



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: October 27, 2020 Time: 6:30 p.m.

The agenda and all related documentation may be accessed electronically at www.waynesvillenc.gov.
Click on "Government/Mayor & Board" to download materials for town board meetings.

Consider the environment ♦ Conserve resources ♦ Print only when necessary

The Town of Waynesville provides accessible facilities, programs and services for all people, in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or accommodation for this meeting, please contact the Town Clerk at: (828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gary Caldwell

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

Motion: To approve the minutes of the October 13, 2020 regular meeting regular meeting as presented (or as corrected)

Motion: To approve the minutes October 13, 2020 Public Hearing concerning McGill and Associates application for the Community Development Block-Infrastructure Grant (CDBG – I).

B. PUBLIC COMMENT

C. PRESENTATION

3. Recognition of the loss of Waynesville Police K-9 Valor
 - Chief David Adams

Motion: To adopt Resolution R-06-20 for Waynesville Police K-9 Valor

D. CALL FOR PUBLIC HEARING

4. Call for a Public Hearing to consider a Text Amendment to Land Development Standards Section 4.5 – Accessory Uses and Structures.
 - Byron Hickox, Land Use Administrator

Motion: To call for a public hearing on Tuesday, November 10, 2020 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street,

Waynesville. The purpose meeting is to consider a Text Amendment to Land Development Standards Section 4.5 – Accessory Uses and Structures.

E. PUBLIC HEARINGS

5. Public Hearing to consider a Text Amendment to Land Development Standards to Section 13.5 – Nonconforming Uses and Structures.

- Byron Hickox, Land Use Administrator

Motion: To find that the proposed text amendment is consistent with the 2035 Comprehensive Plan and is reasonable and in the public interest.

Motion to approve the text amendment Ordinance (as proposed/as amended) to the Land Development Standards Sections 13.5.2, 13.5.3, and 13.5.4.

6. Public Hearing to consider a Text Amendment to Land Development Standards Section 4.3.4(F) – Encroachments, Handicapped Ramps.

- Byron Hickox, Land Use Administrator

Motion: To find that the proposed text amendment is consistent with the 2035 Comprehensive Plan and is reasonable and in the public interest.

Motion: To approve the proposed text amendment (as proposed/as amended) to the Land Development Standards Section 4.3.4(F).

7. Public Hearing to consider a Text Amendment to Land Development Standards Section 2.5.3 – Table of Permitted Uses and Section 17.3 – Definitions, Use Type.

- Byron Hickox, Land Use Administrator

Motion: To find that the proposed text amendment is consistent with the 2035 Comprehensive Plan and is reasonable and in the public interest.

Motion: To approve the proposed text amendment Ordinance (as proposed/as amended) to the Land Development Standards Section 2.5.3 – Table of Permitted Uses and Section 17.3 – Definitions, Use Type.

8. Public Hearing to consider a request for Annexation for three parcels of property along Dellwood Road and Ivy Hill: 1778 Dellwood Road, PIN 8617-10-6618; “Lot 75” of Ivy Hill Subdivision, PIN 8617-10-6745; and “Lot 77”, PIN 8617-10-7527.

- Elizabeth Teague, Development Services Director

Motion: To Adopt attached Annexation Ordinance.

Motion: *To call for a public hearing on Tuesday, November 10, 2020 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose meeting is to consider the proposed zoning map amendment.*

9. Ordinance repealing Section 22-31 through 22-35 of Chapter 22 of the Code of Ordinances and language included in Sec. 22.31 through 22.36 are recommended for replacement.
- Town Attorney William Cannon

Motion: *To approve the Ordinance O-22-20 repealing Section 22-31 through 22-35 of Chapter 22 of the Code of Ordinances and language included in Sec. 22.31 through 22.36 are recommended for replacement.*

10. Sample Proclamation Declaring a State of Emergency
- Town Attorney William Cannon

Comment on the sample proclamation and authorize the Mayor Pro Tempore to declare a State of Emergency when the Mayor is incapacitated.

F. NEW BUSINESS

11. Pavement Condition Survey Results
- Bob Wilson, PE
12. Resolution for CDBG
- McGill and Associates

Motion: *Adopt resolution for CDBG*

G. COMMUNICATIONS FROM STAFF

13. Manager's Report
- Town Manager Rob Hites
14. Town Attorney Report
- Town Attorney Bill Cannon

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

I. ADJOURN

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA
October 27, 2020

- 4 -



TOWN OF WAYNESVILLE

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

CALENDAR November 2020

2020	
Saturday October 31	Fall for Waynesville – Main Street – 10:00 am – 5:00 pm
Saturday October 31	First United Methodist Church -Trunk or Treat – 5:00 pm
Tuesday November 10	Board of Aldermen Meeting – Regular Session
Wednesday November 11	Town Offices Closed – Veterans Day
Tuesday November 24	Board of Alderman Meeting- Regular Session
November 26 & 27th	Town Offices Closed – Thanksgiving Holidays
Tuesday December 8	Board of Aldermen Meeting – Regular Session
December 24, 25 & 28th	Town Closed – Christmas Holidays
Saturday June 5, 2021	Oasis Shriners Spring Celebration Parade

Board and Commission Meetings – November 2020

ABC Board	ABC Office – 52 Dayco Drive	November 17 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	November 3 1 st Tuesday 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	November 26 4 th Thursday 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	November 4 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	November 19 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	November 8 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	November 21 3 rd Wednesday 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	November 10 2 nd Tuesday 3:30 PM

BOARD/STAFF SCHEDULE

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Regular Meeting
October 13, 2020

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, October 13, 2020 at 6:30 p.m. 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 6:30 pm with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Eddie Ward, Town Clerk
Town Attorney William E Cannon, Jr.
Elizabeth Teague, Development Services Director
Autumn Lyvers, Finance Director
Police Chief David Adams
Jeff Stines, Public Works Director
Tom Maguire, Chief Building Inspector

The following media representatives were present:

Becky Johnson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone about the upcoming Apple Harvest Daze to be held on Saturday October 17th on Main Street.

2. Adoption of Minutes

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to approve the minutes of the September 8, 2020 regular meeting and the September 22, 2020 regular meeting. The motion carried unanimously.

B. PRESENTATION

- 3. TDA 1% Zip Code Funding Year End Report for 28785/86
 - Lynn Collins

Ms. Lynn Collins, TDA Executive Director, gave a brief overview of the 1% funding for the 28785/28786 zip codes. She said that even with the COVID pandemic, the 19/20 Occupancy Tax showed a big increase. In May 2019, Occupancy Tax was at 29%, and in May 2020 it was 70%. She explained that some of the 19/20 projects that were to be funded by the TDA did not happen because of the COVID. The money for those projects will roll over and will be available in the first half of 2021. In the Fiscal Year 2019-2020, marketing was delayed, but recently several billboard and digital advertising and content has taken place and have shown favorable response.

She told the Board that in Haywood County, more than 1,910 jobs in Haywood County were directly attributed to travel and tourism. Travel to Haywood County generated \$45 million dollars in payroll, and local tax revenues are \$7.62 million. Haywood County is # 28 in the state tourism expenditures and #5 in Western Prosperity Zone of North Carolina. Ms. Collins said that as a result of tourism, the tax savings per Haywood County resident, not household, is \$296.22.

Alderman Jon Feichter had been appointed earlier to the TDA to replace Amie Owens. Ms. Collins said that the term the Alderman Feichter had filled will be up soon and the Town will need to appoint someone again for the position.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to reappoint Alderman Jon Feichter to the Waynesville Municipal seat on the TDA Board. The motion carried unanimously.

C. PUBLIC COMMENT

Town Attorney William E. Cannon, Jr. opened the Public Comment period at 6:52 pm.

**Jon Lynn McDermott
183 Mill Street
Waynesville, NC 28786**

Ms. McDermott said that she felt that syringes and needles on the ground would hurt the tourism in Waynesville more than the pandemic. She said she finds them almost daily in the area in which she lives in Frog level. She gave examples of things she has heard and seen in Hazelwood and asked the Board to help residents soon to make things better and clean up the areas of Frog Level and Hazelwood.

**Patricia Meyer
194 Meadow Street
Waynesville, NC 28786**

Ms. Meyer told the Board that she had lived here all her life and seen decline in Frog Level. She applauded the Police for the never-ending circumstances they must face in Frog Level and at Pathways. She expressed concern for the school children who walked to school every day and asked the Aldermen to halt the homeless people who are coming into Waynesville from other counties. Ms. Meyer also asked the Board about the small street beside Taylor Motor Company and asked if the pothole there could be repaired.

**Juan Camacho
275 Hyatt St
Waynesville, NC 28786**

Mr. Camacho said that he had lived here 22 years and he has seen a big difference in Frog Level. He said he realized the police was doing what they can, but it is getting worse every day. He asked the Board to allow the public to be able to vote on what can be allowed inside the city limits.

**Jonnie Cure
1458 South Main Street
Waynesville, NC 28786**

Ms. Cure stated the Town is suffering from an invasion, and unless you live in the area, you will not be aware of how bad it is. Now that an organization is forming on South Main Street, she can see that the homeless are moving in. She said there is a food truck there that feeds people every day and she asked the Board to stop allowing people to enter Waynesville that are homeless.

**Peggy Hannah
268 Hemlock Street
Waynesville, NC 28786**

Ms. Hannah expressed many concerns about the homeless in Frog Level, Hazelwood, and the Bethel House on South Main Street. She welcomed the Board to come to any of these places at night to see what goes on. She asked them to please start listening to the citizens of Waynesville.

Attorney Cannon ended the Public Comment period at 7:16 pm.

Mayor Caldwell asked Ms. Buffy Phillips, DWA Director, to talk about the upcoming event on October 31, 2020.

Ms. Phillips said that because the event “ Fall for Waynesville” on October 10 was cancelled due to rain. She would like to reschedule an event for Saturday October 31. It will be the same set up as before with North Main Street being closed at 8:00 am at Well’s Way, South Main Street at Church Street and East Street. Depot Street at Montgomery, and Miller Street will be closed at the top on North Main Street to allow vehicles to come in for parking at the bottom on Montgomery.

There will two extra Porta Johns at UC Bank parking lot and extra trash cans on Main with a DWA crew for garbage detail. Restaurants are again encouraged to come out into the street with tables and chairs. Businesses may have a display of their merchandise in front of their shop with only items that are sold in their shop being allowed.

Because it is Halloween and the Treats on the Street event is cancelled, store employees may dress up and hand out candy in their shops. Musicians and entertainment will be located throughout the Main Street area from 10:00 a. – 5:00 pm. There will be two tents set up with Pumpkins to paint, led by Teresa Pennington.

D. CALL FOR PUBLIC HEARING

4. Call for a Public Hearing to consider a request for Annexation for three parcels of property along Dellwood Road and Ivy Hill: 1778 Dellwood Road, PIN 8617-10-6618; “Lot 75” of Ivy Hill Subdivision, PIN 8617-10-6745; and “Lot 77”, PIN 8617-10-7527.

- Elizabeth Teague, Development Services Director

Elizabeth Teague, Development Services Director explained to the Board that the Town received a “Petition for Annexation of Non-Contiguous ‘Satellite’ Areas,” from Roy Rodriguez, President of Big Rods Investments, Inc. a North Carolina Corporation that owns the property. This property is outside of the Town’s Extraterritorial Jurisdiction and lies within proximity of the Dellwood Junaluska Regional Center District to the west and east. The Planning Board will consider a recommendation for zoning at their next regular meeting on October 19.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to call for a public hearing on Tuesday, October 27, 2020 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the meeting is to consider a request for Annexation for three parcels of property along Dellwood Road and Ivy Hill: 1778 Dellwood Road, PIN 8617-10-6618; “Lot 75” of Ivy Hill Subdivision, PIN 8617-10-6745; and “Lot 77”, PIN 8617-10-7527. The motion carried unanimously.

5. Call for a Public Hearing for a Land Development Standards Text Amendment to Section 13.5 – Nonconforming Uses and Structures.

- Elizabeth Teague, Development Services Director

The Land Development Standards addresses nonconformities and categorizes them as one of three types: nonconforming lots, nonconforming uses, or nonconforming structures. These are defined as lots, uses, or structures which existed prior to the adoption of the Land Development Standards. In the LDS Section 13.5, “uses” and “structures” are found in the same subsections and are used interchangeably, leading to confusion. Ms. Teague said that the Zoning Board of Adjustment requested a text amendment to rectify this situation and avoid future complications.

The Planning Board considered this issue at its September 21, 2020 meeting and voted to recommend to the Board of Aldermen the proposed text amendments to LDS Section 13.5.

A motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton, to call for a public hearing on Tuesday, October 27, 2020 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the meeting is to consider a Land Development Standards Text Amendment to Section 13.5 – Nonconforming Uses and Structures. The motion carried unanimously.

6. Call for a Public Hearing for a Land Development Standards Text Amendment to Section 2.5.3 – Table of Permitted Uses and Section 17.3 – Definitions, Use Type.

- Byron Hickox, Land Use Administrator

At its August 25, 2020 regularly scheduled meeting, the Board of Aldermen directed Development Services staff and the Planning Board to “refer to the definition of “Recreation Facilities, Outdoor” for review and re-wording because potential problems that could arise because of the current overly broad definition.

The Planning Board considered this issue at its September 21, 2020 meeting and voted to recommend to the Board of Aldermen four proposed amendments to the LDS:

1. Adopt the proposed amended definition of Recreation Facilities, Outdoor.
2. Adopt the proposed definition of Golf Course/Country Club and permit this use only in Low Density Residential Districts.
3. Adopt the proposed definition of Campground and do not permit this use in any zoning district.

A motion was made by Alderman Julia Freeman, seconded by Alderman Anthony Sutton, to call for a public hearing on Tuesday, October 27, 2020 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the meeting is to consider text amendments to Land Development Standards Section 2.5.3 – Table of Permitted Uses and Section 17.3 – Definitions, Use Type. The motion carried unanimously.

7. Call for a Public Hearing for a Land Development Standards Text Amendment to Section 4.3.4(F) – Encroachments, Handicapped Ramps.

- Byron Hickox, Land Use Administrator

Mr. Hickox told the Board that in the Land Development Standards Section 4.3.4(F) states that handicap ramps and fire escapes may encroach into any required yard but may not be closer than 3 feet to any property line. For lots on which the principal structure is located close to a public sidewalk and depending on the exact location of the property line, this encroachment standard could prevent an accessibility ramp

from connecting to the sidewalk. This could potentially complicate the design and construction and increase the cost of such a ramp. The proposed amendment can be read in the attached staff report. At its September 21, 2020 meeting the Planning Board voted unanimously to recommend to the Board of Aldermen the proposed amendment to this section of the LDS

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to call for a public hearing on Tuesday, October 27, 2020 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the meeting is to consider a request for Land Development Standards Text Amendment to Section 4.3.4(F) – Encroachments, Handicapped Ramps. The motion carried unanimously.

8. Call for the Board of Aldermen to hear an appeal of an Administrative Decision

- Jesse Fowler, Assistant Town Manager

Mr. Jesse Fowler, Assistant Town Manager, stated the Mr. Jon Nowakowski has appealed the decision of the Chief Building Inspector, Tom Maguire, regarding an inspection of the property identified as 101 East Street, PIN # 8615-36-6895. This is a call for a hearing of the Board of Aldermen to be held on Friday October 16, 2020 at 2:00 pm in the Board room of Town Hall.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson for the Board of Aldermen to hear the appeal of an administrative decision at an appeal hearing on Friday October 16, 2020 at 2:00 pm. The motion carried unanimously.

E. PUBLIC HEARING

9. Public Hearing to consider a Community Development Block Grant (CDBG) application for utility infrastructure improvements in Hazelwood.

- Joel Storrow, McGill and Associates

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to open the public hearing at 7:35 pm. The motion carried unanimously.

Mr. Storrow read a prepared Public Hearing Script from the State of North Carolina Department of Environmental Quality. He also provided prepared Public Hearing Meeting minutes, both of which are included in these minutes.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to close the Public Hearing at 7:46 pm. The motion carried unanimously.

A motion was made by Alderman Jon Feichter, seconded by Alderman Jon Feichter, to approve CDBG Grant Application for sewer line improvements as presented. The motion carried unanimously.

F. NEW BUSINESS

10. Clarification on the naming of the park located at 10 Calvary street as “Obama/King Park”.

- Jesse Fowler, Assistant Town Manager

Assistant Manager Jesse Fowler explained to the Board that at the last meeting it was not clear on the name for the Calvary Street Park and he would like some clarification on the correct name.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to name the park located at 10 Calvary Street as “Obama-King Park”. The motion carried unanimously.

