



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: April 12, 2022

Time: 6:00 p.m.

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(828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gary Caldwell

1. Welcome/Calendar/Announcements

B. PUBLIC COMMENT

C. ADDITIONS OR DELETIONS TO THE AGENDA

D. CONSENT AGENDA

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

- i. Adoption of minutes of the March 22, 2022 regular meeting
- ii. Adoption of the Apple Festival Special Event Application
- iii. Adoption of Mother's Day Resource Fair Special Event Application
- iiii. Adoption of Summer Resource Fair Special Event Application
- iiiii. Adoption of Main Street Mile Special Event Application

Motion: To approve the consent agenda as presented.

E. PROCLAMATION

2. Earth Day Proclamation

- Alderman Jon Feichter

F. PRESENTATIONS

3 933 Dogwood Trail – Slide Area

- Tom Daniel

4. A true need for Progress with Vision for the Town of Waynesville

- Mark Banks

5. **CALL FOR PUBLIC HEARING**

Call for a Public Hearing to be held on April 26, 2022, or other date to be proposed, to consider an application for a Conditional District Map Amendment

- Byron Hickox, Land Use Administrator

Motion: To call for a Public Hearing to be held on Tuesday April 26, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to consider an application for a Conditional District Map Amendment for the four properties described as 18 Allison Acres Drive (PIN 8615-88-1632), 97 Allison Acres Drive (PIN 8615-88-3857), and two vacant parcels (PINs 8615-88-1854 & 8615-88-4442).

6. Call for Public Hearing to consider the text amendment to Article IV, Junked and Abandoned Motor Vehicles of the Waynesville Code of Ordinances

- Olga Grooman, Planner

Motion: To call for a Public Hearing to be held on Tuesday April 26, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to consider the text amendment to Article IV, Junked and Abandoned Motor Vehicles of the Waynesville Code of Ordinances.

7. Call for a Public Hearing on May 10, 2022 to consider the text amendment regarding Civic Space Standards, Chapter 7 of the Land Development Standards (LDS)

- Olga Grooman, Planner

Motion: To call for a Public Hearing to be held on Tuesday May 10, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to consider the text amendment regarding Civic Space Standards, Chapter 7 of the Land Development Standards.

8. Call for a Public Hearing for May 10, 2022 to consider Text Amendments related to major subdivisions, Land development Standards Sections: 8.4 Buffer Yards; 15.9.2 Major Subdivisions

- Elizabeth Teague, Development Services Director

Motion: To call for a Public Hearing to be held on Tuesday May 10, 2022 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to consider Text Amendments related to major subdivisions, Land development Standards Sections: 8.4 Buffer Yards; 15.9.2 Major Subdivisions

F. **NEW BUSINESS**

9. Selection of Audit Firm and Approval of Audit Contract

- Misty Hagood, Finance Director

Motion: To approve the selection of Martin Starnes & Associates as the Town's audit firm for a period of three years.

Motion: To approve the audit contract

10. Adding Electric Line Tech 3 & 4 title to the pay/classification table

- Brittany Angel, HR Coordinator

Motion: To add the position of Electric Line Tech 3 to the Town of Waynesville Pay and Classification Table at grade 66 and the position of Electric Line Tech 4 to the Town of Waynesville Pay and Classification Table at grade 69.

11. Moving Lead Mechanic on the Pay & Classification table

- Brittany Angel, HR Coordinator

Motion: To approve reduction in on-call pay from the Garage budget and an increase in the Lead Mechanic Minimum class salary from \$41,671.76 to \$47,819.09.

12. Accepting the Church Street Festival as a Town Sponsored Event

- Jesse Fowler, Assistant Town Manager

Motion: To accept the Church Street Festival as a Town sponsored and operated event.

13. ARP funding for Rollout Garbage Carts

- Town Manager Rob Hites

Motion: To award the purchase and delivery of 4500 roll-out garbage carts to OTTO Environmental Systems in the amount of \$294,165.00 and approve Ordinance O-11-22, Budget Amendment 19 to cover the additional cost of the contract

G. **COMMUNICATION FROM STAFF**

14. Manager's Report

- Town Manager, Rob Hites

Presentation on WWTP Project (design, bids, borrowing, grants)

Motion: Receive presentation and approve the resolutions to carry out the design, loan increases and grants.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

April 12, 2022

- 4 -

Wayfinding Phase II

- Town Manager Rob Hites

Motion: To approve Phase I and II of the Wayfinding Program and approve a budget amendment of \$24,000 to cover the Town's share plus incidental expenses.

15. Town Attorney Report

- Town Attorney, Martha Bradley

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

I. ADJOURN



TOWN OF WAYNESVILLE

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CALENDAR April 2022

2022	
Friday April 15	Town Offices Closed – Good Friday
Tuesday April 26	Board of Aldermen Meeting – Regular Session
Saturday May 7,	Mother's Day Resource Fair
Tuesday May 10	Board of Alderman Meeting – Regular Session
Sunday May 15	Drug Awareness Walk – Main Street 2:00 pm – 4:00 pm
Monday May 24	Board of Aldermen Meeting – Regular Session
Wednesday May 25	Summer Resource Fair
Monday May 30	Town Offices Closed – Memorial Day
Saturday June 11	Main Street Mile – Main Street – 7:30 pm to 8:30 pm
Tuesday June 14	Board of Aldermen Meeting – Regular Session
Tuesday June 28	Board of Aldermen Meeting – Regular Session
Monday July 4	Town Offices Closed – Independence Day
Tuesday July 12	Board of Aldermen Meeting – Regular Session
Tuesday July 26	Board of Aldermen Meeting – Regular Session
Tuesday August 9	Board of Aldermen Meeting – Regular Session
Tuesday August 23	Board of Aldermen Meeting – Regular Session
Monday September 5	Town Offices Closed – Labor Day
Tuesday September 13	Board of Aldermen Meeting – Regular Session
Tuesday September 27	Board of Aldermen Meeting – Regular Session
Tuesday October 11	Board of Aldermen Meeting – Regular Session
Saturday October 15	Apple Festival
Tuesday October 25	Board of Aldermen Meeting – Regular Session
Tuesday November 8	Board of Aldermen Meeting – Regular Session
Tuesday November 11	Town Offices Closed – Veterans Day
Friday November 22	Board of Aldermen Meeting – Regular Session
Tuesday December 13	Board of Aldermen Meeting – Regular Session
December 23, 24 & 27th	Town Closed – Christmas Holidays

Board and Commission Meetings – April 2022

ABC Board	ABC Office – 52 Dayco Drive	April 19 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	April 5 1 st Tuesday 5:30 PM
Downtown Waynesville Advisory Committee	Municipal Building – 16 South Main Street	April 19 3 rd Tuesday
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	April 6 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	April 18 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	April 14 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	April 20 3 rd Wednesday 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	April 12 2 nd Tuesday 3:30 PM

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

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

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:04 pm with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Eddie Ward, Town Clerk
Martha Bradley, Town Attorney
David Adams, Police Chief
Brandon Gilmore, Assistant Police Chief
Joey Webb, Fire Chief
Misty Hagood, Finance Director
Julie Grasty, Asset Services Manager
Elizabeth Teague, Development Services Director
Olga Grooman, Planner

The following media representatives was present:

Becky Johnson, Mountaineer
Cory Vaillancourt, Smoky Mountain News

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded the Board about the upcoming Gateway to the Smokies Marathon to benefit the Riley Howell Foundation.

B. PUBLIC COMMENT

Sherry Morgan commented on the 2020 Planning Board Comprehensive Plan concerning the housing density being updated. She expressed concerns with the Town's sewer system.

C. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

D. CONSENT AGENDA

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

- i. Adoption of minutes of the March 8, 2022 regular meeting
- ii. Second Annual Drug awareness walk

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

D. PRESENTATION

- 2. Tuscola High School Junior Air Force ROTC
 - Steven W. Robertson, SMSgt, USAF (Retired)

Cadets from the Tuscola High School Air Force ROTC spoke to the Board about the activities and accomplishments for the last year. The ROTC sets goals for the cadets that set high standards in academics and wellness programs to see how much each of them improve over the course of the year. They travel to other states to participate in drill team competitions and have ranked high in these activities.

Another goal that is set is 16 hours per cadet for community service. This year they surpassed this goal by achieving 19 hours per cadet. Some of their community service activities include Adopt a Highway, Wreaths Across America, can food drives, Salvation Army bell ringing, and working with Haywood County Chamber of Commerce festivals. This adds up to over 6000 hours of community service.

Mayor Caldwell and the Board expressed their appreciation to the cadets for the presentation and congratulated them on their accomplishments.

- 3. Banning “Tethering” of Dogs Within the Town of Waynesville, North Carolina.
 - Holly Greenwald

Ms. Holly Greenwald spoke to the Board about banning the tethering of Dogs in the Town. She said that the tethering was not only harmful to the dogs, but to the community as well. She gave examples how the harmful tethering affects including psychological wellbeing of the dog, physical injuries, neglect, living in filth, and exposure to attacks. She also gave examples of how tethering can affect the community by negatively impacting the Town’s image, property values, creating a

nuisance by barking, contributing to pet overpopulation, causing dogs to become aggressive, and creating an extra burden on Animal Control.

Ms. Greenwald asked the Board to consider adopting a Resolution to ban tethering to help the dogs and the entire community. She hopes by reaching out to the surrounding Towns in Haywood County, the County will also adopt a similar resolution.

Alderman Chuck Dickson stated that he agreed with everything that Ms. Greenwald said. He encouraged her to emulate the example of the folks in Asheville who formed their own organization and began to send volunteers to people with tethered dogs to educate them about the dangers of tethering – in other words Canine Social Workers. After the organization was formed in Asheville, the organization was able to build fences for the properties where dogs were tethered, and the City passed an ordinance that prohibits tethering. Because of this he said that over 125 dogs had been freed. To form an organization like this would involve education and forming a group willing to build fences.

Alderman Anthony Sutton concurred with Alderman Dickson that these situations needed to be changed.

4. Three Month Crime Summary

➤ Peggy Hannah

Ms. Peggy Hannah told the Board that she wanted to update the last three months of the Crime Summary in the Sheriff's Department and the Waynesville Police Department. She gave statistics in failure to appear, drug arrests, assaults, and traffic arrests. Both the Sheriff's Department and Waynesville Police Department arrests were down 27 arrests from the previous three months. She reminded the Board that the month of December was included in this report, and the courts were closed during this time. In 75% of the arrests, there were multiple charges involved. She described the situation in West Waynesville as being one of the worst places for drugs. She asked the Town to consider a program Community Watch for the residents of Hazelwood.

Alderman Anthony Sutton asked Ms. Hannah to compare these statistics to the year before and asked her to provide the information in the agenda packets to be reviewed before the Board meeting. He volunteered to meet with Ms. Hannah to review any information she would like to present.

E. PUBLIC HEARING

5. Public Hearing to consider a text amendment to the Land Development Standards (LDS) on revisions to LDS Section 12.5: Stormwater Management.

➤ Olga Grooman, Planner

Attorney Martha Bradley opened the Public Hearing at 6:33 pm and asked if any member of the public wished to speak concerning the text revisions on the LDS Section 12.5 Stormwater Management. No one wished to speak.

Planner Olga Grooman said that as a requirement of the National Pollutant Discharge Elimination System Permit which is used by the NC Department of Environmental Quality, the Town needs to maintain adequate legal authorities through Ordinance (permit reference 3.6.2) This permit was issued on August 19, 2021 and is valid for five years. The permit allows the Town to discharge stormwater from it's storm systems into the receiving waters of the State and requires the Town to manage runoff within its limits, reduce the discharge of pollutants, and protect water quality.

The proposed text amendments will align the current Ordinance with the current Phase II NCDEQ Stormwater Model Ordinance for North Carolina and the Town's NPDES permit and gives the Town authority to administer the stormwater program.

Ms. Grooman gave a detailed report on the proposed text amendments which included the following changes:

- Definitions of stormwater map, watershed, stormwater control measures (SCMs)
- Addition of Natural Resources Inventory and Stormwater Management System Concept Plan
- Clarification of authority, penalties for violations, and remedies
- Explanation of record keeping
- Standards for SCMs based on the NC DEQ Design Manual
- Clarification of As-Builds standards for final stormwater inspection
- Additions to non-illicit discharges section

Alderwoman Julia Freeman asked if this Ordinance was based on North Carolina Statutes and other Ordinances from across the state. Ms. Grooman said it had been approved by the NC School of Government, and NCDEQ. Alderman Freeman asked how this Ordinance would impact the current projects in Waynesville. Ms. Grooman answered that these are not new standards, but were standards that were not enforced, and they will not be grandfathered in.

Attorney Martha Bradley closed the Public Hearing at 6:49 pm.

1. ***A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to find Ordinance #O-05-22 is consistent with the Comprehensive Plan and is reasonable and in the public interest because:***

- ***The Town of Waynesville will continue to “promote smart growth in land use planning and zoning***
- ***Encourage in-fill, mixed use, and context-sensitive development***

- **Promote conservation design to preserve important natural resources**
- **Protect Waynesville's natural resources**
- **Control accelerated erosion and sedimentation to prevent the pollution to water and other damage to watercourses and other public and private property by sedimentation**
- **Minimize public and private losses due to flood conditions**
-

The motion carried unanimously.

2. ***A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adopt Ordinance #0-05-22 as presented because it makes it more consistent with the North Carolina Department of Environment Quality. The motion carried unanimously.***

6. Public Hearing to consider Land Development Standards (LDS) text amendments regarding 160D clarifications and definitions, and other minor amendments.

- Olga Grooman, Planner

Attorney Martha Bradley opened the Public Hearing at 6:53 pm and asked if anyone in the public wished to comment on the Land Development Standards text amendments regarding 160D clarifications and definitions. No one had comments

Ms. Grooman explained that since the adoption of 160-D related text amendments to the Land Development Standards, typographical errors as well as missing and outdated information has been identified. The proposed text amendments also reflect the discussions from subcommittees meetings and guidance from the School of Government.

Ms. Grooman covered the major parts of the proposed Ordinance that will be changed and stated that the Planning Board unanimously recommended the changes at their February 21, 2022 meeting. The changes are reasonable and in the public interest and should be adopted.

Alderman Anthony Sutton asked if the language in the proposed ordinance was based on Ordinances from other Towns across the State. Ms. Grooman said yes it was.

Attorney Bradley closed the Public Hearing at 7:04 pm.

1. ***A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to find Ordinance #O-06-22 is consistent with the Comprehensive Plan and is reasonable and in the public interest because:***
 - ***Continue to promote smart growth principles in land use planning and zoning***
 - ***Encourage in-fill, mixed use, and context-sensitive development***
 - ***Promote conservation design to preserve important natural resources******The motion carried unanimously.***

2. ***A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to adopt Ordinance # O-06-22 to further clarify 160D. The motion carried unanimously.***
7. Public Hearing to consider text amendments to the Land Development Standards (LDS) on revisions to LDS Section 6.10: Transportation Impact Analysis
 - Elizabeth Teague, Development Services Director

Attorney Martha Bradley opened the Public Hearing at 7:06 pm and asked if anyone from the public wished to comment on the LDS revisions Transportation Impact Analysis. No one had comments.

Ms. Elizabeth Teague, Development Services Director, explained to the Board that is a two-step process to change any text amendment in an Ordinance or to change a designation in the zoning map. She said that no zoning was changed related to the process of developing the 2035 Comprehensive Land Use Plan. The zoning that is in place currently was established in the 1990's and updated in 2002. The real estate market has changed in relation to the developments that are currently being built, not the zoning. She gave an example of the Sunnyside Road Project, and the Traffic Impact Analysis on that road.

Ms. Teague stated that with the kind of development that the Town is experiencing now, we need to look at a lower threshold, and a more contextual approach to how we ask new development to interact with our street system.

Ms. Teague introduced Mr. Mark Teague who is a traffic engineer and has worked with the Town in many projects. Mr. Teague has been looking at the Town's Impact Analysis to see if the threshold can be decreased and finding a way to ask developers to help with road improvements based upon the impacts to the Town's system. This process requires a step that is not in the current Ordinance called a scoping meeting. The meeting will not only be looking at the development and the driveway but looking at the surrounding area. The proposed Ordinance will be more complicated and will be more costly for developers. She stated that any development that has already come through the Town's process will not be retroactive.

Mr. Teague presented a detailed report on the Traffic Impact Analysis and the changes that he proposed for the current Ordinance to the Board. He discussed the proposed text amendments based on lowering the TIA threshold to 500 trips per day. This would generally apply to any new residential development as follows:

- 50 single-family homes
- 70 apartments / townhomes
- 100 room hotels

- 30,000 square foot office building
- 20,000 square foot shopping center

Other Thresholds: A TIA is also required at 70% of the Trip Generation threshold (350 daily trips or 35 peak hour trips) when one or more of the following conditions are met:

1. Site is within 1 mile of a school greater than 250 students with a school access directly or indirectly (1 turn away) on the same road of at least one of the site access points, and where there is no major intersecting road (5,000 ADT) between the site and the school.
2. Site is within ½ mile of a traffic signal that would be considered in the traffic impact study area.
3. If the site has a direct access on a major roadway (5,000 ADT)
4. If the Town determines that an impacted street is substandard due to safety or operation.

Mr. Teague stated that A traffic impact analysis report shall be determined based on a scoping meeting with the Town Administrator at which the location, context, and nearby land uses are considered in determining the scope of the TIA. The Town requires a TIA scoping document completed by the applicant and reviewed for completeness and reasonableness by the Town. The scoping document should be signed by both parties PRIOR to the commencement of the TIA. The scoping document will provide the applicant and the Town concurrence with study parameters such as study area, growth rate, peak hours, pass-by trips, trip generation, trip distribution, and land use codes. He said that existing conditions, background conditions, buildout conditions, and horizon conditions must be included in the study.

A TIA will vary in range and complexity depending on the type and size of the proposed development and based on the scope determined through the scoping document process. Reports shall require the full rationale, from a North Carolina licensed engineer, to perform such duties to support the recommendations of this analysis. The submission shall include all pertinent traffic data and computations affecting the design proposal. The TIA must be sealed by a licensed professional engineer in North Carolina.

The Board had questions concerning the Ordinance being more restrictive than the NCDOT for the threshold, and the additional costs to the developer. Alderman Sutton stated that there is no distinction between neighborhood and business districts. He said he felt like there needed to be more clarity on when a developer will be required to do a traffic study.

After much discussion, Attorney Bradley said that if there were specific issues that the Board would like to spend more time in researching, they could continue the Public Hearing. That time would give staff time to rework some of the proposed language in the Ordinance.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to continue the Public Hearing at the May 10, 2022 regular meeting. The motion passed unanimously.

Break from 7:46 pm. – 7:58 pm.

F. OLD BUSINESS

8. Fee amendment to Sanford Holshouser agreement

➤ Rob Hites, Town Manager

Manager Hites told the Board that the Local Government Commission staff did not permit the Town to submit the purchase of the Fire Tanker and repayment of the land for Fire Station #2 until the audit was received and reviewed. The financing for the Fire Station was carried through on schedule and readvertised the refinancing of the Public Services Building purchase of the Fire Tanker and repayment of the funds used to purchase the land. This yielded a nine-year loan for the refinance of the Public Services Building at 2% and provided the collateral for the borrowing. The second loan for 2.01 % for fifteen years was submitted to repay the General Fund Balance for the land. A charge of \$9,500.00 from Mr. Jessup for the initial presentation material for the LHC and closing of the loans. That payment would be made from the proceeds of the \$1,900,000.00 loan.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to approve amending Sanford Holshouser contract to add \$9,500 for services rendered for representing the Town in the refinancing of the Public Services Building, the purchase of a Fire Tanker and repayment of the General Fund Balance for purchase of the Fire Station #2 property.

9. Approval of Resolution Providing Final Approval for Installment Financing up to \$1,900,000 for a Fire Station Site and Tanker Truck and Refinance an Existing Loan

➤ Rob Hites, Town Manager

Manager Hites said that the draft contract and deed of trust that had previously been approved by the Board was submitted to J. P. Morgan Chase for their approval. The bank requested several changes in the wording to clarify that there are two components of the loan. Mr. Jessup has amended the language of the previous resolution, contract, and deed of trust to reflect what the bank has requested. The Board was presented a copy of the revised resolution, contract, and deed of trust to outline the changes

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to adopt Resolution R-01-22 authorizing execution of the contract and deed of trust on behalf of the Town. The motion carried unanimously.

G. **NEW BUSINESS**

10. (1.) Green Hill Cemetery Veteran's Memorial Plot IV

- Julie Grasty, Asset Services Manager

Ms. Julie Grasty, Asset Services Manager, reported that at the February 8, 2022 meeting of the Cemetery Committee, the members voted to designate an additional 100' X 100' section with approximately 250 gravesites to the Veterans Memorial Section of the Green Hill Cemetery.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to approve R-02-22 designating Memorial Plot IV be set aside in the Shook Survey of Green Hill Cemetery. The motion carried unanimously.

(2.) Approve the addition of Sec. 18-9 Veterans Memorial Section Regulations and Sec. 18-20 Placing Articles on lots generally to the Cemetery Ordinance.

- Julie Grasty, Asset Services Manager

Ms. Grasty explained that at the February 8, 2022 meeting, the Cemetery Committee discussed placing articles on graves without permission. She said staff would work with the Town Attorney to rewrite Sec. 18-20 to include "It shall be unlawful for any person to place any personal property on any lot, space or columbarium niche without permission."

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the addition of Sec. 18-9 Veterans Memorial Section Regulations and Sec. 18-20 Placing Articles on lots generally to the Cemetery Ordinance as presented. The motion carried unanimously.

11. Open Burning Ordinance

- Joey Webb, Fire Chief
-

Fire Chief Joey Webb said that the Waynesville Fire Department serves not only in the city but in nine rural districts in the County. There have never been guidelines in the Ordinance pertaining to burning inside the city, even though it was discouraged. Last fall there was a lot of smoke coming from the Waynesville Country Club while property was being cleared. Manager Hites and Chief Webb researched cities who have adopted a burning Ordinance and developed an Ordinance that they feel will be beneficial in the Town.

The Ordinance states the type of fire that can be used for cooking, heating, bonfires, and training. The Fire Marshal may approve open burning for the purpose of land clearing on large undeveloped tracts of land in circumstances where it is impractical for the debris to be hauled from the site.

The Fire Marshall shall have the authority to summarily abate any condition that is in violation of this section and that presents an immediate fire hazard to life or property.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve Ordinance # O-08-22 to regulate open burning in the Town of Waynesville. The motion carried unanimously.

12. Fire Department Equipment Purchase

- Joey Webb, Fire Chief

Waynesville Fire Department received money through the Lawrence Ross Testamentary Trust in December 2017. The amount received was \$14,739.13, and the fire department would like to purchase bullet proof vests and helmets for the fire vehicles for protection in escalated incidents. Another item they would like to purchase with the money is a VIPER radio to be used by the Captain on Duty to assist in Landing Zone set up for Medical Aircraft communications. The cost of the vests, helmets, and radio would not exceed the amount received from the trust.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to approve Ordinance # O-10-22 Amendment 18 to the 2021/2022 Budget for the purchase of equipment for the Fire Department with funding from the Lawrence Ross Testamentary Trust. The motion carried unanimously.

13. Budget amendment to use SWAT Team Grant Funds for the 2021-2022 fiscal year to purchase new equipment for the SRT Team.

- Misty Hagood, Finance Director
- Brandon Gilmore, Assistant Police Chief

Assistant Chief Gilmore told the Board that some of the equipment used by the Police is old, and they are requesting to use money from various grants in the amount of \$26, 849.03 to replace SRT rifle mounted lights, ballistic helmets, and adaptors for the Peltor headset communication system.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve Ordinance # O-09-22, Amendment 17 in the amount of \$13,070.00 to the budget increasing the amount available to purchase equipment for the SRT Team. The motion passed unanimously.

14. Helping Hands of Haywood Second ARP Installment

- Assistant Town Manager Jesse Fowler

Assistant Manager Fowler said that Helping hands of Haywood has provided the Town with a written report of how they have spent their previous American Relief Plan funding installment of \$8,750.00. This money is used for the purpose of providing temporary housing for individuals experiencing homelessness. He asked for direction in whether to provide Helping Hands of Haywood the second installment of American Relief Plan money.

Alderman Anthony Sutton and Alderman Chuck Dickson commented on the letters of support, and the report from Ms. Cott, saying it was very detailed and complete.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve the third installment of American Recovery Plan funding to Helping Hands of Haywood for the sole purpose of providing temporary housing to individuals experiencing homelessness in the amount of \$8,750. The motion carried unanimously.

15. Haywood Pathways 4th Annual Empty Bowls

- Assistant Town Manager Jesse Fowler

Assistant Manager Fowler stated that Mayor Caldwell asked for a special appropriation for Haywood Pathways. They are hosting their 4th annual “Empty Bowls” fundraiser. Mayor Caldwell requested that the Town sponsor the event at a silver level which equals \$1000.00. This includes a table seating for six.

Alderman Chuck Dickson stated that he prefers that funding be given to non-profits along with a contract that states that the money will be spent for a particular purpose. He said that in this case, Haywood Pathways could spend the money anyway they want to, and possibly not a government purpose. He asked the Board to wait until the budget was complete to see if they would like to apply for a special appropriation.

Alderman Anthony Sutton said he respected Haywood Pathways, and he felt that they would spend the money wisely.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter to approve a sponsorship for the Haywood Pathways Center’s 4th Annual Empty Bowls Fundraiser at a silver level equaling \$1,000.00. The motion passed with four yays (Mayor Caldwell, Alderman Jon Feichter, Alderman Anthony Sutton, Alderwoman Julia Freeman) and one nay (Alderman Chuck Dickson).

G. COMMUNICATION FROM STAFF

16. Manager's Report

- Rob Hites, Town Manager

Manager Hites told the Board that Mr. Jessup had talked with Morgan Chase about the question that was brought up at the last meeting concerning eliminating the pre-payment penalties on the loan for the Fire Department. He said having the pre-payment clause in the agreement was the way the bank had given the Town a 2.0% interest rate on the Fire Department loan.

The remainder of the 4500 recycling cans will be delivered this week. Notices have been posted in the newspaper for two weeks, and post cards have been delivered to each address that will receive a can.

The Board discussed dates for the retreat. The consensus of the Board was to schedule the retreat on April 6 (full day) and April 7 (half day).

17. Attorney Report

- Attorney Martha Bradley

Attorney Bradley told the Board that if they needed help with any items before the retreat, just to let her know.

H. COMMUNICATION FROM THE MAYOR AND BOARD

Alderman Jon Feichter gave a report from the Broadband presentation he attended last week. He said it was well attended and it was different from the other Broadband reports because there was money backing this one. The progress will mainly be made in the surrounding areas of Haywood County. He said he is very optimistic about this project.

Alderman Chuck Dickson spoke to the opportunities that will be coming with the Infrastructure Bill. These opportunities could include greenways, weatherization of homes, and solar. He said a lot of these monies will be by competitive grants and will be rolling out in the next two to three years.

He referred to the September 14, 2021 Board minutes concerning the main street projects. In that meeting, the Board agreed to seek input from citizens about the Main Street gazebo, OK Park, and skate park projects. He suggested soliciting input by way of the Downtown Waynesville Advisory Committee for the Main Street Gazebo, and for any other short term and long-term capital projects.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to solicit input from the Downtown Waynesville Advisory Committee as to the Main Street Gazebo project and for any other short-term and long-term capital projects which they may recommend for Downtown Waynesville. The motion carried unanimously.

