



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: September 22, 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

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A. CALL TO ORDER - Mayor Gary Caldwell

1. Welcome/Calendar/Announcements

2. Adoption of Minutes

Minutes from the September 8, 2020 regular meeting will be approved at the October 13, 2020 meeting.

B. PRESENTATION

3. Big Brothers Big Sisters of Haywood County "Bowling for Kids Sake"

- Dave Gildersleeve

4. NC 811 Safe Digging Partner Award

- Jeff Stines, Public Services Director

C. PROCLAMATION

5. National Fallen Firefighter Day of Remembrance – First Sunday in October

- Chris Mehaffey, Assistant Fire Chief

D. PUBLIC COMMENT

E. CALL FOR PUBLIC HEARING

6. Call for a Public Hearing to consider a request for Annexation for property known as 67 Rolling Green Drive, PIN 8616-46-4669.
- Elizabeth Teague, Development Services Director

Motion: To call for a public hearing on Tuesday, October 13, 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 request for Annexation for property known as 67 Rolling Green Drive, PIN 8616-46-4669

E. PUBLIC HEARING

7. Public Hearing for Traffic Calming Policy
- Rob Hites, Town Manager

Motion: Consider the input from the public and instruct the staff on any changes to the draft policy. Either bring back the corrected policy to the October 13th meeting or adopt the policy subject to the Board's input.

8. Public Hearing to consider a request for Annexation for property known as 289 Maple Grove Church Road, PIN 8616-48-1684
- Elizabeth Teague, Development Services Director

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

9. Public Hearing to consider a Community Development Block Grant (CDBG) application for utility infrastructure improvements in Hazelwood – NOTE: Development Service Director recommends this item be tabled until the October 13, 2020 meeting due to the delay of proper notifications that need to be sent.

F. NEW BUSINESS

10. Board consideration of Declaration of Covenants, Conditions, and Restrictions for the Clean Water Management Trust Fund stream restoration project in Chestnut Park
- Elizabeth Teague, Development Services Director

Motion: To approve Declaration of Covenants, Conditions, and Restrictions for the Clean Water Management Trust Fund street resurfacing project in Chestnut Park

11. Amendment to 2020-2021 Budget for the approval of a new truck purchase for the Water Treatment Plant to replace truck damaged by tree fall
 - Dean Trader, Interim Finance Director

Motion: To approve Amendment #5 to the 2020-2021 Budget Ordinance.

12. Sales Tax Revenue
 - Dean Trader, Interim Finance Director

G. COMMUNICATIONS FROM STAFF

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

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

I. CLOSED SESSION

Enter into Closed Session 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)

I. ADJOURN



TOWN OF WAYNESVILLE

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

CALENDAR September 2020

2020	
Tuesday September 22	Board of Aldermen Meeting – Regular Session
Tuesday September 29	DWA Annual Board meeting – Oak Park Inn 5:30 – 7:30 PM – Spouses welcome – RSVP by Monday Sept 21st
Tuesday October 13	Board of Aldermen Meeting – Regular Session
Saturday October 17	Apple Festival – Main Street
Tuesday October 27	Board of Aldermen Meeting – Regular Session
Thursday October 31	First UMC Trunk or Treat
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 – September 2020

ABC Board	ABC Office – 52 Dayco Drive	September 15th 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	September 1st 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	September 24th 4 th Thursdays 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	September 2nd 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	September 21st 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	September 10th 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	September 16th 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	September 8th 2 nd Tuesday 3:30 PM

BOARD/STAFF SCHEDULE

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
Meeting Date: September 22, 2020

SUBJECT: NC 811 Safe Digging Partner Award

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B4
Department: Public services
Contact: Jeff Stines, Director of Public Services
Presenter: Brian Moorehouse, NC 811 Training Liaison

BRIEF SUMMARY The Town of Waynesville has been recognized as a Safe Digging Partner by NC 811

MOTION FOR CONSIDERATION:

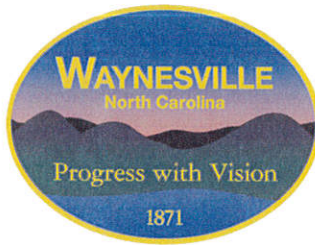
1. Motion to accept the Safe Digging Partner Award presented by NC 811, Brian Moorehouse

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Cover Sheet
2. Acceptance Letter
3. Nc 811 Flyer

MANAGER'S COMMENTS AND RECOMMENDATIONS:



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

Robert W. Hites, Jr. Town Manager
William E. Cannon, Jr., Town Attorney

September 22, 2020

Re: NC 811 Safe Digging Partners Award Acceptance

To whom it may concern,

The Town of Waynesville has been recognized by NC 811 for the Safe Digging Partners Award. This prestigious award has only been presented a small number of times since the introduction of NC 811 in 1978. This exemplifies the amazing work done by our staff at Public Services in accordance with NC 811 regulations and guidelines. Public Services Employees daily go above and beyond to ensure that underground utilities are protected. Each Department has a specific color that represents that utility. This is just a small part of the daily activities for each department, but by far one of the most important aspects of these utilities.

I wanted to have this award presented to Public Services at one of our scheduled BOA meetings and have some staff there to accept this award from NC 811. I feel it is important for the Mayor and Board to see what goes on daily to ensure the safety of not only our employees but also our infrastructure. We have the most amazing employees here at Public Services, that strive daily to do outstanding work for the citizens of Waynesville. This award does exemplify the daily duties of our Public Services Employees.

Sincerely,



Jeff Stines

BECOME A SAFE DIGGING PARTNER WITH NC 811

<https://www.nc811.org/safe-digging-partner.html>

BENEFITS OF PARTNERSHIP:

- Being a Safe Digging Partner costs you nothing. Partnership is completely FREE.
- We simply want you to help share the 811, Call Before You Dig message.
- NC811 provides Free Safe Digging Partner Stickers for your company vehicles and equipment so you can proudly share the 811 message with everyone.
- Companies are recognized for their commitment.
- Being a partner identifies you and your company as a leader in underground damage prevention.



STICKERS ARE AVAILABLE IN THE FOLLOWING SIZES



**Stickers are available in limited quantities. Let us know how many you need when filling out the Safe Digging Partner Sign Up Form and we will do our best and accommodate your needs.*

Re-Order Stickers

If you ever need to order more stickers in the future please email Virginia Kananui directly at virginia@nc811.org and she will be able to assist you. Be sure to title your email with the subject line "Safe Digging Partner Sticker Re-Order"

Town of Waynesville

Proclamation

NATIONAL FALLEN FIREFIGHTER DAY OF REMEMBRANCE

FIRST SUNDAY IN OCTOBER

WHEREAS, the United States Congress and the President of the United States have designated the day of the annual National Fallen Firefighters Memorial Service as a day to honor firefighters and emergency services personnel who have sacrificed their lives to save others by lowering the American flag on all federal buildings to half-staff; and

WHEREAS, an average of 80 firefighters courageously make the ultimate sacrifice in the line of duty each year; and

WHEREAS, Waynesville Fire Department has lost two members in the line of duty; and

WHEREAS, firefighters and emergency services personnel play an essential role in the protection of lives and property in our local community; and

WHEREAS, the National Fallen Firefighters Memorial Service marks the beginning of the annual Fire Prevention Week observance; and

NOW, THEREFORE, BE IT RESOLVED, that I, Gary Caldwell, by virtue of the authority vested in me as Mayor of the Town of Waynesville, do hereby proclaim the first Sunday in October as National Fallen Firefighters Day of Remembrance in the Town of Waynesville and urge our citizens to observe this day in remembrance and pay respect to the survivors of our fallen heroes.

Gary Caldwell, Mayor

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: September 22, 2020

SUBJECT: Call for a Public Hearing to consider a request for Annexation for property known as 67 Rolling Green Drive, PIN 8616-46-4669.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: E6
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 property owner Mathew Blackburn. This property is within the Town’s Extraterritorial Jurisdiction and lies within the Dellwood-Medium Density Residential District.

MOTION FOR CONSIDERATION:

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

FUNDING SOURCE/IMPACT: Future action to annex this property will allow the school to receive Town Municipal services, but will not impact property tax revenues.

ATTACHMENTS:

1. Petition with metes and bound description
2. Memo of verification of standards
3. Ordinance of Annexation

MANAGER’S COMMENTS AND RECOMMENDATIONS:

ORDINANCE NO. O-15-20

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 must find 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 must also find 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 be best served by annexing the area described.

