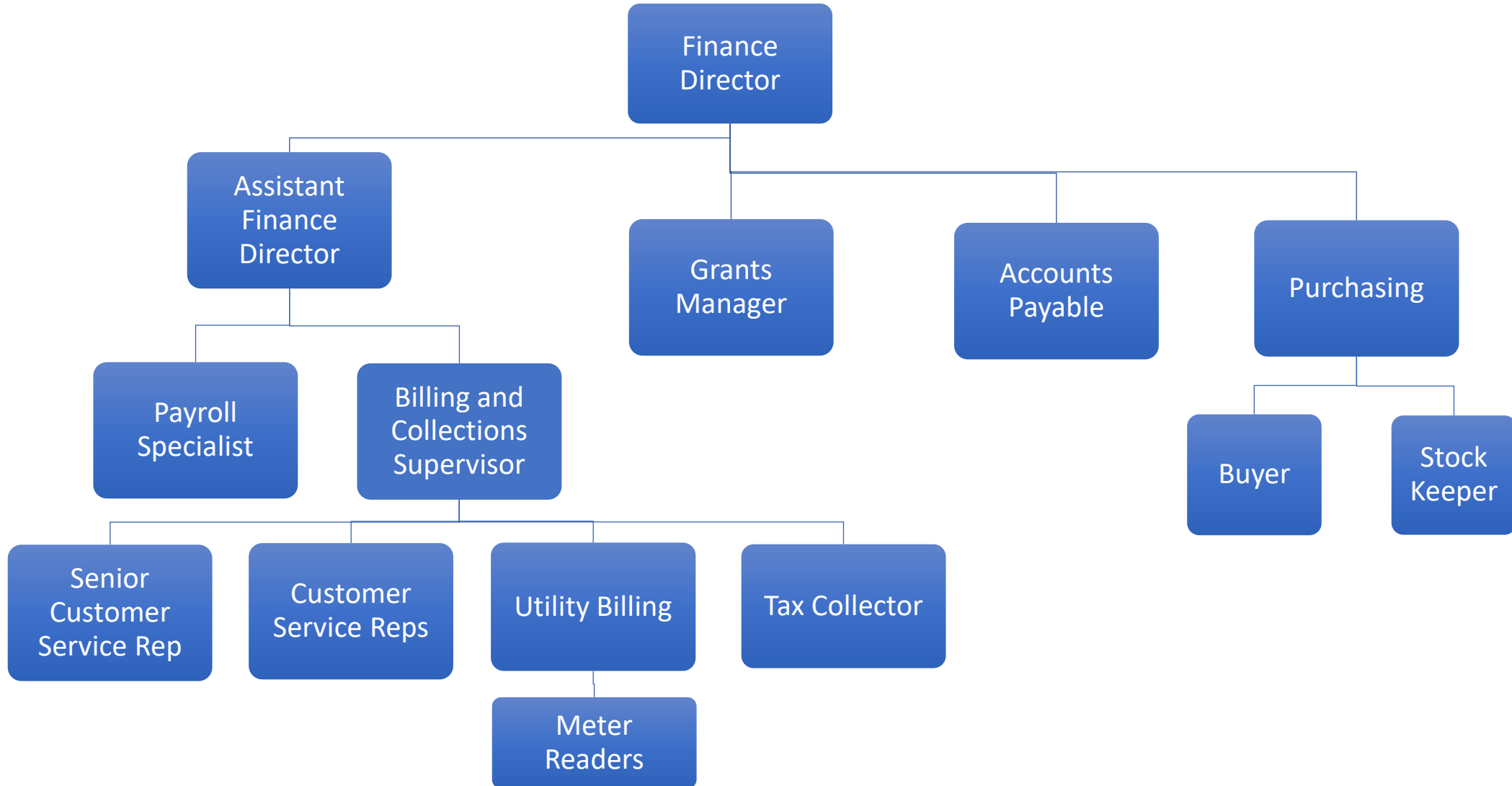
**ATTACHMENTS:**

1. Org Chart

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**



# Finance Department Org Chart





**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: January 09, 2024**

**SUBJECT:** The Eagles Nest Booster Station re-build project.

**AGENDA INFORMATION:**

Agenda Location: New Business  
Department: Water  
Item Number:  
Contact: Wayne Bolin, Water/Sewer Superintendent  
Presenter: Ricky Foster, Assistant Public Works Director

**BRIEF SUMMARY:** The Eagles Nest Booster Station re-build was budgeted \$200,000.00 in this FY24 capital improvements. This project includes a new SCADA System, two pumps and frequency drives.

**MOTION FOR CONSIDERATION:** To award the Eagles Nest Booster Station upgrade to T.P. Howard in the amount of \$224,990.00.

**FUNDING SOURCE/IMPACT:** Water Maintenance Capital 617121-545900. We will use \$24,990 of the money that was budgeted for line replacement to cover the additional cost over what was budgeted.

	12/22/23
<hr/>	
Misty Hagood, Finance Director	Date

**ATTACHMENTS:**

- Bid Tabulation
- Proposal from T. P. Howard's Plumbing Company, Inc.