I. ADJOURN

With no further business, a motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to adjourn the meeting at 8:41 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk

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

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

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:04 pm with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Eddie Ward, Town Clerk
Martha Bradley, Town Attorney
David Adams, Police Chief
Brandon Gilmore, Assistant Police Chief
Joey Webb, Fire Chief
Misty Hagood, Finance Director
Julie Grasty, Asset Services Manager
Elizabeth Teague, Development Services Director
Olga Grooman, Planner

The following media representatives was present:

Becky Johnson, Mountaineer
Cory Vaillancourt, Smoky Mountain News

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded the Board about the upcoming Gateway to the Smokies Marathon to benefit the Riley Howell Foundation.

B. PUBLIC COMMENT

Sherry Morgan commented on the 2020 Planning Board Comprehensive Plan concerning the housing density being updated. She expressed concerns with the Town's sewer system.

C. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

D. CONSENT AGENDA

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

- i. Adoption of minutes of the March 8, 2022 regular meeting
- ii. Second Annual Drug awareness walk

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

D. PRESENTATION

- 2. Tuscola High School Junior Air Force ROTC
 - Steven W. Robertson, SMSgt, USAF (Retired)

Cadets from the Tuscola High School Air Force ROTC spoke to the Board about the activities and accomplishments for the last year. The ROTC sets goals for the cadets that set high standards in academics and wellness programs to see how much each of them improve over the course of the year. They travel to other states to participate in drill team competitions and have ranked high in these activities.

Another goal that is set is 16 hours per cadet for community service. This year they surpassed this goal by achieving 19 hours per cadet. Some of their community service activities include Adopt a Highway, Wreaths Across America, can food drives, Salvation Army bell ringing, and working with Haywood County Chamber of Commerce festivals. This adds up to over 6000 hours of community service.

Mayor Caldwell and the Board expressed their appreciation to the cadets for the presentation and congratulated them on their accomplishments.

- 3. Banning “Tethering” of Dogs Within the Town of Waynesville, North Carolina.
 - Holly Greenwald

Ms. Holly Greenwald spoke to the Board about banning the tethering of Dogs in the Town. She said that the tethering was not only harmful to the dogs, but to the community as well. She gave examples how the harmful tethering affects including psychological wellbeing of the dog, physical injuries, neglect, living in filth, and exposure to attacks. She also gave examples of how tethering can affect the community by negatively impacting the Town’s image, property values, creating a

nuisance by barking, contributing to pet overpopulation, causing dogs to become aggressive, and creating an extra burden on Animal Control.

Ms. Greenwald asked the Board to consider adopting a Resolution to ban tethering to help the dogs and the entire community. She hopes by reaching out to the surrounding Towns in Haywood County, the County will also adopt a similar resolution.

Alderman Chuck Dickson stated that he agreed with everything that Ms. Greenwald said. He encouraged her to emulate the example of the folks in Asheville who formed their own organization and began to send volunteers to people with tethered dogs to educate them about the dangers of tethering – in other words Canine Social Workers. After the organization was formed in Asheville, the organization was able to build fences for the properties where dogs were tethered, and the City passed an ordinance that prohibits tethering. Because of this he said that over 125 dogs had been freed. To form an organization like this would involve education and forming a group willing to build fences.

Alderman Anthony Sutton concurred with Alderman Dickson that these situations needed to be changed.

4. Three Month Crime Summary

➤ Peggy Hannah

Ms. Peggy Hannah told the Board that she wanted to update the last three months of the Crime Summary in the Sheriff's Department and the Waynesville Police Department. She gave statistics in failure to appear, drug arrests, assaults, and traffic arrests. Both the Sheriff's Department and Waynesville Police Department arrests were down 27 arrests from the previous three months. She reminded the Board that the month of December was included in this report, and the courts were closed during this time. In 75% of the arrests, there were multiple charges involved. She described the situation in West Waynesville as being one of the worst places for drugs. She asked the Town to consider a program Community Watch for the residents of Hazelwood.

Alderman Anthony Sutton asked Ms. Hannah to compare these statistics to the year before and asked her to provide the information in the agenda packets to be reviewed before the Board meeting. He volunteered to meet with Ms. Hannah to review any information she would like to present.

E. PUBLIC HEARING

5. Public Hearing to consider a text amendment to the Land Development Standards (LDS) on revisions to LDS Section 12.5: Stormwater Management.

➤ Olga Grooman, Planner

Attorney Martha Bradley opened the Public Hearing at 6:33 pm and asked if any member of the public wished to speak concerning the text revisions on the LDS Section 12.5 Stormwater Management. No one wished to speak.

Planner Olga Grooman said that as a requirement of the National Pollutant Discharge Elimination System Permit which is used by the NC Department of Environmental Quality, the Town needs to maintain adequate legal authorities through Ordinance (permit reference 3.6.2) This permit was issued on August 19, 2021 and is valid for five years. The permit allows the Town to discharge stormwater from it's storm systems into the receiving waters of the State and requires the Town to manage runoff within its limits, reduce the discharge of pollutants, and protect water quality.

The proposed text amendments will align the current Ordinance with the current Phase II NCDEQ Stormwater Model Ordinance for North Carolina and the Town's NPDES permit and gives the Town authority to administer the stormwater program.

Ms. Grooman gave a detailed report on the proposed text amendments which included the following changes:

- Definitions of stormwater map, watershed, stormwater control measures (SCMs)
- Addition of Natural Resources Inventory and Stormwater Management System Concept Plan
- Clarification of authority, penalties for violations, and remedies
- Explanation of record keeping
- Standards for SCMs based on the NC DEQ Design Manual
- Clarification of As-Builds standards for final stormwater inspection
- Additions to non-illicit discharges section

Alderwoman Julia Freeman asked if this Ordinance was based on North Carolina Statutes and other Ordinances from across the state. Ms. Grooman said it had been approved by the NC School of Government, and NCDEQ. Alderman Freeman asked how this Ordinance would impact the current projects in Waynesville. Ms. Grooman answered that these are not new standards, but were standards that were not enforced, and they will not be grandfathered in.

Attorney Martha Bradley closed the Public Hearing at 6:49 pm.

1. ***A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to find Ordinance #O-05-22 is consistent with the Comprehensive Plan and is reasonable and in the public interest because:***

- ***The Town of Waynesville will continue to “promote smart growth in land use planning and zoning***
- ***Encourage in-fill, mixed use, and context-sensitive development***

- ***Promote conservation design to preserve important natural resources***
- ***Protect Waynesville's natural resources***
- ***Control accelerated erosion and sedimentation to prevent the pollution to water and other damage to watercourses and other public and private property by sedimentation***
- ***Minimize public and private losses due to flood conditions***
-

The motion carried unanimously.

2. ***A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adopt Ordinance #0-05-22 as presented because it makes it more consistent with the North Carolina Department of Environment Quality. The motion carried unanimously.***

6. Public Hearing to consider Land Development Standards (LDS) text amendments regarding 160D clarifications and definitions, and other minor amendments.

- Olga Grooman, Planner

Attorney Martha Bradley opened the Public Hearing at 6:53 pm and asked if anyone in the public wished to comment on the Land Development Standards text amendments regarding 160D clarifications and definitions. No one had comments

Ms. Grooman explained that since the adoption of 160-D related text amendments to the Land Development Standards, typographical errors as well as missing and outdated information has been identified. The proposed text amendments also reflect the discussions from subcommittees meetings and guidance from the School of Government.

Ms. Grooman covered the major parts of the proposed Ordinance that will be changed and stated that the Planning Board unanimously recommended the changes at their February 21, 2022 meeting. The changes are reasonable and in the public interest and should be adopted.

Alderman Anthony Sutton asked if the language in the proposed ordinance was based on Ordinances from other Towns across the State. Ms. Grooman said yes it was.

Attorney Bradley closed the Public Hearing at 7:04 pm.

1. ***A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to find Ordinance #O-06-22 is consistent with the Comprehensive Plan and is reasonable and in the public interest because:***
 - ***Continue to promote smart growth principles in land use planning and zoning***
 - ***Encourage in-fill, mixed use, and context-sensitive development***
 - ***Promote conservation design to preserve important natural resources******The motion carried unanimously.***

2. ***A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to adopt Ordinance # O-06-22 to further clarify 160D. The motion carried unanimously.***
7. Public Hearing to consider text amendments to the Land Development Standards (LDS) on revisions to LDS Section 6.10: Transportation Impact Analysis
 - Elizabeth Teague, Development Services Director

Attorney Martha Bradley opened the Public Hearing at 7:06 pm and asked if anyone from the public wished to comment on the LDS revisions Transportation Impact Analysis. No one had comments.

Ms. Elizabeth Teague, Development Services Director, explained to the Board that is a two-step process to change any text amendment in an Ordinance or to change a designation in the zoning map. She said that no zoning was changed related to the process of developing the 2035 Comprehensive Land Use Plan. The zoning that is in place currently was established in the 1990's and updated in 2002. The real estate market has changed in relation to the developments that are currently being built, not the zoning. She gave an example of the Sunnyside Road Project, and the Traffic Impact Analysis on that road.

Ms. Teague stated that with the kind of development that the Town is experiencing now, we need to look at a lower threshold, and a more contextual approach to how we ask new development to interact with our street system.

Ms. Teague introduced Mr. Mark Teague who is a traffic engineer and has worked with the Town in many projects. Mr. Teague has been looking at the Town's Impact Analysis to see if the threshold can be decreased and finding a way to ask developers to help with road improvements based upon the impacts to the Town's system. This process requires a step that is not in the current Ordinance called a scoping meeting. The meeting will not only be looking at the development and the driveway but looking at the surrounding area. The proposed Ordinance will be more complicated and will be more costly for developers. She stated that any development that has already come through the Town's process will not be retroactive.

Mr. Teague presented a detailed report on the Traffic Impact Analysis and the changes that he proposed for the current Ordinance to the Board. He discussed the proposed text amendments based on lowering the TIA threshold to 500 trips per day. This would generally apply to any new residential development as follows:

- 50 single-family homes
- 70 apartments / townhomes
- 100 room hotels

- 30,000 square foot office building
- 20,000 square foot shopping center

Other Thresholds: A TIA is also required at 70% of the Trip Generation threshold (350 daily trips or 35 peak hour trips) when one or more of the following conditions are met:

1. Site is within 1 mile of a school greater than 250 students with a school access directly or indirectly (1 turn away) on the same road of at least one of the site access points, and where there is no major intersecting road (5,000 ADT) between the site and the school.
2. Site is within ½ mile of a traffic signal that would be considered in the traffic impact study area.
3. If the site has a direct access on a major roadway (5,000 ADT)
4. If the Town determines that an impacted street is substandard due to safety or operation.

Mr. Teague stated that A traffic impact analysis report shall be determined based on a scoping meeting with the Town Administrator at which the location, context, and nearby land uses are considered in determining the scope of the TIA. The Town requires a TIA scoping document completed by the applicant and reviewed for completeness and reasonableness by the Town. The scoping document should be signed by both parties PRIOR to the commencement of the TIA. The scoping document will provide the applicant and the Town concurrence with study parameters such as study area, growth rate, peak hours, pass-by trips, trip generation, trip distribution, and land use codes. He said that existing conditions, background conditions, buildout conditions, and horizon conditions must be included in the study.

A TIA will vary in range and complexity depending on the type and size of the proposed development and based on the scope determined through the scoping document process. Reports shall require the full rationale, from a North Carolina licensed engineer, to perform such duties to support the recommendations of this analysis. The submission shall include all pertinent traffic data and computations affecting the design proposal. The TIA must be sealed by a licensed professional engineer in North Carolina.

The Board had questions concerning the Ordinance being more restrictive than the NCDOT for the threshold, and the additional costs to the developer. Alderman Sutton stated that there is no distinction between neighborhood and business districts. He said he felt like there needed to be more clarity on when a developer will be required to do a traffic study.

After much discussion, Attorney Bradley said that if there were specific issues that the Board would like to spend more time in researching, they could continue the Public Hearing. That time would give staff time to rework some of the proposed language in the Ordinance.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to continue the Public Hearing at the May 10, 2022 regular meeting. The motion passed unanimously.

Break from 7:46 pm. – 7:58 pm.

F. OLD BUSINESS

8. Fee amendment to Sanford Holshouser agreement

➤ Rob Hites, Town Manager

Manager Hites told the Board that the Local Government Commission staff did not permit the Town to submit the purchase of the Fire Tanker and repayment of the land for Fire Station #2 until the audit was received and reviewed. The financing for the Fire Station was carried through on schedule and readvertised the refinancing of the Public Services Building purchase of the Fire Tanker and repayment of the funds used to purchase the land. This yielded a nine-year loan for the refinance of the Public Services Building at 2% and provided the collateral for the borrowing. The second loan for 2.01 % for fifteen years was submitted to repay the General Fund Balance for the land. A charge of \$9,500.00 from Mr. Jessup for the initial presentation material for the LHC and closing of the loans. That payment would be made from the proceeds of the \$1,900,000.00 loan.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to approve amending Sanford Holshouser contract to add \$9,500 for services rendered for representing the Town in the refinancing of the Public Services Building, the purchase of a Fire Tanker and repayment of the General Fund Balance for purchase of the Fire Station #2 property.

9. Approval of Resolution Providing Final Approval for Installment Financing up to \$1,900,000 for a Fire Station Site and Tanker Truck and Refinance an Existing Loan

➤ Rob Hites, Town Manager

Manager Hites said that the draft contract and deed of trust that had previously been approved by the Board was submitted to J. P. Morgan Chase for their approval. The bank requested several changes in the wording to clarify that there are two components of the loan. Mr. Jessup has amended the language of the previous resolution, contract, and deed of trust to reflect what the bank has requested. The Board was presented a copy of the revised resolution, contract, and deed of trust to outline the changes

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to adopt Resolution R-01-22 authorizing execution of the contract and deed of trust on behalf of the Town. The motion carried unanimously.

G. **NEW BUSINESS**

10. (1.) Green Hill Cemetery Veteran's Memorial Plot IV

- Julie Grasty, Asset Services Manager

Ms. Julie Grasty, Asset Services Manager, reported that at the February 8, 2022 meeting of the Cemetery Committee, the members voted to designate an additional 100' X 100' section with approximately 250 gravesites to the Veterans Memorial Section of the Green Hill Cemetery.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Julia Freeman, to approve R-02-22 designating Memorial Plot IV be set aside in the Shook Survey of Green Hill Cemetery. The motion carried unanimously.

(2.) Approve the addition of Sec. 18-9 Veterans Memorial Section Regulations and Sec. 18-20 Placing Articles on lots generally to the Cemetery Ordinance.

- Julie Grasty, Asset Services Manager

Ms. Grasty explained that at the February 8, 2022 meeting, the Cemetery Committee discussed placing articles on graves without permission. She said staff would work with the Town Attorney to rewrite Sec. 18-20 to include "It shall be unlawful for any person to place any personal property on any lot, space or columbarium niche without permission."

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the addition of Sec. 18-9 Veterans Memorial Section Regulations and Sec. 18-20 Placing Articles on lots generally to the Cemetery Ordinance as presented. The motion carried unanimously.

11. Open Burning Ordinance

- Joey Webb, Fire Chief
-

Fire Chief Joey Webb said that the Waynesville Fire Department serves not only in the city but in nine rural districts in the County. There have never been guidelines in the Ordinance pertaining to burning inside the city, even though it was discouraged. Last fall there was a lot of smoke coming from the Waynesville Country Club while property was being cleared. Manager Hites and Chief Webb researched cities who have adopted a burning Ordinance and developed an Ordinance that they feel will be beneficial in the Town.

The Ordinance states the type of fire that can be used for cooking, heating, bonfires, and training. The Fire Marshal may approve open burning for the purpose of land clearing on large undeveloped tracts of land in circumstances where it is impractical for the debris to be hauled from the site.

The Fire Marshall shall have the authority to summarily abate any condition that is in violation of this section and that presents an immediate fire hazard to life or property.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve Ordinance # O-08-22 to regulate open burning in the Town of Waynesville. The motion carried unanimously.

12. Fire Department Equipment Purchase

- Joey Webb, Fire Chief

Waynesville Fire Department received money through the Lawrence Ross Testamentary Trust in December 2017. The amount received was \$14,739.13, and the fire department would like to purchase bullet proof vests and helmets for the fire vehicles for protection in escalated incidents. Another item they would like to purchase with the money is a VIPER radio to be used by the Captain on Duty to assist in Landing Zone set up for Medical Aircraft communications. The cost of the vests, helmets, and radio would not exceed the amount received from the trust.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to approve Ordinance # O-10-22 Amendment 18 to the 2021/2022 Budget for the purchase of equipment for the Fire Department with funding from the Lawrence Ross Testamentary Trust. The motion carried unanimously.

13. Budget amendment to use SWAT Team Grant Funds for the 2021-2022 fiscal year to purchase new equipment for the SRT Team.

- Misty Hagood, Finance Director
- Brandon Gilmore, Assistant Police Chief

Assistant Chief Gilmore told the Board that some of the equipment used by the Police is old, and they are requesting to use money from various grants in the amount of \$26, 849.03 to replace SRT rifle mounted lights, ballistic helmets, and adaptors for the Peltor headset communication system.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve Ordinance # O-09-22, Amendment 17 in the amount of \$13,070.00 to the budget increasing the amount available to purchase equipment for the SRT Team. The motion passed unanimously.

14. Helping Hands of Haywood Second ARP Installment

- Assistant Town Manager Jesse Fowler

Assistant Manager Fowler said that Helping hands of Haywood has provided the Town with a written report of how they have spent their previous American Relief Plan funding installment of \$8,750.00. This money is used for the purpose of providing temporary housing for individuals experiencing homelessness. He asked for direction in whether to provide Helping Hands of Haywood the second installment of American Relief Plan money.

Alderman Anthony Sutton and Alderman Chuck Dickson commented on the letters of support, and the report from Ms. Cott, saying it was very detailed and complete.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to approve the third installment of American Recovery Plan funding to Helping Hands of Haywood for the sole purpose of providing temporary housing to individuals experiencing homelessness in the amount of \$8,750. The motion carried unanimously.

15. Haywood Pathways 4th Annual Empty Bowls

- Assistant Town Manager Jesse Fowler

Assistant Manager Fowler stated that Mayor Caldwell asked for a special appropriation for Haywood Pathways. They are hosting their 4th annual “Empty Bowls” fundraiser. Mayor Caldwell requested that the Town sponsor the event at a silver level which equals \$1000.00. This includes a table seating for six.

Alderman Chuck Dickson stated that he prefers that funding be given to non-profits along with a contract that states that the money will be spent for a particular purpose. He said that in this case, Haywood Pathways could spend the money anyway they want to, and possibly not a government purpose. He asked the Board to wait until the budget was complete to see if they would like to apply for a special appropriation.

Alderman Anthony Sutton said he respected Haywood Pathways, and he felt that they would spend the money wisely.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter to approve a sponsorship for the Haywood Pathways Center’s 4th Annual Empty Bowls Fundraiser at a silver level equaling \$1,000.00. The motion passed with four yays (Mayor Caldwell, Alderman Jon Feichter, Alderman Anthony Sutton, Alderwoman Julia Freeman) and one nay (Alderman Chuck Dickson).

G. COMMUNICATION FROM STAFF

16. Manager's Report

- Rob Hites, Town Manager

Manager Hites told the Board that Mr. Jessup had talked with Morgan Chase about the question that was brought up at the last meeting concerning eliminating the pre-payment penalties on the loan for the Fire Department. He said having the pre-payment clause in the agreement was the way the bank had given the Town a 2.0% interest rate on the Fire Department loan.

The remainder of the 4500 recycling cans will be delivered this week. Notices have been posted in the newspaper for two weeks, and post cards have been delivered to each address that will receive a can.

The Board discussed dates for the retreat. The consensus of the Board was to schedule the retreat on April 6 (full day) and April 7 (half day).

17. Attorney Report

- Attorney Martha Bradley

Attorney Bradley told the Board that if they needed help with any items before the retreat, just to let her know.

H. COMMUNICATION FROM THE MAYOR AND BOARD

Alderman Jon Feichter gave a report from the Broadband presentation he attended last week. He said it was well attended and it was different from the other Broadband reports because there was money backing this one. The progress will mainly be made in the surrounding areas of Haywood County. He said he is very optimistic about this project.

Alderman Chuck Dickson spoke to the opportunities that will be coming with the Infrastructure Bill. These opportunities could include greenways, weatherization of homes, and solar. He said a lot of these monies will be by competitive grants and will be rolling out in the next two to three years.

He referred to the September 14, 2021 Board minutes concerning the main street projects. In that meeting, the Board agreed to seek input from citizens about the Main Street gazebo, OK Park, and skate park projects. He suggested soliciting input by way of the Downtown Waynesville Advisory Committee for the Main Street Gazebo, and for any other short term and long-term capital projects.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to solicit input from the Downtown Waynesville Advisory Committee as to the Main Street Gazebo project and for any other short-term and long-term capital projects which they may recommend for Downtown Waynesville. The motion carried unanimously.

I. ADJOURN

With no further business, a motion was made by Alderman Jon Feichter, seconded by Alderman Anthony Sutton, to adjourn the meeting at 8:41 pm. The motion carried unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk



Application for Special Events Permit

I. General Information

EVENT NAME: Mother's Day Resource Fair

EVENT DATE(S): May 7, 2022

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

LOCATION: First United Methodist Church parking lot and outdoor property

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

SET-UP TIME (START/END): 10am-11am

EVENT HOURS: 11am-3pm

DISMANTLE HOURS (START/END): 3pm-4pm

ESTIMATED ATTENDANCE: 50 people

BASIS ON WHICH THIS ESTIMATE IS MADE: Previous events like this

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: First United Methodist Church, Waynesville

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

APPLICANT NAME: Becky Brown TITLE: Associate Pastor

ADDRESS: 566 S. Haywood St CITY: Waynesville STATE: NC ZIP: 28786

PHONE: 828-456-9475 FAX#: EMAIL: bbrown@fumc-waynesville.com

ON-SITE CONTACT: Destri Leger TITLE: Director of Outreach Ministries

ADDRESS: 566 S. Haywood St, Waynesville, NC 28786

PHONE #: 828-456-9475 CELL PHONE #: 337-230-0515 EMAIL: dleger@fumc-waynesville.com

We plan to offer a multi-agency resource fair focused on services for mothers and children. We will have food trucks parked along Academy Street next to our green space courtyard. We will provide resource tables in the courtyard. The local radio station will be providing music for the event.

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

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

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

1. Academy Street (section between Haywood St and Tate St) Beginning at 10am, ending at 3:30pm on Saturday, May, 7, 2022.

2.

3.

V. Event Details

YES

NO

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

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

☐ ☒ Does the event involve the **sale of non-food items**? If "YES" have you applied for a privilege license? _____

☒ ☐ Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: 0 Number of Band(s): 1 DJ Amplification? Speaker

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

☒ ☐ Do you plan to use an existing **occupied building**? Address FUMC 566 S Haywood St, Waynesville, NC 28786

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

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

Approx. Number of Tents: 4 Will any tent exceed 400 sq. feet in area? ☒ NO ☐ YES

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

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

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

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

- ☐ ☒ Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____
- ☐ ☒ Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____
- ☐ ☒ Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? _____
- ☐ ☒ Will **inflatable parade balloons** be used for the event? Provide details if necessary. _____

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

There is ample parking in the church parking lots for the event.

Notes:

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

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

We will have our own trash cans located throughout our campus, and we will discard it ourselves.

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

no

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

Return to:

Jesse Fowler, Assistant Town Manager

Town of Waynesville

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

Telephone: (828) 452-2491

Fax No. : (828) 456-2000

Email Address: jfowler@waynesvillenc.gov

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: Summer Resource Fair

EVENT DATE(S): May 25, 2022

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

LOCATION: First United Methodist Church parking lot and outdoor property

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

SET-UP TIME (START/END): 9am-11am

EVENT HOURS: 11am-2pm

DISMANTLE HOURS (START/END): 2pm-3pm

ESTIMATED ATTENDANCE: 100 people

BASIS ON WHICH THIS ESTIMATE IS MADE: Previous events like this

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: First United Methodist Church, Waynesville

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

APPLICANT NAME: Becky Brown TITLE: Associate Pastor

ADDRESS: 566 S. Haywood St CITY: Waynesville STATE: NC ZIP: 28786

PHONE: 828-456-9475 FAX#: EMAIL: bbrown@fumc-waynesville.com

ON-SITE CONTACT: Destri Leger TITLE: Director of Outreach Ministries

ADDRESS: 566 S. Haywood St, Waynesville, NC 28786

PHONE #: 828-456-9475 CELL PHONE #: 337-230-0515 EMAIL: dleger@fumc-waynesville.com

We plan to run a multi-agency resource fair focused on summer activities and programs. The radio will be there to provide music. We will also have an inflatable for children to play in. We will have tables to distribute resources to those who attend. We will also have Manna distribute food to those who attend. We will also have food trucks. This will all be in the main parking lot of FUMC of Waynesville.

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

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

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

1. Academy Street (section between Haywood St and Tate St) Beginning at 10am, ending at 2:30pm on Wednesday, May, 25, 2022.

2.

3.

V. Event Details

YES

NO

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

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

☐ ☒ Does the event involve the **sale of non-food items**? If "YES" have you applied for a privilege license? _____

☒ ☐ Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: 0 Number of Band(s): 1 DJ Amplification? Speaker

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

☒ ☐ Do you plan to use an existing **occupied building**? Address FUMC 566 S Haywood St, Waynesville, NC 28786

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

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

Approx. Number of Tents: 4 Will any tent exceed 400 sq. feet in area? ☒ NO ☐ YES

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

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

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

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

- ☐ ☒ Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____
- ☐ ☒ Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____
- ☐ ☒ Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? _____
- ☐ ☒ Will **inflatable parade balloons** be used for the event? Provide details if necessary. _____

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

There is ample parking in the church parking lots for the event.

Notes:

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

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

We will have our own trash cans located throughout our campus, and we will discard it ourselves.

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

no

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

Return to:

Jesse Fowler, Assistant Town Manager

Town of Waynesville

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

Telephone: (828) 452-2491

Fax No. : (828) 456-2000

Email Address: jfowler@waynesvillenc.gov

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Application for Special Events Permit

I. General Information

EVENT NAME: Apple Harvest Festival

EVENT DATE(S): Saturday, October 15, 2022

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

LOCATION: Downtown Main Street

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

SET-UP TIME (START/END): Friday, October 14, 2022

EVENT HOURS: 10:00-5:00

DISMANTLE HOURS (START/END): 5:00-6:30

ESTIMATED ATTENDANCE: 25,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Police Department Estimates

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Haywood Chamber of Commerce

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

APPLICANT NAME: CeCe Hipps TITLE: President

ADDRESS: 28 Walnut Street CITY: Waynesville STATE: NC ZIP: 28786

PHONE: 828.768.1430 FAX#: EMAIL: chipps@haywoodchamber.com

ON-SITE CONTACT: CeCe Hipps TITLE: President

ADDRESS: 28 Walnut St; Waynesville, NC 28786

PHONE #: 828.456.3021 CELL PHONE #: 828.768.1430 EMAIL: chipps@haywoodchamber.com

III. Brief Description of Event

The annual Apple Festival is in its 35th year of celebrating everything apple in Downtown Waynesville. The streets are filled with almost 150 arts and craft booths, food concessions, music, cloggers and more. The event is owned, operated and organized by the Haywood Chamber of Commerce. Current plans are to space craft booths along the sides of the streets with food vendors designated to food “courts” located at the north and south ends of Main Street.