Town Manager Hites announced to the Board that Jesse Fowler has been named the new Assistant Town Manager. He said that he had received many applications, and that Mr. Fowler had scored high on two interviews and he has been very impressed with him as a Planner in the Development Services Department. He welcomed him to the Administration staff.

Mr. Fowler told the Board that he was “pumped” and excited to be a part of the team.

G. COMMUNICATIONS FROM STAFF

11. Manager’s Report

- Rob Hites, Town Manager

Draft of SOC and Engineering Report (ER), formerly PER)

Manager Hites said that for the past year the Town and McGill Engineers has been negotiating a “Special Order of Consent” with both DENR’s Asheville Regional Office and its Raleigh headquarters. He said we are close to completion of our negotiations. The SOC is a civil contract with DENR that sets the term of a waste- water infrastructure project as well as the chemical limits that the plant must meet to remain in compliance. If a governmental unit violates the SOC they receive a \$1,000 fine for violating the interim limits, \$1,000 for exceeding the construction schedule, \$1,000 for missing progress reports (fine doubles with each subsequent assessment for late reports).

The Town’s current permit limits have been modified in two areas, (1) Total Suspended Solids permit: 30 mg/L. Modified limit 45 mg/L. Current Weekly average for Fecal Coliform 400 mg/L. Modified Fecal Coliform 600 mg/L. Current monthly average for Fecal Coliform 200 mg/L. Modified Fecal Coliform 200 mg/L (no change).

The project schedule is roughly four years. Increments are set in months rather than dates so DENR approval of milestones will not be counted against the project schedule. The Town has been given 155,000 gallons per day of additional flow to account for new development. If we need more than that we will request it on a case by case basis.

Manager Hites explained to the Board that the Town owes a total of \$22,500 in assessed fines. We will pay DENR \$4,129 upon signing of the SOC. The remaining \$16,516.48 will be held in abeyance until the end of the project. If the project has not been completed or there are material violations of the SOC the entire \$16,516.48 will be due. If not, the fees will be waived.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to approve the draft SOC. The motion carried unanimously.

A motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton to accept the Wastewater Treatment Engineering report. The motion carried unanimously.

12. Town Attorney Report

- Town Attorney William E Cannon, Jr.

Town Attorney William E, Cannon, Jr. was instructed at the last Board meeting to design a draft Ordinance to mandate face coverings. Attorney Cannon said that in doing so he discovered that the Town's enabling statute's code section was revised years ago and has been replaced by a newer Emergency Management Act. He said the Ordinance he has drafted will correct that and authorize the Mayor, Mayor Pro Tem, and the Board of Aldermen to declare a State of Emergency, along with restrictions that are deemed necessary.

A motion was made by Alderman Jon Feichter to update the Ordinance, Chapter 22 Article II of the Town of Waynesville Code of Ordinances.

Alderman Feichter rescinded his motion.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to call for a public hearing on Tuesday, October 27, 2020 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the meeting is to consider an update to and Ordinance, Chapter 22 Article II of the Town of Waynesville Code of Ordinances. The motion carried unanimously.

Attorney Cannon said he had been contacted by the Attorney for Junaluska Sanitary District to discuss contact renewal. Since the contract has not been updated in many years, Attorney Cannon said he would like to update the contract.

The consensus of the Board was to authorize Attorney William Cannon, Jr., Public Services Director Jeff Stines, and Town Engineer Preston Gregg to review the updated contract.

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

I. CLOSED SESSION

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to enter closed session at 8:18 pm to consult with Attorney to preserve Attorney client privilege, and to discuss matters relating to the location or expansion of industries or other businesses G. S. §143-318.11(a)(3)(4). The motion carried unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to enter back into open session at 8:45 pm. The motion carried unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to call for a public hearing on Tuesday, November 10, 2020 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the meeting is to discuss input on a proposal to offer tax incentives based on G.S. .

J. ADJOURN

With no further business, a motion was made by Mayor Caldwell, seconded by Alderman Chuck Dickson, to adjourn the meeting at 8:40 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk



Waynesville Public Hearing Meeting Minutes

October 13, 2020

Town of Waynesville

The Board of Aldermen for the Town of Waynesville held a public hearing on October 13, 2020, for providing explanation and description of the 2020 Fiscal Year North Carolina Department of Environmental Quality (DEQ) Community Development Block – Infrastructure Grant (CDBG-I).

Members present were:

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

Joel Storrow, Past President of McGill Associates PA was present to discuss the purpose of the public hearing for the Town of Waynesville’s CDBG-I funding application. Joel Storrow stated that the purpose of the public hearing was to obtain citizen’s views and to respond to funding proposals and answer any questions posed by citizens. Joel Storrow also stated that the public hearing must cover the Town’s community development needs, development of the proposed activities, and a review of program compliance before the submission of the Town’s CDBG-I funding application to the state of the North Carolina.

The Town proposes requesting funding from NCDEQ’S CDBG-I program for Hazelwood Community Sewer line Improvements. The proposed project will meet the following community and housing needs of Town by replacing sanitary sewer collection lines including manholes and related appurtenances, serving residences on Tarheel Dr., Hyatt St., Rock St., Amanda Rd., Robinson St., Terrell St., Avalon Ct., Cochran St., and Railroad St.

The purpose of the CDBG-I grant program is to improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.

- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of 2020, the CDBG-I funding available is expected to be \$25 million dollars, and each the maximum available grant \$2.0 million over a 3-year period. Applications for funding are received by 5:00 pm on November 23, 2020.



The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund several activities: water and sewer infrastructure, neighborhood revitalization, COVID-19 related projects, and economic development projects that lead to job creation or retention.

The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to the, following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extend public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The Town is seeking an amount in CDBG-I funds not to exceed Two million dollars (\$2,000,000) for Hazelwood Community Sewer line Improvements. The purpose of the Town's request is to replace sanitary sewer collection lines including manholes and related appurtenances, serving residences on Tarheel Dr., Hyatt St., Rock St., Amanda Rd., Robinson St., Terrell St., Avalon Ct., Cochran St., and Railroad St.

Additionally, the proposed project will repair the town's sewer collection system in the project area to reduce inflow/infiltration into the collection system, Waynesville is working on an upgrade of the WWTP and is prepared to enter into an SOC as a part of the plant improvements with NCDEQ. The SOC will enable the town to remain in compliance with permit limits until such time as the improvements are completed.

A condition in the SOC requires Waynesville to aggressively address I/I in the collection system to reduce flows to the WWTP. The proposed project is one of the first steps and projects to address I/I and comply with the SOC

These improvements will also, directly benefit a community that meets HUD's LMI requirements.

The project proposed by the Town of Waynesville was identified in FY2020 Capital Improvement Plan. Informal community meetings were held in the project area to inform citizens of the potential project and get feedback from the residents.



A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the Town of Waynesville has been determined to have an Income Survey Area of 67%. The project area includes Tarheel Dr., Hyatt St., Rock St., Amanda Rd., Robinson St., Terrell St., Avalon Ct., Cochran St., and Railroad St. within the Hazelwood Community.

The range of activities covered by the CDBG-I funds for the Hazelwood Community Sewer line Improvements includes:

- Construction.
- Environmental Review
- Engineering Design
- Construction Administration and observation.
- Legal activities.
- Surveying.
- Grant Administration.

If Town of Waynesville is awarded a CDBG-I grant, the town is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen's Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that the if the Town of Waynesville receives CDBG grant funding that the town will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. If no displacement and relocation will occur as a result of the proposed CDBG grant activity, then the Town of Waynesville confirms that during this public hearing. No relocation activities are expected as a component of this project.

In the past, the Town has applied for and received for the following completed CDBG project:

- We made inquiries with NC DEQ and NC Commerce and are unaware of any CDBG funding awards made directly to the Town of Waynesville.

The Town will submit its CDBG-I application for the Hazelwood Community Sewer line Improvements on November 23, 2020. The CDBG-I application will be available for review during normal business hours at Waynesville Municipal Building, 16 South Main Street, Waynesville, NC 28786. Additional information is available from Rob Hites, Town Manager, 828-452-2491. Should



you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within 10 business days or by October 27, 2020 and a written to the written complaints and/or grievances will be sent by the Town within 10 business days, where practicable.

Motion was made by:

Alderman Anthony Sutton
Alderman Chuck Dickson

(Members) to close the public hearing.

Motion was made by:

Alderman Chuck Dickson
Alderman Anthony Sutton

(Members) to adjourn the meeting.

(Date) October 13, 2020



Mayor



Town Clerk



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 27, 2020**

SUBJECT: Recognition of the loss of Waynesville Police K-9 Valor

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C3
Department: Police Department
Contact: Chief David Adams
Presenter: Chief David Adams

BRIEF SUMMARY:

The Police Department would like to take a moment to recognize the excellent service of WPD K-9 officer Valor. Valor was a remarkable member of the Police Departments team in their continued efforts to fight the illegal narcotics market. Valor served his career with his partner Sgt. Billy Benhart. Valor and Sgt. Benhart made many arrests together and worked tirelessly to serve and protect the citizens of Waynesville. Unfortunately, Valor lost his battle with cancer on October 13, 2020. Valor will be missed by all, but especially Sgt. Benhart and his family with whom he lived his entire life. We would like to say thank you to Sgt. Benhart and his family for taking such wonderful care of Valor and ask that everyone remember them in your thoughts and prayers during these difficult days.

MOTION FOR CONSIDERATION:

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

Finance Director

Date

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS:

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 27, 2020**

SUBJECT:

Call for a Public Hearing to consider a Text Amendment to Land Development Standards Section 4.5 – Accessory Uses and Structures.

AGENDA INFORMATION:

Agenda Location: Call for Public Hearing

Item Number:

Department: Development Services

Contact: Byron Hickox

Presenter: Byron Hickox

BRIEF SUMMARY:

The Land Development Standards Section 4.5 defines accessory structures and establishes in Tables 4.5.2 and 4.5.3 applicable standards, such as the maximum number of accessory structures permitted on a lot, maximum square footage, permitted locations, maximum height, and setbacks. These existing tables categorize lots into only three broad categories, which many consider to be too restrictive, especially for smaller properties. Staff has proposed a more graduated, “sliding” scale to amend the existing standards.

At its September 21, 2020 meeting the Planning Board reviewed the staff proposal and voted to appoint a subcommittee to work with staff to resolve a few points of contention and return with a new proposal. The proposed amendment was considered by the Planning Board at its October 19, 2020 meeting at which the Planning Board voted to recommend to the Board of Aldermen the proposed amendment to this section of the LDS.

MOTIONS FOR CONSIDERATION:

1. Motion to call for a Public Hearing to consider a Text Amendment to Land Development Standards Section 4.5 – Accessory Uses and Structures.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

Staff Report with Proposed Amended Table

MANAGER’S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Proposal to Amend LDS Section 4.5
 Ordinance Section: 4.5 – Accessory Uses and Structures
 Applicant: Staff-Initiated
 Meeting Date: October 27, 2020

Background

Accessory structures are defined by the Land Development Standards as follows:

A detached subordinate structure(s), the use of which is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves a principal building or use and is subordinate in area, extent and purpose to the principal building or principal use served. This term includes "accessory buildings."

4.5.2 Location, Setback, and Height

Standards	Single-Family/Two-Family Lots 2 Acres or Less	Single-Family/Two-Family Lots Over 2 Acres	All Other Uses
1. Permitted Location	Side/rear yard only	Permitted in all yards - may not be closer than 30 ft. to right-of-way	Side/rear yard only
2. Side/Rear Yard Encroachment	May not be closer than 5 ft.		Subject to district setbacks (See Section 2.4)
3. Height	Subject to district height provisions (See Section 2.4)		

4.5.3 Maximum Number and Area

Standards	Single-Family/Two-Family Lots Less than 1 Acre	Single-Family/Two-Family Lots 1-3 Acres	All Other Uses and Lots Larger than 3 Acres
1. Maximum Number Permitted	2	2	No Maximum
2. Maximum Area (Accessory Dwelling Unit Area is Exempt)	600 S.F. Per Structure 1,000 s.f. in Aggregate	1,000 S.F. Per Structure 1,400 s.f. in Aggregate	No Maximum

As seen in Tables 4.5.2 and 4.5.3, lots are broken down into three categories per table based on the use being conducted on the lot and on the size of the lot. The primary complaint made by many property owners has been that the maximum number and size of accessory structures is too restrictive for smaller properties. The three categories within Table 4.5.3 are Single-Family/Two-Family Lots Less than 1 Acre, Single-Family/Two-Family Lots 1-3 Acres, and All Other Uses and Lots Larger than 3 Acres. Therefore, according to the LDS, a single-family lot of 0.95 acres would be permitted a considerably smaller accessory structure than a lot of 1.05 acres. These lots would be perceived by most observers to be no different in appearance, scale, or use, yet would have very different allowances for accessory structures.

While there clearly must be some threshold for accessory structure number and size allowances, these tables place lots into a very small number of broad categories. There has been considerable discussion among planning staff concerning possible changes to this section with the creation of a more graduated, “sliding” scale to establish standards for accessory structure number and size.

At its September 21, 2020 meeting, the Planning Board reviewed a staff proposal for amending the accessory structure standards. There were points of contention among board members regarding the maximum number and sizes of accessory structures, especially on residential lots. The Planning Board appointed a subcommittee to work with staff to resolve these issues and bring a proposal back to the full board at its next meeting.

The subcommittee, comprised of Susan Teas Smith, Bucky Dykes, and Don McGowan, met with Byron Hickox on October 12, 2020, and created the attached table as a proposed replacement for the current Tables 4.5.2 and 4.5.3.

Planning Board Recommendation

At its October 19, 2020 meeting, the Planning Board reviewed the attached proposal for amending the accessory structure standards and voted unanimously to recommend to the Board of Aldermen the attached amendment to LDS Section 4.5.

Consistency with the 2035 Comprehensive Land Development Plan

Staff submits that the following goals of the Comprehensive Plan could apply:

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

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

Goal 2: Create a range of housing opportunities and choices.

- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

**Proposed Text Amendment
Waynesville Land Development Standards
Section 4.5 Accessory Structures**

Standards	Single-Family/Two-Family Lots Less Than 0.5 Acre	Single-Family/Two-Family Lots 0.5 Acre – 1 Acre	Single-Family/Two-Family Lots Greater Than 1 Acre – 3 Acres	Single-Family/Two-Family Lots Greater Than 3 Acres – 5 Acres	All Other Lots
Permitted Location	Side or Rear Yard Only	Side or Rear Yard Only	Side or Rear Yard Only	Permitted In All Yards	Permitted In All Yards
Height	Not Greater Than Principal Structure	Not Greater Than Principal Structure	Subject to District Height Standards	Subject to District Height Standards	Subject to District Height Standards
Maximum Number Permitted	2	2	3	No Maximum	No Maximum
Maximum Area	1,000 Square Feet In Aggregate	1,500 Square Feet In Aggregate	1,500 Square Feet Per Structure 2,500 Square Feet In Aggregate	2,000 Square Feet Per Structure 4,000 Square Feet In Aggregate	No Maximum

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 27, 2020**

SUBJECT:

Public Hearing to consider a Text Amendment to Land Development Standards to Section 13.5 – Nonconforming Uses and Structures.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: D5
Department: Development Services
Contact: Byron Hickox
Presenter: Byron Hickox

BRIEF SUMMARY:

The Land Development Standards addresses nonconformities and categorizes them as one of three types: nonconforming lots, nonconforming uses, or nonconforming structures. These are lots, uses, or structures which existed prior to the adoption of the Land Development Standards and which are allowed to continue to exist as long as they are not expanded and with other specified limitations. In the LDS, Section 13.5, “uses” and “structures” are found in the same subsections and are used interchangeably, leading to confusion. The Zoning Board of Adjustment requested a text amendment to clarify this section and avoid future complications for staff interpretation or variance hearings. The entirety of Sections 13.5.2, 13.5.3, and 13.5.4 with the proposed changes can be viewed in the attached staff report.

The Planning Board considered this issue at its September 21, 2020 meeting and voted to recommend to the Board of Aldermen the proposed text amendments to LDS Section 13.5.

MOTIONS FOR CONSIDERATION:

1. Motion to find that the proposed text amendment is consistent with the 2035 Comprehensive Plan and is reasonable and in the public interest.