WHEREAS, the Board of Aldermen must also hold a duly notified public hearing on this request;

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

1. To direct the Town Clerk to certify that the application meets the standards for annexation to the Town of Waynesville; and
2. To direct Town staff to notify adjacent property owners and schedule a public hearing for October 13, 2020 at 6:30 pm.

Adopted this 22th day of September, 2020.

TOWN OF WAYNESVILLE

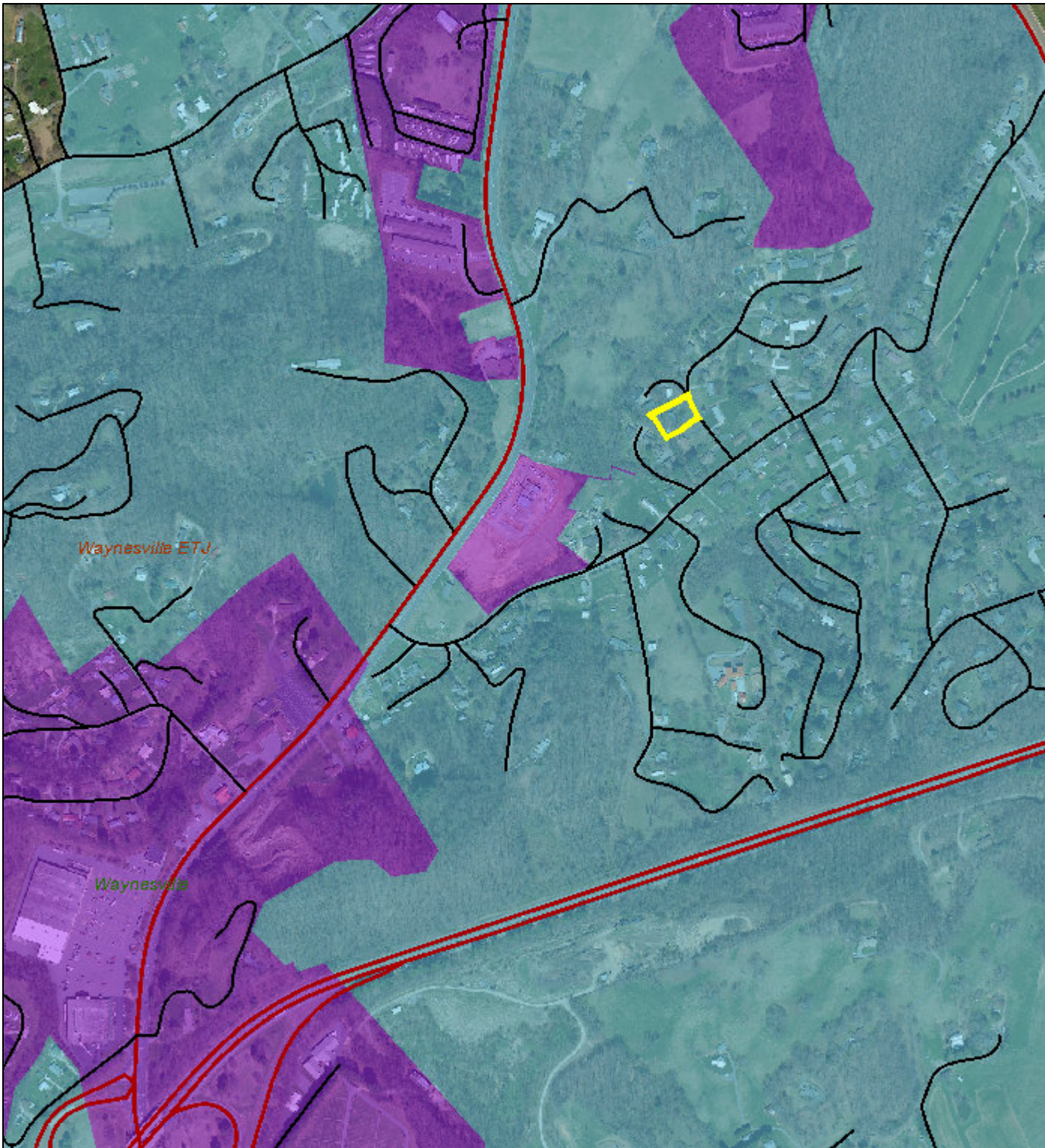
ATTEST:

J. Gary Caldwell, Mayor

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney



Report For

BLACKBURN, MATTHEW H
67 ROLLING GREEN DR
WAYNESVILLE, NC 28786

Account Information

PIN: 8616-46-4669

Legal Ref: 800/687

Add Ref: I/14

Site Information

GOLF VIEW ESTATES
DWELLING

67 ROLLING GREEN DR

Heated Area: 1615

Year Built: 1966

Total Acreage: 0.52

Township: Waynesville

Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 03/16/2011



1 inch = 667 feet
September 15, 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.

[illegible]

Sale Date: 03/16/2011



September 15, 2020

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Report For

BLACKBURN, MATTHEW H
67 ROLLING GREEN DR
WAYNESVILLE, NC 28786

Account Information

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Haywood County Tax Certification
There are no delinquent taxes due that are a lien
on parcel number(s) 8616-46-4669
B. Francis, Haywood County Tax Collector
3/17/11 By: A



2011002304
HAYWOOD CO, NC FEE \$22.00
PRESENTED & RECORDED:
03-17-2011 04:23:04 PM
SHERRI C. ROGERS
REGISTER OF DEEDS
BY: DEB SCHAEFER - DEPUTY
REGISTER OF DEEDS

BK: RB 800
PG: 687-688

Excise Tax \$ 0 Recording Time, Book and Page

Tax Lot No.: _____ Parcel Identifier No.: 8616464669
Verified by: _____ County on the _____ day of _____
By: _____

Mail after recording to MATTHEW H. BLACKBURN

This instrument was prepared by: Mark A. Pearson, Attorney at Law/Brock & Scott, PLLC

Brief description for the Index

Metes and Bounds for 67 Rolling Green Drive

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 18th day of February, 2011, by and between

Grantor	Grantee
Fannie Mae aka Federal National Mortgage Association	MATTHEW H. BLACKBURN
Mailing Address: 14221 Dallas Parkway, Suite 1000 Dallas, Texas 75254	Mailing Address: Property Address: 67 ROLLING GREEN DR Waynesville, NC 28786

Enter in appropriate block for each party; name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

Notice per NCGS §105-317-2: The above mentioned property is not a primary residence of the Grantor.

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 into the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Waynesville, _____ Township, Haywood County, North Carolina and more particularly described as follows:

BEGINNING on an iron stake in the common corner of Lots Nos. A-3, A-4, A-7 and A-8 in the subdivision hereinafter referred to, and runs thence North 35 degrees 30 minutes West, 135 feet to a stake; thence North 63 degrees 49 minutes East, 194.93 feet to a point in center of Rolling Green Drive; thence with the center thereof and curvature thereof, to left, 110 feet to common corner of Lots Nos. A-7 and A-8 in line of Lot No. B-5; thence South 56 degrees 07 minutes West, 184.06 feet to the BEGINNING, and BEING Lot No. A-8 of Golf View Estates, as per plat and survey of D. R. Noland,

Engineer, recorded in Plat Book "I" at Page 14, Haywood County Registry.

BEING that same property conveyed from Betty Carol Zinavage and Zula Vance Zinavage to Martin S. Burson and wife, Teresa H. Burson by Deed dated December 29th 2000 and recorded in Deed Book 483 at Page 2743, Haywood County Registry.

Prior Grantor(s): RALPH E ZIMMERMAN AND SUSAN K ZIMMERMAN, HUSBAND AND WIFE
Property Address: 67 ROLLING GREEN DR, Waynesville, NC 28786

The property hereinabove described was acquired by the Grantor by instrument recorded in Book RB 793, Page 1164, Haywood County Public Register of Deeds.

A map showing the above described property is recorded in Map Book I, Page 14.

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

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Easements, conditions, restrictions of record, and the 2011 Ad Valorem property taxes, a lien but not yet due and payable.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Fannie Mae aka Federal National Mortgage Association by Brock & Scott, PLLC, as Attorney-In-Fact.