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**



# TOWN OF WAYNESVILLE

## IBR 2023-400


### Eagles Nest Booster Station Upgrade



<b>Contractor/Vendor</b>	<b>Cost</b>
<b>T. P. Plumbing</b>	<b>\$224,990.00</b>
Buchanan Pump Service	\$251,124.14

This project was bid over budget. Recommendation is to use \$25,000.00 from line replacement capital 617121-545900 to cover additional cost.



 <p>Town of Waynesville Eagles Nest Road Waynesville, NC 28786</p>	<p><b>REQUEST FOR PROPOSAL: SCADA System Computer Hardware and Software</b></p>
	<p>Proposals will be due: <b>December 20, 2023, no later than 2:00 PM EST</b></p>
<p>Optional Pre-Bid Meeting on Thursday, December 07, 2023, at 10:00 am in the Public Services Building, 129 Legion Drive, Waynesville, NC 28786.</p>	<p>Department: <b>Water Maintenance</b></p>
	<p>Technical Inquiries: <b>Wayne Bolin</b> 828-456-3706 <b>wbolin@waynesvillenc.gov</b></p>


**NOTICE TO VENDOR**

It is the intent of this bid invitation to obtain proposals for supplying the materials, supplies, equipment and/or professional services listed on the Cost Sheet. You must be in strict compliance with the specifications and offer the same or equal if so proposed. Any additions, terms and conditions regarding specifications by the offeror shall have no force or effect.

**EXECUTION**

In compliance with this Request for Proposals, and subject to all the conditions herein, the undersigned offers and agrees to furnish and deliver any or all items/services upon which prices are offered, at the prices specified herein.

**Failure to execute/sign proposal prior to submittal shall render proposal invalid.  
Late proposals are not acceptable.**

<p>VENDOR: <b>T.P. HOWARD'S PLUMBING CO, INC.</b></p>		<p>PHONE NUMBER: <b>828-628-1369</b></p>
<p>TYPE OR PRINT NAME &amp; TITLE OF PERSON SIGNING: <b>JOSH HOWARD</b></p>		<p>FAX NUMBER: <b>828-628-0130</b></p>
<p>AUTHORIZED SIGNATURE: </p>	<p>DATE: <b>12-20-23</b></p>	<p>E-MAIL: <b>JOSH@TPHOWARDS.COM</b></p>

**ACCEPTANCE OF PROPOSAL**

If any or all parts of this proposal are accepted, a purchase order will be issued to the vendor within 60 days of proposal.

**INSTRUCTIONS FOR PROPOSALS**

1. **Read, Review and Comply:** It shall be the offeror's responsibility to read, review and comply with all requirements specified herein.



**TOWN OF WAYNESVILLE**

**Bid Sheet**

**Plumbing**

Valves	\$ 7701.00
Pipe	\$ 1996.00
Assorted Fittings	\$ 2765.00
Gauges	\$ 2000.00

**Pumps**

(2) Grundfos CR-95-4 or Equivalent Pump-Please list	\$ 50,060.00
---	--------------

**Motors**

(2) NEMA 75 HP or Equivalent Motors-Please list	\$ 24,830.00
---	--------------

**Electrical**

(2) HP VFD's with Cabinets	\$ 11,052.00
Fortech SCADA System and Training	\$ 102,000.00
Wire	\$ 1997.00
Conduit	\$ 488.00
Conduit Fittings	\$ 103.00

**Other Additional Equipment-Please list**

EQUIPMENT	\$ 3000.00
SEED + STRAW/GRAVEL	\$ 2000.00
	\$

**Labor**

All labor necessary to install equipment and complete project	\$ 15,000.00
---	--------------

**Total Bid for Project Completion**

**\$ 224,990.00**



**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date: January 9, 2024**

**SUBJECT:** Interview Logistics for Planning Board applicant

**AGENDA INFORMATION**

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

**BRIEF SUMMARY**

The Town of Waynesville's Planning Board has one vacancy. The vacancy has been posted on the Town website for the past month and in the newspaper. Travis Collins has been the only applicant. Per the Boards and Commissions manual, potential Planning Board members must be interviewed prior to being appointed. Staff is requesting that Council decides who will be interviewing Mr. Collins, and when.

**MOTIONS FOR CONSIDERATION**

N/A

**FUNDING SOURCE/IMPACT**

N/A

**MANAGER'S COMMENTS AND RECCOMENDATIONS**

**ATTACHMENTS:**



**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date 1/9/2024**

**SUBJECT** Select a “Contract administrator” to aid the staff in administering the CDBG-I Infrastructure grant.

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY :** The Town was awarded a \$1,097,400 CDBG-I grant to replace aging water and sewer lines along Sawyer and Explorer Street in a Census Tract shown to contain considerable low-income housing and residents. The Town’s smoke testing program discovered considerable Inflow/infiltration in the sewer lines. The water line is incorrectly sized and incapable of accommodating fire hydrants. Following the NC General Statutes for selecting architectural and engineering services, the Town issued an RFQ to provide project administration services that involve considerable Federal reporting requirements. The grant allocates a certain amount of money to fund contract administration. Two firms responded to the RFQ. A staff committee reviewed the written responses and scored them according to a scoring sheet provided by DEQ. After considering the written proposals , the staff recommends that the Council award the contract to McGill Associates. The Council will approve a firm and authorize the staff to negotiate a contract which will contain a fee and time schedule. We will submit that contract to you at the next meeting. Should the staff and engineer NOT be able to successfully negotiate a contract, the staff will report to the Council that they were unable to successfully negotiate a contract. The Council will authorize the staff to negotiate with the second highest rated engineering firm.