2. Motion to approve the text amendment Ordinance (as proposed/as amended) to the Land Development Standards Sections 13.5.2, 13.5.3, and 13.5.4.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

- Staff report
- Report and Consistency Statement from the Planning Board
- Text Amendment Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Clarification of Nonconforming Uses and Structures
Ordinance Section: Section 13.5 – Nonconforming Uses and Structures
Applicant: Zoning Board of Adjustment Initiated
Meeting Date: October 27, 2020

Background

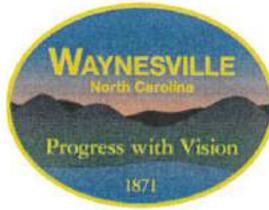
Land Development Standards Chapter 13 addresses nonconformities, which are categorized as nonconforming lots, nonconforming uses, and/or nonconforming structures that were established prior to the adoption of the Land Development Standards. These nonconforming categories are defined as follows:

- **A nonconforming lot** is a lot of record that does not meet the dimensional requirements of Chapter 2 for the land development district in which it is located. A nonconforming vacant lot of record is one that was recorded by plat or description in the Office of the Register of Deeds of Haywood County prior to the adoption of this chapter or prior to the time that the lot was brought into the town's jurisdiction. This definition shall not be interpreted to include recorded lots that were in violation of any prior subdivision regulations of the Town of Waynesville and which will remain in violation.
- **Nonconforming Use:** A nonconforming use is a use which was once a permitted use on a parcel of land or within a structure, or which precedes any Ordinances, but which is now not a permitted use of that parcel according to Chapter 2 of this Ordinance. This definition includes open uses of land (e.g., storage yards and golf driving ranges) as well as the structures that contain nonconforming uses. The nonconformity may result from the adoption of this Ordinance or any subsequent amendment.
- **Nonconforming Structure:** A nonconforming structure does not conform to dimensional, design, locational, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

In the current Land Development Standards, subsection 13.5.3, Standards for Nonconforming Structures, addresses “uses” and “structures” together in the same paragraphs and uses the two terms interchangeably. Additionally, the ordinance did not clarify that accessory uses and structures were also covered by the ordinance. As a result of a case that came before the Zoning Board of Adjustment (ZBA) at their regular meeting on February 5, 2020, the ZBA asked for a Board initiated text amendment that would separate “use” and “structure” within the standards to avoid future confusion.

Recommendation of the Planning Board

At its September 21, 2020 meeting, the Planning Board held a public hearing, discussed consistency with the Comprehensive 2035 Plan and voted unanimously to recommend to the Board of Aldermen the proposed amendments to Sections 13.5.2, 13.5.3, and 13.5.4 of the Land Development Standards (see report attached).



To: Town of Waynesville Planning Board
 From: Elizabeth Teague, Planning Director *ET*
 Date: October 27, 2020
 Subject: Planning Board Report and Statement of Consistency
 Description: Text Amendment to LDS Section 13.5 Nonconformities
 Applicant Address: Zoning Board of Adjustment Initiated

1. The Planning Board hereby adopts and recommends to the Governing Board the following statement(s):

The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because:

- Goal 1: Continue to promote smart growth principles in land use planning and zoning.
 - Create walkable and attractive neighborhoods and commercial centers.
 - Encourage infill, mixed -use and context-sensitive development.
- Goal 2: Create a range of housing opportunities and choices.
 - Promote a diverse housing stock including market rate workforce housing and affordable options appeal to a variety of households.
- Goal 5: Create opportunities for a sustainable economy.
 - Encourage creativity designed, mixed-use walkable centers and commercial districts that appeal to residents and visitors.

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

The text amendment clarifies language within the Town Land development Standards.

Planning Board Member Marty Prevost made a motion, seconded by Susan Smith. The motion passed unanimously.

2. The Planning Board hereby recommends the text amendment as presented. Planning Board member Marty Prevost made a motion, seconded Susan Smith. The motion passed unanimously.

Esther Coulter 10-20-20
 Esther Coulter, Administrative Assistant, Date

ORDINANCE NO. O-18-20
AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS

WHEREAS, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A, now Section III of Chapter 1 of 160D, of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed amendment to the text of the ordinance and recommends that it is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest, and recommends the text amendment for its enactment by the Board of Aldermen; and

WHEREAS, the Board of Aldermen find this Ordinance is consistent with the Town's 2035 Comprehensive Plan and that it is reasonable and in the public interest, allowing the reasonable re-use of pre-existing nonconforming uses and structures, specifically meeting the Comprehensive Plan goals of;

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

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage in-fill and context-sensitive development.

Goal 2: Create a range of housing opportunities and choices.

- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

Goal 5: Create opportunities for a sustainable economy.

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

WHEREAS, after notice duly given, a public hearings were held on September 21,2020 at the regularly scheduled meeting of the Waynesville Planning Board, and on October 27, 2020 at the regularly scheduled meeting of the Board of Aldermen;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON October 27, 2020 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

1. That the Land Development Standards Section 13.5 Standards for Nonconforming Uses and Structures be amended as follows (*in red italics*):

13.5.2 Standards for Nonconforming Uses *and Accessory Uses*

- A. **Continuation Permitted:** Any legally established nonconforming use *or accessory use* may be continued subject to the standards listed in this section. However, once a nonconforming use *or accessory use* is made conforming, it may not later be used for any nonconforming use or expanded in violation of this Ordinance.
- B. **Expansion of Use Prohibited:** A nonconforming use *or accessory use* may be enlarged or extended only into portions of the structure that existed at the time that the use became nonconforming. No external improvements which would extend or enlarge the nonconforming use or *accessory use of* the land area that it covers are permitted. However, routine maintenance of any structure containing a nonconforming use *or accessory use* is permitted.
- C. **Discontinuance of 1 Year:** A nonconforming use *or accessory use* of a structure that is discontinued for a continuous period of more than one (1) year may not be reestablished. All subsequent uses of the structure and site must be in conformance with the particular regulations for the land development district in which the property is located.
- D. **Damage or Destruction:** Any structure containing a nonconforming use *or accessory use* that has been damaged by fire or natural causes, regardless of the extent of the damage, may be repaired or re-established and continued in accordance with this Ordinance, provided that any such repair or re-establishment does not increase the degree of any nonconformance. Such repair or re-establishment must occur within one (1) year of the date the damage occurred.
- E. *No nonconforming accessory use, once discontinued, may be re-established or moved to another structure on the lot.*

13.5.3 Standards for Nonconforming Structures

- A. **Continuation Permitted:** Any legally established nonconforming ~~use of~~ structure may be continued subject to the standards listed in this section. However, once a nonconforming ~~use of~~ structure is made conforming, it may not later be used for any nonconforming use or expanded in violation of this Ordinance.
- B. **Legal Expansions Permitted:** A nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair, or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of the structure. However, this provision is not intended to permit substantial reconstruction or new construction on the same building footprint.
- C. **Damage or Destruction:** Any nonconforming structure that has been damaged by fire or natural causes, regardless of the extent of the damage, may be repaired or re-established and continued in accordance with this section, provided that any such repair or re-establishment does not increase the degree of any

nonconformance and should comply with the building design requirements of Chapter 5 to the extent practical as determined by the Administrator. Such repair or re-establishment must occur within one (1) year of the date the damage occurred.

13.5.4 Standards for Nonconforming Accessory ~~Uses and~~ Structures

- A. Legal Expansions Permitted:** A nonconforming accessory structure may be expanded only if the expansion does not increase the nonconforming condition of the structure.

- B. Must Terminate When Principal ~~Use/Structure~~ is Terminated:** No nonconforming ~~accessory use or~~ accessory structure shall continue ~~after the principal use or if~~ structure is ~~terminated by abandoned, damaged, or destroyed~~ unless such ~~accessory use or~~ structure is made to conform to the standards for the zoning district in which it is located.

ADOPTED this 27th Day of October , 2020.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William Cannon, Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 27, 2020**

SUBJECT:

Public Hearing to consider a Text Amendment to Land Development Standards Section 4.3.4(F) – Encroachments, Handicapped Ramps.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: D6
Department: Development Services
Contact: Byron Hickox
Presenter: Byron Hickox

BRIEF SUMMARY:

LDS Section 4.3.4(F) states that handicapped (accessibility) ramps and fire escapes may encroach into any required yard, but may not be closer than 3 feet to any property line. For lots on which the principal structure is located fairly close to a public sidewalk, and depending on the exact location of the property line, this particular encroachment standard could actually prevent an accessibility ramp from connecting to the sidewalk. This could potentially complicate the design and construction, and increase the cost of such a ramp. The proposed amendment can be read in the attached staff report.

At its September 21, 2020 meeting the Planning Board voted unanimously to recommend to the Board of Aldermen the proposed amendment to this section of the LDS.

MOTIONS FOR CONSIDERATION:

1. Motion to find that the proposed text amendment is consistent with the 2035 Comprehensive Plan and is reasonable and in the public interest.
2. Motion to approve the proposed text amendment (as proposed/as amended) to the Land Development Standards Section 4.3.4(F).

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

- Staff Report
- Report and Consistency Statement from the Planning Board
- Text Amendment Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Encroachment Standards for Accessibility Ramps & Fire Escapes
Ordinance Section: Section 4.3.4(F) – Encroachments
Applicant: Staff Initiated
Meeting Date: October 27, 2020

Background

Land Development Standards Chapter 4 addresses General Provisions of the development regulations that apply in all permits. Currently, Land Development Standards Section 4.3.4(F) – Handicapped Ramps, states:

***Handicapped Ramps:** Ramps for handicap accessibility and fire escapes that are required by the North Carolina State Building Code may encroach into any required yard but may not be closer than three (3) feet to any property line.*

For lots on which the principal structure is located fairly close to a public sidewalk, and depending on the exact location of the property line or of a required ADA ramp or fire escape/egress, this particular encroachment standard could actually prevent an accessibility ramp or fire egress from connecting to the sidewalk or an adjacent shared alley. This potentially complicates the zoning interpretation, design, construction, and approval of permits. In a staff initiated text amendment, staff asked the Planning Board to recommend a clarification to this section of the LDS.

Recommendation of the Planning Board

At its September 21, 2020 meeting the Planning Board held a public hearing, discussed consistency with the 2035 Plan and voted unanimously to recommend to the Board of Aldermen the proposed amendment to this section of the Land Development Standards (see report attached).



To: Town of Waynesville Planning Board
From: Elizabeth Teague, Planning Director
Date: October 27, 2020
Subject: Planning Board Report and Statement of Consistency
Description: Text Amendment to LDS Section 4.3 Handicapped Ramps
Applicant Address: Zoning Board of Adjustment Initiated

1. The Planning Board hereby adopts and recommends to the Governing Board the following statement(s):

The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because:

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

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage in-fill and context-sensitive development.

Goal 2: Create a range of housing opportunities and choices.

- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

Goal 5: Create opportunities for a sustainable economy.

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

Goal 6: Create an attractive, safe and multi-modal transportation system.

- Provide an interconnected transportation network of roadways, greenways, freight mobility, bicycle routes, and sidewalks that improves safety and strategic access for all users.

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

The text amendment clarifies language within the Town Land development Standards.

Planning Board Member Don McGowen made a motion, seconded by Micheal Blackburn. The motion passed unanimously.

2. The Planning Board hereby recommends the text amendment as presented. Planning Board member Marty Prevost made a motion, seconded Ginger Hain. The motion passed unanimously.

Esther Coulter 10-20-20
Esther Coulter, Administrative Assistant, Date

ORDINANCE NO. O-19-20

**AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

WHEREAS, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A now Section III of Chapter 1 of 160D, of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed amendment to the text of the ordinance and recommends that it is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest, and recommends its enactment by the Board of Aldermen; and

WHEREAS, the Board of Aldermen find this ordinance amendment to be consistent with the Town's 2035 Comprehensive Plan and that it is reasonable and in the public interest by addressing safety and accessibility, and specifically meeting the Comprehensive Plan goals of:

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

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage in-fill and context-sensitive development.

Goal 2: Create a range of housing opportunities and choices.

- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

Goal 5: Create opportunities for a sustainable economy.

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

Goal 6: Create an attractive, safe and multi-modal transportation system.

- Provide an interconnected transportation network of roadways, greenways, freight mobility, bicycle routes, and sidewalks that improves safety and strategic access for all users.

WHEREAS, after notice duly given, public hearings were held on September 21, 2020 at the regularly scheduled meeting of the Waynesville Planning Board, and on October 27, 2020 at the regularly scheduled meeting of the Board of Aldermen;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON October 27, 2020 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

Section 4.3.4(F) – Handicapped Ramps, be retitled and changed to read (*in red italics*):

Accessibility Ramps and Fire Escapes: Ramps for *handicap accessibility and fire escapes* that are required by the North Carolina State Building Code may encroach into any required yard but may not be closer than three (3) feet to any property line. *When an accessibility ramp is constructed in a yard that is adjacent to a public sidewalk, the ramp may encroach into the required yard to the extent necessary to connect to the sidewalk.*

ADOPTED this 27th Day of October, 2020.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William Cannon, Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 27, 2020**

SUBJECT:

Public Hearing to consider a Text Amendment to Land Development Standards Section 2.5.3 – Table of Permitted Uses and Section 17.3 – Definitions, Use Type.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: E7
Department: Development Services
Contact: Byron Hickox
Presenter: Byron Hickox

BRIEF SUMMARY:

At its August 25, 2020 regularly scheduled meeting, the Board of Aldermen directed Development Services staff and the Planning Board to “refer to the definition of “Recreation Facilities, Outdoor” for review and re-wording because potential problems that could arise from the current definition which they identified as overly broad.

The Planning Board considered this issue at its September 21, 2020 meeting and voted to recommend to the Board of Aldermen four proposed amendments to the LDS:

1. Adopt the proposed amended definition of Recreation Facilities, Outdoor.
2. Adopt the proposed new definition of Golf Course/Country Club and permit this use only in Low Density Residential Districts.
3. Adopt the proposed new definition of Campground and do not permit this use in any zoning district.
4. Adopt the proposed new definition of Recreational Vehicle Park and do not permit this use in any zoning district.

MOTIONS FOR CONSIDERATION:

1. Motion to find that the proposed text amendment is consistent with the 2035 Comprehensive Plan and is reasonable and in the public interest.
2. Motion to approve the proposed text amendment Ordinance (as proposed/as amended) to the Land Development Standards Section 2.5.3 – Table of Permitted Uses and Section 17.3 – Definitions, Use Type.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

- Staff report
- Report and Consistency Statement from the Planning Board
- Text Amendment Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Recreation Facilities, Outdoor – Definition
Ordinance Section: Section 2.5.3 – Table of Permitted Uses & Section 17.3 – Definitions, Use Type
Applicant: Board of Aldermen Initiated
Meeting Date: October 27, 2020

Background:

At its August 25, 2020 regularly scheduled meeting, the Board of Aldermen directed Development Services staff and the Planning Board to “refer to the definition of “Recreation Facilities, Outdoor” for review and re-wording because potential problems that could arise because of the current overly-broad definition. The Planning Board considered this issue at its September 21, 2020 meeting.

The current definition for Outdoor Recreation Facilities as a zoning use type in the Waynesville Land Development Standards (LDS) Section 17.3 is:

Recreation Facilities, Outdoor Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations. (adopted in 2011 LDS)

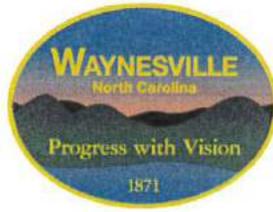
An Outdoor Recreation Facility is an enumerated use within the Permitted Uses Table (LDS Section 2.5.3) and is permitted in all residential districts with applicable supplemental standards and within all commercial and mixed-use districts without supplemental standards. It is not a permitted use in the Commercial-Industrial District.

If the Board of Aldermen is inclined to permit campgrounds within the town’s jurisdiction, staff recommends limiting their permitted locations to areas such as Allens Creek, Mauney Cove, Crymes Cove, and Old Balsam Road. Additionally, supplemental standards would need to be adopted to address issues such as parking and vehicular access, noise, lighting, buffering, utilities, and waste disposal.

Planning Board Recommendation

At its September 21, 2020 meeting, the Planning Board held a public hearing, discussed consistency with the Comprehensive 2035 Plan, and voted unanimously to recommend to the Board of Aldermen the following amendments to the Land Development Standards (ordinance attached):

1. Adopt the proposed amended definition of Recreation Facilities, Outdoor.
2. Adopt the proposed definition of Golf Course/Country Club and permit this use only in Low Density Residential Districts.
3. Adopt the proposed definition of Campground and do not permit this use in any zoning district.
4. Adopt the proposed definition of Recreational Vehicle Park and do not permit this use in any zoning district.



To: Town of Waynesville Planning Board
From: Elizabeth Teague, Planning Director
Date: October 27, 2020
Subject: Planning Board Report and Statement of Consistency
Description: Text Amendment to LDS Section 2.5.3 – Table of Permitted Uses and Section 17.3 – Definitions, Use Type
Applicant Address: Board of Aldermen Initiated

1. The Planning Board hereby adopts and recommends to the Governing Board the following statement(s):

The zoning amendments **are approved and are consistent with the Town’s comprehensive land use plan** because:

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

- Encourage in-fill and context-sensitive development;
- Promote conservation design to preserve important natural resources;
- Reinforce the unique character of Waynesville.