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

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

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

1. Main Street, Church Street, Depot Street, Miller Street

Closed Friday, October 14th at 9PM to reopen Saturday, October 15th at 7PM

V. Event Details	
------------------	--

YES NO

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

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

x ☒ ☐ Does the event involve the **sale of food**? YES (Food Vendors not Chamber)

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

x ☐ ☐ Does the event involve the **sale of non-food items**? If "YES" have you applied for a privilege license? NO

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

Number of Stages: 1 Number of Band(s): 4-5 Amplification? NO

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

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

☐ x ☐ _____

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

☐ x ☐ _____

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

Approx. Number of Tents: 125 Will any tent exceed 400 sq. feet in area? x ☐ NO ☐ YES

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

x	<input type="checkbox"/>	Will you provide portable toilets for the general public attending your event? IF SO, how many and where will they be located?	10
---	--------------------------	---	----

☐ x ☐ Will you require **electrical hookup** for the event? Generators? ___to be provided by vendors

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

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

Craft - 10x12 -\$250; 10x24 \$375; 10x36 \$525
Food – 10x18 \$325; 10x36 \$525

$x \square \quad \square$

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

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

VI. Additional Questions

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

Parking locations are identified on the website, TOW places a sign with directions to parking garage

Regular TOW parking accommodations

Notes:

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

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

2 Dumpsters are placed by TOW. ROTC volunteers collect trash on streets and drop off at dumpsters. The Chamber makes a donation to ROTC

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

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

Return to:

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

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- * The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Key:

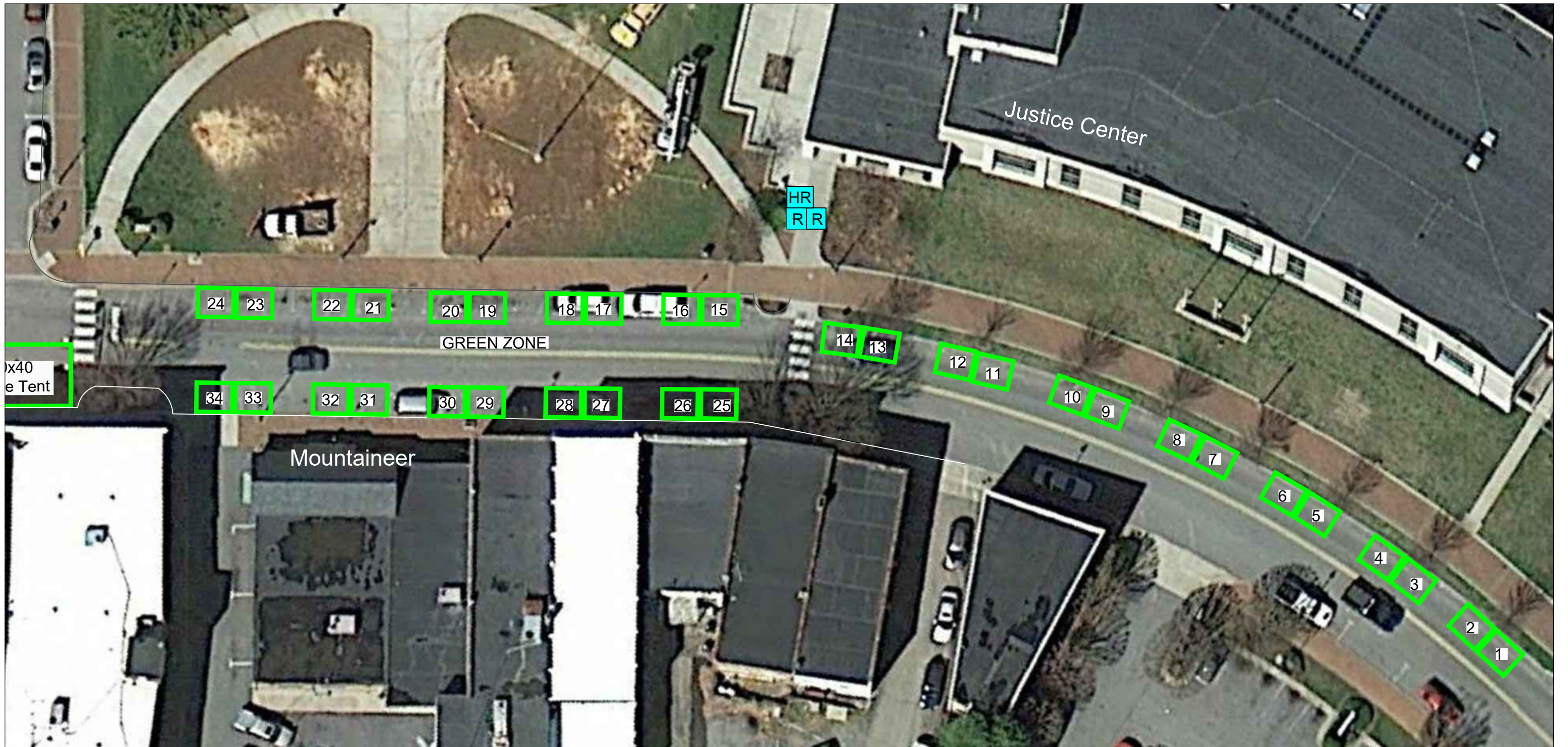
- 10 x 12 Booth
- Restrooms
- Electric Outlet

*12 feet between booths

2021 Apple Harvest Festival Booth Setup Map

Scale: 1" = 50'





~Green Zone Layout~ East of Depot Street

2021 Apple Harvest Festival Booth Setup Map

Scale: 1" = 30'
*12 feet between booths

Key:

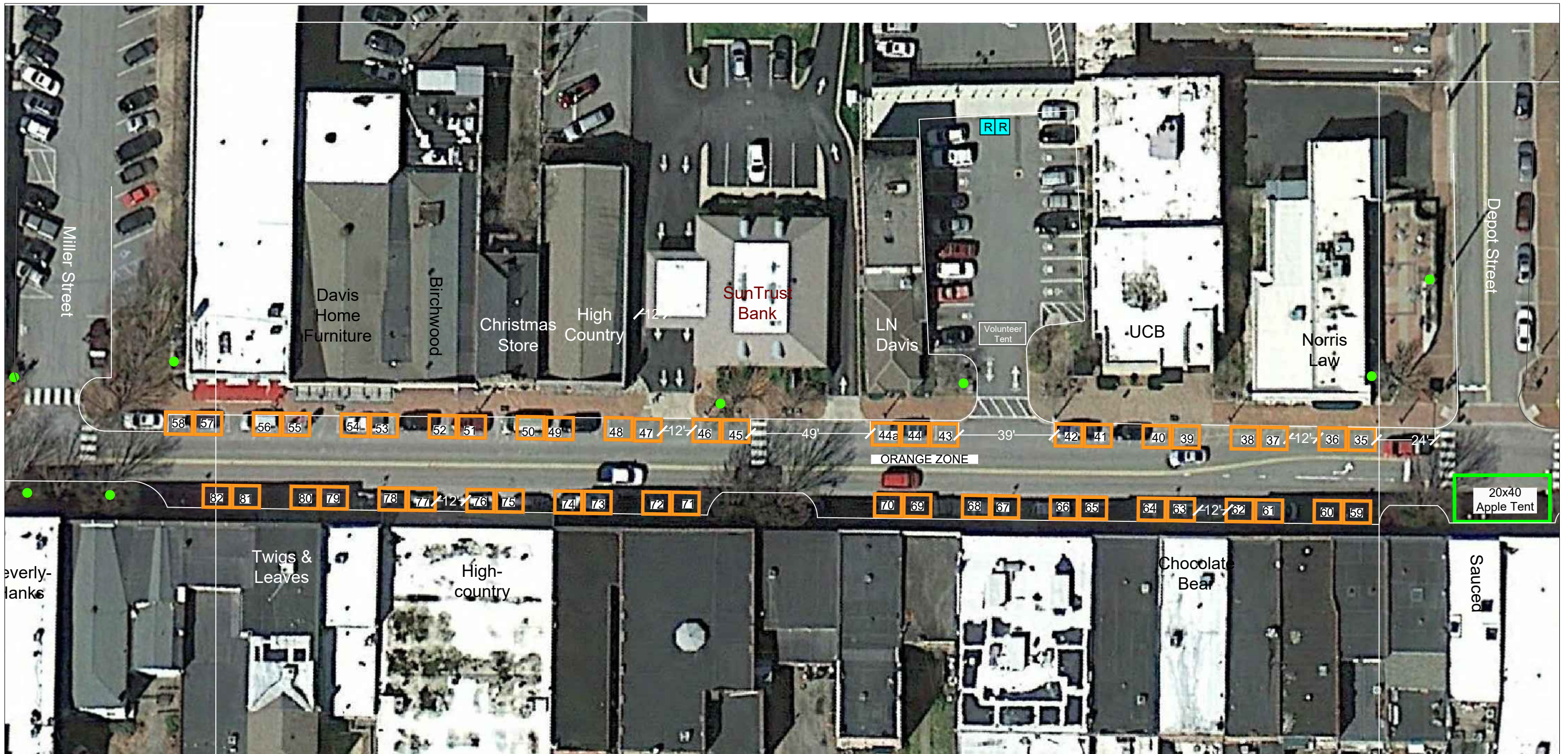
- 1 10 x 12 Booth
- RR Restrooms
- Electric Outlet

Prepared by:



1155 N. Main Street
Waynesville, NC 28786
828.456.8383





Key:



10 x 12 Booth



Restrooms



Electric Outlet

~Orange Zone Layout~
Suntrust to Miller Street

2021 Apple Harvest Festival
Booth Setup Map

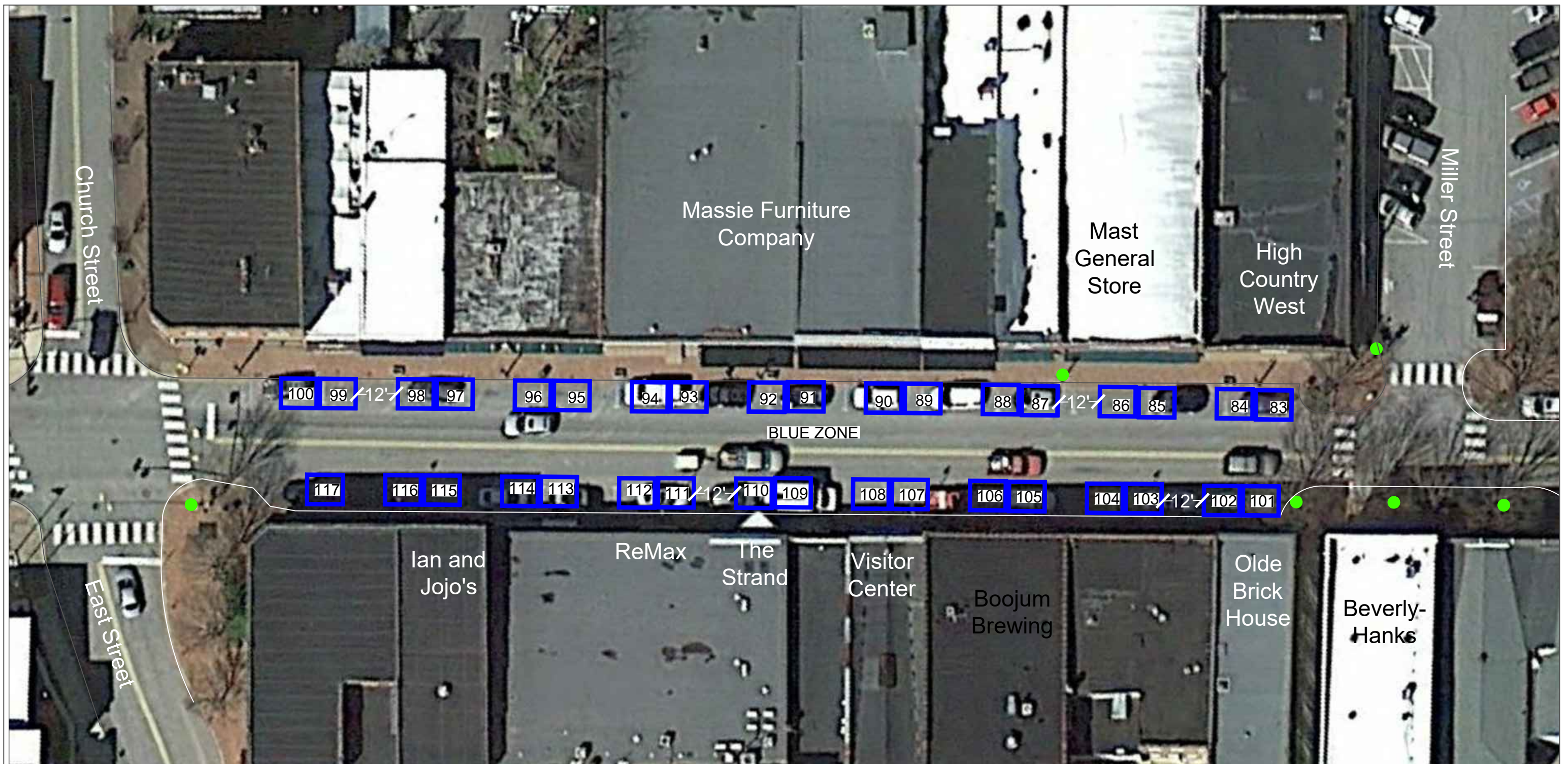
Scale: 1" = 40'
*12 feet between booths

Prepared by:



1155 N. Main Street
Waynesville, NC 28786
828.456.8383





Scale: 1" = 30'
*12 feet between booths

Prepared by:



1155 N. Main Street
Waynesville, NC 28786
828.456.8383

Key:



10 x 12 Booth



Restrooms



Electric Outlet

~Blue Zone Layout~ Miller Street to Church Street 2021 Apple Harvest Festival Booth Setup Map





~Pink Zone Layout~
 Church Street to Pigeon Street
 2021 Apple Harvest Festival
 Booth Setup Map

Scale: 1" = 30'
 *12 feet between booths

Prepared by:



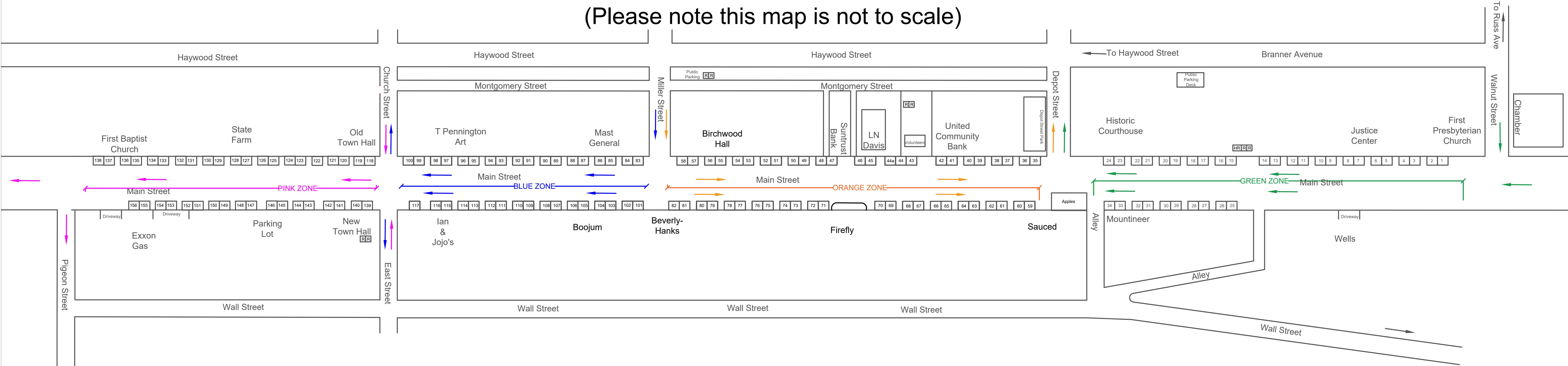
1155 N. Main Street
 Waynesville, NC 28786
 828.456.8383

Key:


- 1 10 x 12 Booth
- RR Restrooms
- Electric Outlet



2021 Apple Harvest Festival Vendor Map
~All Zones~
(Please note this map is not to scale)







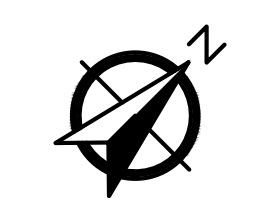
Prepared by:




1155 N. Main Street
Waynesville, NC 28786
828.456.8383

Key:

-  10 x 12 Booth
-  Restrooms
-  Handicap Restroom
-  Direction of travel for vendors during setup and breakdown





Green Section - Exit via
Depot St

Green Section - Enter via
Russ Ave/Walnut St
or N. Main St

← To Haywood Street

Branner Avenue

To Russ Ave ↑

Walnut Street ↓

Chamber

Depot Street

Depot Street Park



Historic
Courthouse

2021 Apple Harvest Festival Vendor Map
~Green Zone~
(Please note this map is not to scale)

Justice
Center

First
Presbyterian
Church

HR R R

24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

GREEN ZONE

Main Street

Alley

Mountineer

34 33 32 31 30 29 28 27 26 25

Driveway

Wells

Alley

Key:

10 x 12 Booth

Restrooms

Handicap
Restroom

Direction of travel for vendors
during setup and breakdown



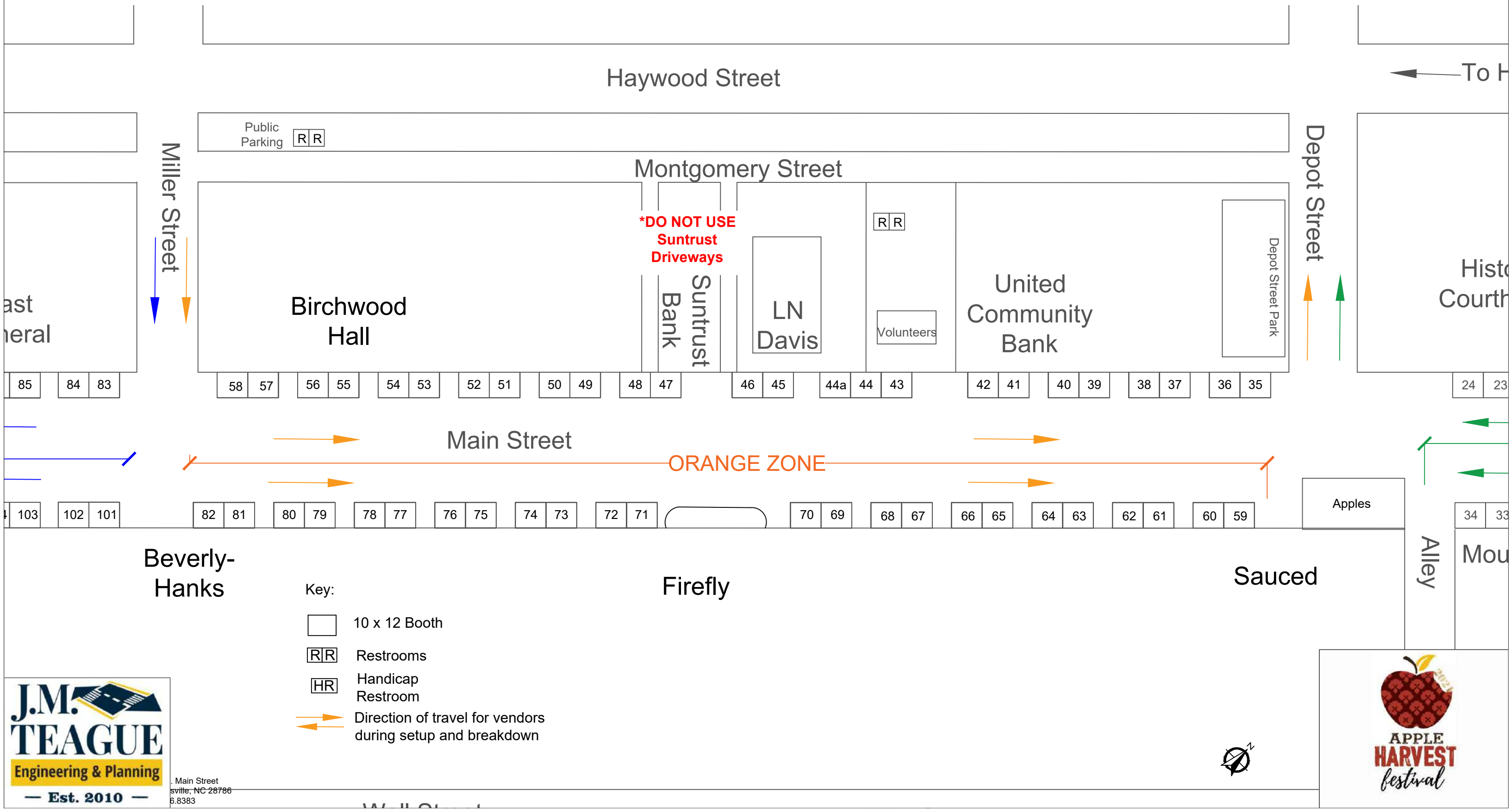
1155 N. Main Street
Waynesville, NC 28786
828.456.8383



2021 Apple Harvest Festival Vendor Map
~Orange Zone~
(Please note this map is not to scale)

Orange Zone - Enter via
Miller St

Orange Zone - Exit via
Depot St



Blue Zone - Exit via
Church or East St

Blue Zone - Enter via
Miller St

Haywood Street

Montgomery Street

Miller Street

Church Street

Old
Town Hall

T Pennington
Art

Mast
General

Birchw
Ha

Public
Parking

R R

Main Street

BLUE ZONE

PINK ZONE

New
Town Hall

Ian
&
Jojo's

Boojum

Beverly-
Hanks

2021 Apple Harvest Festival Vendor Map
~Blue Zone~
(Please note this map is not to scale)

Wall Street

East Street

Key:

10 x 12 Booth

Restrooms

Handicap
Restroom



1155 N. Main Street
Waynesville, NC 28786
828.456.8383



Haywood Street

Pink Zone - Enter via Church or East Street

2021 Apple Harvest Festival Vendor Map
~Pink Zone~
(Please note this map is not to scale)

Pink Section - Exit via Main or Pigeon St

First Baptist Church

State Farm

Old Town Hall

- 138
- 137
- 136
- 135
- 134
- 133
- 132
- 131
- 130
- 129
- 128
- 127
- 126
- 125
- 124
- 123
- 122
- 121
- 120
- 119
- 118

- 100
- 99
- 98

Main Street

PINK ZONE

- 156
- 155
- 154
- 153
- 152
- 151
- 150
- 149
- 148
- 147
- 146
- 145
- 144
- 143
- 142
- 141
- 140
- 139

- 117
- 116

Parking Lot

New Town Hall

R R

Exxon Gas

Key:

10 x 12 Booth

R

R

 Restrooms

H

R

 Handicap Restroom

Direction of travel for vendors during setup and breakdown

East Street

Pigeon Street

Wall Street



Prepared by:



1155 N. Main Street
Waynesville, NC 28786
828.456.8383



4/4/2022

To: Waynesville Town Manager, Mayor and Board of Alderman
Downtown Waynesville Association, WPD Chief

From: Eric Yarrington, President – Waynesville Main Street Mile

Re: Proposal for 2022 Waynesville Main Street Mile

I would like to thank the Town of Waynesville for the continued support for our annual Waynesville Main Street Mile. We are excited about the return of this popular event, hosting our 8th race. This year we will support REACH of Haywood County.

We have scheduled the race for Saturday night, June 11, 2022. The race begins at 6:30 pm. The traffic assistance that has been graciously provided by the Waynesville Police Department, in addition to our volunteers, has been very successful at helping the race to be a safe and enjoyable event. In addition, it has provided for the opportunity for traffic to flow across Main Street. Traffic stops were set up at the intersections of Main Street and Walnut Street (to stop southbound traffic) and at the traffic light at Main Street and Hazelwood Avenue (to stop northbound traffic). We are requesting the same assistance for this year's race, with traffic stops being in place at 5:00 to allow for course set up and for volunteers to be placed at the appropriate cross streets.

We feel that the Waynesville Main Street Mile serves as another "Block Party" to highlight our beautiful and historic downtown. We will once again have a big post race party complete with live music, food / drinks, and many children's activities.

We are also requesting the use of the Mini-Park at the corner of S. Main and Depot St. for our registration area. We would need access to this by 4pm.

Sincerely,

Eric Yarrington
info@2311communityfitness.com
828-713-3491

**Main Street Mile is a 501(c)(3) charitable organization
Federal Tax ID #27-2955805
All donations are tax deductible**



Application for Special Events Permit

I. General Information

EVENT NAME:

Main Street Mile

EVENT DATE(S):

June 11, 2022

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

LOCATION

Main Street Waynesville

IF THIS EVENT IS A PARADE
OR ROAD RACE

Please provide a full route description and map

SET-UP TIME (START/END):

2 pm

EVENT HOURS:

6-8 pm

DISMANTLE HOURS
(START/END):

7:30 to 8:30 pm

ESTIMATED ATTENDANCE:

≈ 200 +

BASIS ON WHICH THIS ESTIMATE IS
MADE:

Previous MSM events

COMPREHENSIVE GENERAL LIABILITY
INSURANCE REQUIRED: \$1,000,000.

Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION
NAME:

BEACH + Main Street Mile (Yarrington family)

ARE YOU A NON PROFIT
CORPORATION?

No

Yes

If yes,
are you

501c(3)

501c(6)

Place of
Worship

APPLICANT
NAME:

Susanna Shetley

TITLE: BEACH Committee

ADDRESS: 94 Merimac Cir CITY: Waynesville STATE: NC ZIP 28786

PHONE:

828-279-5123

FAX#:

EMAIL:

Susanna.Shetley@gmail

ON-SITE
CONTACT:

Eric Yarrington

Susanna Shetley

TITLE:

Race Coordinator / Partner non-profit

ADDRESS:

PHONE #:

CELL PHONE #:

EMAIL:

MSM - Eric Yarrington (828) 713-3491

BEACH - Susanna Shetley (828) 279-5123

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

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

1. Depot St from Montgomery St to Main St 6/11/22 6:00pm - 8:00pm

2. Other cross streets to Main St from Justice Center to Hazelwood

3. Ave will be monitored by staff to temporarily halt traffic when runners are on course.

YES NO

☒ ☐ Does the event involve the sale or use of alcoholic beverages?

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

☐ ☒ Does the event involve the sale of food? _____

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

☒ ☐ Will there be musical entertainment at your event? If "YES" provide the following information:

Number of Stages: _____

Number of Band(s): _____

Amplification? yes

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

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

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

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

Approx. Number of Tents: _____

Will any tent exceed 400 sq. feet in area? ☒ No ☐ Yes

Does the event involve the use of pyrotechnics? Explain _____

Will you provide transportation for the general public attending your event? If so, how many and _____

What will be the location of the transportation? _____

Will there be a generator in the proposed event site? _____

Will you have a fire extinguisher in the proposed event site? _____

Will you have a fire extinguisher in the proposed event site? _____

Will you have a fire extinguisher in the proposed event site? _____

Will you have a fire extinguisher in the proposed event site? _____

Will you have a fire extinguisher in the proposed event site? _____

VI. Additional Questions

How will parking be accommodated for this event?

Parking on and around Main Street has been fine in previous years.