**MOTION FOR CONSIDERATION:** Approve McGill Associates as the “Grant Administrator to carry out the CDBG-I program’s Federal program requirements and authorize the staff to negotiate a contract for the service.

**FUNDING SOURCE/IMPACT:** Water, Sewer Funds

**ATTACHMENTS:**

**MANAGER’S COMMENTS:** We are following the process mandated by the General Statutes and the scoring criteria mandated by NC Department of Environmental Quality .

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Candace Poolton, al (828) 452-2491 o en 16 South Main Street, Waynesville, NC 28786 de alojamiento para esta solicitud.



**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date 1/9/2024**

**SUBJECT** Select an engineering firm to provide design, bid, construction observation and reporting for the Town's CDBG Infrastructure grant.

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY**: The Town was awarded a \$1,097,400 CDBG-I grant to replace aging water and sewer lines along Sawyer and Explorer Street in a Census Tract shown to contain considerable low income housing and residents. The Town's smoke testing program discovered considerable Inflow/infiltration in the sewer lines. The water line is incorrectly sized and incapable of accommodating fire hydrants. Following the NC General Statutes for selecting architectural and engineering services, the Town issued an RFQ to provide design, bidding and construction administration services. Three firms responded to the RFQ. A staff committee reviewed the written responses and scored them according to a scoring sheet provided by DEQ. Two firms were invited for personal interviews. After considering the written proposals and personal interviews the staff recommends that the Council award the contract to [REDACTED]. The Council will approve a firm and authorize the staff to negotiate a contract which will contain a fee and time schedule. We will submit that contract to you at the next meeting. Should the staff and engineer NOT be able to successfully negotiate a contract, the staff will report to the Council that they were unable to successfully negotiate a contract. The Council will authorize the staff to negotiate with the second highest rated engineering firm.

**MOTION FOR CONSIDERATION:** Approve [REDACTED] as the engineering firm to carry out design, bidding, construction administration and engineering reporting for the CDBG-I grant and authorize the staff to negotiate a contract for the service.

**FUNDING SOURCE/IMPACT:** Water, Sewer Funds

**ATTACHMENTS:**

**MANAGER'S COMMENTS:** We are following the process mandated by the General Statutes and the scoring criteria mandated by NC Department of Environmental Quality .

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Candace Poolton, al (828) 452-2491 o en 16 South Main Street, Waynesville, NC 28786 de alojamiento para esta solicitud.



**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date 1/9/2024**

**SUBJECT** Appoint a member of the Council to the TDA Board

**AGENDA INFORMATION:**

**Agenda Location:** Old Business

**Item Number:**

**Department:** Administration

**Contact:** Rob Hites

**Presenter:** Rob Hites

**BRIEF SUMMARY :** Haywood County TDA Director Corrina Ruffieux requests that the Council approve a representative for their Board.

**MOTION FOR CONSIDERATION:** Appoint a member to the TDA Board of Directors.

**FUNDING SOURCE/IMPACT:**

**ATTACHMENTS:**

**MANAGER'S COMMENTS:**



**TOWN OF WAYNESVILLE TOWN COUNCIL  
REQUEST FOR COUNCIL ACTION  
Meeting Date 1/9/24**

**SUBJECT** Comprehensive Transportation Study for the Entirety of East Street

**AGENDA INFORMATION:**

**Agenda Location:** Old Business

**Item Number:**

**Department:** Streets

**Contact:** Rob Hites

**Presenter:** Rob Hites

**BRIEF SUMMARY :** During its October Council meeting, Councilmember Feichter requested that the Town conduct a thorough study of East Street from its beginning point on South Main to its terminus on North Main. Due to the meandering nature of the 1.32-mile street JM Teague has drafted a proposal in four distinct sections. The Town Council may choose to study all sections at a cost of \$16,200 or selected sections at a fee of \$4,500 per section. The scope of services includes vehicle traffic volumes, speeds, widths, grades, sight distances, parking, pedestrians and pavement markings. The information will be analyzed and recommendations for improvements will be made. In our discussions on the study, JM Teague requested that the impact of the existing speed cushions be analyzed along with other remedies that would meet the Fire Department's standards that require uninterrupted access for emergency vehicles.

**MOTION FOR CONSIDERATION:** Approve all or parts of JM Teague's Proposal.

**FUNDING SOURCE/IMPACT:** General Fund

**ATTACHMENTS:** JM Teague Proposal

**MANAGER'S COMMENTS:** The study will update previous studies made in a selected area of East Street and provide the Council with additional information on other sections of the street. If JM Teague proposes to study segments of East Street that have not received negative comments from the residents, you may wish to eliminate them from the study. This is a good time to conduct the study since it will be complete before the paving season starts in March/April.