Goal 3: Protect and enhance Waynesville’s Natural Resources.

- Encourage park and greenway development to protect watersheds and improve access to open space.
- Protect rural lands, iconic views and mountain vistas.

Goal 5: Create opportunities for a sustainable economy.

- Promote Waynesville’s downtown districts, inns, restaurants, and reputation as the “Gateway to the Smokies.”
- Support the Town’s Parks and Greenway Master Plan and develop recreational facilities and a greenway system that appeals to neighborhood and regional users.

Goal 6: Create an attractive, safe and multi-modal transportation system/

- Support development of the Richland Creek Greenway and Regional greenway connections between Waynesville, Asheville and other Haywood County and Western Carolina destinations.
- Ensure citizenry has access to recreational, health and wellness and medical services.

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

The text amendment clarifies language within the Town Land development Standards.

Planning Board Member Marty Prevost made a motion, seconded by Susan Smith. The motion passed unanimously.

The Planning Board hereby recommends the text amendments as presented. Planning Board member Marty Prevost made a motion, seconded Susan Smith. The motion passed unanimously.

Esther Coulter 10-20-20

Esther Coulter, Administrative Assistant, Date

ORDINANCE NO. O-20-20

**AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

WHEREAS, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A, now Section III of Chapter 1 of 160D, of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed amendment to the text of the ordinance and recommends that it is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest, and recommends the text amendment for its enactment by the Board of Aldermen; and

WHEREAS, the Board of Aldermen find this Ordinance is consistent with the Town's 2035 Comprehensive Plan and that it is reasonable and in the public interest, allowing the reasonable re-use of pre-existing nonconforming uses and structures, specifically meeting the Comprehensive Plan goals of;

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

- Encourage in-fill and context-sensitive development;
- Promote conservation design to preserve important natural resources;
- Reinforce the unique character of Waynesville.

Goal 3: Protect and enhance Waynesville's Natural Resources.

- Encourage park and greenway development to protect watersheds and improve access to open space.
- Protect rural lands, iconic views and mountain vistas.

Goal 5: Create opportunities for a sustainable economy.

- Promote Waynesville's downtown districts, inns, restaurants, and reputation as the "Gateway to the Smokies."
- Support the Town's Parks and Greenway Master Plan and develop recreational facilities and a greenway system that appeals to neighborhood and regional users.

Goal 6: Create an attractive, safe and multi-modal transportation system/

- Support development of the Richland Creek Greenway and Regional greenway connections between Waynesville, Asheville and other Haywood County and Western Carolina destinations.
- Ensure citizenry has access to recreational, health and wellness and medical services.

and;

WHEREAS, after notice duly given, a public hearing was held on September 21, 2020 at the regularly scheduled meeting of the Waynesville Planning Board, and on October 27, 2020 at the regularly scheduled meeting of the Board of Aldermen;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON October 27, 2020 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

1. That the Land Development Standards Section 17.3 – Definitions, Use Type be amended as follows (*in red italics*):

Recreation Facilities, Outdoor. Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, *and riding stables, ~~campgrounds, and golf courses~~* and their customary accessory uses including, but not limited to, maintenance sheds, *food concessions, ~~clubhouses (with or without food service)~~*, pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

***Golf Course/Country Club.** A clearly defined area designed for playing golf, consisting of a course of at least 9 holes, each with a tee, fairway, and green. Accessory facilities and uses may include, but are not limited to, clubhouses (with or without food and beverage service), locker and shower facilities, event facilities (ballrooms, pavilions, conference rooms, etc.), lodging facilities, driving ranges, the retail sale of golf-related merchandise, maintenance buildings, and golf cart storage, rental, and sale facilities. This definition does not include miniature golf courses or stand-alone driving ranges.*

***Campground.** A designated area in which tents or recreational vehicles may be set up for temporary occupancy. Accessory facilities and uses may include, but are not limited to, bathing facilities, swimming pools, the retail sale of camping-related merchandise, maintenance buildings, and picnic shelters.*

***Recreational Vehicle Park.** Any site of land designated specifically for two or more recreational vehicles, campers, and/or travel trailers with individual parking spaces and hook ups as temporary living or sleeping quarters for less than 180 days out of a 365 day year.*

2. That the Land Development Standards Section 2.5.3 – Table of Permitted Uses, be amended as follows (*in red italics*):

Add to the Entertainment/Recreation use type category:

***Golf Course/Country Club** – Permitted in Low-Density Residential Districts only
– Indicated with a “P”*

***Campground** – Not permitted in any district – Indicated with a “-”*

***Recreational Vehicle Park** – Not permitted in any district – Indicated with a “-”*

ADOPTED this 27th Day of October, 2020.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William Cannon, Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 27, 2020

SUBJECT: Public Hearing to consider a request for Annexation for three parcels of property along Dellwood Road and Ivy Hill: 1778 Dellwood Road, PIN 8617-10-6618; “Lot 75” of Ivy Hill Subdivision, PIN 8617-10-6745; and “Lot 77”, PIN 8617-10-7527.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: E8
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: The Town received the attached “Petition for Annexation of Non-Contiguous ‘Satellite’ Areas,” from Roy Rodriguez, President of Big Rods Investments, Inc. a North Carolina Corporation that owns the property. This property is outside of the Town’s Extraterritorial Jurisdiction and lies within proximity of the Dellwood Junaluska Regional Center District to the west and east. The Planning Board considered potential zoning at their regular meeting on October 19, 2020 and recommends that the Dellwood-Junaluska Regional Center (DJ-RC) zoning district be applied to the two lots that front along Dellwood Road, and that the Dellwood Residential Medium Density District (D-RM) be applied to the lot that fronts Ivy Hill.

MOTIONS FOR CONSIDERATION:

1. Motion to Adopt attached Annexation Ordinance.
2. Motion: To call for a public hearing on Tuesday, November 10, 2020 beginning at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose meeting is to consider the proposed zoning map amendment.

FUNDING SOURCE/IMPACT: Annexation of this property will bring them into the Town’s jurisdiction with all associated services and tax liabilities, including an existing commercial structure.

ATTACHMENTS:

1. Staff Report
2. Petition with metes and bound description
3. Property, Zoning and Proximity to Municipal Boundaries maps
4. Report and Consistency Statement from the Planning Board

5. Annexation Ordinance Draft

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Annexation Petition and Assignment of Zoning
Ordinance Section: LDS Section 15.14 Rezoning
Location: 1778 Dellwood Road and adjacent undeveloped lots
PINs: 8617-10-6618, 8617-10-6745, 8617-10-7527
Applicant: Big Rods Investment, Inc.
Meeting Date: October 27, 2020

Background

The Town is in receipt of an annexation request for three lots along Dellwood Road that are not within the Town's Extra-territorial jurisdiction (ETJ). The property meets the criteria for annexation in accordance with the resolution adopted at the last meeting.

The Board of Aldermen must also assign a zoning designation. The property was formerly a restaurant and has been purchased for the purpose of establishing another restaurant. The property owner has requested that the property be zoned as Dellwood/Junaluska Regional Center for the two lots adjacent to Dellwood Road, and requested Dellwood Medium Density Residential zoning for the lot that is adjacent to Ivy Hill. The Planning Board considered the properties of the annexation request at their October 19, 2020 meeting and support this request.

The purpose and intent of the Dellwood Residential Medium Density District per the Land Development Standards §2.3.2.B states:

The **Dellwood Residential Medium Density District (D-RM)** shall develop as a low to medium density residential district separating the Russ Avenue and Dellwood/Junaluska Town Center. 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 purpose and intent of the Dellwood Junaluska Regional Center District, LDS 2.3.7.A states:

The **Dellwood/Junaluska Regional Center District (DJ-RC)** will develop in the future into a hub for retail, service and employment uses serving Waynesville and the region. It is envisioned that such uses be concentrated here in order to limit sprawling strip commercial development in the area. The vision for the district is that of a well-defined area, but one designed to accommodate large-scale development. Development should encourage the intermixture of uses and provide for residential uses in addition to those uses heavily dependent on the automobile. Transportation improvements made in this district will form a network of roads and pedestrian ways and provide accommodations for all modes of travel. An improved Russ Avenue with a landscaped median should enhance the traffic situation in the area. Rear accessways connecting adjacent development shall be required to provide access between development supplementary

to the public streets. The outdoor auditorium at Lake Junaluska will serve as the town center for this area.

Recommendation of the Planning Board

At its October 19, 2020 meeting, the Planning Board held a public hearing, discussed consistency with the Comprehensive 2035 Plan and voted unanimously to recommend to the Board of Aldermen assign the zoning designation as proposed (see report attached).

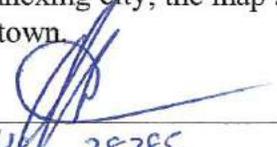
PETITION FOR ANNEXATION OF
NON-CONTIGUOUS "SATELLITE" AREAS

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

9/24/20
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: *See Attached*
 - 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 Rogelio (Roy) Rodriguez SIGNATURE 
ADDRESS 1778 Dellwood Rd., Waynesville, NC 28785.

President of Big Rods Investments, Inc. 954-249-5007

PENDING REVIEW FOR TAX LISTING

DATE 2020-09-22 BY SL

HAYWOOD COUNTY TAX CERTIFICATION

Gregory W. West, Haywood County Tax Collector

Date: 2020-09-22 By: CINDY

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

2020009446

HAYWOOD COUNTY NC FEE \$26.00

STATE OF NC REAL ESTATE EXT X

\$320.00

PRESENTED & RECORDED

09/22/2020 03:11:50 PM

SHERRI C. ROGERS

REGISTER OF DEEDS

BY: TARA E. REINHOLD

DEPUTY

BK: RB 1008

PG: 249 - 251

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 320.00

Parcel Identifier No. 8617-10-6618/6745/7527 Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: Wenzel & Wenzel, PLLC, 166 Branner Avenue, Ste A, Waynesville, NC 28786

This instrument was prepared by: Derek M. Wenzel, a Licensed NC Attorney, 166 Branner Avenue, Suite A, Waynesville, NC 28786. Delinquent taxes, if any, to be paid by the closing attorney to the County Tax Collector upon disbursement of closing proceeds.

Brief Description for the index: Ivy Hill Development

THIS DEED made the 22nd day of September, 2020 by and between:

GRANTOR(S)	GRANTEE(S)
Gaddy Trio, LLC, a NC limited liability company 275 Seawell Rosser Road Sanford, NC 27332	Big Rods Investments, Inc., a NC corporation 2404 Heath Peak Rd Waynesville, NC 28785

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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

See Exhibit "A" attached hereto and incorporated herein by reference

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 478, Page 286.

A map showing the above described property is recorded in Plat Cabinet D, Slot 889.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: Ad Valorem property taxes, easements, restrictions, rights of way and all other such matters of public record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Gaddy Trio, LLC, a NC limited liability company

Phyllis Kay Gaddy (SEAL)
By: Phyllis Kay Gaddy

STATE OF North Carolina, COUNTY OF Haywood

I, the undersigned Notary Public for the County of Haywood and State aforesaid, certify that Phyllis Kay Gaddy, personally came before me this day and acknowledged that she is the Member/Manager of Gaddy Trio, LLC, a NC limited liability company, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal this the 22nd day of September, 2020.

(Official Seal)



[Signature]
Notary Public
My Commission Expires: 10/26/23

EXHIBIT "A"

FIRST PARCEL:

BEING Lot 75, Ivy Hill Development, containing 0.352 acre, as set forth on plat of survey by Herron Associates Surveying & Planning, Sylvia E. Higdon, PLS, dated 09/10/2020, entitled "Plat Prepared For A to Z Capital", recorded in Plat Cabinet D, Slot 889, Haywood County Registry.

SECOND PARCEL:

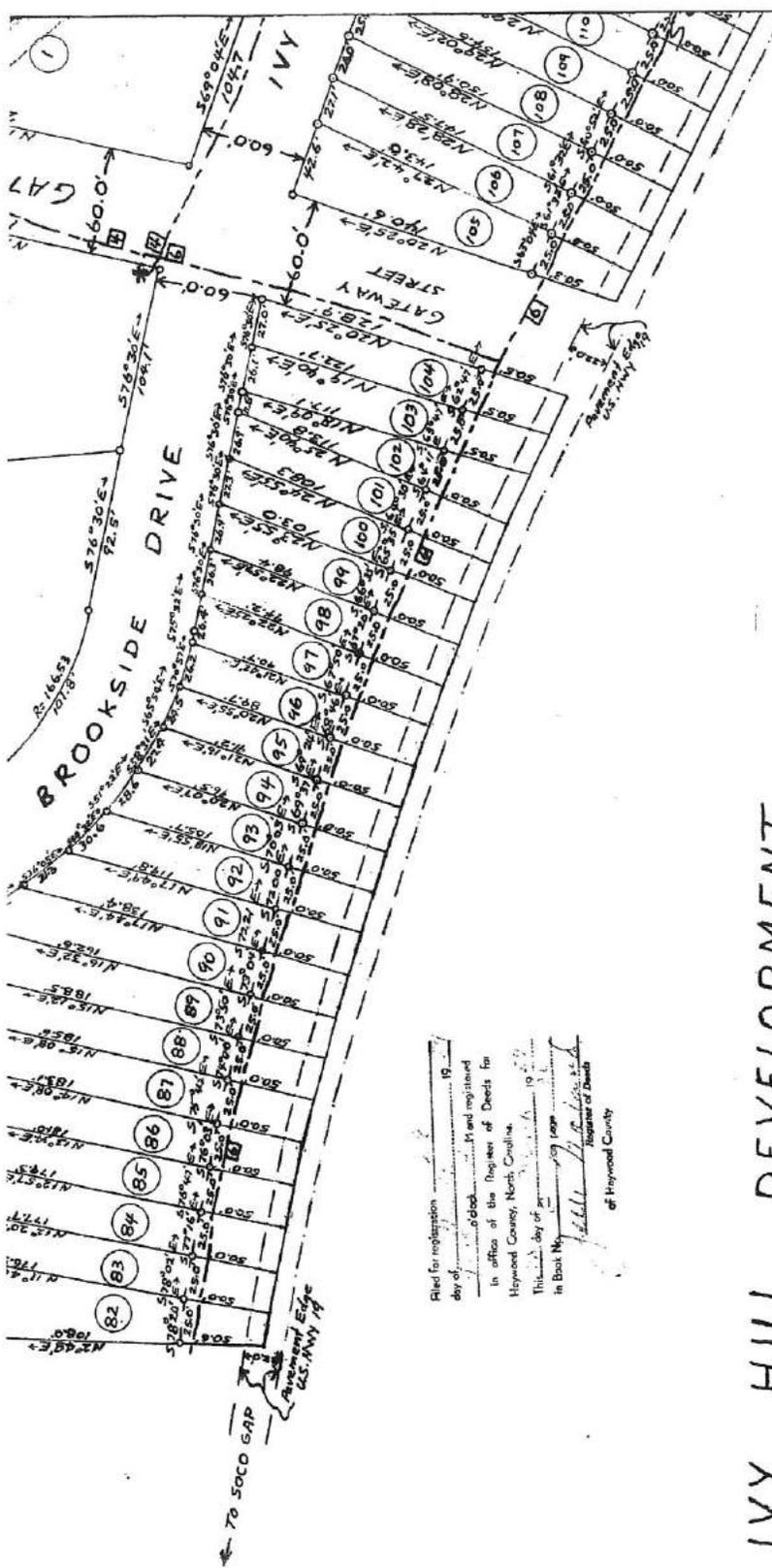
BEING Lot 76, Ivy Hill Development, containing 0.473 acre, as set forth on plat of survey by Herron Associates Surveying & Planning, Sylvia E. Higdon, PLS, dated 09/10/2020, entitled "Plat Prepared For A to Z Capital", recorded in Plat Cabinet D, Slot 889, Haywood County Registry.

THIRD PARCEL:

BEING Lot 77, Ivy Hill Development, containing 0.523 acre, as set forth on plat of survey by Herron Associates Surveying & Planning, Sylvia E. Higdon, PLS, dated 09/10/2020, entitled "Plat Prepared For A to Z Capital", recorded in Plat Cabinet D, Slot 889, Haywood County Registry.

SUBJECT TO the right of way of U.S. Hwy 19 and Ivy Hill Drive to their full legal widths.