Notes:

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

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

Race staff - we will carry it go

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

yes

Apply for this permit at least 80 days prior to your special event. (30 days for a neighborhood street closing)

Return to:

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

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY

Application received

Application approved

Application denied

Location	Volunteer(s)	Number Needed
Main & Walnut	Officers	1-2
Depot		1
The Mountaineer		1
Sun Trust Bank		1
Main St. Parallel Spots		3-4
Miller St		1
Church St		1
East St.		2 + Officer
Exxon Parking Lot		2
Pigeon St		2 + Officer
Academy St		1
Bogart's		3
Haywood St		1
Legion Dr		2
Hillview Circle		1
Balsam Dr		1
Auburn Rd		1
Hazelwood Ave	Officers	



Proclamation

WHEREAS: The Town of Waynesville advocates for a healthy community by Supporting policies that promote the preservation of our beautiful mountains and forests, protect our pristine watershed, abundant waterways, and natural resources, and enhance the health of every living creature;

WHEREAS: Single-use plastic items in all forms including single-use plastic grocery bags, plastic drinking straws, plastic lids, plastic utensils, plastic soda/water bottles, and styrofoam containers inflict significant ecological harm to the health of all humans, wildlife, and the environment from their use, and from their breakdown into microplastics, which are in the water we drink, the food we eat, and the air we breathe;

WHEREAS: Single use plastic bags are used on average for twelve minutes and then thrown away; most single-use plastics are not acceptable at recycling facilities; less than 10% of all recyclable plastic can be recycled; plastic production is estimated to quadruple in the next 30 years; and ingesting microplastics increases the risk of health problems including some cancers, inflammatory disease, and infertility;

WHEREAS: The Town of Waynesville wishes to educate our residents and all Citizens about the risks of single use plastics to humans, wildlife, and our environment while recognizing local businesses and residents who voluntarily participate in initiatives to reduce usage of these items with reusable and/or compostable materials instead;

WHEREAS: Part of a single-use plastic reduction initiative includes the procurement by the Town of Waynesville of recycling bins for residents which will eliminate the use of single use blue plastic bags, as well as other efforts to promote the use of reusable materials to curb street litter, reduce solid waste, and aid the efforts to reduce greenhouse gas emissions;

THEREFORE, BE IT DECLARED BY MAYOR GARY CALDWELL AND THE BOARD OF ALDERMAN:

In honor of Earth Day April 22, 2022, the Town of Waynesville supports the Bring Your Own Bag/Haywood initiative and urges all government entities private businesses, and residents to limit single-use plastics by reducing or eliminating their usage wherever and whenever possible.

Signed this 12th day of April, 2022

J. Gary Caldwell, Mayor

Attest:

Eddie Ward, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 4/12/22

SUBJECT Request of Tom Daniels to install retaining walls on Dogwood Lane

AGENDA INFORMATION:

Agenda Location:

Item Number:

Department: Administration

Contact: Rob Hites

Presenter: Rob Hites

BRIEF SUMMARY: In 2017 the Town experience unprecedented rainfall that resulted in a landslide from private property inherited by Tom Daniels. David Foster and Preston Gregg engaged a soils engineering firm to conduct tests to determine what, if any, may exist on the right of way of Dogwood Lane and the private property where the slide occurred. BLE Engineers conducted a series of soil borings (see report) and determined that the right of way and road surface of Dogwood Lane was stable. They noted however that the soils on the slope of the private property had a potential to slide into the roadway. In an effort to protect the roadway from future slides BLE recommended the Town install two retaining walls build of rock filled baskets known as "Gabions". The gabion would be anchored below the surface in the right of way of Dogwood Drive. The owner would then reduce the severity of the slope by backfilling the gabion walls. The estimated price two years ago was \$150,000. Mr. Daniels believes that Waynesville has a legal duty to construct the gabion walls so he can reduce the grade of his lot. He plans to build a home on it and does not believe the slope is safe without the Town's gabions.

On 9/12/19 David Foster wrote an email describing a meeting with BLE's slope specialist. BLE reported that "there is no greater concern for additional slides now than there were before the slides occurred." "Basically, the adjacent slopes about as dangerous now (from additional slides) as they were before we closed the road." "Having said that, BLE did not feel that there were any additional concerns over removing the slide debris and reopening the roadway.

In their recommendations BLE states that once the gabions are in place the Factor of Safety (FOS) would only be 1.3. the bare minimum factor that is acceptable.

After observing the site for the past two years, considering the minimal traffic volume, the infrequency of slides and the fact that there are two alternate roadways to reach the summit of the mountain, we determined that the expenditure of over \$150,000 to construct retaining walls to protect the right of way from slides originating on private property was not justified. While the engineers recommend the gabion system a government does not have a legal duty to follow their recommendations. Our duty is to determine the risk to the public of additional slides into the roadway itself. Based on the history of slides and the minimal traffic volume we do not recommend that the Town construct the gabion system.

MOTION FOR CONSIDERATION: Listen to Mr. Daniels and their engineers and determine a path forward.

FUNDING SOURCE/IMPACT: General Fund Balance

ATTACHMENTS: BLE report, emails from staff and review of current conditions by Preston Gregg.

MANAGER'S COMMENTS AND RECOMMENDATIONS : Listen to Mr. Daniels, determine the pros and cons of constructing the gabion system and the cost/benefit of constructing the gabions.



**BUNNELL
LAMMONS
ENGINEERING**

October 31, 2019

Mr. David Foster
Town of Waynesville
129 Legion Drive
Waynesville, North Carolina 28786

Subject: **REPORT OF LANDSLIDE ASSESSMENT
Dogwood Trail
Waynesville, North Carolina
BLE Project No. 19-13722-01**

Dear Mr. Foster:

Thank you for the opportunity to assess the landslide condition present on Dogwood Trail in the Town of Waynesville. This report presents the findings of our study and provides preliminary recommendations for correction.

PROJECT BACKGROUND

In early June of 2019, two landslides, approximately 200 feet apart, occurred in the slopes above Dogwood Trail, a Town-owned and maintained road during an extended wet period. The resulting soil masses travelled downhill and partially covered the road, resulting in road closure. The Town of Waynesville contracted a local surveyor to develop a topographic and property line survey of the subject area. The slide area encompasses the roadway, the roadway right-of-way, and two uphill parcels of property. The limits of soil movement were recorded in the survey. During BLE's reconnaissance, it appeared that the delineation for the west slope was fairly accurate, however the east slope movement may be larger than indicated in the survey. Significant tension cracks were noted in the driveway 40+ feet above the roadway and appear to have opened recently. Water was also observed to be emanating from the east slope. BLE recommended the road remained closed until further evaluation could be made.

EXPLORATION METHODOLOGY

Site Reconnaissance and Geotechnical Exploration

BLE staff visited the site to delineate pertinent surface features relative to potential slide repair. This included identification of rock outcrops, colluvial deposits, sign of slope instability and limits of current and/or apparent slope movement. These features have been added to the provided topographic survey.

Dogwood Trail is a Functional Class **Local** roadway serving residential areas of Eagle's Nest in the Waynesville area. It is a low-volume road with a roadway width of 15 to 20 feet and a paved width of 10 feet.



130 Oval Road, Suite 200, Arden, NC 28704 ☎ 828.277.0100 📠 828.277.0110 ✉ info@blecorp.com

BLECORP.COM

BLE evaluated subsurface conditions in the near vicinity of the two slide areas by means of seven soil borings. Three of these borings were completed above the roadway (areas above the slope failures) and were extended to auger refusal. The other four borings were drilled at the road level of Dogwood Trail, below the slides. Borings with Standard Penetration Testing (SPT) and Thin-walled Tube (TW) sampling were conducted.

Inclinometer Installation (optional)

An optional Inclinometer Installation was described in the original Proposal; however, this option was not elected based on the findings of the seven borings.

Schematic Slope Repair & Order-of-Magnitude Cost Estimate

BLE compiled and evaluated the data collected in Task 1 and evaluated repair options. In due course of our analysis it became apparent that site limitations (i.e. ground slope, limited roadway width, and limitation of ROW width, combined to limit the options available. A meeting was held in the Town Office with Messers. Jacobson, Belgeri, and Tennesen of BLE and Messers. Foster, Gregg, and Hannah of the Town of Waynesville. Re-grading at the toe of the slope and within the roadway became the feasible, considered-affordable option. Structural options including the possibility of reinforced walls or cast-in-place walls were considered to be not feasible because of the relative cost of the options and limited vehicular demand on the roadway. On the basis of this meeting, plan and cross-section views were requested, were developed, and are reported herein. Preliminary Opinion of Cost are included herein.

DISCUSSION OF FINDINGS

Geotechnical Exploration

The seven Soil Test Borings drilled, including SPT and TW sampling, are attached in the Appendix of this report. Borings were drilled to the depths and termination condition shown in Table 1.

Table 1.

Boring Number	Termination Depth, ft.	Termination Condition
B-1	20	In very firm soil (possible residuum)
B-2	18	In hard soil (possible residuum)
B-3	45	Auger Refusal
B-4	50	In hard PWR
B-5	25	In dense soil
B-6	25	In hard PWR
B-7	40	Auger Refusal

As indicated in the boring records and Table 1, a variety of soil types were interpreted in the profile, including fill (in the roadway section), colluvial soil, residual soil, Partially Weathered Rock (PWR), and auger refusal material. Colluvial soil is a gravity-deposited material, while all of the other soil

types, except fill, are considered to be derived from weathering, in-place, of the parent bedrock. Colluvial soil is considered to be the source of many landslides in the Blue Ridge area of Western NC and is considered a contributing factor in these slides. Fill was present primarily in the road level borings and was not considered to be a factor in the slides that occurred.

SPT values in the colluvial soil zones range from 3 to 13 blows per foot (bpf) with a few exceptions where zones of weathered rock fragments are present. Colluvial soils are characteristically a slightly silty SAND (SW) to silty SAND (SM) with rock fragments.

SPT values in the residual soil, and PWR zones were significantly higher and ranged from about 5 bpf to greater than 20 bpf. In the PWR, SPT values exceeded 50 blows for less than six inches of penetration.

In all cases the soil profile, with depth, encountered colluvial soils, over residual soils, grading into PWR and then Refusal Materials.

Engineering Parameters

On the basis of the boring information, one triaxial shear test (See Appendix), a rudimentary back-analysis, and BLE's experience in the region, we have assigned the engineering parameters in Table 2 to the soils encountered.

Table 2. Engineering Parameters

Soil Type	Unit Weight, pcf	Effective Cohesion, psf	Effective Shear Angle, degrees
Colluvial	120	75	28
Residual	120	75	28
PWR	130	500	36

The reader will note that Colluvial and Residual soils are assigned the same engineering parameters. This is a conservative assumption that allows these two soils to be analyzed together allowing for a simplified analysis. For the most part, colluvial soils are mostly involved along analyzed failure planes, anyway, so this simplification is considered appropriate.

Additional materials were considered in the repair methodologies including the materials found in Table 3.

Table 3. Other Material Parameters

Soil Type	Unit Weight, pcf	Effective Cohesion, psf	Effective Shear Angle, degrees
Select Granular Fill	120	0	45
Gravity Wall Fill	130	Infinite Strength	-

Design Considerations

As described previously, the area in which the landslides took place is a steeply sloping area with thick colluvial cover soils subject to sliding with a variety of trigger possibilities. In this case, the trigger is believed to be a transient high moisture condition causing a slight increase in soil unit weight and a significant decrease in shearing resistance. Due primarily to this steep, existing slope, designing to the traditional expectation for engineered construction is not feasible. Accordingly, and consistent with our discussions in the September 11 meeting, BLE has considered a Factor of Safety (FOS) of at least 1.3 to be adequate (versus the more typical 1.5 minimum FOS). This application of minimum FOS was chosen given the limited use of this roadway, the relative conservatism used in picking soil strength parameters, and the roadway width. Even at that, some rerouting of the pavement section and guard rails will be required to emplace all of the wall sections required to achieve this modicum of FOS. In that regard, the roadway section will have a minimum width of 15 feet and the paved roadway will have a minimum width of 10 feet, the same as original pavement section.

RECOMMENDATIONS

On the basis of our findings and the design limitations and considerations, BLE recommends a landslide repair consisting of regrading of the toe at road level along a portion of Dogwood Trail. For discussion purposes, BLE has considered the East and West Slides as separate entities, although similar approaches to remediation are being recommended.

Plans and sections for the East Slide are included in the Appendix. Conceptually, the repair of the East slide will consist of about 72 feet of Gabion Wall, composed of 6'x6'x3' baskets, with 9 feet of the wall exposed and 3 feet buried. The slope behind the gabion wall will be infilled using granular material (#57 stone) from the top of the wall to intersection on the existing slope. Details of that backfill are shown on the sections. In like manner, the sections of the slope where gabion wall is not recommended will be regraded using granular fill on a slope not exceeding 1.4(H):1.0(V).

Approximately 75 feet of roadway at the East Slide will require re-location by shifting at least 9 feet to the southeast (see remedial Plan). Virtually the entire paved section will require resurfacing or pavement section construction.

Plans and sections for the West Slide are included in the Appendix. The repair of the West slide will consist of 90 feet of Gabion Wall, composed of 6'x6'x3' baskets, with 9 feet of the wall exposed and 3 feet buried. The slope behind the gabion wall will be infilled using granular material (#57 stone) from the top of the wall to intersection on the existing slope. Details of that backfill are shown on the sections. In like manner, the sections of the slope where gabion wall is not recommended will be regraded using granular fill on a slope not exceeding 1.4(H):1.0(V).

Approximately 135 feet of roadway will require re-location by shifting at least 9 feet to the southeast (see remedial Plan). Virtually the entire paved section will require resurfacing or pavement section construction.

For estimating purposes, the quantities involved in this re-grading process are included in Table 4.

Table 4. Material Quantities

Material	Quantity Estimate East	Quantity Estimate West	Unit Cost Estimate, \$ per unit
Gabion Basket (6'x6'x3')	46 baskets	60 baskets	42
Gabion Fill Material	80 tons	100 tons	70
Granular Fill	740 tons	470 tons	70
Drainage Fabric	750 yd ²	690yd ²	18
Roadway ^(a) Relocation/Resurfacing	1750 ft ²	2100 ft ²	3

(a) Applicable to Gabion Wall Option only

The drainage fabric in Table 4 will be required under any granular material Gabion Fill or Granular Fill placed on the Residual/Colluvial soils forming the slopes.

Extension of these quantities and unit rates yields what we consider to be a reasonable, though not conservative, opinion of cost. Our opinion of this cost is calculated at about \$150,000, plus design costs.

As noted earlier herein, the FOS values (1.3, minimum) are considered marginally acceptable for a road of this usage volume and other aspects. For comparison purposes, we have very roughly considered the use of a structural wall, generally in place of the Gabion Wall. The advantages of the structural wall include life of the structure, greater flexibility in maintaining the minimum roadway widths, lower resurfacing cost, greater control of FOS (1.5 minimum readily achievable), and appearance. The cost impact is substantial as we offer an opinion of the cost of the structural alternative at about \$500,000, plus design cost.

These conceptual plans and sections should be committed to a set of plans and specification released "For Construction" prior to estimation of total construction cost. BLE will be pleased to assist the Town in this design effort.



Landslide Assessment Report
Dogwood Trail – Waynesville, NC

October 31, 2019
BLE Project No. 19-13722-01

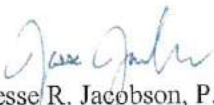
CLOSURE

Bunnell-Lammons Engineering appreciates the opportunity to offer our professional engineering services on this project. If you have any questions concerning this proposal, please contact us.

Sincerely,

BUNNELL-LAMMONS ENGINEERING, INC.


James A. Belgert, P.E.
Senior Engineer
NC Registration # 023614


Jesse R. Jacobson, P.E.
Asheville Branch Manager

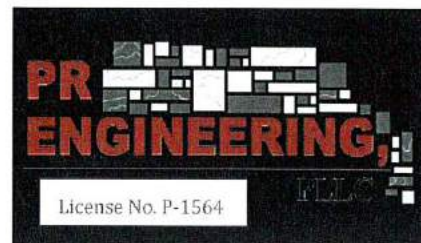
Attachments: Appendices

April 4, 2022

SUBJECT: Engineering Review – Dogwood Trl. Slide

LOCATION: Dogwood Trail
Waynesville, NC 28786

To Whom It May Concern,



PR Engineering, PLLC (PRE) was contacted to provide a current up to date review of the two slides directly adjacent to Dogwood Trail. Dogwood Trail is a Town owned and maintained road that collects local traffic to residential homes in the Eagles Nest Waynesville area, is approximately 15' – 20' wide, and contains limited right of way widths on each side of the road.

BLE Engineering provided a geotechnical exploration report / study of the slide area that ultimately led down the path to re-grading the toe of slope (already completed by Town staff) on the upper side of the roadway and the design of a type of retaining wall called a "gabion basket wall." BLE reported the wall was to be designed with a minimum FOS (factor of safety) of 1.3; which simply expresses how much stronger a system is than is needed for the intended loads. They also reported that typically, these walls are designed for a FOS of 1.5. The reasoning the FOS dropped to a 1.3 was due to design constraints, i.e. narrow roadway widths, limited r/w and steep embankments of the existing Dogwood Trail.

BLE's exploration report identified slope failures (tension cracks) well up into the adjacent properties (100'+ off the right of way)(near the homes) of Daniels (PIN #8605-19-6997) and Lentz (Pin #8605-19-4644). It was also reported that no failures of the roadway surface appeared evident. It is the understanding of PRE that the roadway has been cleared, has been deemed safe for public egress (as also reported by BLE Engineering) and is open as of today. It is of the opinion of PRE that it would be impracticable to feasibly and economically repair a slide that occurs such great distances off the public right of way to a road with a very small ADT (average daily traffic) and has two routes of egress for emergency vehicle access. Also, as it currently stands and reports have indicated, no failures appear evident in Dogwood Trail. Thus, the roadway has been cleared and deemed safe for passage by both BLE Engineering and PR Engineering. Should evidence of roadway failures begin to reflect though, PRE recommends the closure of Dogwood Trail and re-evaluation of the road.

Should you have any further questions or concerns, please do not hesitate to contact me at 828-400-9353.

Sincerely,

Preston R. Gregg

Preston R. Gregg, PE
Principal
PR Engineering, PLLC



4-4-2022

Rob Hites

From: Jeff Stines
Sent: Thursday, September 30, 2021 7:54 PM
To: Jeff Stines
Subject: FW: Dogwood Trail Update

From: John Holland <holl0070@bellsouth.net>
Sent: Thursday, September 12, 2019 5:43 PM
To: David Foster <dfoster@waynesvillenc.gov>
Cc: Tom Lentz <tommylentz72@gmail.com>; Kip Gibert <trebig@eatel.net>; Heather Southerland <hsoutherland@schumacherhomes.com>; Tamara Nash <tnash@schumacherhomes.com>; Stacey Lidman <slidman@schumacherhomes.com>; Tiffany Lentz <TiffLentz72@gmail.com>; Dustin Price <dprice@schumacherhomes.com>; 1farrell@charter.net; thiscrazyplace@gmail.com; g.stubbs@charter.net; chezlennie@msn.com; seidroth@aol.com; jldvgibson@msn.com; EGambel@gmail.com; hjamie@tanpabay.rr.com; sjamie@tampabay.rr.com; cherylanddick@gmail.com; jimwatrous5@gmail.com; jan.Watrous@gmail.com; lfarrell@charter.net; Elizabeth Teague <eteague@waynesvillenc.gov>; Thomas Maguire <tmaguire@waynesvillenc.gov>; JOHN CHAPERON <karenjohn@bellsouth.net>; Rob Hites <rhites@waynesvillenc.gov>; Amie Owens <aowens@waynesvillenc.gov>; Preston Gregg <pgregg@waynesvillenc.gov>; Daryl Hannah <dhannah@waynesvillenc.gov>; Mary Ellen Fawcett <mfawcett@waynesvillenc.gov>; Monte Bethel <montebethel@me.com>; kremsen2010@hotmail.com
Subject: Re: Dogwood Trail Update

Thanks for the update. Relieved to know the road will be open before winter.

Sent from my iPad

On Sep 12, 2019, at 10:46 AM, David Foster <dfoster@waynesvillenc.gov> wrote:

All,

I'm about a week behind when I'd hoped to send out an update, but our meeting with BLE (our geotechnical engineer) got pushed back a few times, so I thought it more important to have something tangible to report than to be timely with no new information. My apologies for the delay.

Staff met with BLE yesterday afternoon, and here's what we heard:

BLE's borings determined that the subsurface rock is stable, and that the slide movement is contained to the top layers of soil. We did not have to install any inclinometers. There does exist some radial cracking farther up the slopes, but the determination is that the structure of the roadway is intact and, more importantly repairable. Staff has reviewed the boring reports, and we're confident that BLE captured the necessary data to make accurate projections, and in locations to adequately address the concerns we had.

BLE is preparing a report to include their engineering findings and recommendations. Those recommendations will include repair options to stabilize the slope(s) along the roadway to a safety factor that will allow us to reopen Dogwood Trail in its existing location. The final repair will entail some

type of retention system, most likely made up of gabion baskets (think large baskets of rocks recreating the failed slope) and structured stone backfill. These gabions will serve as a replacement for the slope, but it will contain enough heft to preclude any slope movement for the foreseeable future. The installation of the retention system will require a partnership between the Town and the adjacent property owners. Basically, we'll need a construction easement for installation of the gabions, and once construction is completed everyone goes back to owning and maintaining what they did before the slides. One note on our assessment is that it only included a scope to encompass the road repair. We will be encouraging the adjacent owners to seek their own independent assessments to determine the slides impact on their individual properties, inclusive of what they need. One property owner has relayed that they've already taken that step.

Once we get the report back, we have also asked BLE to prepare us a scope of repair, bid quantities, as well as some engineers estimates. Town staff will take that data and determine what's the best route to implement the permanent repairs. Most likely, this will entail a presentation to the Waynesville Town Board for direction of an appropriate funding mechanism. While we do ask for annual funding for road repairs, the projected repair costs, while significantly better than our initial worst case fears; will likely exceed our total annual allocation. Without quantities, it's premature to speculate on what those costs may be. I'll include the prospective costs in a future email update.

And, finally, the good news: BLE's slope specialist indicated that there is no greater concern for additional slides now than there were before the slides occurred. Basically, the adjacent slopes are about as dangerous now (from additional slides) as they were before we closed the road. Having said that, BLE did not feel that there were any additional concerns over removing the slide debris and reopening the road. Town staff has already reached out to our contractor for availability of their services and heavy equipment. Once we have their schedule, we'll be able to coordinate the initial reopening of Dogwood Trail. We don't know the exact timing, but we are hoping that that work can be completed within the next month or so, and definitely before cold weather.

Again, I apologize for the delay in getting something back to you, but I hope you'll appreciate my desire to get you good information and our prudence in our handling of this project.

As always; thank you for your patience, and please let me know if you have any questions or need any additional information.

<image006.jpg>David Foster | Public Services Director

Town of Waynesville, NC
129 Legion Drive | Waynesville, NC 28786
(o) 828.456.3706 | (f) 828.456.2005

dfoster@waynesvillenc.gov | www.waynesvillenc.gov

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Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

P.S. Please think green and don't print this message unless necessary. Thanks.

From: David Foster

Sent: Tuesday, August 6, 2019 3:48 PM

To: Tom Lentz <tommylentz72@gmail.com>

Cc: Kip Gibert <trebig@eatel.net>; Heather Southerland <hsoutherland@schumacherhomes.com>;

Rob Hites

From: Jeff Stines
Sent: Wednesday, September 8, 2021 2:51 PM
To: Rob Hites
Subject: RE: Dogwood Trail

I figured that was the case. I feel the property that failed was private and we shouldn't be involved other than the cleaning the ROW to keep the roadway open. David should never have said that or committed to anything without your approval on something of that magnitude.

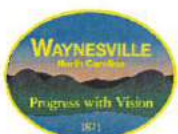
From: Rob Hites <rhites@waynesvillenc.gov>
Sent: Wednesday, September 8, 2021 2:48 PM
To: Jeff Stines <jstines@waynesvillenc.gov>
Subject: RE: Dogwood Trail

A property owner inherited the land involved in the slide of 2017. At the time one of the Geotech companies recommended that we install gabions filled with stone to protect the roadway. David Foster told the guy that we were going to install the structures. He wants to reduce the slope of his land by backfilling the gabions on his side of the right of way. The cost of the project was very high and I did not budget it. When the guy started calling I asked Preston to re-evaluate the project. Preston reported that there had been no further movement of the slope since the slide and stated that he did not see the need for the project. I forwarded this to Mr. Daniels. He believes we have a legal obligation to build the gabions and has contacted an attorney to pursue the matter.