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**PROPOSAL AND SCOPE OF SERVICES  
EAST STREET COMPREHENSIVE  
TRANSPORTATION STUDY  
FOR THE TOWN OF WAYNESVILLE**

Prepared For:

Robert Hites, Town Manager  
Town of Waynesville  
9 South Main Street, Suite 110  
Waynesville, NC 28786

January 2024

Prepared By:

Candace Hladick, Transportation Planner  
J.M. Teague Engineering & Planning  
[candace.hladick@jmteagueengineering.com](mailto:candace.hladick@jmteagueengineering.com)  
828.456.8383

WAYN-1486



## CLIENT AND ENGINEER PROFESSIONAL SERVICES AGREEMENT

This agreement is made, entered into and effective this \_\_\_\_\_ day of \_\_\_\_\_ 2024 by  
and between:

**ENGINEER:**

**CLIENT:**

Firm: J.M. Teague Engineering, PLLC  
Address 1: 1155 N. Main St  
Address 2: Waynesville, NC 28786  
Phone: 828.456.8383  
Name: David W. Hyder , PE  
Title: Transportation Engineer

Company: Town of Waynesville  
Address 1: 9 South Main Street, Suite 110  
Address 2: Waynesville, NC 28786  
Phone: 282.0452.2491  
Name: Robert Hites  
Title: Town Manager

(SEAL)

**Signature:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*I accept the terms of this agreement*

JMTE – WAYN 1486 – East Street Comprehensive Transportation Study for the Town of Waynesville

In addition to the matters set forth herein, our Agreement shall include and shall be subject to the Standard Provisions, which are attached hereto and incorporated herein. If you concur and wish us to proceed with services described in the Agreement, please return a signed copy of this Agreement executed by a properly authorized individual in the space provided above.

The parties acknowledge and agree that the initial lines at the bottom of each page of this Agreement are merely evidence of their having reviewed the terms of each page of this Agreement.



## PROJECT UNDERSTANDING & SCOPE OF SERVICES

J.M. Teague Engineering & Planning (JMTE) understands that the Town of Waynesville (Town) is requesting a scope of services to provide a Comprehensive Transportation Study of East Street, in Waynesville, between N. Main Street and S. Main Street (Figure 1).