ALSO BEING Tract I and Tract II conveyed by warranty deed dated February 15, 2000 from William Boyd Gaddy, Jr. and wife, Kay Marshburn Gaddy to Gaddy Trio, LLC, recorded in Book 478, Page 286, Haywood County Registry; **SUBJECT TO** a life estate to Aline Gaddy Hampton [who died in Buncombe County, North Carolina in 2017] AND to Beatrice Jane Hoglen.



Filed for registration on 19... day of ... 19... and registered in office of the Registrar of Deeds for Haywood County, North Carolina. This... day of ... 19... in Book No. ... of Haywood County

IVY HILL DEVELOPMENT

OWNED BY BUILDERS CASH AND CARRY, INC.
 LYING NORTH OF U.S. HIGHWAY 19, IVY HILL TOWNSHIP
 HAYWOOD COUNTY, N.C.

SCALE 1" = 50'

Iron Pipe Corner
 Informant Stream
 Water Line (No. inside square indicates size of pipe in inches)
 Hydrant

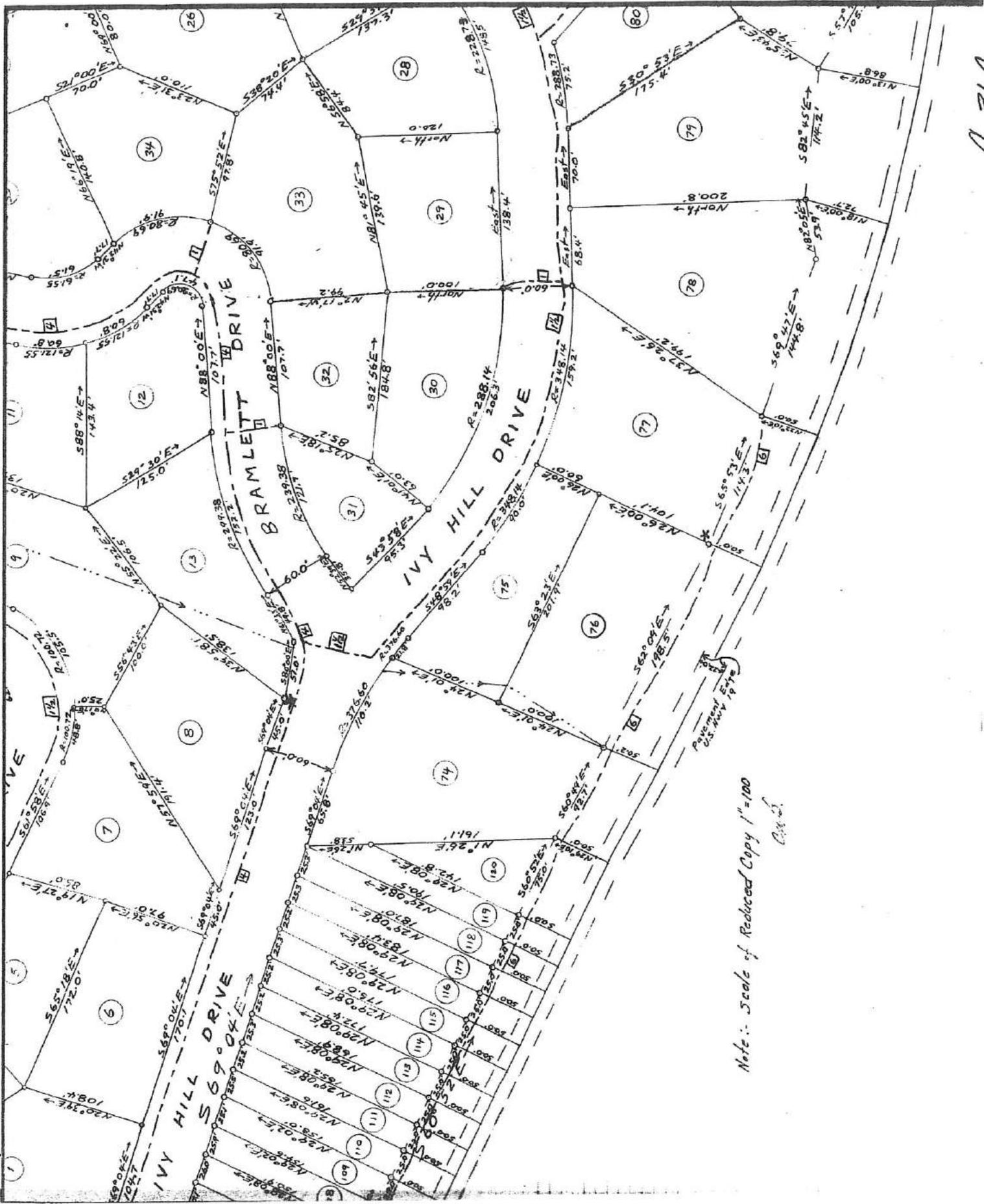
STATE OF NORTH CAROLINA
 COUNTY OF HAYWOOD
 R.A. WILHELM, L.A. & C.E., BEING BY ME FIRST DULY SWORN, DEPOSES & SAYS: THAT THE ANNEXED PLAT, DESIGNATED AS IVY HILL DEVELOPMENT OF BUILDERS CASH AND CARRY, INC. IS IN ALL RESPECTS CORRECT AND WAS PREPARED FROM ACTUAL SURVEYS BY J.A. TODD & T.C. COWART OCT. 1958 - JAN. 1959 AND WAS DRAFTED BY J.A. TODD & T.C. COWART

STATE OF NORTH CAROLINA
 COUNTY OF HAYWOOD
 SWORN TO AND SUBSCRIBED BEFORE ME BY R.A. WILHELM, L.A.-C.E. THIS 14 DAY OF Jan. 1959. After Dawn Notary Public
 MY COMMISSION EXPIRES Dec. 21, 1960

STATE OF NORTH CAROLINA
 COUNTY OF HAYWOOD
 THE FOREGOING AFFIDAVIT AND CERTIFICATION SWORN TO BEFORE ME, A NOTARY PUBLIC FOR HAYWOOD COUNTY, N.C., DULY AUTHENTICATED BY THE SEAL AFFIXED, IS IN DUE FORM AND ACCORDING TO LAW; THEREFORE LET THE SAID PLAT WITH THE FOREGOING AFFIDAVIT AND CERTIFICATION BE REGISTERED
 WITNESS MY HAND THIS ... DAY OF ... 1959
 R. W. Campbell, Notary Public

LOT NO.	U.S. Hwy 19, South Boundary of Lot	Bearing	Dist (ft)	U.S. Hwy 19, South Boundary of Lot	Lot No.	Bearing	Dist (ft)
82	S 76° 30' E	171	105	S 63° 04' E	186		
83	S 78° 03' E	245	106	S 61° 32' E	243		
84	S 77° 16' E	245	107	S 61° 32' E	253		
85	S 76° 27' E	245	108	S 60° 52' E	250		
86	S 76° 03' E	245	109	S 60° 52' E	250		
87	S 75° 49' E	241	110	S 60° 52' E	250		
88	S 74° 00' E	238	111	S 60° 52' E	250		
89	S 73° 50' E	238	112	S 60° 52' E	250		
90	S 73° 04' E	240	113	S 60° 52' E	250		
91	S 72° 21' E	249	114	S 60° 52' E	250		
92	S 72° 00' E	240	115	S 60° 52' E	250		
93	S 70° 03' E	240	116	S 60° 52' E	250		
94	S 68° 37' E	240	117	S 60° 52' E	250		
95	S 67° 27' E	253	118	S 60° 52' E	250		
96	S 65° 46' E	243	119	S 60° 52' E	250		
97	S 67° 50' E	244	120	S 60° 52' E	250		
98	S 67° 20' E	245	74	S 60° 52' E	250		
99	S 66° 35' E	242	76	S 60° 52' E	250		
100	S 65° 35' E	241	77	S 60° 52' E	250		
101	S 64° 30' E	241	78	S 60° 52' E	250		
102	S 63° 11' E	316	79	S 60° 52' E	250		
103	S 62° 47' E	237	81	S 60° 52' E	250		
104	S 62° 47' E	243					

4-36



Note: Scale of Reduced Copy 1"=100
 C.S.D.

4-360

Report For

BIG RODS INVESTMENTS INC A NC CORP
2404 HEATH PEAK RD
WAYNESVILLE, NC 28785-5919

Account Information

PIN: 8617-10-6618

Legal Ref: 1008/249

Add Ref: 1008/246
CABD/889

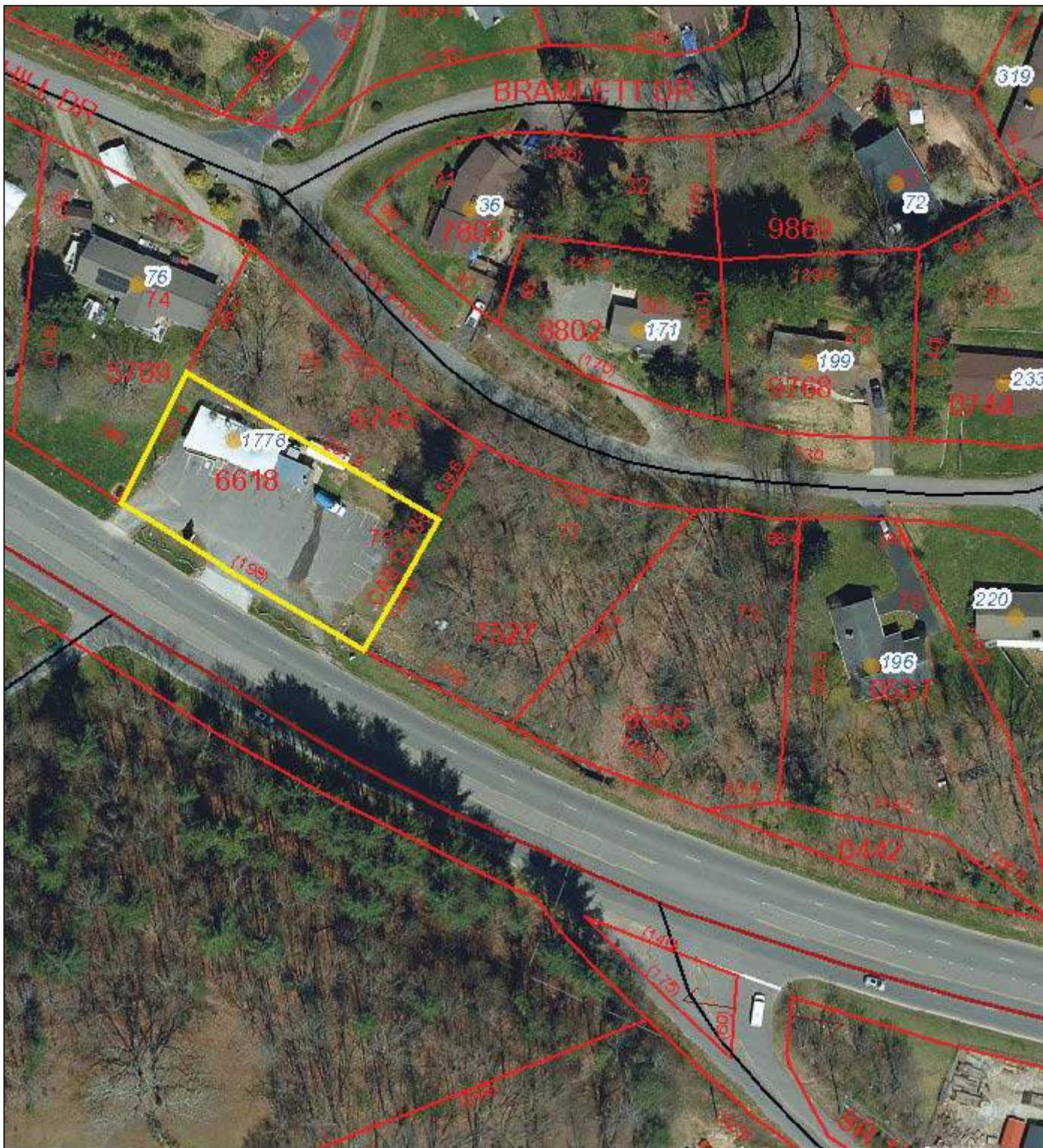
Site Information

MORNING SIDE DEVELOPMENT
RESTAURANT WALK-IN
Commercial Use
1778 DELLWOOD RD

Heated Area: 1200
Year Built: 1974
Total Acreage: 0.473
Township: Ivy Hill

Site Value Information

Land Value:
Building Value:
Market Value:
Deferred Value:
Assessed Value:
Sale Price:
Sale Date: 09/21/2020



1 inch = 100 feet
October 5, 2020

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

BIG RODS INVESTMENTS INC A NC CORP
2404 HEATH PEAK RD
WAYNESVILLE, NC 28785-5919

Account Information

PIN: 8617-10-6745

Legal Ref: 1008/249

Add Ref: 1008/246
CABD/889

Site Information

IVY HILL DEVELOPMENT

IVY HILL DR

Heated Area:

Year Built:

Total Acreage: 0.35

Township: Ivy Hill

Site Value Information

Land Value: \$6,200

Building Value: \$0

Market Value: \$6,200

Deferred Value: \$0

Assessed Value: \$6,200

Sale Price: \$160,000

Sale Date: 9/22/2020



1 inch = 50 feet
October 5, 2020

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

BIG RODS INVESTMENTS INC A NC CORP
2404 HEATH PEAK RD
WAYNESVILLE, NC 28785-5919

Account Information

PIN: 8617-10-7527

Legal Ref: 1008/249

Add Ref: 1008/246
CABD/889

Site Information

IVY HILL DEVELOPMENT

IVY HILL DR

Heated Area:

Year Built:

Total Acreage: 0.52

Township: Ivy Hill

Site Value Information

Land Value: \$20,800

Building Value: \$0

Market Value: \$20,800

Deferred Value: \$0

Assessed Value: \$20,800

Sale Price: \$160,000

Sale Date: 9/22/2020



1 inch = 50 feet
October 5, 2020

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

BIG RODS INVESTMENTS INC A NC CORP
2404 HEATH PEAK RD
WAYNESVILLE, NC 28785-5919

Account Information

PIN: 8617-10-6618

Legal Ref: 1008/249

Add Ref: 1008/246
CABD/889

Site Information

MORNING SIDE DEVELOPMENT
RESTAURANT WALK-IN
Commercial Use
1778 DELLWOOD RD

Heated Area: 1200
Year Built: 1974
Total Acreage: 0.473
Township: Ivy Hill

Site Value Information

Land Value:
Building Value:
Market Value:
Deferred Value:
Assessed Value:
Sale Price:
Sale Date: 09/21/2020



1 inch = 200 feet
October 5, 2020

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

BIG RODS INVESTMENTS INC A NC CORP
2404 HEATH PEAK RD
WAYNESVILLE, NC 28785-5919

Account Information

PIN: 8617-10-6618

Legal Ref: 1008/249

Add Ref: 1008/246
CABD/889

Site Information

MORNING SIDE DEVELOPMENT
RESTAURANT WALK-IN
Commercial Use
1778 DELLWOOD RD

Heated Area: 1200
Year Built: 1974
Total Acreage: 0.473
Township: Ivy Hill

Site Value Information

Land Value:

Building Value:

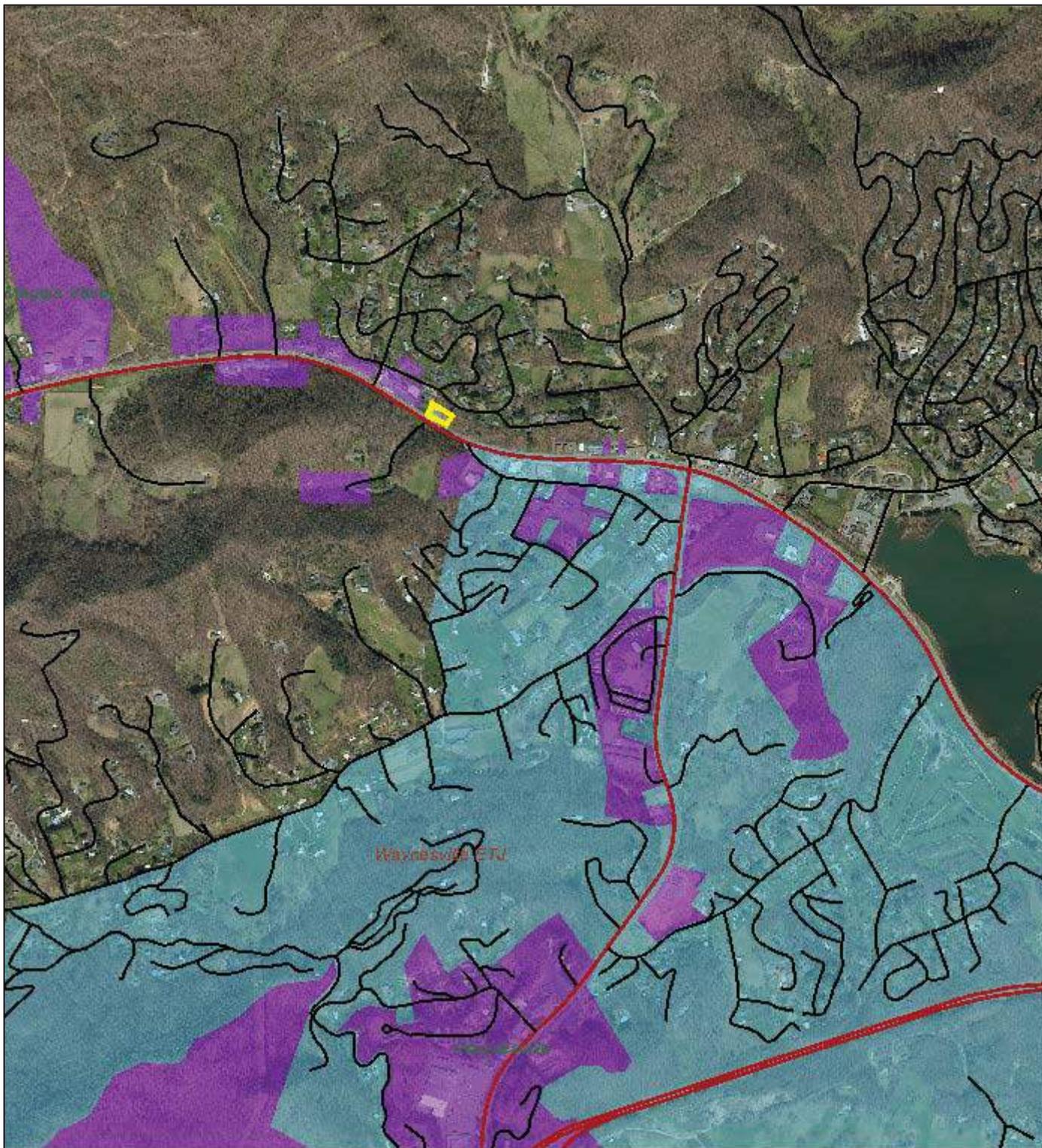
Market Value:

Deferred Value:

Assessed Value:

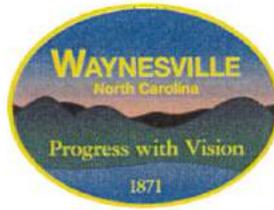
Sale Price:

Sale Date: 09/21/2020



1 inch = 1,333 feet
October 5, 2020

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.



To: Town of Waynesville Planning Board
From: Elizabeth Teague, Planning Director
Date: October 27, 2020
Subject: Planning Board Report and Statement of Consistency
Description: Map Amendment assignment of zoning to newly annexed properties
Applicant Address: Board of Aldermen Initiated

1. The Planning Board hereby adopts and recommends to the Governing Board the following statement(s):

The zoning map amendments **are approved and are consistent with the Town's comprehensive land use plan** because:

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

- Create walkable and attractive neighborhoods and commercial centers
- Encourage in-fill and context-sensitive development;

Goal 5: Create opportunities for a sustainable economy.

- Promote Waynesville's downtown districts, inns, restaurants, and reputation as the "Gateway to the Smokies."

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

The proposed zoning is consistent with the surrounding land uses allowing for continued commercial development along the commercial corridor of Dellwood Road and providing a buffer area to the unincorporated residential neighborhood of Ives Hill.

Planning Board Member Gregory Wheeler made a motion, seconded by Don McGowen. The motion passed unanimously.

2. The Planning Board hereby recommends the map amendments as presented. Planning Board member Susan Smith made a motion, seconded by Don McGowen. The motion passed unanimously.

Esther Coulter 10-21-20
Esther Coulter, Administrative Assistant, Date

ORDINANCE NO. O-21-20

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

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

WHEREAS, the Board of Aldermen has by resolution directed the Town Clerk to investigate the sufficiency of said petition, and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of annexation was held at Town Hall at 6:30pm, on the 27th day of October, 2020, and

WHEREAS, the Board of Aldermen further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town of Waynesville.
- b. No point on the proposed satellite corporate limits is closer to another city than to the Town of Waynesville.
- c. The area described is so situated that the Town of Waynesville will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits,
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation,
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Waynesville; and

WHEREAS, the Board of Aldermen 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 all other requirements of G.S. 160A-58.1, as amended;

WHEREAS, the Board of Aldermen 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 follows: Lot 75, 76, and 77 of "Ivy Hill Development" Cabinet D, Slot 889, Haywood County registry, 1.343 acres, PIN # 8617-10-6618, PIN # 8617-10-6745, and PIN #8617-10-7527.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-58.2 as amended, the following described non-contiguous territory is hereby annexed and made part of the Town of Waynesville, as of the 27th day of October, 2020. Metes and bounds description is in Exhibit A attached hereto and incorporated by reference.

Section 2. Upon and after the 27th day of October, 2020, 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-58.1.

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 at 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 27th day of October, 2020

TOWN OF WAYNESVILLE

ATTEST:

J. Gary Caldwell, Mayor

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 10/27/2020**

SUBJECT Sample Proclamation Declaring a State of Emergency

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: **E10**
Department: Legal
Contact: Bill Cannon
Presenter: **Bill Cannon**

BRIEF SUMMARY: Mr. Cannon has drafted new language that replaces the Town’s existing ordinance governing the declaration of emergencies. The new ordinance includes health emergencies with other potential states of emergency.

MOTION FOR CONSIDERATION: Receive the draft proclamation for information. It would be customized according to the type of emergency. You may wish to authorize the Mayor Pro Tempore to declare a state of emergency due to the incapacity of the Mayor. This is helpful for weather related issues when the Mayor may be out of contact or out of Town.

FUNDING SOURCE/IMPACT: None

ATTACHMENTS: Sample Proclamation

MANAGER’S COMMENTS AND RECOMMENDATIONS: comment on the sample proclamation and authorize the Mayor Pro Tempore to declare a State of Emergency when the Mayor is incapacitated.

ORDINANCE O-22-20

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II OF THE TOWN OF WAYNESVILLE CODE OF ORDINANCES

WHEREAS, The Town of Waynesville through the authority granted by G.S. § 166A-19.31 is authorized to enact ordinances designed to permit the imposition of prohibitions and restrictions within the emergency area during a state of emergency declared pursuant to G.S. 166A-19.22; and

WHEREAS, it is important to protect the health, safety, welfare and property of the citizens of the Town during a state of emergency;

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE THAT THE CODE OF ORDINANCES OF THE TOWN OF WAYNESVILLE (THE CODE) IS HEREBY AMENDED AS FOLLOWS:

THAT, Sections 22-31 through 22-35 of Chapter 22, Article II of the Code of Ordinances are repealed and the following new sections of Article II are adopted:

Sec. 22.31. – Emergency Defined

An emergency is defined as an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.

Sec. 22-32. -- When State of Emergency Deemed to Exist.

A state of emergency within the Town of Waynesville exists upon a finding and declaration of an emergency by the Board of Aldermen or the Mayor, acting under authority of G.S. § 166A-19.22.

Sec. 22-33. – Declaration of Emergency.

(a) In the event of a state of emergency the Mayor is authorized and empowered to issue a public declaration determining and imposing those prohibitions or restrictions that the Mayor deems necessary or suitable to a particular state of emergency.

(b) In the event of the Mayor's absence or disability, the Board of Aldermen is authorized to confer upon the Mayor Pro Tempore the Mayor's authority and power to issue a public

declaration determining and imposing those prohibitions or restrictions that the Mayor Pro Tempore deems necessary or suitable to a particular state of emergency.

(c) In the event of both the Mayor and Mayor Pro Tempore’s absence or disability, the Board of Aldermen is authorized and empowered to issue a public declaration determining and imposing those prohibitions or restrictions that the Board of Aldermen deems necessary or suitable to a particular state of emergency.

Sec. 22-34. – When Prohibitions and Restrictions Take Effect.

Prohibitions and Restrictions imposed by declaration pursuant to this Article III shall take effect as provided by G.S. § 166A-19.31(d).

Sec. 22-35. – Expiration of Prohibitions and Restrictions.

Prohibitions and Restrictions imposed by declaration pursuant to this Article III shall expire as provided by G.S. § 166A-19.31(e). All declarations and proclamations of a state of emergency issued prior to the adoption of this Ordinance that have not previously expired shall remain in full force and effect.

Sec. 22-36. – Violation.

Any person who violates any provision of an ordinance or a declaration enacted or declared pursuant to this section shall be guilty of a Class 2 misdemeanor in accordance with G.S. § 14-288.20A and G.S. § 166A-19.31(h).

The Town Clerk is hereby ordered to place this amendment in the Code of Ordinances of the Town of Waynesville and is authorized to renumber said amendments in order to maintain consistency within said Code.

Adopted this the _____ day of October, 2020

Town of Waynesville

Gary Caldwell, Mayor

Attest:

Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 10/27/2020**

SUBJECT Sample Proclamation Declaring a State of Emergency

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: **E10**
Department: Legal
Contact: Bill Cannon
Presenter: **Bill Cannon**

BRIEF SUMMARY: Mr. Cannon has drafted new language that replaces the Town’s existing ordinance governing the declaration of emergencies. The new ordinance includes health emergencies with other potential states of emergency.

MOTION FOR CONSIDERATION: Receive the draft proclamation for information. It would be customized according to the type of emergency. You may wish to authorize the Mayor Pro Tempore to declare a state of emergency due to the incapacity of the Mayor. This is helpful for weather related issues when the Mayor may be out of contact or out of Town.

FUNDING SOURCE/IMPACT: None

ATTACHMENTS: Sample Proclamation

MANAGER’S COMMENTS AND RECOMMENDATIONS: comment on the sample proclamation and authorize the Mayor Pro Tempore to declare a State of Emergency when the Mayor is incapacitated.

EMERGENCY PROCLAMATION

Town of Waynesville

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and,

WHEREAS, the World Health Organization declared COVID-19 is a Public Health Emergency of International Concern on January 30, 2020; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act; and

WHEREAS, on March 10, 2020, North Carolina Governor Roy Cooper declared a State of Emergency for the State of North Carolina based on the public health emergency posed by COVID-19; and

WHEREAS, on March 13, 2020 at 2:00 p.m., I declared a State of Emergency for the Town of Waynesville; and

WHEREAS, on September 30, 2020, North Carolina Governor Roy Cooper issued Executive Order No. 169; and

WHEREAS, health authorities, including the Centers for Disease Control, the Surgeon General of the United States, and the North Carolina Department of Health and Human Services, have recommended the use of face coverings as a means of preventing the spread of COVID-19; and

WHEREAS, I have determined that requiring face coverings within the Town of Waynesville subject to the terms of this Proclamation is necessary and suitable to the previously declared State of Emergency.

NOW, THEREFORE, pursuant to the authority vested in me as the Mayor of the Town of Waynesville under Chapter 166A of the North Carolina General Statutes and Section 22-33(a) of the Town of Waynesville, I, Gary Caldwell, Mayor of the Town of Waynesville, North Carolina, hereby proclaim and declare the following:

Section 1. Wearing of Face Coverings. All persons who are present within the jurisdiction of the Town of Waynesville are required to wear a clean face covering any time they are, or will be, in contact with other people who are not household members in public or private spaces where it is not possible to maintain social distance or where recommended social distancing practices are not being followed. These spaces include, but are not limited to, grocery stores, pharmacies, business locations, parking lots, and sidewalks. While wearing the face covering, it is essential to still

maintain social distance insofar as possible since social distancing is the best defense against the spread of the COVID-19. Social distance, as referenced within this declaration, shall mean the current parameters established by the Governor by Executive Order and by the North Carolina Department of Health and Human Services, including as such parameters may be amended in the future.

A face covering is a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears and fits snugly against the side of a person's face. A face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a face covering has two (2) or more layers. A face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarves, bandanas, t-shirts, sweatshirts, or towels. These face coverings are not intended for use by healthcare providers in the care of patients. Based on recommendations from the CDC, face shields do not meet the requirements for face coverings.

Acceptable, reusable face covering options for the general public include: bandanas, neck gaiters, homemade face coverings, scarves, or tightly woven fabric such as cotton t-shirts and some types of towels. Persons are not required to wear face coverings during individual exercise outdoors, or while walking or exercising with other people from the same household, as long as social distance from others is maintained.

All restaurant, personal care, grooming, tattoo, and retail employees and staff shall wear a face covering while on duty. It is recommended that all businesses require customers to wear a face covering while inside the business.

Face coverings are not required:

- For people whose religious beliefs prevent them from wearing a face covering.
- For those who cannot wear a face covering due to a medical or behavioral condition.
- For children under twelve (12) years old.
- For restaurant patrons while they are dining.
- In private, individual offices.
- When complying with directions of law enforcement officers.
- In settings where it is not practical or feasible to wear a face covering, including when obtaining or rendering goods or services, such as the receipt of dental services or while swimming.
- While with members of a family or the same household.

Section 2. Applicability. The requirements established in this declaration shall supplement and be in addition to any other requirements associated with any COVID-19 State of Emergency declared within the Town of Waynesville, including, but not limited to any requirements that may be established by Haywood County or the State of North Carolina.

Section 3. Implementation. The intent of this declaration is to encourage voluntary

compliance with the requirements established herein by businesses and persons within the Town of Waynesville. Law enforcement and other public safety and emergency management personnel are strongly encouraged to educate and encourage voluntary compliance with this order.

Section 4. Distribution. I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with City Clerk; (c) to be posted on the Town's website; and (d) to be distributed to others as necessary to ensure proper implementation of this declaration.

Section 5. Effective Date and Time. This declaration shall take effect at _____ and shall remain in effect until modified or rescinded.

DECLARED this _____ day of October, 2020 at _____.

TOWN OF WAYNESVILLE, NORTH CAROLINA

By: _____
Gary Caldwell, Mayor

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 27, 2020**

SUBJECT: Pavement Condition Survey Results

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: F11
Department: Public Services Department
Contact: Jeff Stines, Preston Gregg, Chris Snyder
Presenter: Bob Wilson, PE

BRIEF SUMMARY:

Presentation of the 2020 Pavement Condition Survey conducted by LaBella Associates.

MOTION FOR CONSIDERATION:

N/A

ATTACHMENTS:

- LaBella Associates Presentation

MANAGER'S COMMENTS AND RECOMMENDATIONS: N/A

Town of Waynesville

2020 Pavement Condition Survey



Council Meeting
October 27, 2020

Bob Wilson, PE



LaBella
Powered by partnership.