From: Jeff Stines <jstines@waynesvillenc.gov>
Sent: Wednesday, September 8, 2021 2:33 PM
To: Rob Hites <rhites@waynesvillenc.gov>
Cc: Martha Sharpe Bradley <martha@sosharpe.com>
Subject: Dogwood Trail

Good Afternoon,
I am currently working on getting everything I have for the information request on Dogwood Trail.
Sincerely,
Jeff

Jeff Stines | Director of Public Services
Town of Waynesville, NC
129 Legion Drive | PO Box 100 | Waynesville, NC 28786
(o) 828.456.3706 | (f) 828.456.2005
jstines@waynesvillenc.gov | www.waynesvillenc.gov



DOGWOOD TRAIL LANDSLIDE REPAIR

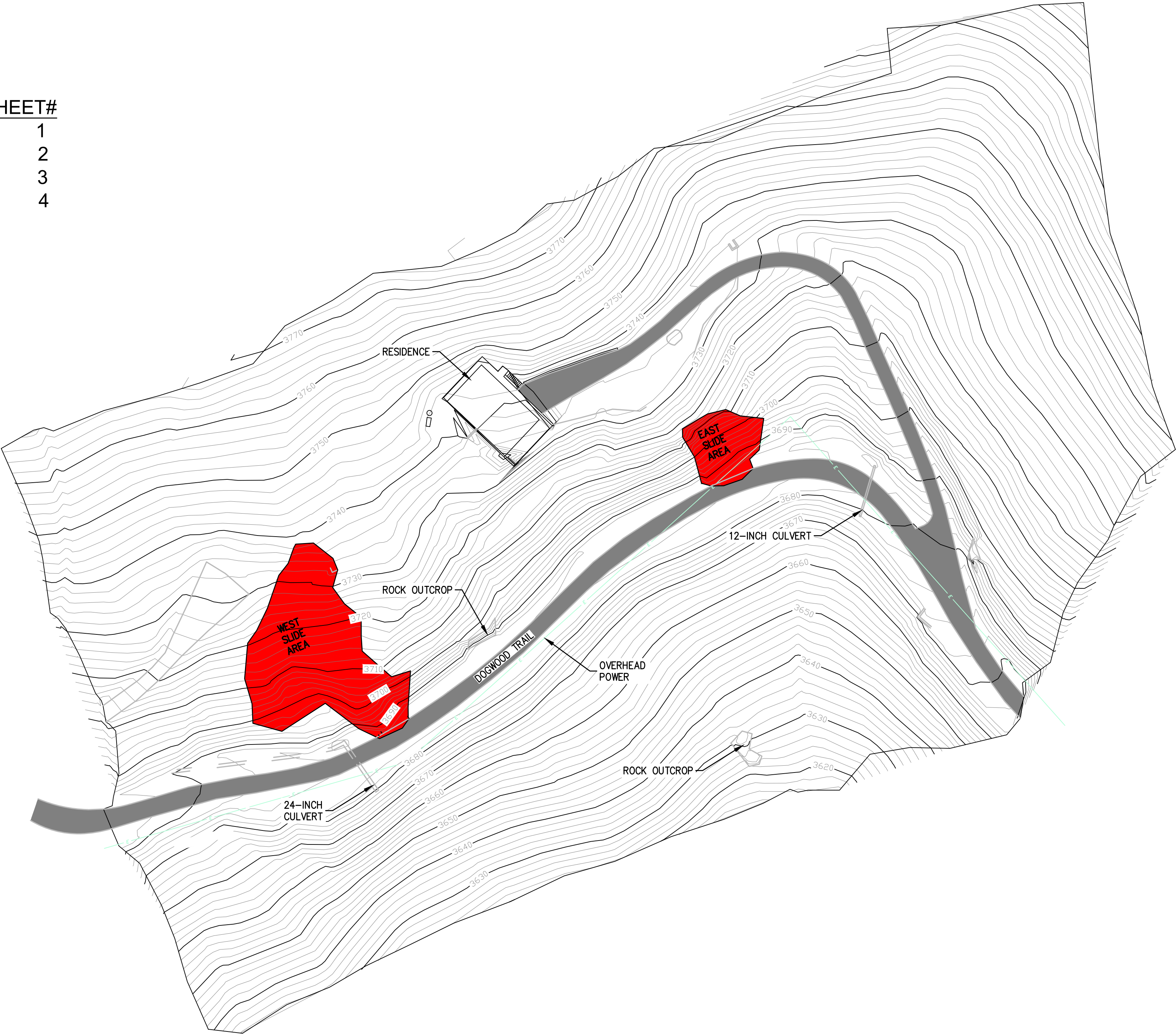
PREPARED FOR:
TOWN OF WAYNESVILLE
WAYNESVILLE, NORTH CAROLINA

PREPARED BY:
BUNNELL-LAMMONS ENGINEERING, INC.
130 OVAL ROAD, SUITE 200
ARDEN, NORTH CAROLINA 29704

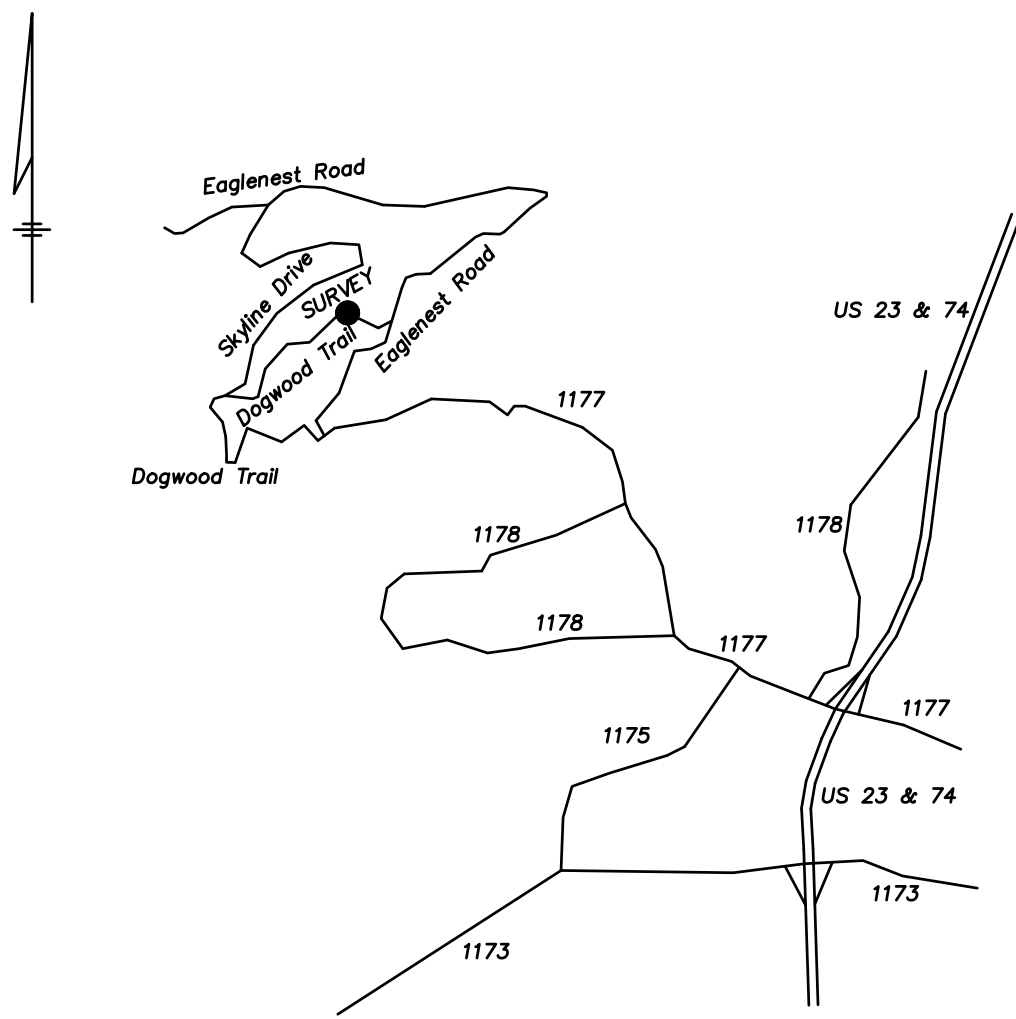
BUNNELL-LAMMONS ENGINEERING CONTACT:
JIM BELGERI, P.E.
828-277-0100 (OFFICE)

FIGURE INDEX

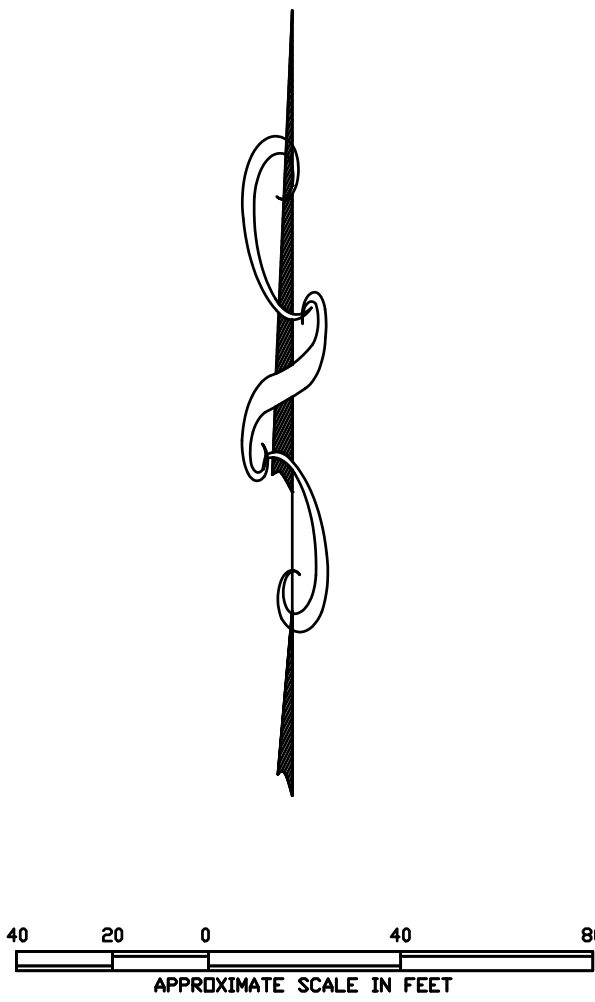
TITLE	SHEET#
COVER SHEET WITH EXISTING CONDITIONS	1
SPECIFICATIONS AND TYPICAL DETAIL	2
EAST SLIDE REPAIR	3
WEST SLIDE REPAIR	4



VICINITY MAP NO SCALE

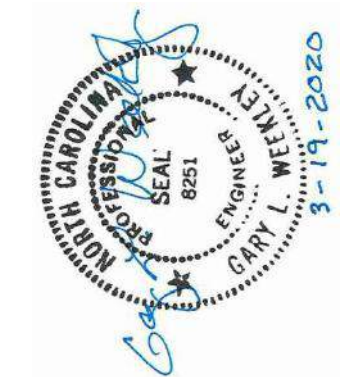


RELEASED FOR
CONSTRUCTION



REFERENCE:
TOPOGRAPHICAL SURVEY BY L. KEVIN ENSLEY, PLS
DATED APRIL 12, 2019

**BUNNELL
LAMMONS
ENGINEERING**
130 Oval Road, Ste 200 | Arden, NC 28704
Phone: (828) 277-0100 Fax: (828) 277-0110



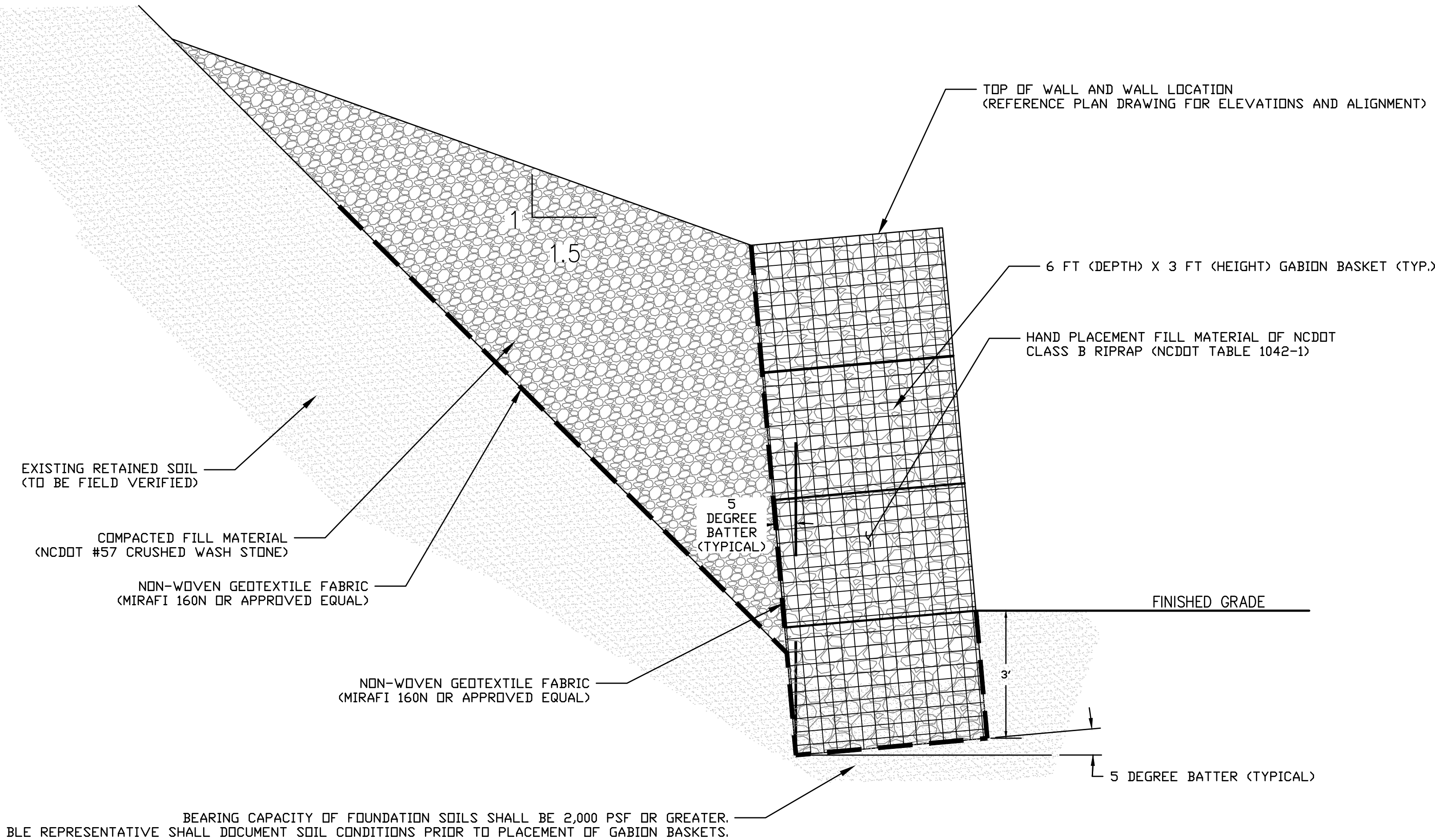
REVISIONS

JOB NUMBER: 13722-03
DRAWN BY: KIW
DESIGNED BY: GLW
REVIEWED BY: JLB
FIRM # C-1538

COVER SHEET WITH
EXISTING CONDITIONS
DOGWOOD TRAIL WALL
WAYNESVILLE
NORTH CAROLINA

DATE: 3-19-20

TYPICAL GABION WALL SECTION
SCALE: NTS



RELEASED FOR
CONSTRUCTION

CONSTRUCTION SPECIFICATION
WIRE MESH GABIONS

- 1) **SCOPE**
- a) The work shall consist of furnishing; assembling and installing rock filled wire mesh gabion baskets.
- 2) **TYPES**
- a) Gabions shall consist of rectangular or square wire mesh formed containers filled with rock. Gabions will conform to the following: Welded wire mesh with a uniform square or rectangular pattern and a resistance weld at each intersection. The welded wire connections shall conform to the requirements of ASTM A185, including wire smaller than W1.2 (0.124 inch); except that the welded connections shall have minimum average shear strength of 70% and minimum shear strength of 60% of the minimum ultimate tensile strength of the wire. The wire mesh shall be galvanized before forming into mesh.
- b) ASTM A974 as manufactured by Modular Gabion Systems or approved equal. Approval must be in writing by the specifying engineer a minimum of one week prior to bid.
- Gabions: Gabions shall be furnished as baskets. Baskets and mattresses shall be fabricated within a dimension tolerance of plus or minus 5%.
- Baskets: Baskets have a height of 36 inches.
- 3) **MATERIALS**
- a) Gabions shall be fabricated, assembled and installed in accordance with the nominal wire sizes and dimensions found in Table 1, using the following materials.
- b) Wire for fabrication and assembly shall be hot-dipped galvanized. The wire shall have a minimum tensile strength of 60,000 psi. Galvanized steel wire shall conform to ASTM A641, Class 3 and Soft Temper.
- c) The wire sizes include the galvanizing coating thickness.
- d) Salt Spray Test. A test period of not less than 3000 hours, ASTM B117.

Table 1 (Minimum Requirements)				
Gabion Baskets - Height 36 Inches, Length as Specified				
Type of Wire	Mesh Sizes (inches)	Wire Diameter (inches)	Total Diameter (inches)	Galvanized Coating oz/SF
Lacing Wire		0.086	0.126	0.70
Welded Mesh	3 x 3	0.118	0.118	0.80
	3 x 3	0.105	0.145	0.80
Spiral Binder		0.105	0.145	0.80

Spiral binders are the standard fastener for welded-mesh gabion baskets and mattresses and shall be formed from wire meeting the same quality and coating thickness requirements as specified for the gabion baskets.

Alternate fasteners for use with wire mesh gabions, such as ring fasteners, shall be formed from wire meeting the same quality and coating thickness requirements as specified for the gabions. Test results must be provided to certify that the ring fasteners provide the joint strength required.

Standard fasteners and alternate fasteners must provide a minimum strength of 1,400 pounds per lineal foot for gabion baskets and 900 pounds per lineal foot for gabion mattresses. All fasteners shall meet all of the closing requirements of the gabion manufacturer.

Rock shall conform to the quality requirements as follows and at least 85 percent of the rock particles, by weight, shall be within the predominant rock size range, based on NCDOT Table 1042-1.

Gabion Basket or Mattress Height (inches)	Predominant Rock Size (inches)	Minimum Rock Dimensions (inches)	Maximum Rock Dimensions (inches)
Basket 36	4 to 8	4	8

At least 30 days prior to delivery to the site, the Contractor shall inform the engineer in writing of the source from which the rock will be obtained, and include the test data and other information by which the material was determined by the Contractor to meet the specification. The Contractor shall provide the engineer free access to the source for the purpose of obtaining samples for testing and source approval.

Bedding or filter material shall meet the gradation referenced in the plans.

Geotextile materials shall conform to the requirements specified in the plans or the manufacturer's recommendation.

4) **FOUNDATION PREPARATION**

The foundation on which the gabions are to be placed shall be cut and graded to the lines and grades shown on the drawings. Surface irregularities, loose material, vegetation and all foreign matter shall be removed from foundation surface area. When fill is required, it shall consist of materials conforming to the specified requirements. Gabions and bedding or specified geotextiles shall not be placed until the foundation preparation is completed, and the subgrade surfaces have been inspected and approved by the engineer or the engineer's representative.

Compaction of bedding or filter material shall be required per plans and specifications. The surface of the finished material shall be to grade and free of mounds, dips or windrows. Extra care should be taken with foundation preparation to provide a level and smooth surface. Geotextile shall be installed in accordance with the requirements of the plans and specifications.

Foundation soils shall be observed by a Bunnell-Lammons Engineering representative prior to construction of the gabion wall. Foundation soil shall meet the minimum bearing requirement of 2,000 psf.

5) **ASSEMBLY AND PLACEMENT**

The assembly and placement of gabions shall be in accordance with the following procedures:

Assembly. Rotate the gabion panels into position and join the vertical edges with fasteners for gabion assembly. Where lacing wire is used, wrap the wire with alternating single and double half hitches at intervals between four (4) to five (5) inches. Where spiral fasteners are used, crimp the ends to secure the spirals in place. Where ring type alternate fasteners are used for basket assembly, install the fasteners at a maximum spacing of 6 inches. Use the same fastening procedures to install interior diaphragms where they are required.

Interior diaphragms will be required where any inside dimension exceeds three (3) feet for gabion baskets thicker than 12 inches. Diaphragms will be installed to assure that no open intervals are present that exceeds three (3) feet. For baskets 12 inches or less rectangular cells are allowed with dimensions 36 inches in one direction and not to exceed 72 inches in the perpendicular direction.

Placement. Place the empty gabions on the foundation and interconnect the adjacent gabions along the top, bottom, and vertical edges using lacing wire or spirals. Wrap the wire with alternating single and double half hitches at intervals between four (4) to six (6) inches. Spiral fasteners are commonly used for the assembly and interconnection of welded mesh gabions. Spirals are screwed down at the connecting edges then each end of the spiral is crimped to secure it in place. Lacing may be used as needed to supplement the interconnection of welded mesh gabions and the closing of lids.

Interconnect each layer of gabions to the underlying layer of gabions along the front, back and sides. Stagger the vertical joints between the gabions of adjacent rows and layers by at least one-half of a cell length.

6) **FILLING OPERATION**

After adjacent empty wire gabion units are set to line and grade and common sides properly connected, they shall be placed in straight-line tension to gain a uniform alignment. Staking of the gabions may be done to maintain the established proper alignment prior to the placement of rock. No temporary stakes shall be placed through geotextile material. Connecting lacing wire and other fasteners (as allowed) shall be attached during the filling operation to preserve the strength and shape of the structure.

Internal connecting cross-tie wires shall be placed in each unrestrained gabion cell greater than 18 inches in height, including gabion cells left temporarily unrestrained. Two internal connecting wires shall be placed concurrently with rock placement, at each 12-inch interval of depth.

In welded mesh gabions these cross-ties or stiffeners will be placed across the corners of the gabions (at 12 inches from the corners) providing diagonal bracing. Lacing wire or preformed wire stiffeners may be used.

The gabions shall be carefully filled with rock, by hand methods, ensuring alignment, avoiding bulges, and providing a compact mass that minimizes voids. At no point in the filling process may rock be mechanically placed from a height of over 36 inches from machine to fill area. Machine

placement will require supplementing with handwork to ensure the desired results. The cells in any row shall be filled in stages so that the depth of rock placed in any one cell does not exceed the depth of rock in any adjoining cell by more than 12 inches. Along the exposed basket faces, the outer layer of stone shall be carefully placed and arranged by hand to ensure a neat, compact placement with a uniform appearance.

The last layer of rock shall be uniformly leveled to the top edges of the gabions. Lids shall be placed over the rock filling using only approved lid closing tools as necessary. The use of crowbars or other single point leverage bars for lid closing is prohibited due to the potential for damage to the baskets.

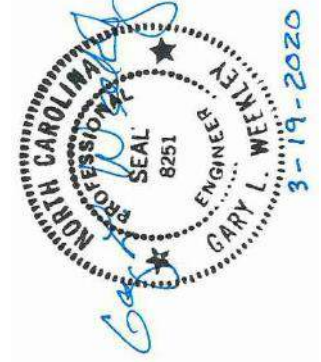
The gabion lid shall then be secured to the sides, ends, and diaphragms with spiral binders, approved alternate fasteners, or lacing wire wrapped with alternating single and double half-hitches in the mesh openings.

Any damage to the wire or coatings during assembly, placement and filling shall be repaired promptly in accordance with the manufacturer's recommendations or replaced with undamaged gabion baskets.

BUNNELL
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BLE

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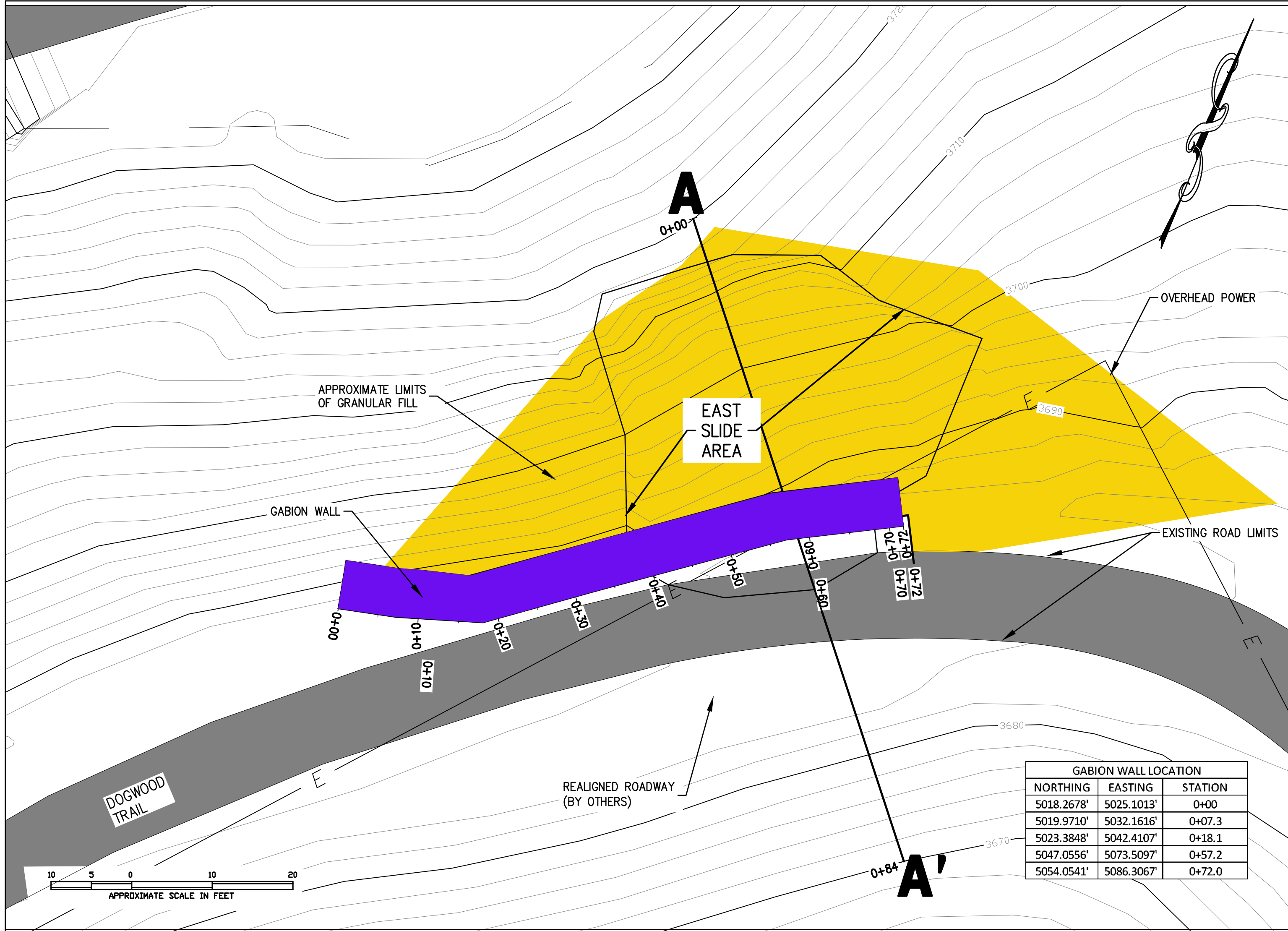
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REVIEWED BY: JJB
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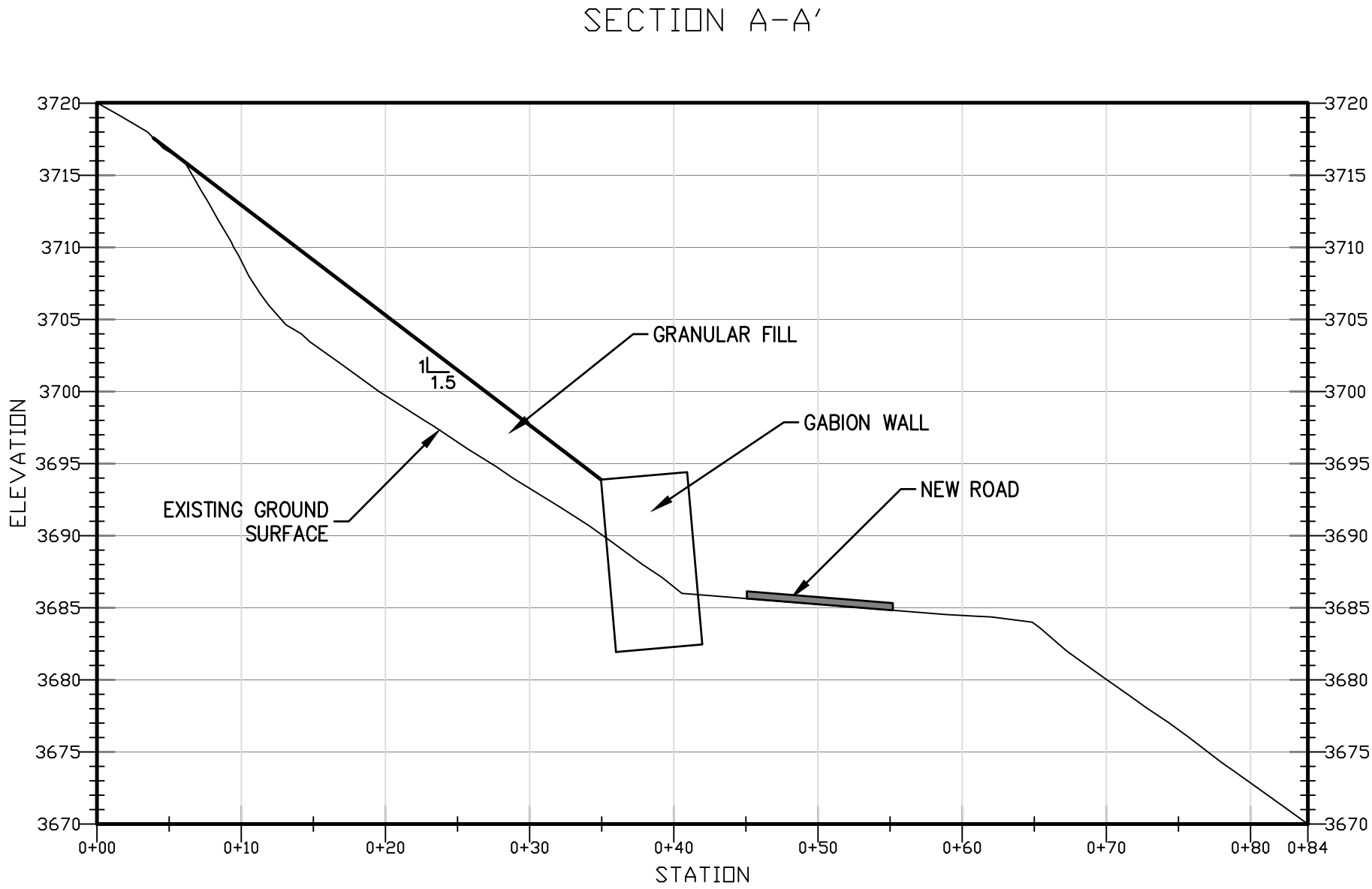
SPECIFICATIONS AND TYPICAL DETAIL