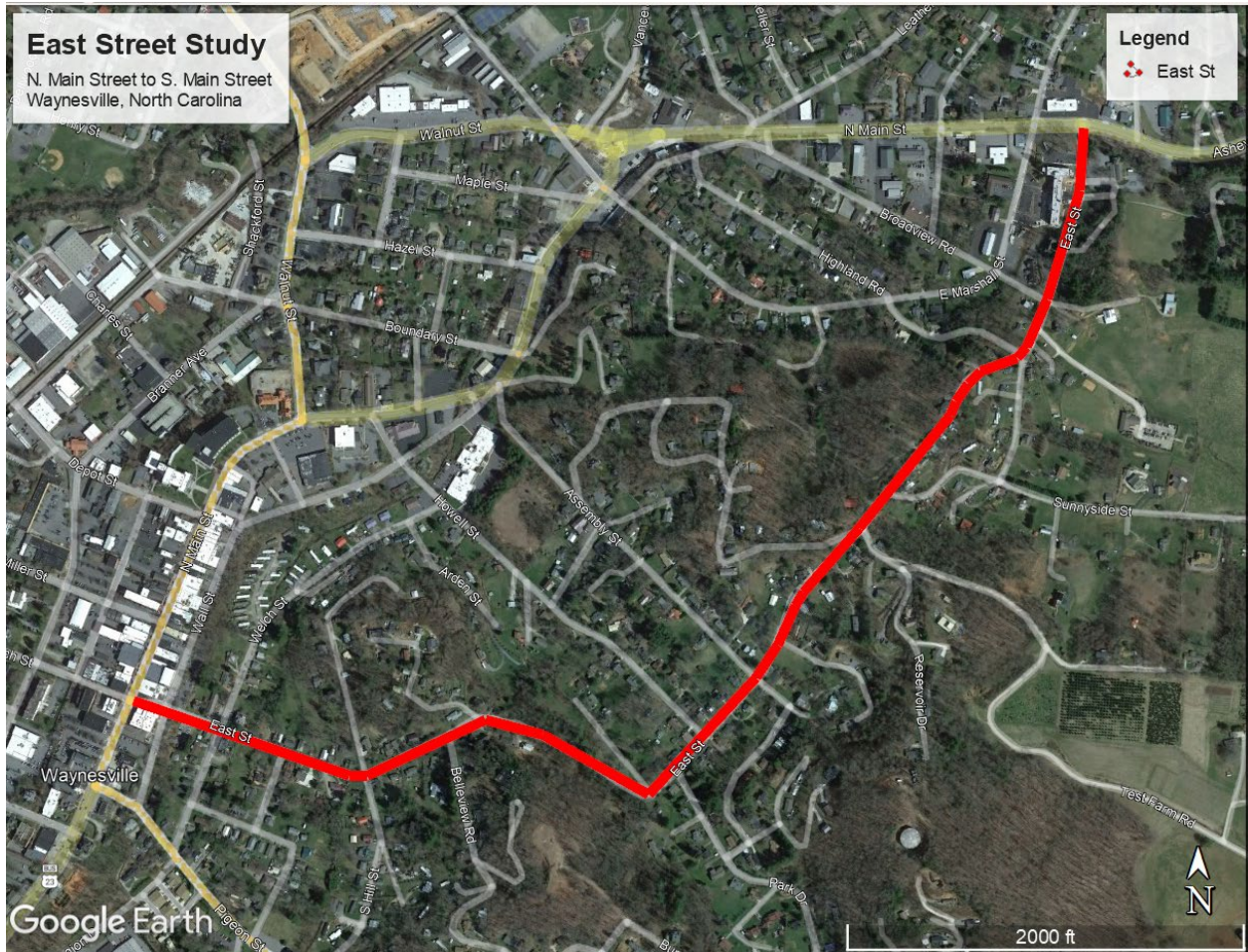


Figure 1 Study Area

At the request of the Town, JMTE previously completed limited traffic calming studies along East Street. These studies were limited to a section of East Street between Assembly Street and Howell Street. The findings of these studies resulted in the recommendation and installation of speed cushions at two locations in this limited study area.

The purpose of providing a Comprehensive Transportation Study of East Street is to evaluate the transportation systems as a whole, to identify existing problems, and to determine appropriate solutions.

East Street from N. Main Street to S. Main Street is 1.32 miles long with various roadway geometry characteristics, including varying widths, grades, curvature, and surrounding terrain. For this reason, we have divided the study area into four (4) distinct sections with each section having similar characteristics.



### Section 1: S. Main Street to Hill Street



Figure 2 East Street Section 1 image looking from S Main Street

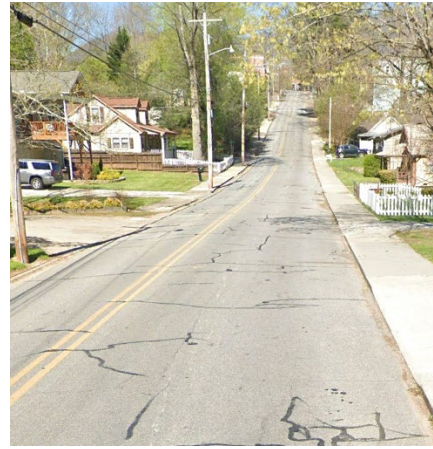


Figure 3 East Street Section 1 image looking from Hill Street

The portion of East Street between S. Main Street and Hill Street (Section 1) is closest to Waynesville’s downtown corridor and has a mix of businesses, civic offices, and single-family homes. This section is 0.23 miles long with widths from 22 to 26 feet. This section of roadway has few horizontal curves and gradual grade changes. This portion of East Street has sidewalks on both sides of the street near S. Main Street and a sidewalk on one side of the street throughout the rest of the section.

### Section 2: Hill Street to Happy Hollow Street



Figure 4 East Street Section 2 image looking from Hill Street

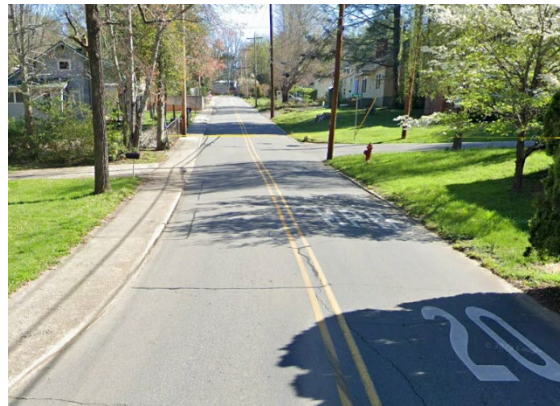


Figure 5 East Street Section 2 image looking from Happy Hollow Street

The portion of East Street between Hill Street and Happy Hollow Street (Section 2) has single-family homes. This section is 0.31 miles long with widths from 22 to 37 feet. This section has a sidewalk on one side, two horizontal curves, multiple grade changes, and a section of roadway with no buildings and steep surrounding terrain.



Section 3: Happy Hollow Street to Council Place



Figure 6 East Street Section 3 image looking from Happy Hollow Street



Figure 7 East Street Section 4 image looking from Council Place

The portion of East Street between Happy Hollow Street and Council Place (Section 3) has single-family homes and open parcels of land. This section is 0.58 miles long with widths from 18 to 26 feet. This section has a sidewalk on one side, multiple horizontal curves, multiple cross-street intersections, and grade changes. The previously completed studies between Assembly Street and Howell Street are included in this part of East Street.