By: [Signature]
Name: Mark A. Pearson
Title: Member/Manager

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I certify that the following person personally appeared before me this day, acknowledging to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Mark A. Pearson (name of signer) as Member Manager for Brock & Scott, PLLC as Attorney in Fact for Fannie Mae aka Federal National Mortgage Association by Brock & Scott, PLLC, Attorney in Fact.

Witness my hand and notarial seal, this 18th day of February, 2011.



[Signature: Tonya H. Burgess]
Notary Public
Name: Tonya H. Burgess
My Commission Expires: November 1, 2015

This notary acknowledgement made pursuant to new NCGS § 10B-40, §10B-41, § 47-37.1(b). Effective December 1, 2005.
(Affix Notarial Seal/Stamp)

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: September 22, 2020

SUBJECT Public Hearing Regarding a Traffic Calming Policy

AGENDA INFORMATION:

Agenda Location:	Public Hearing
Item Number:	E7
Department:	Administration
Contact: Rob Hites,	Rob Hites
Presenter:	Rob Hites

BRIEF SUMMARY: The Town Board received a presentation on a Traffic Calming Policy for the Town. At the conclusion of the presentation the Board requested that the policy be posted on the Town's website and a public hearing on the subject be held during the September 22nd meeting. The Policy outlines the procedures that citizens would follow to request traffic calming devices such as Stop Signs, Speed Studies, Traffic calming devices such as speed humps and cushions.

MOTION FOR CONSIDERATION: Consider the input from the public and instruct the staff on any changes to the draft policy. Either bring back the corrected policy to the October 13th meeting or adopt the policy subject to the Board's input.

FUNDING SOURCE/IMPACT: Traffic Calming Devices are Powell Bill eligible. The General Fund may also be used for funding traffic calming devices.

ATTACHMENTS: Traffic Calming Policy, Addendums A, B, C.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Listen to public input, instruct the staff as to any changes and adopt when you feel comfortable with the Policy.

POLICY AND PROCEDURES FOR TRAFFIC CALMING MEASURES

PURPOSE

To adopt official policy for the appropriate and consistent application of traffic calming measures on Town-maintained streets in Waynesville.

COVERAGE

This policy shall be applicable until such time that they are officially amended, modified, or rescinded by the Town Board of Aldermen.

POLICY

Traffic calming measures are applicable in residential neighborhoods where speeding vehicles and/or cut-through traffic are the primary concerns, and traditional police enforcement is found to be unfeasible and/or ineffective. Streets must typically be residential in nature for consideration under this policy. The policy is intended to promote traffic calming measures that are appropriately implemented, coordinated with the Town's key departments including Police, Fire, and Public Works, and are supported by the community. In addition to citizen requests, traffic calming projects can also be identified by Town staff, Town advisory boards, and/or the Board of Aldermen.

The Staff will identify improvements to the procedures to keep the implementation of the Board of Aldermen's policy up to date.

The following procedure will be used to identify, evaluate, and implement traffic calming projects in Waynesville.

1. A citizen requesting traffic calming improvements will fill out a Request for Traffic Calming Measures form available in the Town Public Works Department and on the Town web site.
2. Upon receipt of a properly completed Request form, the Town's Technical Review Committee will review the request to make sure that the requested streets for traffic calming measures does not reduce response time for emergency service providers. The Town Engineer will determine an applicable "service area" surrounding the requested traffic calming site(s) and will provide the requesting citizen with a Petition form to be signed by interested property owners within the designated service area. The size and extent of the service area will take into consideration the type of traffic calming project being proposed, the layout and type of properties in the vicinity, and the characteristics of the street network surrounding the proposed project site(s). Depending on the circumstances, the service area may include:
 - All properties abutting the proposed street segment to be modified.
 - All properties on adjacent street(s) with ingress/egress only possible via the modified street segment.
 - All properties on adjacent street(s) that have alternative points of ingress/egress but will be otherwise affected by the modified street segment.

The Technical Review Committee shall hear appeals regarding service area boundaries established by Town engineer and will provide recommendations regarding alterations of the boundaries for consideration by the Manager.

3. The Public Works Department will prepare a petition form including the following items:
 - i. A map showing the service area
 - ii. A listing of property owners in the service area
 - iii. A preliminary traffic calming plan showing probable devices and their locations

The requesting citizen will obtain signatures on the Petition form. A valid Petition for traffic calming measures must be signed by 70% of the property owners within the service area surrounding the requested traffic calming site(s).

3. The requesting citizen will return the Petition form, with **original** signatures, to the
4. Director of Public Works located at 1600 Legion Drive Waynesville, N.C. 28786.

Email signed petitions from the property owners are also allowed in lieu of original signatures. The email petition must indicate the full name(s) of property owners. Email signed petitions must be returned to the email address jstines@wayensvillenc.gov The Town staff will confirm that the Petition signatures concur with land ownership records. Once a Petition is determined to be valid, the Public Works Department will notify the requesting citizen of the petition status.

5. Upon receipt of a valid Petition (as described in Step #3 above), the Public Works Department will gather project site data including traffic volumes, speeds, and accident history. A proposed project plan will be developed using the following procedure:
 - Assess problems and needs
 - Identify goals and objectives
 - Identify evaluation criteria
 - Evaluate alternatives
 - Select a proposed plan

The development of a traffic calming plan will include review and evaluation by the Town Technical Review Committee, based on Best Management Practices of the Traffic Engineering profession. (APPENDIX A), and evaluation of the types and design criteria of traffic calming measures applicable to site (APPENDIX B).

The Public Works Department will prepare a cost estimate for the proposed traffic calming project and associated improvements.

6. Traffic calming projects will be prioritized in accordance with the ranking system outlined in APPENDIX C, and will be presented to the Board of Aldermen consideration. The Board will review the proposed projects, including the associated traffic data compiled for each project. Based on its review, the Board will determine the device that is best for the design and traffic volume of the street.
7. The Finance and Public Works Director shall include a cost estimate of each device approved by the Board and shall include those costs as part of the Town's annual street improvement program. Should the Town have unspent funds in the street paving account and have paving work scheduled apart from the annual paving process they may request that the Board approve funding for calming devices that have been approved on a first come first serve basis.
8. Once project funding is approved by the Board of Aldermen, the Public Works Department will prepare construction plans and specifications and an updated cost estimate.
9. When the final design of the traffic calming devices are complete, the Public Works Department will schedule a neighborhood meeting to discuss the plans, estimated costs, and construction procedures/schedule. Each property owner in the service area of the project will be notified when and where the meeting is scheduled.
10. The project will be constructed by Town forces or by private contractor.
11. Town staff will monitor the performance of completed traffic management projects and will report to the Board of Aldermen regarding the operation and effectiveness of the traffic calming measures within 12-18 months following installation. This follow-up report could result in Board of Aldermen action to revise or remove a previously approved traffic management measure.
12. Citizen requests for removal of traffic calming devices will be required to go through the same petition process described previously for installation requests.

APPENDIX A

POLICY FOR PLACEMENT OF STOP SIGNS AND ASSIGNMENT OF SPEED LIMITS

OBJECTIVE: It is the policy of the Town of Waynesville to install stop signs and assign speed limits that will promote the safe, efficient, and orderly movement of vehicles throughout the Town while preserving existing residential neighborhoods and providing safe and accessible means for pedestrian movement adjacent to and across Town streets.

GUIDELINES: The following guidelines shall be considered when evaluating placement of stop signs and assignment of speed limits on Town streets. In general, the Town of Waynesville places signs of all types in accordance with the recommendations of the Manual on Uniform Traffic Control Devices for Streets and Highways (M.U.T.C.D.), published by the U.S. Department of Transportation. This policy includes the general M.U.T.C.D. recommendations and supplements them with more specific guidelines directed to situations expected to arise in Waynesville.

STOP SIGNS

Stop sign(s) may be warranted at an intersection where one or more of the following conditions exist:

1. Intersection of less important road with a main road where application of the normal right-of-way rule is unduly hazardous.
2. Intersection of a minor street entering a through highway or street.
3. Unsignalized intersection in a signalized area.
4. Intersection where a combination of high speed, restricted sight distance, and serious accident record indicates a need for control by stop sign(s).
5. Intersection which intercepts identified pedestrian route(s) carrying significant Pedestrian volume.
6. Intersection on a street without curbs or sidewalks when such streets are carrying traffic volume significantly above that for which the street was designed.
7. Intersection with existing irregular stop sign placement, where additional sign(s) would improve safety.