DOGWOOD TRAIL WALL
WAYNESVILLE,
NORTH CAROLINA

DATE: 3-19-20



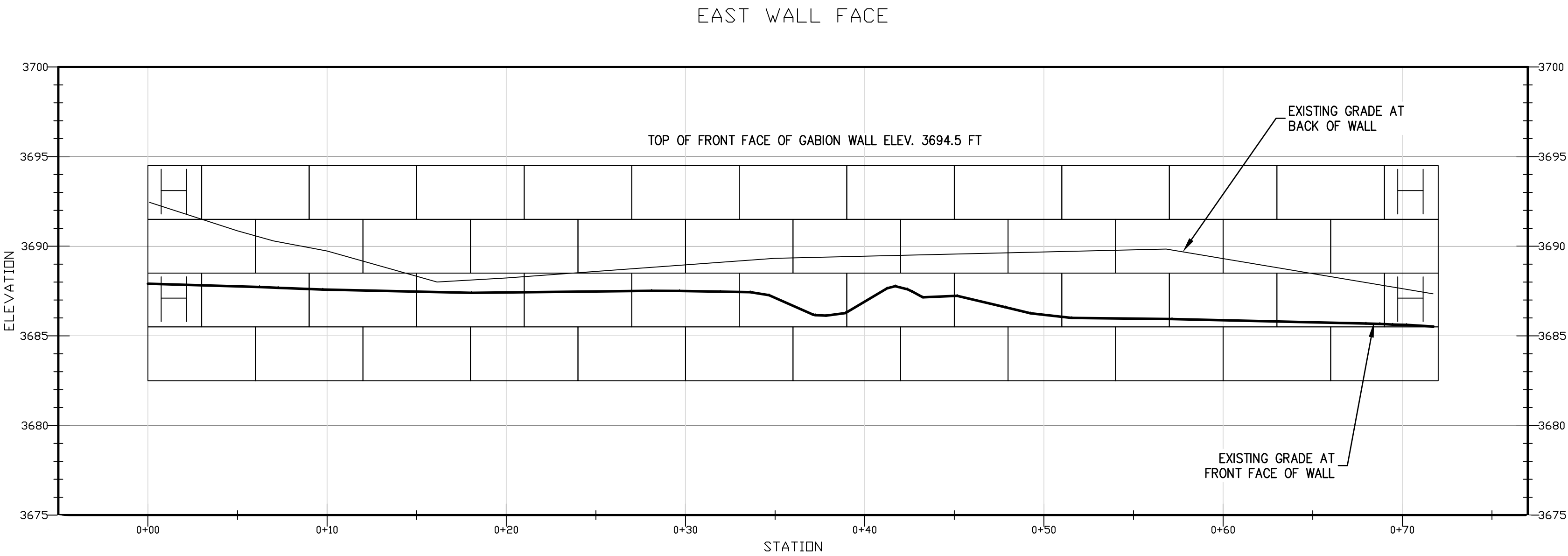
GABION WALL LOCATION		
NORTHING	EASTING	STATION
5018.2678'	5025.1013'	0+00
5019.9710'	5032.1616'	0+07.3
5023.3848'	5042.4107'	0+18.1
5047.0556'	5073.5097'	0+57.2
5054.0541'	5086.3067'	0+72.0



HORIZONTAL SCALE: 1"=10'
VERTICAL SCALE: 1"=10'

EAST SLIDE REPAIR

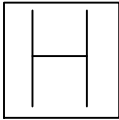
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FOR
CONSTRUCTION

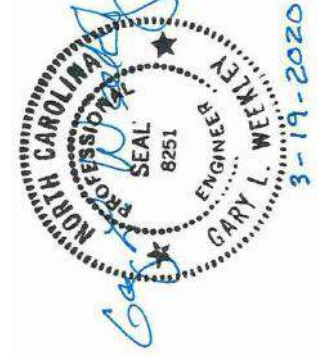


HORIZONTAL SCALE: 1"=5'
VERTICAL SCALE: 1"=5'

- NOTES:
- GABION BASKETS AT CHANGES IN ALIGNMENT WILL REQUIRE MODIFIED FABRICATION, SEE NOTE 5.) ASSEMBLY AND PLACEMENT, ON SHEET 2.
 - EMBEDDED GABION BASKETS BETWEEN STATION 0+35 AND STATION 0+72 SHALL BE PLACED, ERECTED AND FILLED TWO AT A TIME BEFORE PROGRESSING TO THE NEXT SET OF TWO BASKETS TO PRESERVE STABILITY IN THE SLIDE AREA

LEGEND:

 3 FT WIDTH BY 6 FT DEPTH



REVISIONS

JOB NUMBER: 13722-03
DRAWN BY: KIW
DESIGNED BY: CLW
REVIEWED BY: JUB
FIRM # C-1538

EAST SLIDE REPAIR
DOGWOOD TRAIL WALL
WAYNESVILLE,
NORTH CAROLINA

DATE: 3-19-20

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2022**

SUBJECT:

Call for a Public Hearing to be held on April 26, 2022, or other date to be proposed, to consider an application for a Conditional District Map Amendment.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Byron Hickox
Presenter: Byron Hickox

BRIEF SUMMARY:

On March 2, 2022, Quartz Properties, LLC applied for a Conditional District Map Amendment for four properties – 18 Allison Acres Drive (PIN 8615-88-1632), 97 Allison Acres Drive (PIN 8615-88-3857), and two vacant parcels (PINs 8615-88-1854 & 8615-88-4442). A development consisting of 59 two-family and townhome dwelling units is proposed on the 7.7 acres of these four properties. The properties are located in the East Waynesville Urban Residential (EW-UR) and Raccoon Creek Neighborhood Residential (RC-NR) Districts.

According to the Land Development Standards, Section 15.15, Conditional Districts are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Board of Aldermen in accordance with G.S. 160A-382. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development. A Conditional District is similar to a text and map amendment in that the Planning Board holds a hearing and determines whether the request is consistent with the Comprehensive Land Use Plan and is reasonable and in the public interest. The Planning Board makes a recommendation to the Board of Aldermen, which then holds a second public hearing, considers a statement of consistency, and approves, denies, or approves with conditions the application.

At its March 21, 2022 meeting, the Planning Board voted (1) that the proposed Conditional District Map Amendment is consistent with the Comprehensive Land Use Plan and (2) to recommend approval of the Conditional District Map Amendment to the Board of Aldermen.

MOTIONS FOR CONSIDERATION:

Motion to call for a Public Hearing to consider a Conditional District Map Amendment for the four properties described as 18 Allison Acres Drive (PIN 8615-88-1632), 97 Allison Acres Drive (PIN 8615-88-3857), and two vacant parcels (PINs 8615-88-1854 & 8615-88-4442).

FUNDING SOURCE/IMPACT:

N/A

MANAGER'S COMMENTS AND RECOMMENDATIONS:

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2022

SUBJECT: Call for a Public Hearing for April 26, 2022 to consider the text amendment to Article IV, Junked and Abandoned Motor Vehicles of the Waynesville Code of Ordinances.

AGENDA INFORMATION:

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

BRIEF SUMMARY:

In 2021, Code Enforcement had 10 cases of junked vehicles in Waynesville (started tracking in April). In 2022, we have already had 4 cases of junked vehicles. The Town does not have adequate authority to enforce the ordinance, and therefore, these vehicles stayed. The current ordinance sections of enforcement, vehicle removal, notification, and reclaiming procedures are broadly written and can be easily challenged.

North Carolina gives its municipalities the authority to remove and dispose of junked and abandoned vehicles following proper procedures (NC G.S. 160A-303). The purpose of the proposed text amendment is to make our ordinance and enforcement clear and be able to defend ourselves when challenged by specifying procedures associated with junked vehicle removal.

Development Services researched the ordinances of other jurisdictions in North Carolina, such as Charlotte, Black Mountain, Franklin, and Asheville. We have found several specific provisions that Waynesville's ordinance is missing: notice prior to removal, post-towing notice, definition of a vehicle that is a public health/safety hazard, definition of antique vehicle, exceptions to removal, exceptions to notice requirements, reclaiming, and sale of abandoned and junked vehicles. Development Services also created a Notice template that will be mailed to the owner, posted on the windshield, and kept for our records.

MOTIONS FOR CONSIDERATION:

Motion to call for a Public Hearing on April 26, 2022 to consider the text amendment to Article IV, Junked and Abandoned Motor Vehicles of the Waynesville Code of Ordinances.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

1. Proposed Text Amendment
2. Junked Vehicle Notice

MANAGER'S COMMENTS AND RECOMMENDATIONS:

JUNKED AND ABANDONED MOTOR VEHICLES

Proposed Text Amendment

Presentation of Main Changes

Development Services Department

April 12, 2022



Antique Vehicle

- **Antique vehicle** means a motor vehicle, but not a reproduction of thereof, manufactured at least 30 years prior to the current year, and which is titled and registered in a similar manner as a car with the N.C. Division of Motor Vehicles and listed for ad valorem taxes in Haywood County.
 - **Authorizing official** means the Chief of Police Department, Code Enforcement Official, or Development Services Director, respectively, designated to authorize the removal of vehicles under the provisions of this article.
- NC DMV defines antique vehicle as manufactured at least 30 years ago and which is titled and registered: <https://www.ncdot.gov/dmv/title-registration/vehicle/Pages/vehicle-types.aspx>

Administration and Enforcement

Exceptions:

- (a) A bona fide “automobile graveyard” or junkyard as defined in G.S. 136-143; or
- (b) In an enclosed building; or
- (c) Has an approved cover, as determined by an authorizing official, and located in the rear yard of the property; or
- (d) On the premises of a registered automobile repair business; or
- (e) On the premises of a business being operated in a lawful place and manner if a motor vehicle is necessary to the operation of the business.

State Law Reference- Similar provisions, G. S. 160A- 303(g).

Administration and Enforcement

Right to Contract:

Right to Contract: The Town may contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned and junked vehicles in compliance with this article and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town Police Department or Fire Department in enforcing other laws or in otherwise carrying out their duties.

Removal Authorized

G.S. 160A-303(c) authorizes the Town to remove any junked or abandoned motor vehicle to a storage garage or area if a duly authorizing official has declared that vehicle to be a health or safety hazard:

- (a). A breeding ground or harbor for mosquitoes, other insects, rats, or other pests.
- (b). A point of heavy growth of weeds or other vegetation over ten inches in height.
- (c). A point of collection of pools or ponds of water.
- (d). A point of concentration of gasoline, oil, or other flammable or explosive materials.
- (e). So situated or located that there is a danger of it falling or turning over.
- (f). A place in which debris, bottles, or other solid waste is either discarded or present within or around the motor vehicle.
- (g). A source of danger for children either through entrapment in areas of confinement that cannot be opened from the inside or exposed surfaces of metal, glass, or other rigid materials.
- (h). One which has sharp parts thereof which are jagged or contain sharp edges or metal or glass.

Pre-Towing Notice Requirements

- Notice to the registered owner or person entitled to possession of a vehicle.
- Notice shall be given by first class mail. It shall state that the vehicle will be removed by the Town on/after a specified date, but not sooner than 15 days after the notice is mailed.
- Notice shall be given by affixing on the windshield if name/address of the owner unknown

Exceptions to Notice Requirements when a vehicle is:

- (a) Obstructing traffic.
- (b) Parked in violation of an ordinance prohibiting or restricting parking.
- (c) Parked in a no stopping or standing zone.
- (d) Parked in a loading zone.
- (e) Parked in a bus zone.

Post-Towing Notice Requirements

Town official shall immediately notify the last known registered owner of the vehicle. As described in G.S. 219-11(a), the post-towing notice shall include:

- (a) A description of the vehicle,
 - (b) The place where the vehicle is stored,
 - (c) The violation with which the owner is charged, if any,
 - (d) The procedure the owner must follow to have the vehicle returned to him/her, and
 - (e) The procedure the owner must follow to request a probable cause hearing on the towing.
-
- If the vehicle is registered in North Carolina, a notice shall be given to the owner within 24 hours by first class mail. If the vehicle is not registered in North Carolina, a notice shall be mailed to the owner within 72 hours from the removal of the vehicle.
 - The Town must hold a towed vehicle for at least 30 days after notification to the vehicle owner is attempted.

State law reference G.S. 20-219.11

Clarifying Hearing Procedure

After the removal of a motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive the hearing requests. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. §20-219.11.

Reclaiming the Vehicle

- At any stage of the proceedings, ... the owner or the person who claims the possession of a vehicle may reclaim the towed vehicle after making a payment to the Town for all the costs of removal and storage, including towing and storage fees. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this article.
- The Town shall provide a schedule of reasonable towing fees. The Town shall authorize the release of the vehicle at any time after towing by the posting of a bond or payment of the fees.
- Any person violating any provisions of this ordinance may also be subject to penalties described in Section 1.8- General Penalty of the Town of Waynesville Code of Ordinances.

Abandoned or Junked Vehicles on Private Property

In the case of abandoned or junked motor vehicles left on private property without the consent of the owner, occupant or lessee, the vehicle may be removed by the Town only after the following conditions are met:

- (a) The owner, occupant, or lessee of the real property upon which the vehicle is located submit to the Town a written request that the vehicle be removed, which written request shall contain a certification that the vehicle has remained on said property without consent in excess of seven days.
- (b) The owner, occupant or lessee pay any required pre-towing fees or charges at the time of removal.
- (c) The owner, occupant or lessee agree to indemnify the Town against any loss, expense (including attorney fees), or liability incurred because of the removal, storage, or sale thereof.
- (d) This section shall apply only in those instances when an abandoned or junked vehicle remains on private property without the consent of the owner, occupant, or lessee of the real property.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE CODE OF ORDINANCES**

WHEREAS, the Town of Waynesville has the authority, pursuant to Chapter 160A-303 of the North Carolina General Statutes, to remove and dispose of junked and abandoned motor vehicles; and

WHEREAS, junked or abandoned vehicles can create public health and safety hazards, degrade the look of public rights-of-ways and neighborhoods, and contribute to stormwater and environmental pollution;

WHEREAS, the Board of Aldermen adopted the 2035 Comprehensive Plan to “enable the growth of a vibrant, healthy, and successful community,” and find that abandoned and junked vehicles are detrimental to the goals of protecting natural resources, and promoting a safe and attractive multi-modal transportation system; and

WHEREAS, the Board of Aldermen desire to provide fair and equitable procedures and clear guidelines for code enforcement; and

WHEREAS, after notice duly given, a public hearing was held on _____, 2022 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 _____ AND WITH A
MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE
FOLLOWING:**

That the Ordinance be amended as follows:

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE TEXT OF THE
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**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE
TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____ AND WITH A
MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE
FOLLOWING:**

That the Ordinance be amended as follows:

1. Replace Chapter 26, Article IV.- Junked and Abandoned Motor Vehicles as follows:

~~Sec. 26-126. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Abandoned motor vehicle means a motor vehicle that:~~

- ~~(1) — Has been left upon a street or highway in violation of a law, provision of this Code, or other ordinance of the town prohibiting parking; or~~
- ~~(2) — Is left on property owned or operated by the town for longer than 24 hours; or~~
- ~~(3) — Is left on private property without the consent of the owner, occupant or lessee for longer than two hours; or~~
- ~~(4) — Is left on any public street or highway for longer than seven days.~~

~~Junked motor vehicle means a motor vehicle which does not display a current license plate and:~~

- ~~(1) — Is partially dismantled or wrecked; or~~
- ~~(2) — Cannot be self-propelled or moved in the manner in which it was originally intended to move; or~~
- ~~(3) — Is more than five years old and appears to the codes administrator to be worth less than \$500.00.~~

~~Motor vehicle means any machine designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.~~

~~(Code 1987, § 90.01)~~

~~State law reference(s) — Similar definitions, G.S. 160A-303; G.S. 160A-303.2(a).~~

~~Note(s) — As per General Assembly of North Carolina Session Law 2004-30, the allowable rate for junked motor vehicles was increased to \$500.00.~~

~~Sec. 26-127. Duty of owners.~~

~~It shall be the duty and responsibility of the owner of any abandoned or junked motor vehicle to cause its removal immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him to remain after notice has been given to such person to have the vehicle removed.~~

~~(Code 1987, § 90.02)~~

~~Sec. 26-128. Liability of persons to owners.~~

~~No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost or stolen motor vehicle for disposing of the vehicle as provided in this chapter.~~

~~(Code 1987, § 90.03)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(f).~~

~~Sec. 26-129. Removal of abandoned vehicle by town.~~

~~Any junked or abandoned motor vehicle may be removed by the town to a storage garage or area. However, no such vehicle shall be removed from private property without the written request of the owner, lessee or occupant of the premises unless the town or a duly authorized town official or employee has declared that vehicle to be a health or safety hazard, except as set out in this article.~~

~~(Code 1987, § 90.04)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(c).~~

~~Sec. 26-130. Indemnification of town.~~

~~Any person requesting the removal of a junked or abandoned motor vehicle from private property shall indemnify the town against any loss, expense or liability incurred because of the removal, storage or sale of that vehicle.~~

~~(Code 1987, § 90.05)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(c).~~

~~Sec. 26-131. Notice.~~

~~When any junked or abandoned motor vehicle is removed, the town shall give notice to the owner as required by G.S. 20-219.11(a) and (b).~~

~~(Code 1987, § 90.06)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(c).~~

~~Sec. 26-132. Sale or disposal of abandoned vehicles; hearing procedure.~~

~~(a) — Regardless of whether the town does its own removal and disposal of motor vehicles or contracts with another person to do so, the town shall provide a hearing procedure for the owner. For purposes of this section, the definitions in G.S. 20-219.9 apply.~~

~~(b) — If the town operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of G.S. 20-219.9 et seq. apply.~~

~~(c) — If the town operates in such a way that it is responsible for collecting towing fees, it shall:~~

~~(1) — Provide by contract or ordinance for a schedule of reasonable towing fees;~~

~~(2) — Provide a procedure for a prompt fair hearing to contest the towing;~~

~~(3) — Provide for an appeal to district court from that hearing;~~

~~(4) — Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due; and~~

~~(5) — Provide a sale procedure similar to that provided in G.S. 44A-4, 44A-5 and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the town may destroy it.~~

~~(d) — Once the owner of the abandoned or junked vehicle has been properly notified, the owner shall have seven days to apply for a hearing before the codes administrator to contest the removal of the abandoned or junked vehicle. If the owner is dissatisfied with the decision of the codes administrator, the owner shall have ten days from the date of the decision to appeal the decision to the district court.~~

~~(Code 1987, § 90.07)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(d).~~

~~Sec. 26-133. Exemptions.~~

~~Nothing in this article shall apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.~~

~~(Code 1987, § 90.08)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(g).~~

~~Sec. 26-134. Abandoned or junked vehicles on private property.~~

~~(a) — It shall be unlawful for the owner, possessor, occupant or lessee of any property to utilize, maintain or operate the property for the open storage of one or more junked vehicles unless the property is a bona fide automobile graveyard or junkyard as defined in G.S. 136-143 and is in a zone allowing such automobile graveyard or junkyard within the zoning jurisdiction of the town.~~

~~(b) — It shall be unlawful for the owner, possessor, occupant or lessee of any property to have, keep or maintain on such property the open storage of a junked vehicle.~~

~~(c) — Open storage of a junked motor vehicle is defined as allowing one or more junked motor vehicles to remain outside of a building on any property within the town's corporate limits.~~

~~(d) — Any junked vehicle found to be in violation of this article may be removed by the town to a storage garage or area; but no such vehicle shall be removed from private property without the written request of the owner, lessee, possessor or occupant of the premises unless the codes administrator finds in writing that aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such findings shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:~~

~~(1) — Protection of property value.~~

~~(2) — Promotion of tourism and other economic development opportunities.~~

~~(3) — Indirect protection of public health and safety.~~

~~(4) — Preservation of the character and integrity of the community.~~

~~(5) — Promotion of the comfort, happiness and emotional stability of the area residents.~~

~~(e) — The town may require any person requesting the removal of a junked or abandoned motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of its removal, storage or sale. When an abandoned or junked motor vehicle is removed, the town shall give notice to the owner as required in G.S. 20-219.11(a) and (b).~~

~~(f) — Regardless of whether the town does its own removal or disposal of motor vehicles or contracts with another person to do so, the town shall provide to the owner of the vehicle a prior hearing procedure exactly as set forth in section 26-132.~~

~~(g) — In addition to the other provisions set forth in this section, when one or more junked motor vehicles are discovered in open storage, the inspections department may issue a notice to the owner, possessor, occupant, or lessee of the land where the one or more junked motor vehicles are in open storage, notifying and requiring the removal of the vehicles violating this section within 30 days after the date of the notice. The notice may be served in person or by first class mail. Each violation shall be considered a separate offense.~~

~~(h) — If the junked motor vehicles are not removed within 30 days of the delivery of the notice, the owner, possessor, occupant or lessee of the land shall be subject to civil penalties in the following amounts:~~

~~(1) — Beginning 31 days after the notice of violation, \$10.00 per day.~~

~~(2) — Beginning 60 days after the notice of violation, \$25.00 per day.~~

~~(3) — Beginning 90 days after the notice of violation, \$50.00 per day, and every day thereafter.~~

~~Civil penalties shall be assessed by the codes administrator and such other inspectors or deputy or assistant inspectors as authorized by the board aldermen.~~

~~(Code 1987, § 90.09; Ord. No. 14-10, 10-26-2010)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303.2.~~

Sec. 26-126. - Definitions.

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates a different meaning:

Abandoned motor vehicle, as defined by G.S. § 160A-303, is a motor vehicle that:

- (1) Has been left upon a street or highway in violation of a law, provision of this Code, or other ordinance of the Town prohibiting parking; or
- (2) Is left on property owned or operated by the Town for longer than 24 hours; or
- (3) Is left on private property without the consent of the owner, occupant, or lessee for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.

Junked motor vehicle, as defined by G.S. § 160A-303.2, is vehicle which does not display a current license plate and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the way in which it was originally intended to move; or
- (3) Is more than five years old and appears to the authorizing official to be worth less than \$500.00.

Motor vehicle means any machine designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Antique vehicle means a motor vehicle, but not a reproduction of thereof, manufactured at least 30 years prior to the current year, and which is titled and registered in a similar manner as a car with the N.C. Division of Motor Vehicles and listed for ad valorem taxes in Haywood County.

Authorizing official means the Chief of Police Department, Code Enforcement Official, or Development Services Director, respectively, designated to authorize the removal of vehicles under the provisions of this article.

Town: Town of Waynesville, NC

State Law reference— Similar definitions, G.S. 160A-303; G.S. 160A - 303.2(a).

Sec. 26-127. Administration and Enforcement.

- (1) **Purpose:** G.S. 160A-303.2 authorizes the Town to regulate and prohibit junked motor vehicles on public grounds and on private property. Nothing in this article shall be construed to authorize the Town to require the removal or disposal of a vehicle kept or stored at:
 - (a) A bona fide “automobile graveyard” or junkyard as defined in G.S. 136-143; or
 - (b) In an enclosed building; or
 - (c) Has an approved cover, as determined by an authorizing official, and located in the rear yard of the property; or
 - (d) On the premises of a registered automobile repair business; or

- (e) On the premises of a business being operated in a lawful place and manner if a motor vehicle is necessary to the operation of the business.

State Law Reference- Similar provisions, G. S. 160A- 303(g).

- (2) **Responsibilities of Town Departments:** The Chief of Police Department, Code Enforcement Official, or Development Services Director for the Town shall be responsible for the overall administration and enforcement of this article, including administering the removal and disposition of abandoned or junked motor vehicles on the public streets and highways within the Town, property owned by the Town, and on private property.
- (3) **Right to Contract:** The Town may contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned and junked vehicles in compliance with this article and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town Police Department or Fire Department in enforcing other laws or in otherwise carrying out their duties.
- (4) **Authority:** An authorizing official may apply for an administrative warrant to inspect or remove the vehicle in question if the property appears to be unoccupied or the official has been refused entry.

26-128. Duty of Owners.

It shall be the duty and responsibility of the owner of any abandoned or junked motor vehicle to cause its removal immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him/her to remain after notice has been given to such person to have the vehicle removed.

(Code 1987, § 90.02)

Sec. 26-129. - Liability of Persons to Owners.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost, or stolen motor vehicle for disposing of the vehicle as provided in this chapter.

(Code 1987, § 90.03)

State Law reference— Similar provisions, G.S. 160A-303(f).

Sec. 26-130. Junked and Abandoned Vehicle Unlawful; Removal Authorized.

- (1) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to cause or allow the vehicle to be abandoned, as the term is defined in section 26-126 above.
- (2) It shall be unlawful for the registered owner, or person entitled to possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property on which a junked motor vehicle is located to leave or allow the vehicle to remain on property after the vehicle has been ordered removed.

- (3) G.S. 160A-303(c) authorizes the Town to remove any junked or abandoned motor vehicle to a storage garage or area if a duly authorizing official has declared that vehicle to be a health or safety hazard.
- (4) A vehicle on public or private property is a health/safety hazard if a motor vehicle exhibits any of the following:
 - (a). A breeding ground or harbor for mosquitoes, other insects, rats, or other pests.
 - (b). A point of heavy growth of weeds or other vegetation over ten inches in height.
 - (c). A point of collection of pools or ponds of water.
 - (d). A point of concentration of gasoline, oil, or other flammable or explosive materials.
 - (e). So situated or located that there is a danger of it falling or turning over.
 - (f). A place in which debris, bottles, or other solid waste is either discarded or present within or around the motor vehicle.
 - (g). A source of danger for children either through entrapment in areas of confinement that cannot be opened from the inside or exposed surfaces of metal, glass, or other rigid materials.
 - (h). One which has sharp parts thereof which are jagged or contain sharp edges or metal or glass.
- (5) The authorizing official may order the removal of a junked or abandoned motor vehicle, as defined in this chapter, after finding, in writing, that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:
 - (a). Protection of property values.
 - (b). Promotion of tourism and other economic development opportunities.
 - (c). Indirect protection of public health and safety.
 - (d). Preservation of the character and integrity of the community.

Sec. 26-131. - Indemnification of Town.

Any person requesting the removal of a junked or abandoned motor vehicle from private property shall indemnify the Town against any loss, expense or liability incurred because of the removal, storage or sale of that vehicle.

(Code 1987, § 90.05)

State Law reference— Similar provisions, G.S. 160A-303(c).

Sec. 26-132. - Removal of Abandoned or Junked Motor Vehicle, Pre-Towing Notice Requirements.

- (1) When any junked or abandoned vehicle is to be removed, the Town shall give notice to the registered owner or person entitled to possession of a vehicle.

- (2) If the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The notice shall state that the vehicle will be removed by the Town on/after a specified date, but not sooner than 15 days after the notice is mailed.
- (3) If the names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the Town on/after a specified date, but no sooner than 15 days after the notice is affixed.

Sec. 26-133. Exceptions to Prior Notice Requirements.

- (1) The requirement that the notice be given prior to the removal of an abandoned or junked vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise protect the public safety and welfare.
- (2) The findings shall be entered by an authorizing official in the appropriate daily records in all cases. Circumstances authorizing the removal of vehicles without prior notice include:
 - (a) Obstructing traffic.
 - (b) Parked in violation of an ordinance prohibiting or restricting parking.
 - (c) Parked in a no stopping or standing zone.
 - (d) Parked in a loading zone.
 - (e) Parked in a bus zone.

State Law reference— Similar provisions, G.S. 160A-303(c).

Sec. 26-134. Removal of Abandoned or Junked Motor Vehicle, Post-Towing Notice Requirements.