Section 4: Council Street to N. Main Street

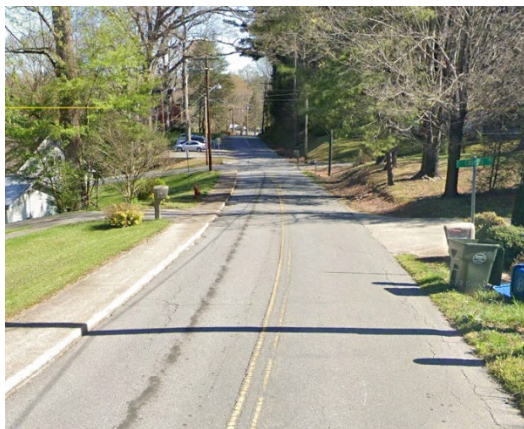


Figure 8 East Street Section 5 image looking from Council Place



Figure 9 East Street Section 5 image looking from N. Main Street

The portion of East Street between Council Place Street and N. Main Street (Section 4) includes a mix of business offices, single-family homes, and multifamily apartments. This section is 0.21 miles long with widths from 20 to 35 feet. This section has sidewalks on both sides of the street near N. Main Street and a sidewalk on one side of the street throughout the rest of the section. This section has one horizontal curve and two grade changes.



## SCOPE OF SERVICES

The scope of services for this proposal may be completed in a single study of the entire roadway or as a' la carte to include one or more sections (as noted above) of the roadway system.

The study will begin with a detailed review of traffic volumes, traffic speeds, widths, grades, sight distances, parking, pedestrians, and pavement markings. Once existing conditions are collected, JMTE will thoroughly analyze the existing operational or safety conditions to identify their causes and possible improvement measures.

JMTE will conduct spot speed studies and vehicle volume counts at locations along East Street in each of the above-described sections. The specific locations will be determined, by JMTE, based on the field visit, roadway geometrics, traffic patterns, observed roadway user behavior, and Client input. We propose one (1) 48-hour traffic count, per section, when school is in session. JMTE will also review the striping and signage for each street section within the study area and determine whether placement could be changed to improve visibility or increase awareness of the speed limit and the general character of the neighborhood. This review will be useful to determine if there are other needs, such as for lighting and reflectivity. JMTE will also observe pedestrian activity during fieldwork and gather anecdotal input from residents.

JMTE will combine the collected data with field observations, best practices, and expertise to determine the challenges and benefits of roadway treatments and other supplemental improvements. This analysis will include elements such as on-street parking, traffic flow, intersection improvements, signs, speed mitigation, infrastructure, turning radii, general roadway geometry, and pedestrian crossings.

A detailed Engineering report will be prepared. The report will include existing conditions and recommendations for infrastructure improvements. Our recommendations will follow an integrated approach to transportation design, with safety, connectivity, and accessibility complemented by aesthetic appeal, an ecological imperative, and recognition of budget constraints. These principles guide our analysis and will be important in prioritizing recommendations for the study area.

## FEE STRUCTURE

The project work for this scope of services will be invoiced using the 2023 Billing Rates in the "Waynesville On Call Services 2023" contract, executed on 5/22/2023.

Full East Street Comprehensive Transportation Study: \$16,200 *or*

A' la carte per East Street Section: \$4,500

Council Presentation provided upon request with per-hour rates.

If the Town changes a task scope or its parameters at any time during the project, additional fees may be required. The client will receive an update on anticipated fee changes before additional work begins.



Table 1 JMTE 2023 Billing Rates

<b>2023 BILLING RATES</b>		
<b>JOB TITLE</b>	<b>STANDARD RATES</b>	<b>WAYNESVILLE 2023 RATES</b>
Principal Engineer (PE)	\$240	<b>\$200</b>
Engineering Director (PE)	\$200	<b>\$170</b>
Executive Planner (AICP)	\$200	<b>\$170</b>
Transportation Planner	\$150	<b>\$120</b>
Sr. Engineering Technician	\$120	<b>\$100</b>
Engineering Technician	\$110	<b>\$80</b>
Administration Management	\$80	<b>\$70</b>
Administrative Support	\$45	<b>\$40</b>

Invoices will be submitted regularly, usually monthly, by JMTE to the Client for services performed and expenses incurred the previous month. If the final product has not yet been delivered upon the invoicing date, the invoice will reflect a percent complete, tasks complete, hours worked so far, or similar denotation. A final invoice will accompany the final product delivery and will be denoted as such. Payment of each invoice will be due within 30 days of receipt. Interest at the rate of 1.5% monthly will be added to accounts not paid within 30 days. If the Client fails to make any payment due to JMTE for services and expenses within 45 days after the transmittal of its invoice, JMTE may suspend services until all amounts are paid in full. JMTE reserves the right to delay work or withhold work products for unpaid or outstanding invoices.

If this proposal is acceptable, please sign and initial where indicated and JMTE will finalize the execution of the agreement. Project delivery time will begin on the executed contract date. If work needs to begin before the contract execution, a written notice to proceed will suffice as an interim agreement until a contract can be formally executed.

**QUALITY ASSURANCE AND QUALITY CONTROL**

J.M. Teague Engineering and Planning (JMTE) recognizes that the disciplines of quality, health and safety, and environmental management are integral parts of its management function. The successful delivery of a project involves having in place adopted quality assurance and control processes and procedures that govern best practices from project pursuit through project execution and measuring Client satisfaction. JMTE believes that our professional services and project deliverables must meet or exceed our Client’s expectations and reflect and advance our company’s mission. We look forward to demonstrating our passion for quality with each Client.