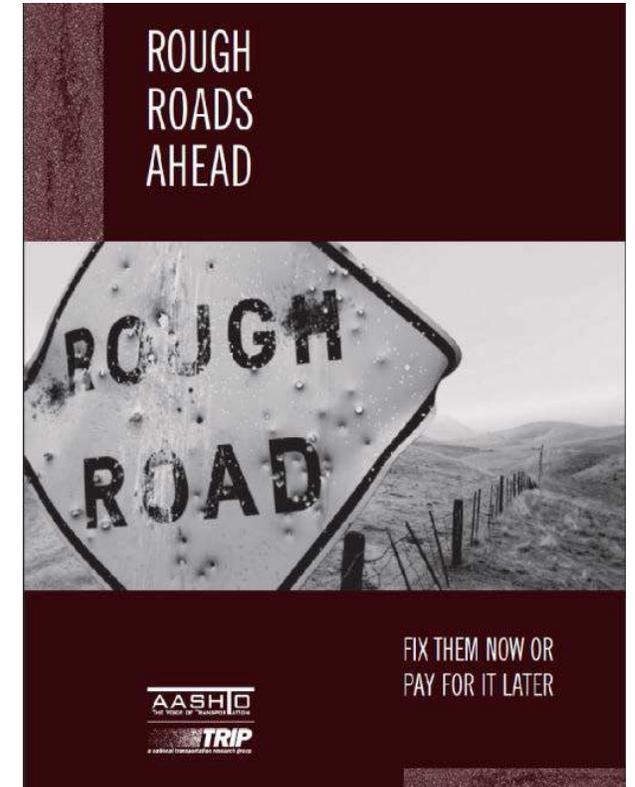
Introduction – Pavement Study

1. Waynesville maintains 86.6 miles of paved roads
2. LaBella finished the pavement study in July 2020
3. Data Collection
 - Eight common pavement surface distresses observed
 - Additional attributes
4. Report
 - PCR Developed
 - Maintenance activities recommended

Roadway Assets

AASHTO's Rough Roads Ahead

- USA Roadways - \$1.75 Trillion
- 4,000,000 miles of roadways
- \$437,500/mile
- Assuming an average pavement width of 24'
 - Roadway Value ~ \$31/SY
- Waynesville's streets – 1,042,400 SY
- Roadway assets - \$32.3 million



2009 AASHTO Publication

Data Collection: Pavement Distresses



Alligator Cracking



Block Cracking



Reflective Cracking



Raveling

Data Collection: Pavement Distresses



Rutting



Patching



Bleeding



Ride Quality

Table 6
Pavement Condition
Survey Distress
Summary for Rated
Streets

Distress Items	Miles	Miles	Total Miles	% Miles
	Low Volume	High Volume		
1. Alligator Cracking				
None	62.87	11.40	74.27	85.8
Light	3.46	0.39	3.84	4.4
Moderate	0.68	0.05	0.72	0.8
Severe	7.36	0.41	7.76	9.0
2. Block Cracking				
None	26.06	6.20	32.26	37.2
Light	44.64	5.02	49.66	57.3
Moderate	3.48	0.88	4.37	5.0
Severe	0.18	0.14	0.32	0.4
3. Reflective Cracking				
None	74.31	12.24	86.55	99.9
Light	0.05	0.00	0.05	0.1
Moderate	0.00	0.83	0.00	0.0
Severe	0.00	0.00	0.00	0.0
4. Rutting				
None	72.38	12.24	84.61	97.7
Light	1.00	0.00	1.00	1.2
Moderate	0.99	0.00	0.99	1.1
Severe	0.00	0.00	0.00	0.0
5. Raveling				
None	69.42	12.06	81.47	94.1
Light	4.38	0.18	4.56	5.3
Moderate	0.31	0.00	0.31	0.4
Severe	0.26	0.00	0.26	0.3
6. Bleeding				
None	74.32	12.24	86.56	100.0
Light	0.04	0.00	0.04	0.0
Moderate	0.00	0.00	0.00	0.0
Severe	0.00	0.00	0.00	0.0
7. Ride Quality				
Average	70.60	12.24	82.84	95.7
Slightly Rough	3.63	0.00	3.63	4.2
Rough	0.13	0.00	0.13	0.1
8. Patching				
None	56.64	10.99	67.62	78.1
Light	9.76	1.01	10.77	12.4
Moderate	5.12	0.13	5.25	6.1
Severe	2.83	0.11	2.95	3.4
Total	74.36	12.24	86.60	100.00

Data Collection: Additional Attributes

- Number of lanes
- Block number
- Segment length
- Segment width
- Sidewalk
- Curb and gutter
- Asphalt height above gutter

Table 7

Deduct Values

PAVEMENT DISTRESS	SEVERITY			
	None (N)	Light (L)	Moderate (M)	Severe (S)
Alligator Cracking (AL, AM, AS) (Multiplied by percent)	0	25	60	99
Block/Trans Cracking (BK)	0	5	20	35
Reflective Cracking (RF)	0	5	10	20
Rutting (RT)	0	5	15	25
Raveling (RV)	0	5	25	35
Bleeding (BL)	0	5	15	25
Ride Quality (RQ)	0	0	10	25
Patching (PA)	0	5	10	15

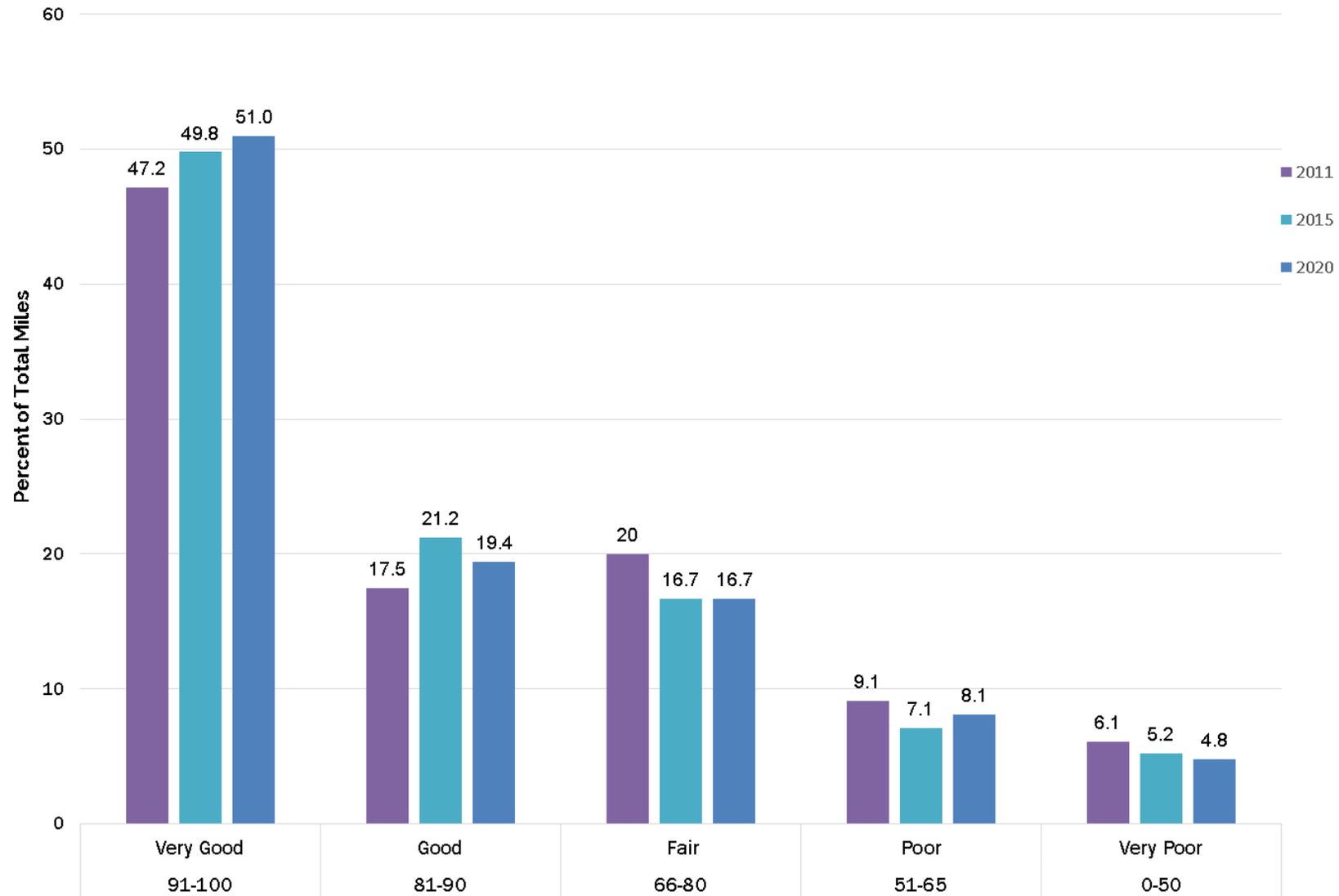
Findings

1. PCR = 82.7
2. NC Municipality Average = 80.0
3. Street System is in "Good" condition
4. PCR is above average
5. 55% of street system needs maintenance or resurfacing

Findings

6. Waynesville has a current need of \$2,036,500
 - \$1,601,800 - Routine Maintenance
 - \$434,700 – Resurfacing
 - Additional Costs – 25% to 40%
 - Raising structures, milling, administrative, etc.

**Figure 1 - Breakdown of Streets into PCR Categories
Year 2011, 2015 & 2020**



Proactive vs. Reactive Pavement Maintenance Program

Typical Pavement Deterioration Curve

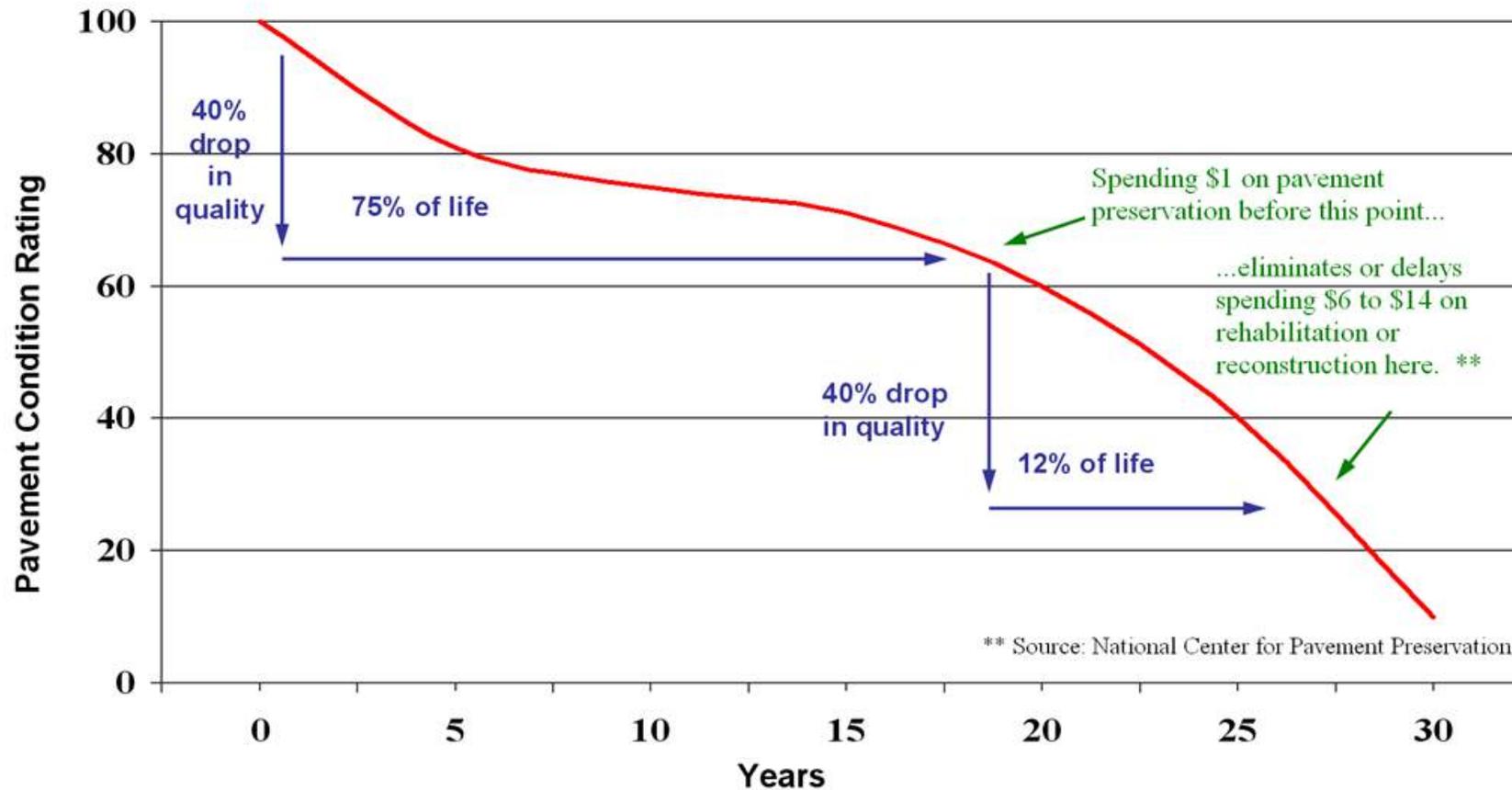




Table 8

Maintenance Activities

PAVEMENT DISTRESS	LOW VOLUME STREETS			HIGH VOLUME STREETS		
	Light (L)	Moderate (M)	Severe (S)	Light (L)	Moderate (M)	Severe (S)
Alligator Cracking (AL, AM, AS)	None	4' Wide Skin Patch	4' Wide Full-Depth Patch	None	8' Wide Skin Patch	8' Wide Full-Depth Patch
Block/Transverse Cracking (BK)	None	Crack Sealing	1" PM Resurfacing and BST Seal	None	Crack Sealing	1" PM Resurfacing and BST Seal
Reflective Cracking (RF)	None	Crack Sealing	Joint Repair	None	1" PM Resurfacing	Joint Repair
Rutting (RT)	None	None	1" PM Resurfacing	None	Short Overlay	1.5" PM Resurfacing
Raveling (RV)	None	1" PM Resurfacing	1" PM Resurfacing	None	1" PM Resurfacing	1" PM Resurfacing
Bleeding (BL)	None	None	1" PM Resurfacing	None	None	1" PM Resurfacing
Ride Quality (RQ)	None	None	1" PM Resurfacing	None	None	1" PM Resurfacing
Patching (PA)	None	None	Short Overlay	None	None	1" PM Resurfacing

Unit Costs

Table 10

Unit Costs for Maintenance Activities

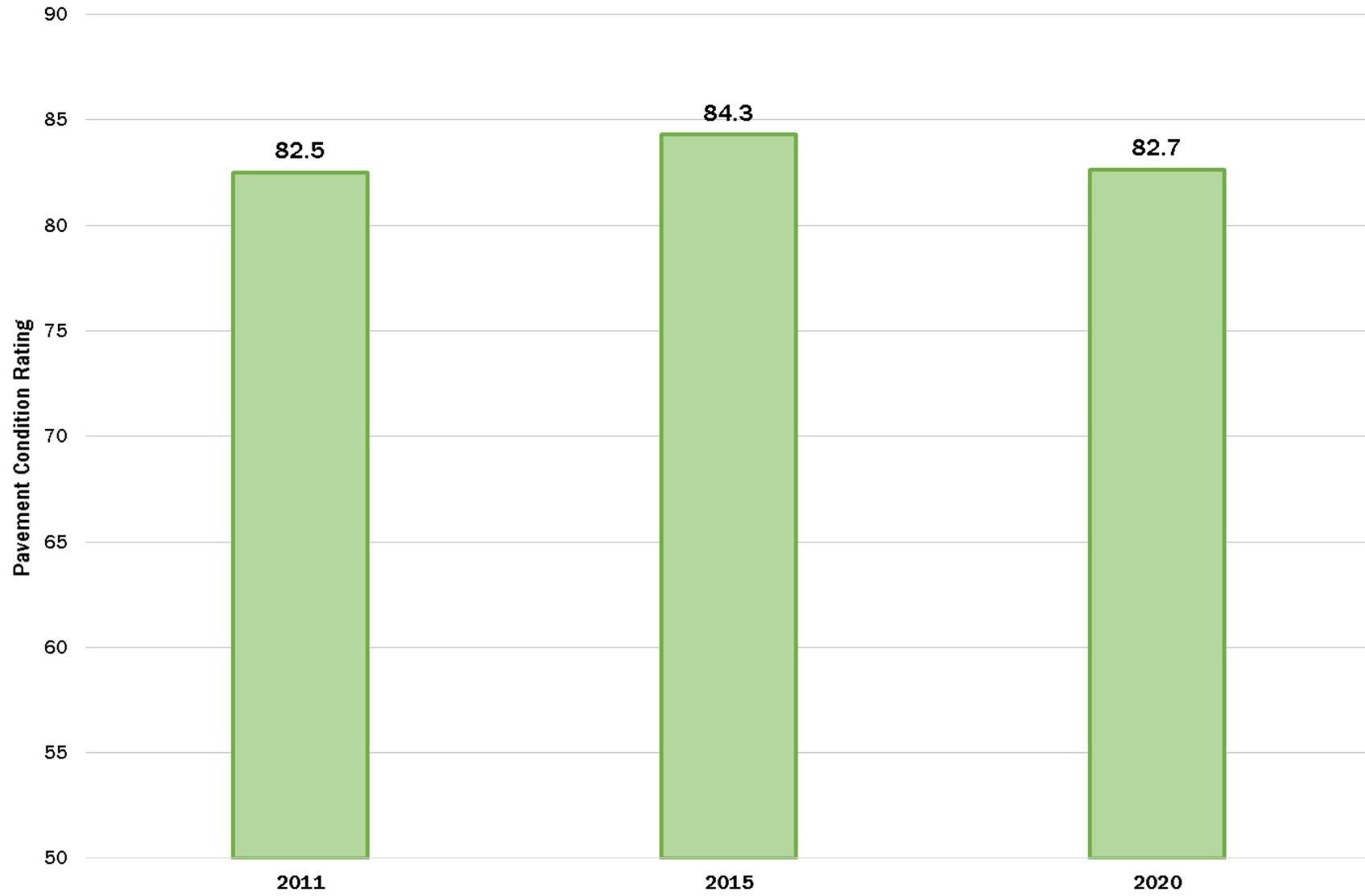
ACTIVITY	COST (PER SQUARE YARD)
Crack Sealing	\$0.65
Skin Patching	\$15.00
Joint Repair	\$0.85
Full-Depth Patch (4" Depth)	\$43.20
Short Overlay	\$5.60
1" Plant Mix Resurfacing	\$5.60
1.5" Plant Mix Resurfacing	\$9.91
2" Plant Mix Resurfacing	\$13.22
BST Seal (also known as chip seal)	\$3.50