8. Unsigned intersection within an existing series of intersections with stop signs.
9. Where the interest of public safety dictates.
10. Intersection of two collector streets that provide primary service to an area and carry nearly equal traffic volumes, which makes clear assignment of right-of-way difficult.
11. Intersection adjacent to facilities such as parks, pools, schools, or other facilities which significantly increase and concentrate pedestrian and vehicular traffic in a localized area.
12. Intersection within a specific street network that carries through traffic on a route which is less desirable than on an alternative route or designated thoroughfare.

Stop sign installation will normally not be recommended in the following situations:

13. At mid-block locations.
 13. Solely for the purpose of controlling vehicular speeds.
 14. At locations where a stop would create a high likelihood of rear-end collisions.
 15. On major arterials or thoroughfares.
 16. At locations where yield signs will provide adequate control without requiring full stops.
 17. At railroad crossings.

Stop sign installations will be evaluated by Town engineering staff and judged in accordance with these guidelines to avoid potentially detrimental use of this highly restrictive traffic control measure. Evaluations will consider alternatives to stop sign installations which may include construction of sidewalks, improvement of sight distance, construction or improvement of alternative traffic routes, or other site-specific improvements in lieu of stop sign placement.

SPEED LIMITS

In general, speed limits will be assigned based on street classification as follows:

Local.....	25 mph
Collector.....	25-35 mph
Arterial (Major and Minor).....	45 mph

Changes in existing speed limits and/or posting of speed limits other than those generally recommended by street classification will be considered in situations where:

1. Changes in use of property adjacent to a street creates changed speed limit conditions.

2. Changes in vehicular or pedestrian traffic patterns on a given street creates changed speed limit conditions.
3. The proximity or locations of parks, pools, schools, driveways or other facilities increases and concentrates vehicular and pedestrian traffic on a given street or streets.
4. Street design will not accommodate the speed limit normally recommended, or the posted speed limit.
5. Changes will create a more uniform, continuous speed limit throughout a defined travel corridor.

Speed limits below 25 mph will not be considered on public streets except for special zones such as schools or hospitals.

Speed limits will be evaluated by Town engineering staff to create conditions where the Town street system can be utilized efficiently and safely at speeds that can be adequately enforced. Evaluations will include review of alternatives to speed limit changes which may include street improvements, construction of alternative routes, control of access, or other specific improvements in lieu of speed limit changes.

APPENDIX B

TYPES OF TRAFFIC CALMING MEASURES AND DESIGN CRITERIA

Traffic Calming Device	Street Classification (Intersection)	Average Daily Traffic Volume (ADT) Minimum & Maximum	Street Width (Edge to Edge)	Street Grade or Intersecting Street Grades Note 4	Line of Sight (Minimum)	Adjacent On-Street Parking	Posted Speed Limit	Minimum 85 th Percentile Speed
Speed Tables	Local or Local Collector	500 - 3000 vpd	25 ft.	4%	360 ft.	Removed	25 mph	35 mph
Pavement Treatments	Local or Local Collector	500- 3000 vpd	20 ft.	4%	360 ft.	Removed	25 - 35 mph	35 to 45 mph
Semi-Diverter	Local	500- 1500 vpd	25 ft.	1%	360 ft.	Removed	25 mph	35 mph
Cul-de-sac	Local	500- 1500 vpd	(Note 1)	(Note 2)	360 ft.	Removed	25 mph	35 mph
Mid-block Closure	Local	500-1500 vpd	25 ft.	(Note 2)	360 ft.	Removed	25 mph	35 mph
Forced Turn Channelization	Major Street - Local or Local Collector Minor Street - Local	500-1000 vpd	25 ft.	(Note 1)	360 ft.	Removed	25 - 35 mph	35 to 45 mph
Traffic Circle	Major Street - Local or Local Collector Minor Street - Local	500-3000 vpd	(Note 1)	1%	360 ft.	Removed	25 - 35 mph	35 to 45 mph
Chicanes	Local Collector	500-3000 vpd	(Note 1)	4%	360 ft.	Removed	25 - 35 mph	35 to 45 mph
Chokers	Local or Local Collector	500-3000 vpd	(Note 1)	4%	360 ft.	Removed	25 - 35 mph	35 to 45 mph

Note 1: Existing Street conditions must be able to accommodate Emergency vehicle requirements.

Note 2: Existing Street conditions must be able to maintain drainage requirements.

Note 3: The criteria in this table were developed by the Waynesville Engineering Department. They are based on accepted traffic and similar traffic calming applications in other parts of the country.

Note 4: Street grades exceeding the numbers above will be evaluated on a case by case basis by The Public Works Dept.

APPENDIX C

RANKING SYSTEM FOR TRAFFIC CALMING PROJECTS

Item	Points
1. Traffic Volume	Average daily traffic volume on the proposed project street divided by 100. [20 points maximum]
2. Traffic Speed	Percentage of vehicles traveling at or more than 10 mph over the posted speed limit on the proposed project street divided by 2. [40 points maximum]
3. Traffic Accidents	Two points per accident that likely could have been resolved by the recommended traffic calming device, based on accident records for the past three consecutive years. [20 points maximum]
4. Schools	Five points for each private or public elementary, middle, or high school within the area benefited by the proposed traffic calming measure.
5. Other	<p>a) Five points if a street proposed for a traffic management project has a sidewalk on only one side.</p> <p>b) Twenty points if a street proposed for a traffic management project does not have a sidewalk on either side.</p> <p>c) Ten points if a street proposed for a traffic management project has travel lane widths wider than 10 feet.</p> <p>d). Three points for each pedestrian generator or attractor (such as a park, swimming pool, green-way, etc.) within the area benefited by the proposed calming measure.</p> <p>e) One point for each bus stop within the area benefited by the proposed calming measure.</p> <p>f) Five points for each designated school crossing within the area benefited by the proposed calming measure.</p> <p>g) Ten points for each six month period that a project remains on the prioritized list without being selected for funding.</p>

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: September 22, 2020

SUBJECT: Public Hearing to consider a request for Annexation for a portion of property known as 289 Maple Grove Church Road, PIN 8616-48-1684.

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,” executed by from the Noland family who are the current owners. This property is the future site of Shining Rock Academy which received a Special Use Permit from the Planning Board on June 29, 2020, and only that portion of the property as described in the attached metes and bounds and recorded plat are to be annexed. It is within the Town’s Extraterritorial Jurisdiction and lies within the Dellwood-Medium Density Residential District and the Dellwood Medium Density Mixed-Use Overlay. This property is contiguous on two sides to two other properties which are also satellite annexation areas (across Jules Nolan Drive and across Russ Avenue). Town Development Services Staff and the Town clerk have verified that the property meets the standards for annexation.

MOTION FOR CONSIDERATION:

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

FUNDING SOURCE/IMPACT: Future action to annex this property will allow the school to receive Town Municipal services, but will not impact property tax revenues.

ATTACHMENTS:

1. Petition with metes and bound description
2. Map of ETJ (blue) and Annexed (pink) Municipal Boundaries
3. Map of Zoning
4. Resolution of Annexation

MANAGER’S COMMENTS AND RECOMMENDATIONS:



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

MEMORANDUM

To: Eddie Ward, Town Clerk
Board of Aldermen

From: Elizabeth Teague, Development Services Director
Jesse Fowler, Planner

Re: Information on annexation criteria for SRA request

Date: September 22, 2020

The Petition for Annexation of non-contiguous "satellite" property into the Town of Waynesville meets the standards required by the Town of Waynesville in accordance with NCGS statutes.

- a. The proposed area is less than three miles from the primary limits of Waynesville.
- b./c. No point of the proposed area is closer to the primary limits of another municipality than it is to Waynesville.
- d. Town water and sewer service is available to the property.
- e. The area proposed for annexation is not part of a subdivision.
- f. The area within the proposed satellite annexation plus the area within all other satellite*

*Currently, there exists approximately 5466.49 acres of contiguous land within the "primary corporate limits" of the Town of Waynesville and approximately 189.41 acres of non-contiguous land outside of the "primary corporate limits" of the Town of Waynesville. The proposed annexation of a portion of the property located at the corner of Russ Avenue and Jules Noland Road identified by PIN# 8616-48-1684 would add approximately 13.516 acres of non-contiguous land outside of the "primary corporate limits" of the Town of Waynesville. If this property were to be annexed, the total amount of non-contiguous land outside the "primary corporate limits" of the Town of Waynesville would equal approximately 202.92 acres. Therefore, if approved, the total amount of non-contiguous land outside the "primary corporate limits" of the Town of Waynesville would equal approximately 3.71% of the Town's "primary corporate limits" - well below the statutory 10% maximum threshold of satellite annexations relative to the total land area of the primary corporate limits.