## STANDARD PROVISIONS

### J.M. Teague Engineering, PLLC

(1) Engineer's Scope of Services: The undertaking of the Engineer to perform professional services extends only to those services specifically described in this Agreement. However, if requested by the Client and agreed to by the Engineer, the Engineer will perform additional services through individual arrangements and agreements.

(2) Client's Responsibilities: In addition to other responsibilities described herein or imposed by law, the Client may be required to:

(a) Designate in writing a person to act as its representative with respect to this Agreement, such person having complete authority to transmit instructions, receive information, and make or interpret the Client's decisions.

(b) Provide to the Engineer all previous studies, plans, or other documents pertaining to the project; Client's requirements and criteria; standards to be followed; and all new information reasonably necessary; upon all of which the Engineer may rely.

(c) Arrange for access to the site and other property and obtain approvals and permits required for the Engineer to provide its services.

(d) Review all documents or verbal reports presented by the Engineer and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of the Engineer.

(e) Provide such overall feasibility services such as independent accounting, legal, insurance, and cost estimating as the client may require or the Engineer may reasonably request.

(f) Give prompt written notice to the Engineer wherever the Client becomes aware of any development that affects the scope and timing of the Engineer's services or any defect or noncompliance in any aspect of the project.

(g) Bear all costs incident to the responsibilities of the Client.

(3) Period of Services: This Agreement has been entered into in anticipation of conditions permitting continuous and orderly progress through the completion of the Engineer's services. Times for performance shall be extended to the extent necessary for delays due to circumstances the Engineer does not control. If such delay or suspension extends for more than one year (cumulatively), the rates of compensation provided for in the Agreement shall be renegotiated.

(4) Method of Payment: Compensation shall be paid to the Engineer in accordance with the following provisions:

(a) Invoices will be submitted on a regular basis, usually monthly, by the Engineer to the Client for services performed and expenses incurred the previous month. If the final product has not yet been delivered upon the invoicing date, the invoice will reflect a percent complete, tasks complete, hours worked so far, or similar denotation. A final invoice will accompany the final product delivery and will be denoted as such. Payment of each invoice will be due within 30 days of receipt. Interest at the rate of 1.5% monthly will be added to accounts not paid within 30 days. If the Client fails to make any payment due the Engineer for services and expenses within 45 days after the Engineer's transmittal of its invoice, the Engineer may suspend services until all amounts are paid in full.

(b) If the Client objects to any invoice, it must advise the Engineer in writing giving its reasons within 14 days of receipt of the invoice or the Client's objections shall be waived, and the invoice shall conclusively be deemed due and owing.

(c) If the Engineer initiates legal proceedings to collect payment for services, it may recover in addition to all amounts due, its reasonable attorneys' fees, reasonable experts' fees, and other expenses related to the proceedings. Such expenses shall include the cost, at the Engineer's normal hourly billing rates, of the time devoted to such proceedings by its employees.

(d) The Client acknowledges and agrees that the payment for services rendered and expenses incurred by the Engineer pursuant to this Agreement is not subject to any contingency or conditions unless expressly set forth in this Agreement.

(5) Use of Documents: All documents, including but not limited to drawings, specifications and data or programs stored electronically, prepared by the Engineer are related exclusively to the services described herein. They are not intended or represented to be suitable for partial use or reuse by the Client or others on extensions of this project or on any other project. Any modifications made by the Client or any partial use or reuse without written authorization or adaptation by the Engineer will be at the Client's sole risk and without liability or legal exposure to the Engineer, and the Client shall indemnify, defend and hold the Engineer harmless from all claims, damages, losses and expenses, including but not limited to attorneys' fees, resulting therefrom. Any authorization or adaptation will entitle the Engineer to further compensation at rates to be agreed upon by the Client and the Engineer. Copies of Documents that may be relied upon by Client are limited to the printed copies (also known as hard copies) signed or sealed by the Engineer. Files in electronic media format of text, data, graphics, or of other types furnished by Engineer to Client are only for convenience of Client.

Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk. Because data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of the data's creator, the Client, after receiving electronic files, agrees to perform acceptance tests or procedures within 60 days, after which the Client shall be deemed to have accepted the data. Any errors detected within the 60-day acceptance period will be corrected by the Engineer. Engineer shall not be responsible to maintain documents stored in electronic media format after acceptance by Client. When transferring documents in electronic media format, Engineer makes no representations as to long term compatibility, usability, or readability of documents resulting from the use of software application packages, operation systems, or computer hardware differing from those used by Engineer at the beginning of this Project. If there is a discrepancy between the electronic files and the hard copies, the hard copies govern.

(6) Opinions of Cost: Because the Engineer does not control the cost of labor, materials, equipment, services furnished by others, methods of determining prices, competitive bidding or market conditions, any opinion rendered as to costs shall be made on the basis of its experience and represent its judgment as an experienced and qualified professional, but the Engineer cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost. If the Client wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator.