- (1) Whenever a vehicle is removed, the authorizing Town official shall immediately notify the last known registered owner of the vehicle. As described in G.S. 219-11(a), the post-towing notice shall include:
 - (a) A description of the vehicle,
 - (b) The place where the vehicle is stored,
 - (c) The violation with which the owner is charged, if any,
 - (d) The procedure the owner must follow to have the vehicle returned to him/her, and
 - (e) The procedure the owner must follow to request a probable cause hearing on the towing.
- (2) If the vehicle is registered in North Carolina, a notice shall be given to the owner within 24 hours by first class mail. If the vehicle is not registered in North Carolina, a notice shall be mailed to the owner within 72 hours from the removal of the vehicle.

- (3) Whenever a removed vehicle has no valid registration or registration plates, the authorizing Town official shall make reasonable efforts to determine the last known registered owner of the vehicle and notify the owner as set in this section.
- (4) The notice shall further advise the registered owner or person entitled to claim possession of the right to a hearing to determine if probable cause existed for the towing.
- (5) The Town must hold a towed vehicle for at least 30 days after notification to the vehicle owner is attempted.

State law reference G.S. 20-219.11

Sec. 26-135. Hearing Procedure.

- (1) Regardless of whether the Town does its own removal and disposal of motor vehicles or contracts with another person to do so, the Town shall provide a hearing procedure for the owner. For purposes of this section, the definitions in G.S. 20-219.9 apply.
- (2) After the removal of a motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive the hearing requests. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. §20-219.11.

Sec. 26-136. Reclaiming the Vehicle.

- (1) At any stage of the proceedings, including before and after the probable cause hearing, the owner or the person who claims the possession of a vehicle may reclaim the towed vehicle after making a payment to the Town for all the costs of removal and storage, including towing and storage fees. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this article.
- (2) The Town shall provide a schedule of reasonable towing fees. The Town shall authorize the release of the vehicle at any time after towing by the posting of a bond or payment of the fees.
- (3) Any person violating any provisions of this ordinance may also be subject to penalties described in Section 1.8- General Penalty of the Town of Waynesville Code of Ordinances.

Sec. 26-137. Sale or Disposal of Abandoned and Junked Vehicles.

The Town shall have the authority to authorize the disposition of abandoned and junked motor vehicles by a sales procedure as provided in G.S. 44A-4(c) and, as applicable, G.S. 44A-5 and 44A-6, except that no hearing in addition to a probable cause hearing is required. If no one purchases the motor vehicle at the sale, the authorizing official may authorize the destruction of the motor vehicle.

Sec. 26-138. Unlawful Removal of Impounded Vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Town any vehicle which has been impounded pursuant to the provisions of this article unless and until all towing and impoundment fees which are due have been paid.

Sec. 26-139. - Abandoned or Junked Vehicles on Private Property.

In the case of abandoned or junked motor vehicles left on private property without the consent of the owner, occupant or lessee, the vehicle may be removed by the Town only after the following conditions are met:

- (a) The owner, occupant, or lessee of the real property upon which the vehicle is located submit to the Town a written request that the vehicle be removed, which written request shall contain a certification that the vehicle has remained on said property without consent in excess of seven days.
- (b) The owner, occupant or lessee pay any required pre-towing fees or charges at the time of removal.
- (c) The owner, occupant or lessee agree to indemnify the Town against any loss, expense (including attorney fees), or liability incurred because of the removal, storage, or sale thereof.
- (d) This section shall apply only in those instances when an abandoned or junked vehicle remains on private property without the consent of the owner, occupant, or lessee of the real property.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

1. Replace Chapter 26, Article IV.- Junked and Abandoned Motor Vehicles as follows:

~~Sec. 26-126. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Abandoned motor vehicle means a motor vehicle that:~~

- ~~(1) — Has been left upon a street or highway in violation of a law, provision of this Code, or other ordinance of the town prohibiting parking; or~~
- ~~(2) — Is left on property owned or operated by the town for longer than 24 hours; or~~
- ~~(3) — Is left on private property without the consent of the owner, occupant or lessee for longer than two hours; or~~
- ~~(4) — Is left on any public street or highway for longer than seven days.~~

~~Junked motor vehicle means a motor vehicle which does not display a current license plate and:~~

- ~~(1) — Is partially dismantled or wrecked; or~~
- ~~(2) — Cannot be self-propelled or moved in the manner in which it was originally intended to move; or~~
- ~~(3) — Is more than five years old and appears to the codes administrator to be worth less than \$500.00.~~

~~Motor vehicle means any machine designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.~~

~~(Code 1987, § 90.01)~~

~~State law reference(s) — Similar definitions, G.S. 160A-303; G.S. 160A-303.2(a).~~

~~Note(s) — As per General Assembly of North Carolina Session Law 2004-30, the allowable rate for junked motor vehicles was increased to \$500.00.~~

~~Sec. 26-127. Duty of owners.~~

~~It shall be the duty and responsibility of the owner of any abandoned or junked motor vehicle to cause its removal immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him to remain after notice has been given to such person to have the vehicle removed.~~

~~(Code 1987, § 90.02)~~

~~Sec. 26-128. Liability of persons to owners.~~

~~No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost or stolen motor vehicle for disposing of the vehicle as provided in this chapter.~~

~~(Code 1987, § 90.03)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(f).~~

~~Sec. 26-129. Removal of abandoned vehicle by town.~~

~~Any junked or abandoned motor vehicle may be removed by the town to a storage garage or area. However, no such vehicle shall be removed from private property without the written request of the owner, lessee or occupant of the premises unless the town or a duly authorized town official or employee has declared that vehicle to be a health or safety hazard, except as set out in this article.~~

~~(Code 1987, § 90.04)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(c).~~

~~Sec. 26-130. Indemnification of town.~~

~~Any person requesting the removal of a junked or abandoned motor vehicle from private property shall indemnify the town against any loss, expense or liability incurred because of the removal, storage or sale of that vehicle.~~

~~(Code 1987, § 90.05)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(c).~~

~~Sec. 26-131. Notice.~~

~~When any junked or abandoned motor vehicle is removed, the town shall give notice to the owner as required by G.S. 20-219.11(a) and (b).~~

~~(Code 1987, § 90.06)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(c).~~

~~Sec. 26-132. Sale or disposal of abandoned vehicles; hearing procedure.~~

~~(a) — Regardless of whether the town does its own removal and disposal of motor vehicles or contracts with another person to do so, the town shall provide a hearing procedure for the owner. For purposes of this section, the definitions in G.S. 20-219.9 apply.~~

~~(b) — If the town operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of G.S. 20-219.9 et seq. apply.~~

~~(c) — If the town operates in such a way that it is responsible for collecting towing fees, it shall:~~

~~(1) — Provide by contract or ordinance for a schedule of reasonable towing fees;~~

~~(2) — Provide a procedure for a prompt fair hearing to contest the towing;~~

~~(3) — Provide for an appeal to district court from that hearing;~~

~~(4) — Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due; and~~

~~(5) — Provide a sale procedure similar to that provided in G.S. 44A-4, 44A-5 and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the town may destroy it.~~

~~(d) — Once the owner of the abandoned or junked vehicle has been properly notified, the owner shall have seven days to apply for a hearing before the codes administrator to contest the removal of the abandoned or junked vehicle. If the owner is dissatisfied with the decision of the codes administrator, the owner shall have ten days from the date of the decision to appeal the decision to the district court.~~

~~(Code 1987, § 90.07)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(d).~~

~~Sec. 26-133. Exemptions.~~

~~Nothing in this article shall apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.~~

~~(Code 1987, § 90.08)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303(g).~~

~~Sec. 26-134. Abandoned or junked vehicles on private property.~~

~~(a) — It shall be unlawful for the owner, possessor, occupant or lessee of any property to utilize, maintain or operate the property for the open storage of one or more junked vehicles unless the property is a bona fide automobile graveyard or junkyard as defined in G.S. 136-143 and is in a zone allowing such automobile graveyard or junkyard within the zoning jurisdiction of the town.~~

~~(b) — It shall be unlawful for the owner, possessor, occupant or lessee of any property to have, keep or maintain on such property the open storage of a junked vehicle.~~

~~(c) — Open storage of a junked motor vehicle is defined as allowing one or more junked motor vehicles to remain outside of a building on any property within the town's corporate limits.~~

~~(d) — Any junked vehicle found to be in violation of this article may be removed by the town to a storage garage or area; but no such vehicle shall be removed from private property without the written request of the owner, lessee, possessor or occupant of the premises unless the codes administrator finds in writing that aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such findings shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:~~

~~(1) — Protection of property value.~~

~~(2) — Promotion of tourism and other economic development opportunities.~~

~~(3) — Indirect protection of public health and safety.~~

~~(4) — Preservation of the character and integrity of the community.~~

~~(5) — Promotion of the comfort, happiness and emotional stability of the area residents.~~

~~(e) — The town may require any person requesting the removal of a junked or abandoned motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of its removal, storage or sale. When an abandoned or junked motor vehicle is removed, the town shall give notice to the owner as required in G.S. 20-219.11(a) and (b).~~

~~(f) — Regardless of whether the town does its own removal or disposal of motor vehicles or contracts with another person to do so, the town shall provide to the owner of the vehicle a prior hearing procedure exactly as set forth in section 26-132.~~

~~(g) — In addition to the other provisions set forth in this section, when one or more junked motor vehicles are discovered in open storage, the inspections department may issue a notice to the owner, possessor, occupant, or lessee of the land where the one or more junked motor vehicles are in open storage, notifying and requiring the removal of the vehicles violating this section within 30 days after the date of the notice. The notice may be served in person or by first class mail. Each violation shall be considered a separate offense.~~

~~(h) — If the junked motor vehicles are not removed within 30 days of the delivery of the notice, the owner, possessor, occupant or lessee of the land shall be subject to civil penalties in the following amounts:~~

~~(1) — Beginning 31 days after the notice of violation, \$10.00 per day.~~

~~(2) — Beginning 60 days after the notice of violation, \$25.00 per day.~~

~~(3) — Beginning 90 days after the notice of violation, \$50.00 per day, and every day thereafter.~~

~~Civil penalties shall be assessed by the codes administrator and such other inspectors or deputy or assistant inspectors as authorized by the board aldermen.~~

~~(Code 1987, § 90.09; Ord. No. 14-10, 10-26-2010)~~

~~State law reference(s) — Similar provisions, G.S. 160A-303.2.~~

Sec. 26-126. - Definitions.

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates a different meaning:

Abandoned motor vehicle, as defined by G.S. § 160A-303, is a motor vehicle that:

- (1) Has been left upon a street or highway in violation of a law, provision of this Code, or other ordinance of the Town prohibiting parking; or
- (2) Is left on property owned or operated by the Town for longer than 24 hours; or
- (3) Is left on private property without the consent of the owner, occupant, or lessee for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.

Junked motor vehicle, as defined by G.S. § 160A-303.2, is vehicle which does not display a current license plate and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the way in which it was originally intended to move; or
- (3) Is more than five years old and appears to the authorizing official to be worth less than \$500.00.

Motor vehicle means any machine designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Antique vehicle means a motor vehicle, but not a reproduction of thereof, manufactured at least 30 years prior to the current year, and which is titled and registered in a similar manner as a car with the N.C. Division of Motor Vehicles and listed for ad valorem taxes in Haywood County.

Authorizing official means the Chief of Police Department, Code Enforcement Official, or Development Services Director, respectively, designated to authorize the removal of vehicles under the provisions of this article.

Town: Town of Waynesville, NC

State Law reference— Similar definitions, G.S. 160A-303; G.S. 160A - 303.2(a).

Sec. 26-127. Administration and Enforcement.

- (1) **Purpose:** G.S. 160A-303.2 authorizes the Town to regulate and prohibit junked motor vehicles on public grounds and on private property. Nothing in this article shall be construed to authorize the Town to require the removal or disposal of a vehicle kept or stored at:
 - (a) A bona fide “automobile graveyard” or junkyard as defined in G.S. 136-143; or
 - (b) In an enclosed building; or
 - (c) Has an approved cover, as determined by an authorizing official, and located in the rear yard of the property; or
 - (d) On the premises of a registered automobile repair business; or

- (e) On the premises of a business being operated in a lawful place and manner if a motor vehicle is necessary to the operation of the business.

State Law Reference- Similar provisions, G. S. 160A- 303(g).

- (2) **Responsibilities of Town Departments:** The Chief of Police Department, Code Enforcement Official, or Development Services Director for the Town shall be responsible for the overall administration and enforcement of this article, including administering the removal and disposition of abandoned or junked motor vehicles on the public streets and highways within the Town, property owned by the Town, and on private property.
- (3) **Right to Contract:** The Town may contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned and junked vehicles in compliance with this article and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town Police Department or Fire Department in enforcing other laws or in otherwise carrying out their duties.
- (4) **Authority:** An authorizing official may apply for an administrative warrant to inspect or remove the vehicle in question if the property appears to be unoccupied or the official has been refused entry.

26-128. Duty of Owners.

It shall be the duty and responsibility of the owner of any abandoned or junked motor vehicle to cause its removal immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him/her to remain after notice has been given to such person to have the vehicle removed.

(Code 1987, § 90.02)

Sec. 26-129. - Liability of Persons to Owners.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost, or stolen motor vehicle for disposing of the vehicle as provided in this chapter.

(Code 1987, § 90.03)

State Law reference— Similar provisions, G.S. 160A-303(f).

Sec. 26-130. Junked and Abandoned Vehicle Unlawful; Removal Authorized.

- (1) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to cause or allow the vehicle to be abandoned, as the term is defined in section 26-126 above.
- (2) It shall be unlawful for the registered owner, or person entitled to possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property on which a junked motor vehicle is located to leave or allow the vehicle to remain on property after the vehicle has been ordered removed.

- (3) G.S. 160A-303(c) authorizes the Town to remove any junked or abandoned motor vehicle to a storage garage or area if a duly authorizing official has declared that vehicle to be a health or safety hazard.
- (4) A vehicle on public or private property is a health/safety hazard if a motor vehicle exhibits any of the following:
 - (a). A breeding ground or harbor for mosquitoes, other insects, rats, or other pests.
 - (b). A point of heavy growth of weeds or other vegetation over ten inches in height.
 - (c). A point of collection of pools or ponds of water.
 - (d). A point of concentration of gasoline, oil, or other flammable or explosive materials.
 - (e). So situated or located that there is a danger of it falling or turning over.
 - (f). A place in which debris, bottles, or other solid waste is either discarded or present within or around the motor vehicle.
 - (g). A source of danger for children either through entrapment in areas of confinement that cannot be opened from the inside or exposed surfaces of metal, glass, or other rigid materials.
 - (h). One which has sharp parts thereof which are jagged or contain sharp edges or metal or glass.
- (5) The authorizing official may order the removal of a junked or abandoned motor vehicle, as defined in this chapter, after finding, in writing, that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:
 - (a). Protection of property values.
 - (b). Promotion of tourism and other economic development opportunities.
 - (c). Indirect protection of public health and safety.
 - (d). Preservation of the character and integrity of the community.

Sec. 26-131. - Indemnification of Town.

Any person requesting the removal of a junked or abandoned motor vehicle from private property shall indemnify the Town against any loss, expense or liability incurred because of the removal, storage or sale of that vehicle.

(Code 1987, § 90.05)

State Law reference— Similar provisions, G.S. 160A-303(c).

Sec. 26-132. - Removal of Abandoned or Junked Motor Vehicle, Pre-Towing Notice Requirements.

- (1) When any junked or abandoned vehicle is to be removed, the Town shall give notice to the registered owner or person entitled to possession of a vehicle.

- (2) If the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The notice shall state that the vehicle will be removed by the Town on/after a specified date, but not sooner than 15 days after the notice is mailed.
- (3) If the names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the Town on/after a specified date, but no sooner than 15 days after the notice is affixed.

Sec. 26-133. Exceptions to Prior Notice Requirements.

- (1) The requirement that the notice be given prior to the removal of an abandoned or junked vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise protect the public safety and welfare.
- (2) The findings shall be entered by an authorizing official in the appropriate daily records in all cases. Circumstances authorizing the removal of vehicles without prior notice include:
 - (a) Obstructing traffic.
 - (b) Parked in violation of an ordinance prohibiting or restricting parking.
 - (c) Parked in a no stopping or standing zone.
 - (d) Parked in a loading zone.
 - (e) Parked in a bus zone.

State Law reference— Similar provisions, G.S. 160A-303(c).

Sec. 26-134. Removal of Abandoned or Junked Motor Vehicle, Post-Towing Notice Requirements.

- (1) Whenever a vehicle is removed, the authorizing Town official shall immediately notify the last known registered owner of the vehicle. As described in G.S. 219-11(a), the post-towing notice shall include:
 - (a) A description of the vehicle,
 - (b) The place where the vehicle is stored,
 - (c) The violation with which the owner is charged, if any,
 - (d) The procedure the owner must follow to have the vehicle returned to him/her, and
 - (e) The procedure the owner must follow to request a probable cause hearing on the towing.
- (2) If the vehicle is registered in North Carolina, a notice shall be given to the owner within 24 hours by first class mail. If the vehicle is not registered in North Carolina, a notice shall be mailed to the owner within 72 hours from the removal of the vehicle.

- (3) Whenever a removed vehicle has no valid registration or registration plates, the authorizing Town official shall make reasonable efforts to determine the last known registered owner of the vehicle and notify the owner as set in this section.
- (4) The notice shall further advise the registered owner or person entitled to claim possession of the right to a hearing to determine if probable cause existed for the towing.
- (5) The Town must hold a towed vehicle for at least 30 days after notification to the vehicle owner is attempted.

State law reference G.S. 20-219.11

Sec. 26-135. Hearing Procedure.

- (1) Regardless of whether the Town does its own removal and disposal of motor vehicles or contracts with another person to do so, the Town shall provide a hearing procedure for the owner. For purposes of this section, the definitions in G.S. 20-219.9 apply.
- (2) After the removal of a motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive the hearing requests. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. §20-219.11.

Sec. 26-136. Reclaiming the Vehicle.

- (1) At any stage of the proceedings, including before and after the probable cause hearing, the owner or the person who claims the possession of a vehicle may reclaim the towed vehicle after making a payment to the Town for all the costs of removal and storage, including towing and storage fees. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this article.
- (2) The Town shall provide a schedule of reasonable towing fees. The Town shall authorize the release of the vehicle at any time after towing by the posting of a bond or payment of the fees.
- (3) Any person violating any provisions of this ordinance may also be subject to penalties described in Section 1.8- General Penalty of the Town of Waynesville Code of Ordinances.

Sec. 26-137. Sale or Disposal of Abandoned and Junked Vehicles.

The Town shall have the authority to authorize the disposition of abandoned and junked motor vehicles by a sales procedure as provided in G.S. 44A-4(c) and, as applicable, G.S. 44A-5 and 44A-6, except that no hearing in addition to a probable cause hearing is required. If no one purchases the motor vehicle at the sale, the authorizing official may authorize the destruction of the motor vehicle.

Sec. 26-138. Unlawful Removal of Impounded Vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Town any vehicle which has been impounded pursuant to the provisions of this article unless and until all towing and impoundment fees which are due have been paid.

Sec. 26-139. - Abandoned or Junked Vehicles on Private Property.

In the case of abandoned or junked motor vehicles left on private property without the consent of the owner, occupant or lessee, the vehicle may be removed by the Town only after the following conditions are met:

- (a) The owner, occupant, or lessee of the real property upon which the vehicle is located submit to the Town a written request that the vehicle be removed, which written request shall contain a certification that the vehicle has remained on said property without consent in excess of seven days.
- (b) The owner, occupant or lessee pay any required pre-towing fees or charges at the time of removal.
- (c) The owner, occupant or lessee agree to indemnify the Town against any loss, expense (including attorney fees), or liability incurred because of the removal, storage, or sale thereof.
- (d) This section shall apply only in those instances when an abandoned or junked vehicle remains on private property without the consent of the owner, occupant, or lessee of the real property.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2022

SUBJECT: Call for a Public Hearing for May 10, 2022 to consider the text amendment regarding Civic Space Standards, Chapter 7 of the Land Development Standards (LDS).

AGENDA INFORMATION:

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

BRIEF SUMMARY:

On November 15, 2021, Planning Board formed a subcommittee to better align the LDS with the 2035 Land Use Plan goals. Specifically, the group focuses on revising existing subdivision regulations and promoting preservation of Waynesville's natural resources.

The subcommittee had several discussions about the current civic space standards. The group researched the ordinances of other municipalities in North Carolina (Asheville, Brevard, Durham, Fayetteville) and out of state (Alpharetta, GA and Brighton, CO). The subcommittee has determined that the current Waynesville's civic space standards are limited and outdated. They do not adequately promote attractive neighborhoods, encourage context-sensitive development, or protect Waynesville's natural resources (Goals #1 and #3 of the 2035 Plan).

Staff proposes to expand civic space options for developers, reduce the minimum acreage for some types of civic spaces to promote more green areas among projects of various sizes, clarify the use and maintenance of civic spaces, and increase the percent of land allocated to civic space based on the size of development.

MOTIONS FOR CONSIDERATION:

1. Motion to call for a Public Hearing on April 26, 2022 to consider the text amendment regarding Civic Space Standards, Chapter 7 of the Land Development Standards as recommended by the Planning Board.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

1. Proposed Text Amendment

MANAGER'S COMMENTS AND RECOMMENDATIONS:

ORDINANCE NO. _____

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

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

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because:

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- The amendment will “create a range of housing opportunities and choices,” (Goal #2);
- The Town will “protect and enhance Waynesville’s natural resources,” (Goal #3);

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for 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 to “make decisions about resources and land use in accordance with North Carolina General Statutes.” and

WHEREAS, after notice duly given, a public hearing was held on April 11, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on April 26, 2022 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 April 26, 2022 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards be amended as follows (in red):

1. Amend Section 2.4.1 (2c) Table of Dimensional Standards by Residential District as follows:

2.4.1 Table of Dimensional Standards by Residential District.

(Table continues above)

Standard	Residential-Low Density (RL)	Residential- Med. Density (RM)	Neighborhood Residential (NR)	Urban Residential (UR)
c. Civic Space (min) per CH 7	10%—Open space only Refer to Section 7.3	10% Refer to Section 7.3	5% Refer to Section 7.3	5% Refer to Section 7.3

(Table continues below)

2. Amend Section 2.4.2 (2b) Table of Dimensional Standards by Mixed-Use/Non-Residential District as follows:

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

(Table continues above)

Standard	Neighborhood Center (NC)	Business District (BD)	Regional Center (RC)	Commercial Industrial (CI)
b. Green/Open Space (min) per CH 7 (tentative) Civic Space (min) per CH 7	2% for residential units only Refer to Section 7.3. Applies to residential units only.	Exempt	2% for residential units only Refer to Section 7.3. Applies to residential units only.	None Exempt

(Table continues below)

3. Amend Section 7.1 Purpose and Intent as follows:




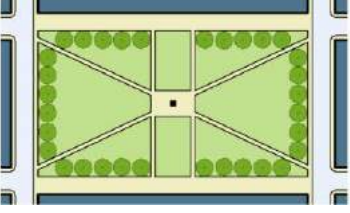
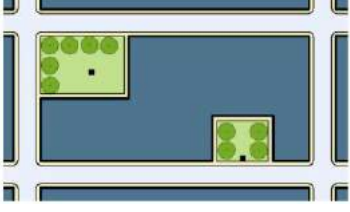
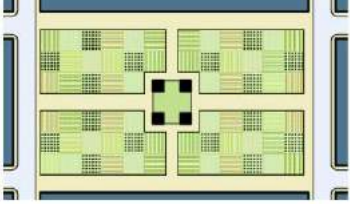
(...) Civic spaces, as defined by this Section, are distinct from those areas that are environmentally significant and must be otherwise protected from human transgression as noted in Section 12. ~~Civic space adds to the visual character and uniqueness of each development and is intended for recreational and aesthetic enjoyment by the residents of the development unless it is designated as a public space.~~




4. Amend Section 7.2. Civic Space Standards as follows:

All land dedicated to required civic spaces shall meet the criteria below in this section. ~~Stormwater facilities cannot be counted towards civic space. Delineated wetlands and required stream buffers can be counted towards civic space only when adjacent to, or a part of, a greenway or designated preserve.~~

7.2.1 Required Civic Space Types.

Civic space, as required (...).

A.	<p>Park: A natural preserve available for unstructured recreation. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be linear, following the trajectories of natural corridors as part of a greenway. The minimum size shall be 4 acres The minimum size shall be .16 acre (except with Greenways where there is no minimum).</p>	
B.	<p>Green: An open space available for unstructured recreation. A Green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be .16 acre ½ acre and the maximum shall be 4 acres.</p>	
C.	<p>Preserve: Natural preserves include any area of existing or restored open lands such as riparian corridors and wetlands, unique geological formations, important habitats, or substantial groupings of important plant types. The goal is to protect and maximize intact and undisturbed spaces that provide valuable ecosystem services for the community, support preservation goals, and enhance the aesthetics and amenities of the area. Active recreation, such as trails and paths, can be a part of these areas. The minimum size is 1 acre of contiguous preserved area.</p>	
C. D.	<p>Square: An open space available for unstructured recreation and civic purposes. A Square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be .16 acre ¼ acre and the maximum shall be 2 acres.</p>	
D. E.	<p>Playground: An open space designed and equipped for the recreation of children. A playground shall be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a block. Playgrounds may be included within parks and greens other civic spaces. There shall be no minimum or maximum size.</p>	
E. F.	<p>Community Garden: A grouping of garden plots available for small-scale cultivation, generally to residents of apartments and other dwelling types without private gardens. Community gardens should accommodate individual storage sheds. There shall be no minimum or maximum size.</p>	

G.	Greenway: A linear parcel of land set aside to contain a trail for transportation and/or recreation, usually connecting to a planned corridor. There shall be no minimum or maximum size.	
G.	Dog Park: An off-leash dog area. A dog park shall be enclosed with a galvanized or coated chain link fence or metal fence measuring four (4) to six (6) feet in height and include a double gate entry system. The dog park shall also have a designated waste disposal facility, signage with applicable rules, a shade area (with either a structure or mature shade trees). The area may also include a plumbed drinking water station. There shall be no minimum or maximum size.	
H.	Community Area: Designated indoor or outdoor facilities to support social and recreational activities of the residents. Examples include a pavilion, fire pit, picnic area, grill area, gym, pool, community building, club house, basketball court, tennis court, golf course, or similar amenities determined to be appropriate by an Administrator. There shall be no minimum or maximum size.	

5. Amend Section 7.2.5 Minimum Amenities as follows:

7.2.5 Minimum Amenities.

- A.** Required civic space shall be planned, improved, and usable by persons/entities which own it ~~living nearby~~. Improved shall mean cleared of underbrush (...).

~~A. Minimum Amenities (All Civic Spaces):~~

- ~~1. Public Seating: Provide seating areas appropriate to the intended use of the space (e.g., park benches and moveable chairs in formal/active spaces and garden wall seats in informal/passive spaces). A minimum of 2.5 linear feet of seating shall be provided for every 10,000 square feet of open space (up to 4 acres) with a minimum of 10 linear feet of seating. Seating should be more than 12 inches and less than 30 inches in height and not less than 16 inches in depth. Seating more than 28 inches in depth and accessible from two sides will count double. Moveable chairs are encouraged and each count as 2½ linear feet of suggested seating.~~
- ~~2. Supplement Tree Planting/Significant Species Preservation: A minimum of 1 tree (3 inch caliper minimum measured 6" above the ground at installation) to be planted in at least 350 square feet of soil or 1 preserved existing canopy tree a minimum of 12" caliper for every 2,500 square feet of required civic space.~~

~~3. Trash Receptacle: One garbage receptacle and one recycling receptacle for each 5,000 square feet of each physically separated civic space.~~

~~{B. —Reserved.}~~

B. Minimum Amenities: All civic spaces shall include park furnishings, such as benches, trash receptacles, landscaping, grills, and picnic areas, as appropriate to the size and type of the civic space.