PETITION FOR ANNEXATION OF
NON-CONTIGUOUS "SATELLITE" AREAS

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

August 25, 2020

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:
 - 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 Robert H. Noland

SIGNATURE 

ADDRESS 289 Maple Grove Church Road Waynesville NC 28786

NAME J. Lynn Noland

SIGNATURE 

ADDRESS PO Box 130 Lake Junaluska NC 28745

NAME James D. Noland

SIGNATURE

James D. Noland

ADDRESS 180 Jule Noland Dr Waynesville NC 28786

NAME Merita Noland

SIGNATURE

Merita Noland

ADDRESS 180 Jule Noland Dr Waynesville NC 28786

Report For

NOLAND, ROBERT H
NOLAND, J LYNN
289 MAPLE GROVE CHURCH RD
WAYNESVILLE, NC 28786

Account Information

PIN: 8616-48-1684
Legal Ref: 404/1394
378/518
Add Ref: 690/1861
675/872

Site Information

OLD FARM

JULE NOLAND DR

Heated Area:
Year Built:
Total Acreage: 15.9295
Township: Waynesville

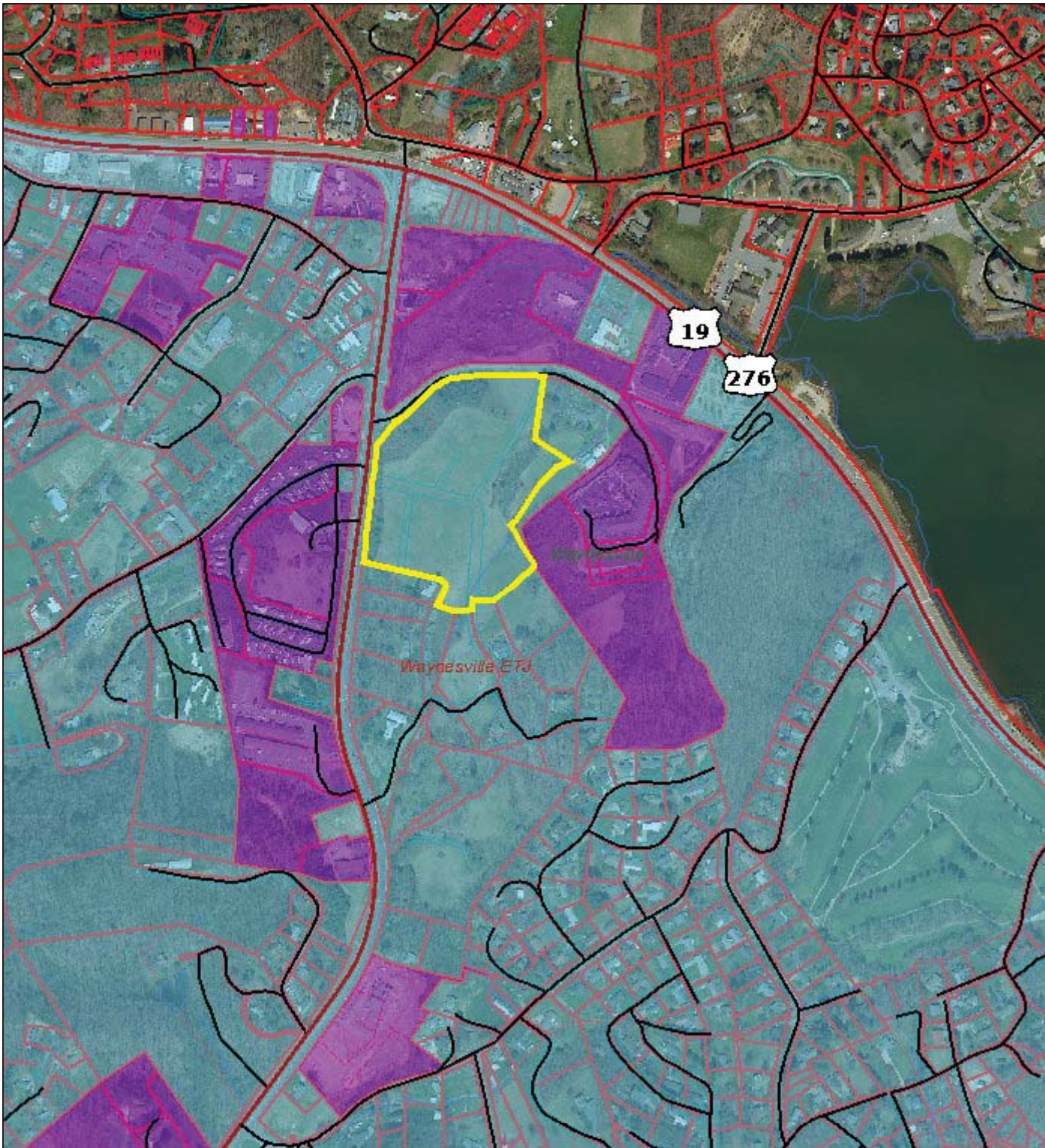
Site Value Information

Land Value: \$119,500
Building Value: \$0
Market Value: \$119,500
Deferred Value: \$0
Assessed Value: \$119,500
Sale Price: \$0
Sale Date: 12/27/1989



1 inch = 200 feet
August 25, 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

NOLAND, ROBERT H
NOLAND, J LYNN
289 MAPLE GROVE CHURCH RD
WAYNESVILLE, NC 28786

Account Information

PIN: 8616-48-1684

Legal Ref: 404/1394
378/518

Add Ref: 690/1861
675/872

Site Information

OLD FARM

JULE NOLAND DR

Heated Area:

Year Built:

Total Acreage: 15.93

Township: Waynesville

Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 12/28/1989



1 inch = 667 feet
September 1, 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

NOLAND, ROBERT H
NOLAND, J LYNN
289 MAPLE GROVE CHURCH RD
WAYNESVILLE, NC 28786

Account Information

PIN: 8616-48-1684

Legal Ref: 404/1394
378/518

Add Ref: 690/1861
675/872

Site Information

OLD FARM

JULE NOLAND DR

Heated Area:

Year Built:

Total Acreage: 15.93

Township: Waynesville

Site Value Information

Land Value:

Building Value:

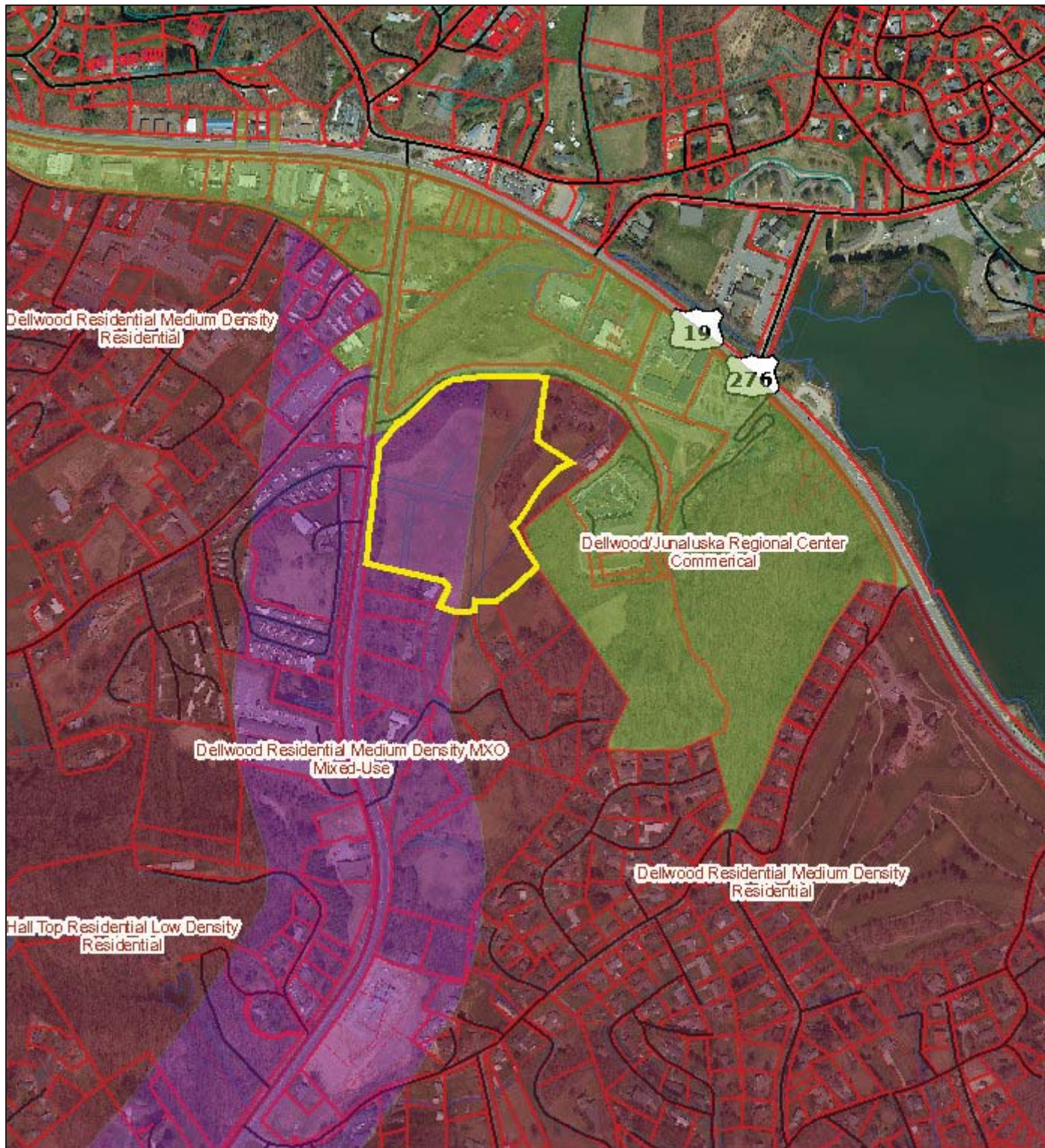
Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 12/28/1989



1 inch = 667 feet
September 1, 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.

ORDINANCE NO. O-16-20

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 22nd day of September, 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: “Old Farm Subdivision”, 13,516 acres, of PIN # 8616-48-1684,

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 22nd day of October, 2020. Metes and bounds description is in Exhibit A attached hereto and incorporated by reference.

Section 1. Upon and after the 22nd 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 22nd day of September, 2020

TOWN OF WAYNESVILLE

ATTEST:

J. Gary Caldwell, Mayor

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William E. Cannon, Jr., Town Attorney

EXHIBIT A

LEGAL DESCRIPTION

BEGINNING AT A IRON PIN SET IN THE EASTERN RIGHT OF WAY OF RUSS AVE.(U.S.HWY276) AND THE SOUTHERN RIGHT OF WAY OF JULE NOLAND DRIVE, SAID PIN BEING LOCATED S16°41'57"E 102.64' FROM THE CENTERLINE INTERSECTION OF RUSS AVE. AND JULE NOLAND DR.; THENCE LEAVING THE RIGHT OF WAY OF RUSS AVE. AND FOLLOWING THE SOUTHERN RIGHT OF WAY OF JULE NOLAND DR. FOR THE FOLLOWING CALLS: N35°52'47"E 62.64' TO A POINT; THENCE N38°10'31"E 45.71' TO A POINT; THENCE N46°17'49"E 115.79' TO A POINT; THENCE N45°13'57"W 22.00' TO A POINT; THENCE LEAVING SAID RIGHT OF WAY AND FOLLOWING THE LINE OF DEVELOPMENT RESOURCES LLC N50°08'51"E 173.48' TO A POINT; THENCE N67°53'22"E 50.06' TO A POINT; THENCE N75°58'48"E 50.01' TO A POINT; THENCE N89°15'17"E 394.17' TO A CONCRETE NAIL SET; THENCE LEAVING THE LINE OF DEVELOPMENT RESOURCES LLC AND FOLLOWING THE WESTERLY LINE OF JAMES NOLAND S07°32'10"W 301.74' TO AN IRON PIN SET; THENCE LEAVING THE LINE OF JAMES NOLAND AND FOLLOWING THROUGH THE REMAINING LANDS OF ROBERT NOLAND FOR THE FOLLOWING CALLS: S28°06'58"W 478.98' TO AN IRON PIN SET; THENCE S36°55'36"E 251.72' TO AN IRON PIN SET; THENCE S47°58'43"W 137.05' TO AN IRON PIN SET; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00', A CHORD BEARING OF S71°00'08"W, AND A CHORD LENGTH OF 35.19' TO AN IRON PIN SET; THENCE N85°58'39"W 73.93' TO AN IRON PIN SET; THENCE N75°51'23"W 127.42' TO AN IRON PIN FOUND; THENCE LEAVING THE LINE OF ROBERT NOLAND AND FOLLOWING THE LINE OF MARION NOLAND N34°54'47"W 28.20' TO AN IRON PIN FOUND; THENCE N76°49'13"W 369.40' TO AN IRON PIN SET; THENCE LEAVING THE LINE OF MARION NOLAND AND FOLLOWING THE EASTERN RIGHT OF WAY RUSS AVE. N06°54'33"E 556.94' TO THE POINT OF BEGINNING. CONTAINING 13.516 ACRES AS SURVEY BY CEC INC., BRAIN L. SOUVA RLS# 3157, AND SHOWN ON A SURVEY DATED JULY 20, 2020.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: September 22, 2020

SUBJECT: Board consideration of Declaration of Covenants, Conditions, and Restrictions for the Clean Water Management Trust Fund stream restoration project in Chestnut Park

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: F10
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY:

In 2016-2018, the Town worked cooperatively with Haywood Waterways Association to design and implement stream restoration along an 1800 linear foot reach of Shingle Cove Branch, a tributary of Richland Creek within the Town property of Chestnut Park. Haywood Waterways utilized funding from the Clean Water Management Trust Fund and the Pigeon River Fund to engineer in-stream structures and stream bank improvements in order to mitigate erosion and create a healthier stream. The attached Declaration of Covenants will restrict future use of the stream restoration area to only those activities that support the conservation of the stream, specifically passive recreational uses, educational uses and restoration activities.

MOTION FOR CONSIDERATION:

1. Motion to approve attached Declaration.

FUNDING SOURCE/IMPACT: None

ATTACHMENTS:

1. Declaration of Covenants, Conditions and Restrictions with map

MANAGER'S COMMENTS AND RECOMMENDATIONS:

**DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS FOR RESTORATION PURPOSES
("RESTORATION DECLARATION")
*Chestnut Park***

Prepared by: D. Lynn Cox, Attorney at Law, P.O. Box 1197, Asheville, NC 28802 No title search performed
After Recording Return to: Haywood Soil and Water, 589 Raccoon Road Suite 203, Waynesville, NC 28786

NORTH CAROLINA
CWMTF Project No.: 2016-423

HAYWOOD COUNTY
PIN: 8615-09-2533

THIS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR RESTORATION PURPOSES ("Restoration Declaration") is made this [REDACTED] day of June, 2020, by the Town of Waynesville, a municipal corporation (the "Declarant").

RECITALS AND CONSERVATION PURPOSES

A. The Declarant is a unit of local government and accepts responsibility for enforcing the terms of this Restoration Declaration and for upholding its conservation purposes forever.

B. The Declarant is the sole owner in fee simple of certain real property containing 4.1047 acres more or less, located in Waynesville Township, Haywood County, North Carolina, and more particularly described in Exhibit A attached hereto and incorporated herein by reference (hereinafter the "Property").

C. The State of North Carolina ("State") enacted the Uniform North Carolina Conservation and Historic Preservation Agreements Act (the "Conservation Agreements Act"), Chapter 121, Article 4 of the North Carolina General Statutes ("NCGS"), which provides for enforceability of restrictions, easements, covenants, or conditions "appropriate for retaining in land or water areas predominantly in their natural, scenic, or open condition".

D. This Restoration Declaration is intended to be a “conservation agreement” and/or a “preservation agreement” as defined and contemplated in the Conservation Agreements Act.