Client Initials: \_\_\_\_\_



Updated 08.11.23

(7) Extension: If applicable, the terms of this Agreement may be extended for a period of time equal to the original agreement time frame or any portion thereof. In order to execute an Agreement extension both parties must sign and date an "Agreement Extension Addendum" as provided by the Engineer. An Agreement extension beyond the original terms can also be re-negotiated via the execution of a modified Agreement.

(8) Termination: This agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of any termination, the Engineer will be paid for all services rendered and expenses incurred to the effective date of termination, and other reasonable expenses incurred by the Engineer as a result of such termination.

(9) Insurance: The Engineer is protected by professional liability insurance, and general liability insurance for bodily injury and property damage and will exchange certificates of insurance upon request.

(10) Expenses of Litigation: If the Client or its contractors initiate legal proceedings against the Engineer, its contractors, or its subcontractors related to the Engineer's services, and such proceedings conclude with the entry of a final judgment favorable to the Engineer, the Client shall reimburse the Engineer for all of its reasonable attorneys' fees, reasonable experts' fees, and other expenses related to the proceedings. Such expenses shall include the cost, at the Engineer's normal hourly billing rates, of the time devoted to the proceedings by the Engineer's employees.

(11) Dispute Resolution: If and to the extent that Client and Engineer have agreed on a method and procedure for resolving disputes between them arising out of or relating to this Agreement, such dispute resolution method and procedure, if any, is set forth in an Exhibit attached to this Agreement. Client and Engineer agree to negotiate in good faith for a period of thirty days from date of notice of all disputes prior to exercising their rights under any Exhibit or under law.

(12) Hazardous Substances: It is understood and agreed that in seeking the professional services of the Engineer, the Client does not request the Engineer to undertake to perform any services, studies, or tests, or to make any determinations involving hazardous substances or conditions, as defined by federal or state law. Therefore, the Engineer undertakes no such obligation, and the Client agrees to hold harmless, indemnify, and defend the Engineer from and against any and all claims, losses, damages, liability, and costs arising out of or in any way connected with the presence, discharge, release, or escape of hazardous substances or conditions of any kind, or environmental liability of any nature, in any manner related to services performed by the Engineer. If any hazardous substance or condition is observed or reasonably suspected by the Engineer, it shall have the right to cease all services until the hazardous substance or condition has been eliminated. The Engineer shall notify the Client of any such substance or condition of which the Engineer becomes aware, and the Client shall be solely responsible for its elimination.

(13) Assignment: Nothing in this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than the Client and the Engineer, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of the Client and the Engineer and not for the benefit of any other party. Neither the Client nor the Engineer shall assign, sublet, or transfer any rights under or interest in this Agreement without the written consent of the other, except that the Engineer may retain sub-consultants as it deems appropriate.

(14) Confidentiality: The Client consents to the use and dissemination by the Engineer of photographs of the Project and to the use by the Engineer of facts, data and information obtained by the Engineer in the performance of its services. If, however, any facts, data or information is specifically identified in writing by the Client as confidential, the Engineer shall use reasonable care to maintain the confidentiality of that material.

(15) Miscellaneous Provisions: This Agreement is to be governed by the laws of the State of North Carolina. This Agreement shall bind, and the benefits thereof shall inure to the respective parties hereto, their legal representatives, executors, administrators, successors and assigns. This Agreement contains the entire and fully integrated agreement between the parties hereto and supersedes all prior and contemporaneous negotiations, representations, agreements, or understandings, whether written or oral. This Agreement can be supplemented or amended only by a written document executed by both the Engineer and the Client. Provided, however, that conflicting or additional terms on any purchase order issued by the Client shall be void and are hereby expressly rejected by the Engineer. Any provision in this Agreement that is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof or affecting the validity or enforceability of such provision in any other jurisdiction. Also, the non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

(16) Liability: In performing its professional services, the Engineer will use that degree of care and skill ordinarily exercised, under similar circumstances, by reputable members of its profession practicing in the same or similar locality at the time the services are provided. No warranty, express or implied, is made or intended by the Engineer's undertaking herein or its performance of services hereunder, and it is agreed that the Engineer is not a fiduciary with respect to the Client. To the fullest extent of the law, and notwithstanding any other provisions of this Agreement, the total liability, in the aggregate of the Engineer and the Engineer's officers, directors, employees, agents and sub-consultants to the Client or to anyone claiming by, through or under the Client, for any and all claims, losses, costs or damages whatsoever arising out of, resulting from or in any way related to the services under this Agreement from any cause or causes including but not limited to, the negligence, professional errors or omissions, strict liability or breach of contract or any warranty, express or implied, of the Engineer or the Engineer's officers, directors, employees, agents, or sub-consultants shall not exceed the total compensation received by the Engineer under this Agreement or \$5,000 whichever is greater. Under no circumstances shall the Engineer be liable for lost profits, consequential damages or for extra costs or other consequences due to changed conditions or for costs related to the failure of the contractor to perform work in accordance with the plans and specifications.

(17) Client consents to the use of their name, logo, and/or project photographs as part of the creation and distribution of marketing materials by Engineer. These said materials will be used solely for marketing, portfolio presentation, and advertising purposes. Client understands that said materials will be made available to potential clients, on the Engineer's company website, and for conference presentation purposes.

Client Initials: \_\_\_\_\_