Table 11

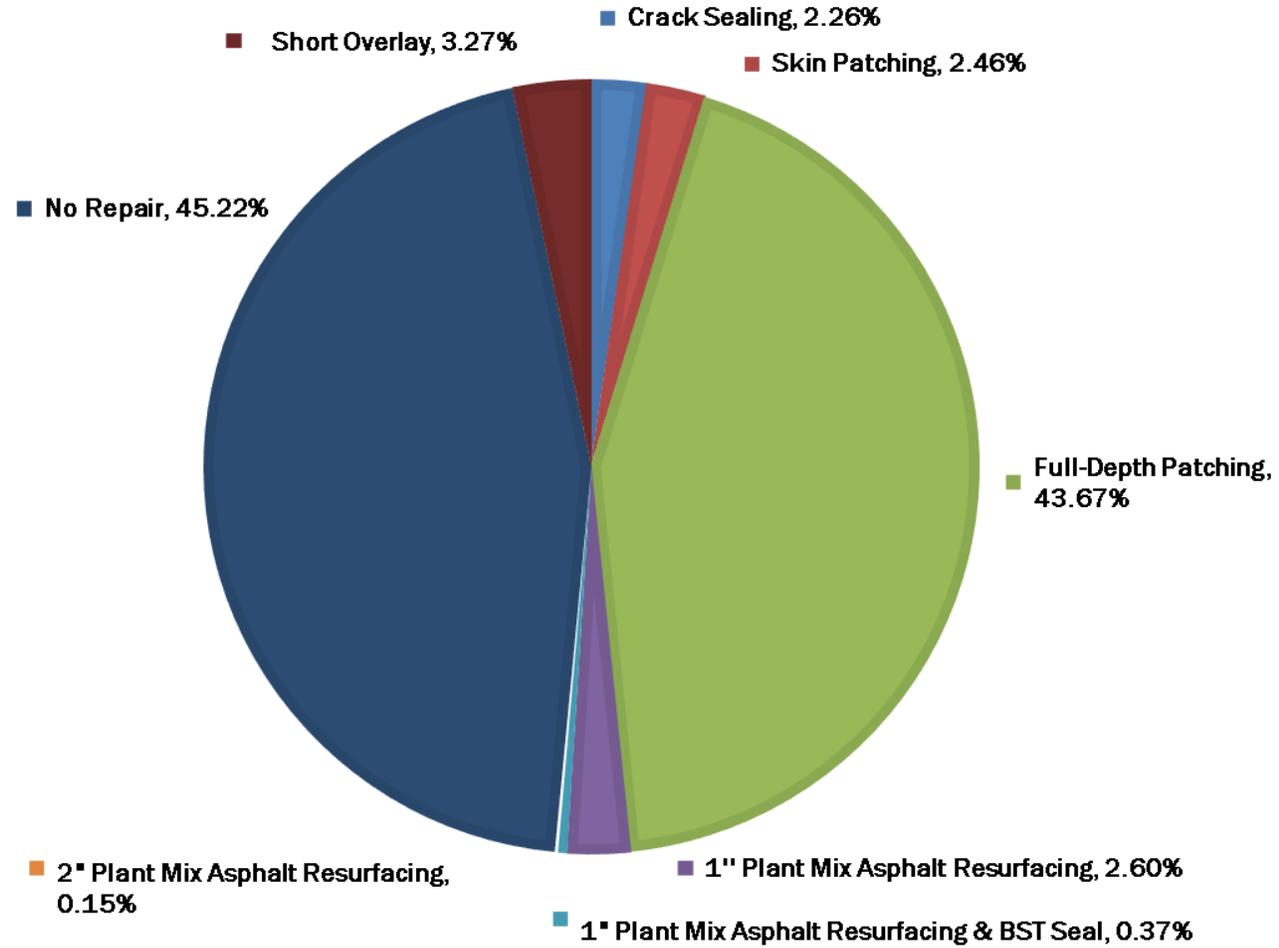
Summary Table of Suggested Primary Maintenance Activities for Rated Streets

Primary Activity	Miles Lo Vol	Cost Lo Vol	Miles Hi Vol	Cost Hi Vol	Total Miles	% Miles	Total Cost	Cost/Mile	% Cost
Crack Sealing	1.42	\$12,200	0.55	\$6,120	1.96	2.26%	\$18,320	\$9,347	0.9%
Skin Patching	1.71	\$13,065	0.43	\$6,015	2.13	2.46%	\$19,080	\$8,958	0.9%
Full-Depth Patching	35.46	\$1,256,621	2.35	\$132,327	37.82	43.67%	\$1,388,948	\$36,725	68.2%
Short Overlay	2.83	\$175,442	0.00	\$0	2.83	3.27%	\$175,442	\$61,994	8.6%
<i>Routine Maintenance Total (RM Total)</i>	<i>41.42</i>	<i>\$1,457,328</i>	<i>3.33</i>	<i>\$144,462</i>	<i>44.74</i>	<i>51.66%</i>	<i>\$1,601,790</i>	<i>\$35,802</i>	<i>78.7%</i>
1" Plant Mix Asphalt Resurfacing	1.89	\$301,902	0.36	\$71,637	2.25	2.60%	\$373,539	\$166,017	18.3%
1" Plant Mix Asphalt Resurfacing/BST Seal	0.18	\$28,629	0.14	\$15,415	0.32	0.37%	\$44,044	\$137,638	2.2%
2" Plant Mix Asphalt Resurfacing	0.13	\$17,129	0.00	\$0	0.13	0.15%	\$17,129	\$131,762	0.8%
<i>Resurface Total</i>	<i>2.20</i>	<i>\$347,660</i>	<i>0.50</i>	<i>\$87,052</i>	<i>2.70</i>	<i>3.12%</i>	<i>\$434,712</i>	<i>\$161,004</i>	<i>21.3%</i>
Total Repair	43.61	\$1,804,988	3.83	\$231,514	47.44	54.78%	\$2,036,502	\$42,928	100%
None	30.75	\$0	8.41	\$0	39.16	45.22%	\$0	\$0	0%
Total System	74.36	\$1,804,988	12.24	\$231,514	86.60	100%	\$2,036,502	\$23,516	100%

Figure 2 - Average PCR
(2011, 2015 and 2020)



**FIGURE 3 - DISTRIBUTION OF MAINTENANCE NEEDS BY PRIMARY REPAIR TYPE
(% OF TOTAL MILES)**



**FIGURE 4 - DISTRIBUTION OF MAINTENANCE COSTS BY PRIMARY TYPE
PERCENTAGE OF TOTAL COST
TOTAL COST: \$2,036,502**

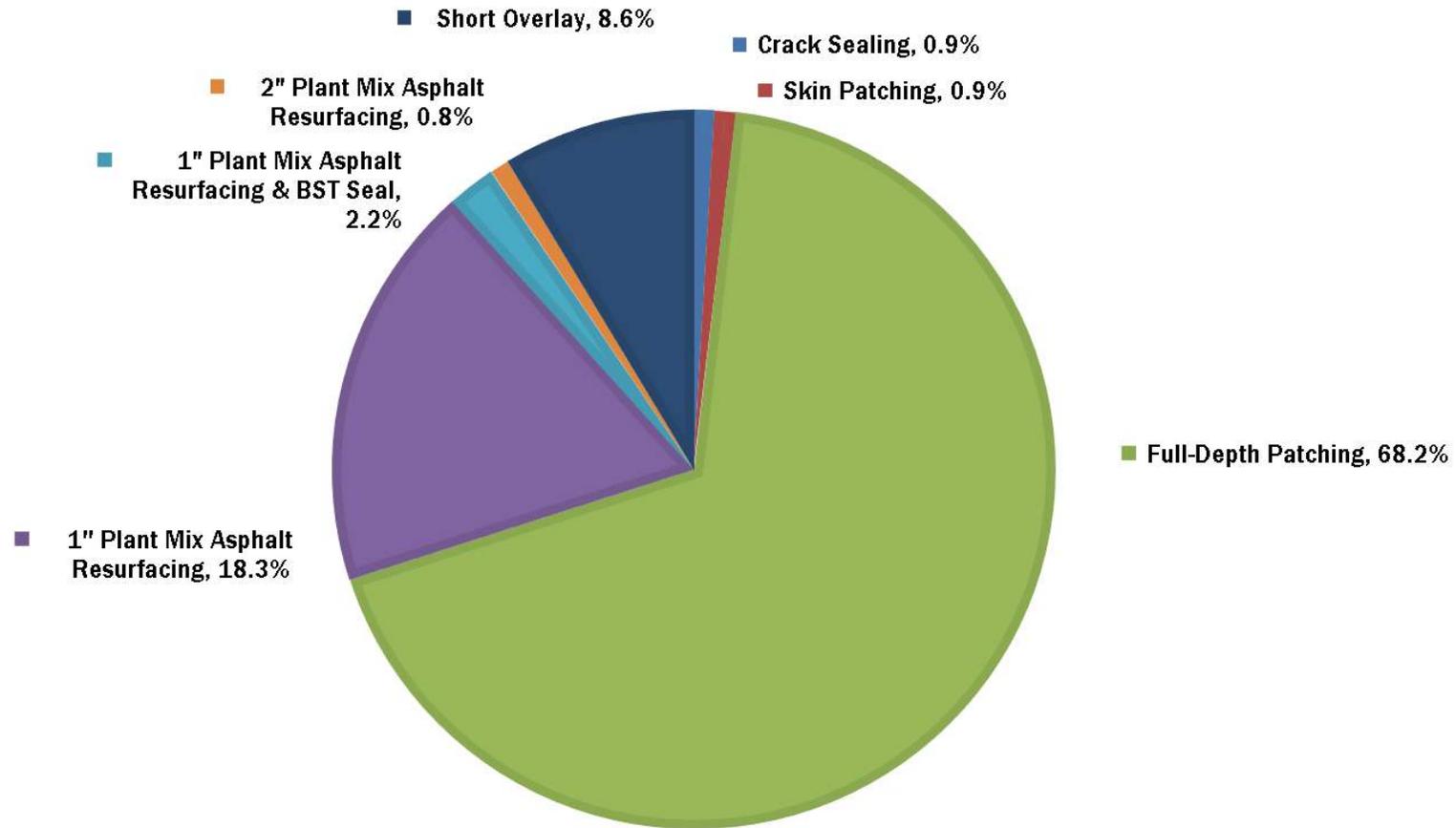
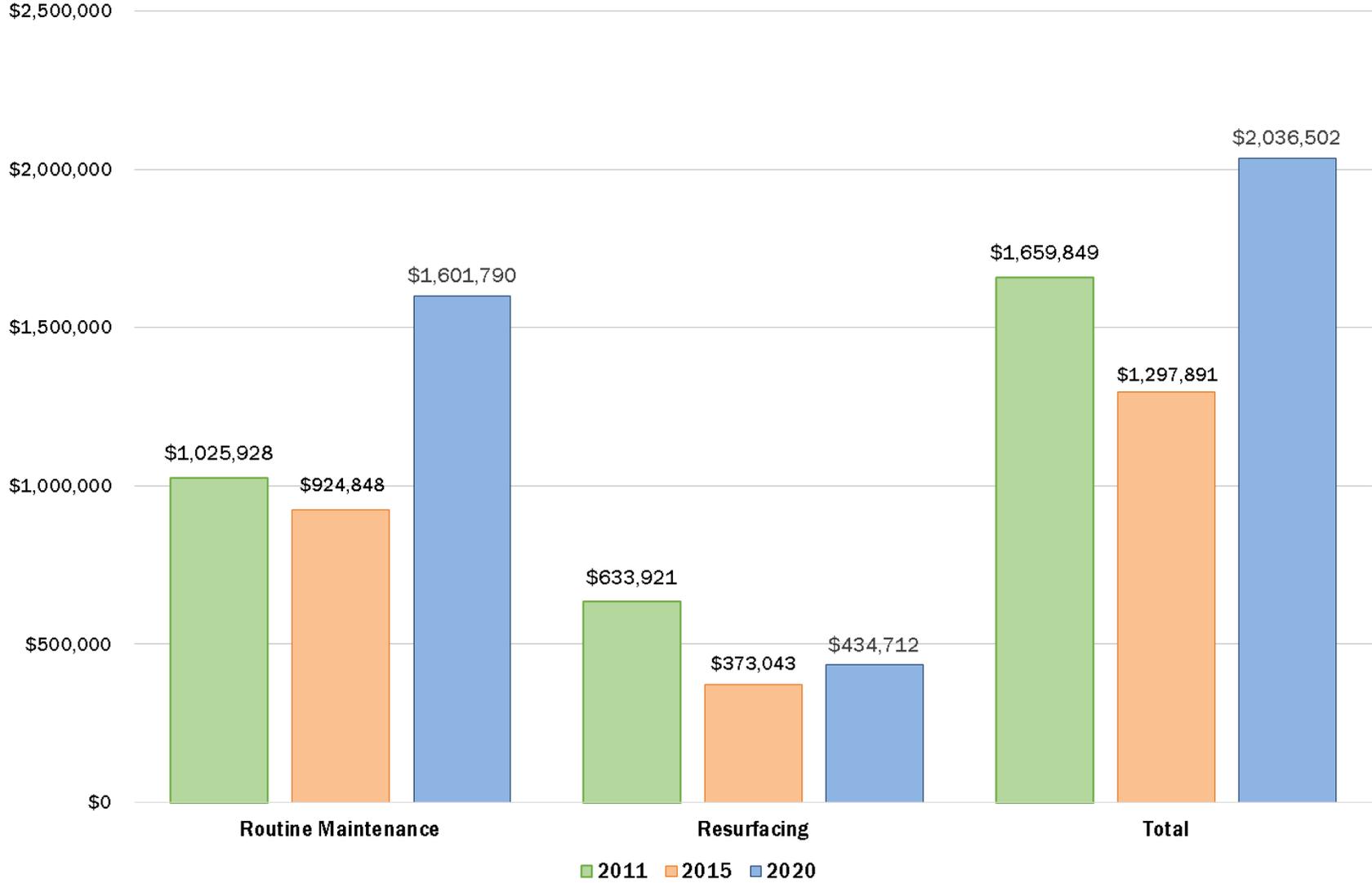


Figure 5 - Routine Maintenance vs. Resurfacing Cost



Recommendations

LaBella recommends that Waynesville dedicate its maintenance funding towards preventative maintenance practices and structural repair.

- This practice will reduce the maintenance cost per mile in future years

15-year paving cycle

- 5.77 miles per year
- \$930,000 per year (*at today's prices*)

Recommendations

Crack Sealing Required

1.96 Miles – Primary Maintenance Activity

Patching Required

Full-depth (4" depth)	31,098 SY	Cost: \$1,388,950 (Primary Activity)
Full-depth (4" depth)	7,302 SY	Cost: \$315,446 (Secondary Activity)

Pavement Considerations

- Asphalt Deteriorates
- Awareness is Key
- Pavement Preservation
- Protect One of the Town's Largest Assets
 - Return on Investment

Questions & Answers



LaBella
Powered by partnership.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 27, 2020**

SUBJECT: Resolution for CDBG

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: F10
Department: Public Services Department
Contact: Jeff Stines
Presenter: McGill and Associates

BRIEF SUMMARY:

Presentation of resolution for CDBG for adoption

MOTION FOR CONSIDERATION:

Adopt resolution for CDBG

ATTACHMENTS:

- CDBG Resolution by McGill and Associates

MANAGER'S COMMENTS AND RECOMMENDATIONS:

RESOLUTION BY GOVERNING BODY OF APPLICANT

- WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363, and
- WHEREAS, The Town of Waynesville has need for and intends to construct a wastewater collection system project described as Hazelwood Community sewer line improvements along Tarheel Dr., Hyatt St., Rock St., Amanda Rd., Robinson St., Terrell St., Avalon Ct., Cochran St., and Railroad St.
- WHEREAS, The Town of Waynesville intends to request state grant assistance for the project,

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

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

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

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

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

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

Adopted this the ____ day of October, 2020 at Town Hall, Town of Waynesville, North Carolina.

(Signature of Cary Caldwell, Mayor)

Mayor, Town of Waynesville

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Waynesville does hereby certify:
That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of
an application with the State of North Carolina, as regularly adopted at a legally convened meeting of
the Waynesville, Board of Aldermen duly held on the _____ day of October, 2020; and, further, that
such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of October, 2020.

(Signature of Eddie Ward, Town Clerk)

:Town Clerk, Town of Waynesville