E. The North Carolina Clean Water Management Trust Fund (the “Fund”), an independent agency of the State with its address at 1651 Mail Service Center, Raleigh, North Carolina 27699-1651, is authorized by NCGS Chapter 113A, Article 18, to provide funding for projects and to acquire land and interests in land for riparian buffers for the purposes of protecting surface waters and urban drinking water supplies.

F. The Declarant is party to an agreement with the Fund through which it has received a grant from the Fund, identified as Grant Contract No. 2016-423 (the “Grant Contract”), entered into between the Declarant and the Fund effective June 29, 2017 for improving water quality by restoring (1) an unnamed tributary to Chestnut Branch and (2) Shingles Cove Branch on or bordering the Property and restoring and/or protecting riparian buffers on the Property (the “Restoration Project”).

G. The Declarant and the Fund have determined that water quality will benefit by implementation of the Restoration Project and subsequent protection and maintenance of riparian resources and other natural values on the Property (the “Conservation Values”).

H. In order to protect and maintain the Conservation Values, the Declarant wishes to restrict and limit in perpetuity activities on and uses of the Property that could conflict with the Conservation Values, such restrictions and limitations applying only to that portion of the Property shown on Exhibit B entitled “Protection Area.” attached hereto and hereby made a part of this document, to the terms, conditions and purposes hereinafter set forth along with the right of ingress, egress, and regress over, upon, and across the Property to and from the protection Area.

NOW, THEREFORE, the Declarant hereby unconditionally and irrevocably declares that the Protection Area will be held and subject to the following restrictions, covenants and conditions as set out herein, to run with the subject real property and be binding on all parties that have or may have any right, title, or interest in said property.

ARTICLE I. DURATION OF RESTORATION DECLARATION

The covenants, conditions, and restrictions, and access rights contained in this Restoration Declaration are permanent and perpetual, run with the land, and are be binding on the Declarant and its successors and assigns as owner of the Property and on all those claiming by, through, or under each such owner, in perpetuity.

ARTICLE II. ACTIVITIES AND USES EXPRESSLY RESTRICTED OR PROHIBITED AND EXCEPTIONS THERETO

A. Prohibited Activities and Uses. The Protection Area will be maintained in a manner and will not be developed or used in any manner that would impair or interfere with the purposes of this Restoration Declaration. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited, except as expressly identified herein as exceptions:

(1) Industrial, Residential and Commercial Uses. Industrial, residential and commercial activities and the rights of passage for such purposes.

(2) Agricultural, Grazing and Horticultural Use. Agriculture, grazing, horticultural and animal husbandry operations.

(3) New Construction. Buildings, facilities, mobile homes, antennas, utility poles, towers, and other structures.

(4) Dumping or Storing. Dumping or storage of soil, trash, ashes, garbage, waste, abandoned vehicles, appliances or machinery, or other material.

(5) Mitigation. Neither the Protection Area nor any portion thereof may be used to satisfy compensatory mitigation requirements under 33 USC Section 1344 or NCGS §143-214.11 or any successor or replacement provision of the foregoing.

(6) Open Space Requirements. The Protection Area may not be used to satisfy open space requirements of any cluster or other development scheme.

(7) Development Rights. All development rights are extinguished from the Protection Area and may not be transferred to any other lands pursuant to a transfer of development rights scheme or cluster development arrangement or otherwise.

B. Activities and Uses Restricted in the Easement Area. Without limiting the generality of the foregoing, the following activities and uses are expressly restricted, except as expressly identified herein as exceptions:

(1) Cutting of Vegetation. Except as related to removal of non-native plants, diseased or damaged trees, and vegetation that obstructs, destabilizes or renders unsafe the Protection Area to persons or natural habitat or as necessitated by the activities described in Article III, above, all cutting, removal, mowing, harming, or destruction of any trees and vegetation on the Protection Area is prohibited, other than customary mowing and maintenance required to maintain the public park.

(2) Stream Crossings and Roads. New stream crossings for livestock and access to adjacent property are prohibited, with the understanding that any crossing may not impede flow of water or aquatic life. Existing roads, trails, or paths may be maintained with loose gravel or permanent vegetation to stabilize or cover the surfaces.

(3) Signs. Signs are prohibited, except interpretive signs describing activities and the purpose and function of the Protection Area, signs identifying the owner of the Property, signs giving directions, and signs prescribing rules and regulations for the use of the Protection Area.

(4) Grading, Mineral Use, Excavation, Dredging. Grading, filling, excavation, dredging, mining, drilling, and removal of topsoil, sand, gravel, rock, peat, minerals, and other materials are prohibited, except as necessitated by activities described in Article III.

(5) Water Quality and Drainage Patterns. Except as necessitated by activities described in Article III, diking, draining, dredging, channeling, filling, leveling, pumping, impounding or diverting, causing, allowing or permitting the diversion of surface or underground water; altering or tampering with water control structures or devices; disruption or alteration of the restored, enhanced, or created drainage patterns; and removal of wetlands, polluting or discharging into waters, springs, seeps, or wetlands, or use of pesticide or biocides are prohibited.

(6) Subdivision and Conveyance. The Protection Area may not be subdivided, partitioned nor conveyed, except in its current configuration as an entity or block of property.

ARTICLE III. ACTIVITIES AND USES EXPRESSLY ALLOWED

Any activity on or use of the Protection Area not consistent with the purposes of this Restoration Declaration or that could interfere with maintenance of the Protection Area in its natural or restored condition is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly allowed on the Protection Area:

A. Passive Recreational Uses. The Declarant may engage in undeveloped recreational uses, including hiking, bird watching, hunting and fishing, and access to the Protection Area for the purposes thereof. Motorized vehicles may be used on trails, paths, and roads existing on the date hereof and only for managing, maintaining, and stewarding the Protection Area.

B. Educational Uses. The Declarant may engage in and permit others to engage in educational uses on the Protection Area consistent with this Restoration Declaration and the right of access to the Protection Area for such purposes, including organized educational activities such as site visits and observations. Educational uses of the Protection Area may not alter vegetation, hydrology, or topography.

C. Restoration. The Declarant and its representatives may engage in the Restoration Project. All activity associated with the Restoration Project will be conducted according to the requirements hereof and those incorporated herein from the Grant Contract and pursuant to all applicable laws, rules, regulations, and permits.

ARTICLE IV. RIGHT OF ENFORCEMENT IN STATE

In the event that the Declarant fails to comply with the terms of this Restoration Declaration, pursuant to the terms of the Grant Contract between the Declarant and the State acting by and through the Fund, the State has the independent right to enforce the terms of this Restoration Declaration through any and all authorities available under State law. Any forbearance by the State to exercise this right of enforcement may not be deemed or construed to be a waiver by the State of such right in general or with respect to a specific violation of any of the terms of this Restoration Declaration. The State and its agents and employees have such right of entry and access to the Protection Area as may be necessary to carry out the rights of enforcement set forth herein.

ARTICLE V. DECLARANT'S WARRANTY OF TITLE

The Declarant covenants, represents, and warrants that (i) the Declarant is the sole owner and is seized of the Protection Area in fee simple and has good right to grant and convey the aforesaid Restoration

Declaration; (ii) there is legal access to the Property and the Protection Area; (iii) the Protection Area is free and clear of any and all encumbrances, except those exceptions of record, none of which would nullify, impair or limit in any way the terms or effect of this Restoration Declaration; and (iv) the Declarant will defend its title against the claims of all persons whomsoever.

ARTICLE VI. MISCELLANEOUS

A. Stewardship of the Protection Area. Pursuant to the terms of the Grant Contract, the Declarant hereby covenants and agrees that it will monitor and observe the Protection Area in perpetuity to assure compliance with the purposes and provisions of this Restoration Declaration and the provisions of the Grant Contract.

B. Subsequent Transfer of Fee. The Declarant may not convey the Property or any interest therein and may not incur, assume, or suffer to exist any lien upon or with respect to the Property without disclosing to the prospective buyer the Restoration Declaration, the obligations of an owner of the Property, and limitations on use of the Property hereunder. The Declarant further agrees to make any subsequent lease, deed, or other legal instrument by which any interest in the Property is conveyed subject to the Restoration Declaration herein created.

C. Transfer of the Restoration Declaration. The Declarant has the right to transfer this Restoration Declaration to a “qualified conservation organization” under Section 170(h) of the Code, only if the agency or organization expressly agrees to assume the responsibility imposed on the Grantee by this declaration and if said transfer is approved by the State acting by and through the Fund or its successor agency.

D. Amendments. The Declarant or its successors in interest in the Protection Area is free to amend this Restoration Declaration to meet changing conditions, provided that no amendment will be allowed that is inconsistent with the purposes of this Restoration Declaration or affects the perpetual duration of this Restoration Declaration. Such amendment(s) require the written consent of both the Declarant and the Fund and will be effective upon recording in the public records of Haywood County, North Carolina. The Declarant acknowledges that it has no right to agree to any activity that would result in the termination of this Restoration Declaration.

E. Interpretation. This Restoration Declaration will be construed and interpreted under the laws of the State, and any ambiguities herein will be resolved so as to give maximum effect to the purposes of this Restoration Declaration as stated herein. Further, this Restoration Declaration will be construed to promote the purposes of the Conservation Agreements Act, which authorizes the creation of conservation agreements for purposes including those set forth herein, such conservation purposes as are defined in Section 170(h) (4) (A) of the Code and set forth in NCGS Chapter 113A, Article 18. If any provision of this Restoration Declaration is found to be invalid, the remainder of the provisions of this Restoration Declaration, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, will not be affected thereby.

[SEE FOLLOWING PAGES FOR SIGNATURES AND NOTARY]

IN WITNESS WHEREOF, Declarant, by authority duly given, has hereunto caused these presents to be executed by its respective officers and its seal affixed, to be effective the day and year first above written.

DECLARANT:
The Town of Waynesville, a municipal corporation

By: _____(SEAL)
Title: _____

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Name of Signatory

Date _____

Official Signature of Notary

Notary's printed or typed name

(Official Seal) My commission expires: _____

APPROVED AS TO FORM:

TOWN OF WAYNESVILLE ATTORNEY

ACCEPTED AS TO FORM:
NORTH CAROLINA CLEAN WATER MANAGEMENT TRUST FUND

BY: _____
RESTORATION/STORMWATER PROJECT MANAGER

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

TOWN OF WAYNESVILLE CHESTNUT PARK

BEING all of the Declarant's real property as described in that deed from Maude Semmes Gilmer to the Town of Waynesville recorded in Deed Book 892, Page 2147, being the same property described in deed to Maude Semmes Gilmer and Joseph Branner Gilmer from Maude Semmes Gilmer Perry et vir dated July 28, 1940, recorded in Deed Book 109, Page 207, Haywood County Registry, excepting that property conveyed to Eugene M. Ferguson in that deed recorded in Book 494, Page 1968, and specifically including all real property located east of Highway 74-73 and specifically that real property shown as "Park" and that area lying adjacent to the southwest boundary of said "Park" and noted as Chestnut Park Drive, as shown on that plat and survey recorded in Plat Book A, Page 94 (now Plat Cabinet C Slot 13), Haywood County, Registry.

Said real property was conveyed to Maude Semmes Gilmer and her brother, Joseph Branner Gilmer, in that deed recorded in Deed Book 109, Page 207, Haywood County Registry. The said Joseph Branner Gilmer died a resident of Buncombe County, North Carolina, on January 31, 2015. Maude Semmes Gilmer was the sole heir at law of the said Joseph Branner Gilmer, conveyed all of her right, title and interest in the property described here pursuant to the above-referenced deed and also as the sole heir of Joseph Branner Gilmer.

EXHIBIT B
DESCRIPTION OF THE PROTECTION AREA

BEING a buffer of fifty (50) feet on either side of the center line of the stream flow of Shingles Cove Branch, as depicted on the map below.

Streambank Restoration Area



This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations. No reliance may be placed on its accuracy.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: September 22, 2020

SUBJECT: Amendment #5 to the 2020-2021 Budget Ordinance

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: F11
Department: Finance
Contact: Dean Trader, Interim Finance Director / Jeff Stines, Public Works Director
Presenter: Dean Trader, Interim Finance Director

BRIEF SUMMARY: The above referenced amendment is for the approval of a new truck purchase for the Water Treatment Plant to replace truck damaged by tree fall.

(To approve the additional funds required to replace Water Treatment vehicle #102, a 2014 Ford F-150 4X4, last 5 vin# 10978. The total loss vehicle (ACV) is \$18,300 less deductible of \$500.00=Payment to be made of \$17,800.00. This vehicle replacement will require additional funds to be appropriated for the current FY 2020-2021 budget.)

We are asking you to consider the following option for vehicle replacement:

2020 Ford F-150 4X4	\$33,316.20 - \$17,800.00(ACV)= \$15,516.20
Accessories: Brush Guard, Tool Box, Winch etc.+	\$3,683.80
Fund Balance Appropriated	Total = \$19,200.00

MOTION FOR CONSIDERATION: To approve Amendment #5 to the 2020-2021 Budget Ordinance.

FUNDING SOURCE/IMPACT:

Funding for this amendment will be budgeted to primarily come from fund balance or savings in the current year.

ATTACHMENTS:

- Amendment #5 to the 2020-2021 Budget Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented.

Informal Quotes for New 2020 Truck for Watershed Vehicle

Minimum Specifications		Taylor Motor Co.		Ken Wilson Ford		AutoStar
Vehicle in Stock		no		yes		no
1/2 Ton Pick Up		*		yes		*
Short Wheel Base		*		yes		*
4 Wheel Drive		*		yes		*
V-8 Engine		*		yes		*
Standard Cab		*		yes		*
17 inch wheel and tires		*		yes		*
Spray In Bedliner		*		add \$500.00		*
Skid Plates		*		add \$220.00		*
Gray in color		*		yes		*
Make and Model		FORD F-150		FORD F-150		CHEVROLET 1500
Sale Price		*		\$31,620.00		*
additional cost		*		\$720.00		*
Tag, tax & title (3% road use)		*		\$976.20		*
Final cost		No Quote		\$33,316.20		No Quote

Other after market items needed: brush guard, winch, tool box and transfer of radio equipment.
 Estimated cost of these additional items is approximately \$3100.00

Ordinance No. O-17-20
Amendment No. 5 to 2020-2021 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2020-2021 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2020-2021 Budget Ordinance be amended as follows:

Water Fund:

Increase the following revenues:

Other Revenue

Insurance Proceeds	613800-463830	\$17,800
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Other Financing Sources

Fund Balance Appropriated	613900-493992	\$19,200
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Total General Fund revenue increase		\$37,000
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Increase the following appropriations:

Water Treatment

Vehicles	617122-545400	\$37,000
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Total General Fund appropriation increase		\$37,000
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(To approve the additional funds required to replace Water Treatment vehicle #102, a 2014 Ford F-150 4X4, last 5 vin# 10978. The total loss vehicle (ACV) is \$18,300 less deductible of \$500.00=Payment to be made of \$17,800.00. This vehicle replacement will require additional funds to be appropriated for the current FY 2020-2021 budget.)

We are asking you to consider the following option for vehicle replacement:

2020 Ford F-150 4X4	\$33,316.20 - \$17,800.00(ACV)= \$15,516.20
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Accessories: Brush Guard, Tool Box, Winch ect +	\$3,683.80
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Fund Balance Appropriated	Total = \$19,200.00
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Adopted this 22nd day of September 2020.

Town of Waynesville

J. Gary Caldwell, Mayor

Attest:

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: September 22, 2020

SUBJECT: Sales Tax Revenue

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: F12
Department: Finance
Contact: Dean Trader, Interim Finance Director
Presenter: Dean Trader, Interim Finance Director

BRIEF SUMMARY: Alderman Chuck Dickson requested an update on Sales Tax Revenue for Year Ending June 2020.

The Town of Waynesville's Board of Aldermen continues to monitor the financial condition of sales tax revenue due to the uncertain times of the Covid-19 pandemic. The NC League of Municipalities issued precautionary guidance warning for a potential revenue short fall to municipalities due to the Covid-19 pandemic.

The selected information being presented is for the months of May and June to conclude the fourth quarter of 2020 as well as an annual review of the same year.

Note:

Sales Tax Revenue continues to be an area of concern for the 2020-2021 Current Year.

MOTION FOR CONSIDERATION: 1) No Board Action necessary

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

- Sales Tax Revenue Comparison for May, Jun, 4th Quarter Totals and Annual Sales Tax Totals for 2020

MANAGER'S COMMENTS AND RECOMMENDATIONS:

As of 06/30/2020

[illegible]

[illegible]