C. Minimum Amenities (Parks): At least (...).

(...).

6. Amend Section 7.2.8 Ownership as follows:

7.2.8 Ownership and Maintenance.

Ownership: Dedicated civic space land shall be separately deeded to either a homeowner's association, a non-profit land trust (...).

Maintenance: The owner or lessee of the property designated for civic space is responsible for its maintenance. Landscaped areas shall be maintained in good condition and the entire area shall be kept clear of debris. All civic space shall require documentation recorded with the final plat that outlines the ongoing maintenance plans. Documents such as covenants for a homeowners' association, bylaws, charter for a non-profit entity, or similar agreements and guarantees shall be filed with the final plat.

Dedication to the Town or other public entity is subject to acceptance by and at the sole discretion of the Town or other public entity. If the civic space land is dedicated to the Town and accepted for public use, this land will be maintained by the Town.

7. Amend Section 7.3 Civic Space Dedication as follows and merge cells in the last column as follows:

District Category	Applicable Districts	Required Civic Space
Residential Districts:		10%
Residential—Low Density (RL)	CC-RL, EN-RL, FC-RL, HT-RL	10% 0-14 units/lots- 5%
Residential—Medium Density (RM)	CP-RM, D-RM, HM-RM, SW-RM	5% 15-30 units/lots- 10%
Neighborhood Residential (NR)	AC-NR, LL-NR, MS-NR, N-NR, PS-NR, PC-NR, RC-NR, SS-NR, WS-NR	5% 31-60 units/lots- 13%
Urban Residential (UR)	EW-UR, H-UR	61 + lots/units- 15%
Mixed-Use/Non-Residential Districts:		
Neighborhood Center (NC)	PS-NC, NM-NC, RC-NC	2%
Business District (BD)	CBD, H-BD, SM-BD	Exempt 0-14 units/lots- 5%
Regional Center (RC)	DJ-RC, NC-RC, RA-RC	2% 15-30 units/lots- 10%
Commercial Industrial (CI)	CI	None 31-60 units/lots- 13%
		61 + lots/units- 15%
		Business District (BD) and Commercial Industrial (CI) are exempt from civic space requirements.

8. Amend Section 15.4.4 Construction Documents/Preliminary Plat as follows:

(...)

Preliminary Plat: The preliminary plat for a subdivision that shall be prepared by a registered surveyor or engineer and shall show the following:

(...)

14. Sketch vicinity map showing relationship between subdivision and surrounding area.

15. Current zoning designation of the development property in the Town of Waynesville.

9. Amend section 15.8.2 Site Plan/Design Review (Major) as follows:

G. Neighborhood Meeting (15.3.7): ~~Optional~~ See section 15.3.7.

10. Re-number section 15.9.2 Major Subdivisions as follows:

~~C. [D.]~~ D. **Preliminary Plat Approval:** The Planning Board (...).

~~D. [E.]~~ E. **Final Plat:** Once all infrastructure (...).

11. Amend section 15.9.3 Preliminary Plats for Major Subdivision as follows:

F. Neighborhood Meeting (15.3.7): ~~Optional~~ See section 15.3.7.

12. Amend section 15.10.2 Review Process as follows:

B. Neighborhood Meeting (15.3.7): ~~Optional~~ See section 15.3.7.

12. Re-number section 15.16.6 Relevant provisions as follows:

~~15.16.5 Reserved:~~

~~15.16.6 Relevant provisions:~~

15.16.5 Relevant Provisions:

(...)

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2022

SUBJECT: Call for a Public Hearing for May 10, 2022 to consider Text Amendments related to major subdivisions, Land development Standards Sections: 8.4 Buffer Yards; 15.9.2 Major Subdivisions.

AGENDA INFORMATION:

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

BRIEF SUMMARY:

The Town of Waynesville Planning Board has been revising sections of the LDS in response to 160D and the 2035 Comprehensive Land Use Plan. These text amendments are proposed to increase the ability of the Town to regulate major subdivisions and exert more development controls on larger development.

MOTIONS FOR CONSIDERATION:

1. Motion to call for a Public Hearing on May 10, 2022 to consider text amendments to the Land Development Standards regarding major subdivisions.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

Draft Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS:

ORDINANCE NO. _____

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

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

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because:

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- The amendment will “create a range of housing opportunities and choices,” (Goal #2);
- The Town will “protect and enhance Waynesville’s natural resources,” (Goal #3);

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for 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 to “make decisions about resources and land use in accordance with North Carolina General Statutes.” and

WHEREAS, after notice duly given, a public hearing was held on April 11, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on *May 10*, 2022 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 April 26, 2022 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards be amended as follows (*in red*):

1. Amend the following Sections of Chapter 8 Tree Protection, Landscaping and Screening

8.4 Buffer Yards.

Buffer yards are planting areas located parallel to the side and rear lot lines. **The purpose and intent of buffer yard requirements are to preserve landscape and provide a buffer as a mitigation measure for potential development impacts. They are** designed to separate incompatible adjacent uses, **or to and** provide privacy and protection against potential adverse impacts of an adjoining ~~incompatible~~ use or zoning district.

8.4.1 Required Buffer Yards.

A. Required Yards by District: The size of a buffer shall be determined both by the zoning district of the proposed development and by the adjacent zoning district(s). Buffer yards shall be required in accordance with the table below when any use is being established on a property that abuts an existing developed lot or less intense zoning district.

		Adjacent Zoning District					
		RL/RM	NR/UR	NC	BD	RC	CI
District of Proposed Development	RL/RM	X	X	X	X	A ¹	A ¹
	NR/UR ²	C	X	X	X	X	X
	NC ²	B	C	X	X	X	X
	BD	C	C	X	X	X	X
	RC	A	A	B	C	X	X
	CI	A	A	A	A	B	X
	¹ Only required where adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property						X = No Buffer Required
	² Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes						

- B. Required Buffer Yard by Major Subdivision Tier:** A type B Buffer Yards is required along the perimeter of new major subdivisions over 30 units and special use permits in all districts, except where the above table has a stricter requirement or as part of a conservation subdivision.
- C. Location:** Buffer yards are intended to be constructed along the perimeter of the property; however, when there is irregular topographic conditions such as the perimeter of the property is at a lower grade than the use being screened, the Administrator may require the relocation of the required buffer yard in order to better serve its purpose.
- D. Relationship to Required Yards and Setbacks:** Where front, side and rear yards are required by this chapter, buffer yards may be established within such yards. If a yard requirement is less than the minimum buffer requirement, the buffer width requirement shall override the minimum yard requirement.
- E. More Restrictive to Apply:** Where a proposed use or development type abuts multiple use types or zoning districts along the same side or rear yard[yard], the largest buffer will apply.
- F. Buffer Location Restrictions:** Buffers shall not be located on any portion of any existing or proposed street right-of-way. Buffers shall be permitted to intersect utility easements or run parallel with them; however, they shall not be permitted to run linear with and superimposed on them.

2. Amend Section 15.9.2 Major Subdivisions as follows:

15.9.2 Major Subdivisions.

The major subdivision review process is required for those divisions of land into eight (8) or more lots or which require dedication of public utilities and/or public streets. **There are four tiers of major subdivisions.**

MAJOR SUBDIVISION TIERS AND PROCEDURES				
Tier	Description	Process Type	Pre-Application Meeting	Neighborhood Meeting
Tier 1	0-14 lots	Administrative	Required	Optional
Tier 2	15-30 lots	Administrative	Required	Required
Tier 3	31-60 lots	Administrative (Alt: SUP)	Required	Required
Tier 4	60 lots<	Administrative (Alt: SUP)	Required	Required

- A. **Process Types:** Major Subdivisions are Administrative unless an application is made to acquire additional density in accordance with Section 2.4.1 (Alt, for tier 3 and 4), or for a Conservation Subdivision Option which require a Special Use Permit.
- B. **Pre-Application Procedure:** It is required that every applicant for a Major Subdivision meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval. It is recommended that the applicant provide a sketch plan (15.4.2) and Environmental Survey (15.4.1) to the Administrator prior to or at the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Subdivision Plan.
- C. **Required Application Information:** Environmental Survey (15.4.1) and Preliminary Plat.
- D. **Preliminary Plat Approval:** The Planning Board shall review and either approve or deny the major subdivision applicant's preliminary plat in accordance with the procedure set forth in section 15.9.3 below. Engineering, including a compliant Stormwater Plan (12.5) and Construction Documents (15.4.4) shall be submitted after Planning Board review.
- E. **Final Plat:** Once all infrastructure improvements are installed or financially guaranteed as required by Section 6.13 below, the Final Plat shall be presented for approval in accordance with Section 15.9.4 below.

15.9.3 Preliminary Plats for Major Subdivision.

- A. **Process Types:** Administrative or Special Use Permit (see LDS Section 15.10).
- B. **Permit Required Before Any Land-Disturbing Activity:** No land-disturbing activity shall take place until a Preliminary Plat has been approved.
- C. **Required Application Information:** Environmental Survey (15.4.1) and Preliminary Plat (15.4.4) prepared by a registered land surveyor, licensed landscape architect or licensed engineer.
- D. **Determination of Completeness:** The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public hearing before the Planning Board.

- E. **Public Notification:** None required.
- F. **Neighborhood Meeting (15.3.7):** Optional.
- G. **Public Hearing:** The Planning Board shall hold a hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
- H. **Decisions/Findings of Fact:** Following the public hearing the board may approve, deny or approve with conditions the application for a Major Subdivision. No Major Subdivision shall be approved unless the commission finds each of the following facts to be true:
 - 1. The plan is consistent with the adopted plans and policies of the Town;
 - 2. The plan complies with all applicable requirements of this ordinance; and
 - 3. The plan has infrastructure as required by the ordinance to support the plan as proposed.
- I. **Substantial Changes:** Substantial Changes from the approved preliminary plat shall require additional review by the Planning Board. Substantial changes shall include redesign of streets, increasing the number of lots, altering the design of more than twenty (20) percent of the lots, and/or reducing the number of lots by twenty (20) percent. All other changes shall be considered minor modifications subject to review by the Administrator.
- J. **Appeals.** An appeal of the decision to approve or deny a Preliminary Plat or a substantial change to an approved Preliminary Plat may be made by an aggrieved party to the Superior Court of Haywood County no later than thirty (30) days after the applicant receives the written copy of the decision.
- K. **Permit Validity:** Unless substantial work has commenced or a building permit has been obtained, approval of a preliminary plat expires two (2) years from the date such approval was granted.
- L. **Permit Extension:** The applicant may apply for an extension of the approval period. The Planning Board may approve an extension of the time required to file the final plat up to a total of five (5) years from the date the initial application was approved where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. No further development activity shall be performed until the new approval is issued.

3. Amend Section 15.10 Special Use Permits as follows:

15.10 Special Use Permits (SUP).

Special uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district. Applications requiring a Special Use Permit are noted in Section 2.4 and Chapter 3. . . .

- E. **Findings of Fact:** In addition to determining that the application meets all other requirements of this ordinances (no variances are permitted) the Planning Board must find the following:

1. The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.
 2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
 3. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.
 4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
 5. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.
 6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.
 7. The residential development includes affordable housing units at a rate of 10% (one unit for every ten units constructed, rounded down to the nearest whole unit).*
- F. **Additional Conditions:** The Planning Board may place conditions on the use as part of the approval to assure that mitigation measures are associated with the use. The conditions shall become part of the Special Use Permit approval and shall be included in the final site plan application.

*Affordable rental units must meet monthly affordability threshold for 80% of current median income for Haywood County at the time of application and may be re-adjusted as median income thresholds are adjusted by the North Carolina Low Income Housing Agency. Affordable units for conveyance must be sold at affordability threshold of 80% of current median income at the time of sale, and must be secured for 5 years.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2022

SUBJECT: Selection of Audit Firm and Approval of Audit Contract

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: (LEAVE BLANK)
Department: Finance
Contact: Misty Hagood
Presenter: Misty Hagood

BRIEF SUMMARY:

Since the Town will require a single audit of the ARP funds in any year we expend \$750,000 or more, we must follow the Uniform Guidance procedures in order to be in compliance with federal regulations. The pricing range for our audit with the added cost of a single audit falls in the “small purchases” category which required us to solicit bids for the audit. If we did not solicit bids, we would not be in compliance with the regulations set out by the federal government. I released the RFP on February 7, 2022, and we received three bids. A summary of the bids is listed in the chart below. I recommend selecting Martin Starnes & Associates, CPAs, P.A. and approving the audit contract. Martin Starnes has many years of local government auditing experience, they have audited a wide range of governments, and they had the lowest bid.

Audit RFP Responses			
	FY22	FY23	FY24
Martin Starnes	\$ 40,000	\$ 42,000	\$ 44,100
RH CPAs	\$ 40,770	\$ 44,850	\$ 49,335
Ray, Bumgarner, Kingshill	\$ 56,775	\$ 58,550	\$ 60,405

MOTION FOR CONSIDERATION:

1. Selection of Martin Starnes & Associates as the Town’s audit firm for a period of three years.
2. Approval of the Audit Contract.

FUNDING SOURCE/IMPACT:

Contract amount will be included in the 2022-2023 budget.

Misty Hagood, Finance Director

Date

ATTACHMENTS:

- Audit Contract
- Single Audit Engagement Letter

MANAGER'S COMMENTS AND RECOMMENDATIONS:

The recommendation is to select Martin Starnes & Associates as the Town's audit firm for a period of three years and approve of the Audit Contract.

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The of and	Governing Board
	Board of Aldermen
	Primary Government Unit
	Town of Waynesville, NC
	Discretely Presented Component Unit (DPCU) (if applicable)
	N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name
	Martin Starnes & Associates, CPAs, P.A.
	Auditor Address
	730 13th Avenue Dr. SE, Hickory, NC 28602

Hereinafter referred to as Auditor

for	Fiscal Year Ending	Audit Report Due Date
	06/30/22	10/31/22

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.
2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.
- If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.)(G.S. 159-34 and 115C-447) All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will not be approved.

Financial statements were prepared by: ☒ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:**Title and Unit / Company:****Email Address:**

Misty Hagood

Finance Director, Town of Waynesville

mhagood@waynesvillenc.gov

OR Not Applicable ☐ (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

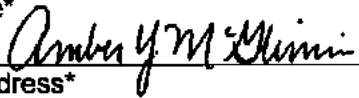
Primary Government Unit	Town of Waynesville, NC
Audit Fee	\$ See engagement letter
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ See engagement letter
Writing Financial Statements	\$ See engagement letter
All Other Non-Attest Services	\$ N/A
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 46,496.25

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 0.00

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
Martin Starnes & Associates, CPAs, P.A.	
Authorized Firm Representative (typed or printed)* Amber Y. McGhinnis	Signature* 
Date* 04/04/22	Email Address* amcghinnis@msa.cpa

GOVERNMENTAL UNIT

Governmental Unit*	
Town of Waynesville, NC	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)* Gary Caldwell, Mayor	Signature*
Date	Email Address gcaldwell@waynesvillenc.gov

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Misty Hagood, Finance Director	Signature*
Date of Pre-Audit Certificate*	Email Address* mhagood@waynesvillenc.gov

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
N/A	
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
 Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
N/A	
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all
 required signatures prior to submission.

PRINT



Report on the Firm's System of Quality Control

To the Shareholders of Martin Starnes & Associates, CPAs, P.A. and the
Peer Review Committee, Coastal Peer Review, Inc.

We have reviewed the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. (the firm) in effect for the year ended December 31, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and an audit of an employee benefit plan.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. in effect for the year ended December 31, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Martin Starnes & Associates, CPAs, P.A. has received a peer review rating of *pass*.

Koonce, Wooten & Haywood, LLP

Koonce, Wooten & Haywood, LLP

May 4, 2021

Raleigh

4060 Barrett Drive
Post Office Box 17806
Raleigh, North Carolina 27619

919 782 9265
919 783 8937 FAX

Durham

3500 Westgate Drive
Suite 203
Durham, North Carolina 27707

919 354 2584
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Pittsboro

579 West Street
Post Office Box 1399
Pittsboro, North Carolina 27312

919 542 6000
919 542 5764 FAX

Smithfield

212 East Church Street
Post Office Box 2348
Smithfield, North Carolina 27577

919 934 1121
919 934 1217 FAX

MARTIN ♦ STARNES & ASSOCIATES, CPAs, P.A.

"A Professional Association of Certified Public Accountants and Management Consultants"

April 4, 2022

Misty Hagood, Finance Director
Town of Waynesville
PO Box 100
Waynesville, NC 28786

You have requested that we audit the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the Town of Waynesville, NC, as of June 30, 2022, and for the year then ended, and the related notes to the financial statements, which collectively comprise the Town of Waynesville's basic financial statements as listed in the table of contents.

In addition, we will audit the entity's compliance over major federal and state award programs for the period ended June 30, 2022. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit and an opinion on compliance regarding the entity's major federal and state award programs. The objectives of our audit of the financial statements are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) and in accordance with *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

The objectives of our compliance audit are to obtain sufficient appropriate audit evidence to form an opinion and report at the level specified in the governmental audit requirement about whether the entity complied in all material respects with the applicable compliance requirements and identify audit and reporting requirements specified in the governmental audit requirement that are supplementary to GAAS and *Government Auditing Standards*, if any, and perform procedures to address those requirements.

Accounting principles generally accepted in the United States of America require that certain supplementary information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

- Management's Discussion and Analysis
- Law Enforcement Officers' Special Separation Allowance schedules
- Other Post-Employment Benefits' schedules
- Local Government Employees' Retirement System's schedules

Supplementary information other than RSI will accompany the Town of Waynesville's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

- Combining and individual fund financial statements
- Budgetary schedules
- Other schedules
- Schedule of Expenditures of Federal and State Awards

Schedule of Expenditures of Federal and State Awards

We will subject the Schedule of Expenditures of Federal and State Awards to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the Schedule of Expenditures of Federal and State Awards is presented fairly in all material respects in relation to the financial statements as a whole.

We will make reference to the component unit auditor's audit of the Town of Waynesville ABC Board in our report on your financial statements.

Data Collection Form (if applicable)

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, Schedule of Expenditures of Federal and State Awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the Federal Audit Clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the Federal Audit Clearinghouse. We will assist you in the electronic submission and

certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the *earlier* of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

Audit of the Financial Statements

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS), the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America; the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act. As part of an audit of financial statements in accordance with GAAS and in accordance with *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Waynesville's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We will issue a written report upon completion of our audit of the Town of Waynesville's basic financial statements. Our report will be addressed to the governing body of the Town of Waynesville. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

Audit of Major Program Compliance

Our audit of the Town of Waynesville's major federal and state award program(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended, the Uniform Guidance, and the State Single Audit Implementation Act, and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance and the State Single Audit Implementation Act and other procedures we consider necessary to enable us to express such an opinion on major federal and state award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance and the State Single Audit Implementation Act require that we also plan and perform the audit to obtain reasonable assurance about whether material noncompliance with applicable laws and regulations, the provisions of contracts and grant agreements applicable to major federal and state award programs, and the applicable compliance requirements occurred, whether due to fraud or error, and express an opinion on the entity's compliance based on the audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, the Uniform Guidance, and the State Single Audit Implementation Act will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the entity's compliance with the requirements of the federal or state programs as a whole.

As part of a compliance audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks.

Our procedures will consist of determining major federal and state programs and, performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs, and performing such other procedures as we consider necessary in the circumstances. The purpose of those procedures will be to express an opinion on the entity's compliance with requirements

applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and the State Single Audit Implementation Act.

Also, as required by the Uniform Guidance and the State Single Audit Implementation Act, we will obtain an understanding of the entity's internal control over compliance relevant to the audit in order to design and perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the entity's major federal and state award programs. Our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report. However, we will communicate to you, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we have identified during the audit.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the entity's major federal and state award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management's Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance, acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
3. For identifying, in its accounts, all federal and state awards received and expended during the period and the federal and State programs under which they were received;
4. For maintaining records that adequately identify the source and application of funds for federal and state funded activities;
5. For preparing the Schedule of Expenditures of Federal and State Awards (including notes and noncash assistance received) in accordance with the Uniform Guidance and State Single Audit Implementation Act;
6. For designing, implementing, and maintaining effective internal control over federal and state awards that provides reasonable assurance that the entity is managing federal and state awards in compliance with federal and state statutes, regulations, and the terms and conditions of the federal and state awards;
7. For identifying and ensuring that the entity complies with federal and state laws, statutes, regulations, rules, provisions of contracts or grant agreements, and the terms and conditions of federal and state award programs, and implementing systems designed to achieve compliance with applicable federal and state statutes, regulations and the terms and conditions of federal and state award programs;
8. For disclosing accurately, currently and completely the financial results of each federal and state award in accordance with the requirements of the award;
9. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
10. For taking prompt action when instances of noncompliance are identified;
11. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on

- reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
12. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
 13. For submitting the reporting package and data collection form to the appropriate parties;
 14. For making the auditor aware of any significant contractor relationships where the contractor is responsible for program compliance;
 15. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements including the disclosures, and relevant to federal and state award programs, such as records, documentation, and other matters;
 - b. Additional information that we may request from management for the purpose of the audit;
 - c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
 - d. A written acknowledgement of all the documents that management expects to issue that will be included in the annual report and the planned timing and method of issuance of that annual report (if applicable); and
 - e. A final version of the annual report (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditor's report (if applicable).
 16. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year or period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
 17. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
 18. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
 19. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant roles in internal control and others where fraud could have a material effect on compliance;
 20. For the accuracy and completeness of all information provided;
 21. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
 22. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the Schedule of Expenditures of Federal and State Awards referred to above, you acknowledge and understand your responsibility (a) for the preparation of the Schedule of Expenditures of Federal and State Awards in accordance with the Uniform Guidance and the State Single Audit Implementation Act, (b) to provide us with the appropriate written representations regarding the Schedule of Expenditures of Federal and State Awards, (c) to include our report on the Schedule of Expenditures of Federal and State Awards in any document that contains the Schedule of Expenditures of Federal and State Awards and that indicates that we have reported on such schedule, and (d) to present the Schedule of Expenditures of Federal and State Awards with the audited financial statements, or if the schedule will not be presented with the audited financial statements, to make the audited basic financial statements readily available to the intended users of the Schedule of Expenditures of Federal and State Awards no later than the date of issuance by you of the schedule and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the basic financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Nonattest Services

We will perform the following nonattest services:

- Draft of financial statements and footnotes
- GASB 34 conversion entries
- Preparation of auditor portions of Data Collection Form (if applicable)
- Preparation of LGC's data input worksheet

We will not assume management responsibilities on behalf of the Town of Waynesville. However, we will provide advice and recommendations to assist management of the Town of Waynesville in performing its responsibilities.

The Town of Waynesville's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards.
- The nonattest services are limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account codings and approving journal entries.

Other Matters

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

During the course of the engagement, a portal will be in place for information to be shared, but not stored. Our policy is to terminate access to this portal after one year. The Town is responsible for data backup for business continuity and disaster recovery, and our workpaper documentation is not to be used for these purposes.

Provisions of Engagement Administration and Fees

Marcie Spivey is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Martin Starnes & Associates, CPAs, P.A.'s services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report. To ensure that our independence is not impaired under the AICPA Code of Professional Conduct, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

Our fees for these services are as follows:

Audit Fee	\$ 35,000
Financial Statement Drafting	5,000
Single Audit Fees (up to 3 programs)	3,500
	<u>\$ 43,500</u>
Additional Fees:	
Charge per major program in excess of 3	<u>\$ 3,500</u>

Our invoices for these fees will be rendered in four installments as work progresses and are payable upon presentation. In accordance with our firm policies, work may be suspended if your account becomes overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for non-payment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our reports. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination.

We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use the Town of Waynesville's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

We want our clients to receive the maximum value for our professional services and to perceive that our fees are reasonable and fair. In working to provide you with such value, we find there are certain circumstances that can cause us to perform work in excess of that contemplated in our fee estimate.

Following are some of the more common reasons for potential supplemental billings:

Changing Laws and Regulations

There are many governmental and rule-making boards that regularly add or change their requirements. Although we attempt to plan our work to anticipate the requirements that will affect our engagement, there are times when this is not possible. We will discuss these situations with you at the earliest possible time in order to make the necessary adjustments and amendments in our engagement.

Incorrect Accounting Methods or Errors in Client Records

We base our fee estimates on the expectation that client accounting records are in order so that our work can be completed using our standard testing and accounting procedures. However, should we find numerous errors, incomplete records, or the application of incorrect accounting methods, we will have to perform additional work to make the corrections and reflect those changes in the financial statements.

Failure to Prepare for the Engagement

In an effort to minimize your fees, we assign you the responsibility for the preparation of schedules and documents needed for the engagement. We also discuss matters such as availability of your key personnel, deadlines, and work space. If your personnel are unable, for whatever reasons, to provide these items as previously agreed upon, it might substantially increase the work we must do to complete the engagement within the scheduled time.

Starting and Stopping Our Work

If we must withdraw our staff because of the condition of the client's records, or the failure to provide agreed upon items within the established timeline for the engagement, we will not be able to perform our work in a timely, efficient manner, as established by our engagement plan. This will result in additional fees, as we must reschedule our personnel and incur additional start-up costs.

Our fees are based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our fees for such services range from \$75-\$300 per hour.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

At the conclusion of our audit engagement, we will communicate to management and those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of Martin Starnes & Associates, CPAs, P.A. and constitutes confidential information. However, we may be requested to make certain audit documentation available to the Local Government Commission, Office of the State Auditor, federal or state agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Martin Starnes & Associates, CPAs, P.A.'s personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm to the Contract to Audit Accounts for your consideration and files.

Please sign and return a copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements and compliance over major federal and state award programs, including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

Martin Starnes & Associates, CPAs, P.A.

Martin Starnes & Associates, CPAs, P.A.
Hickory, North Carolina

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of the Town of Waynesville by:

Signature: _____

Title: _____

Date: _____

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2022**

SUBJECT: Adding Electric Line Tech 3 & 4 title to the pay/classification table

AGENDA INFORMATION:

Agenda Location:

Item Number:

Department: Administration

Contact: Brittany Angel, HR Coordinator

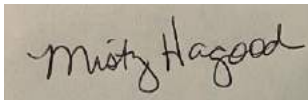
Presenter: Brittany Angel, HR Coordinator

BRIEF SUMMARY: The Town of Waynesville has designed the career track structure for the Electric Department off of the ElectriCities model. The ElectriCities model has the positions of Electric Lineman 3 and 4 while just as our Electric Department Career Track has the steps of Electric Line Tech 3 and 4. However, our Pay and Classification Table does not include these two positions. Currently, our Pay and Classification Table only includes the positions of Electric Line Tech 1, 2, Assistant Superintendent, and Superintendent. In order to better emulate the ElectriCities model of advancement, we would like to make our Pay and Classification Table more consistent with the Electric Department's Career Track steps by adding the positions of Electric Line Tech 3 and Electric Line Tech 4 to our Pay and Classification Table at the grades of 66 and 69.

MOTION FOR CONSIDERATION:

Motion to add the position of Electric Line Tech 3 to the Town of Waynesville Pay and Classification Table at grade 66 and the position of Electric Line Tech 4 to the Town of Waynesville Pay and Classification Table at grade 69.

FUNDING SOURCE/IMPACT: N/A



Misty Hagood, Finance Director

4/5/22

Date

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Pay/Classification Table 2021-2022 *(Effective 7/01/2021)*

Grade	Class Title	FLSA Status	Class Min	Class Mkt	Class Max
51	LIFEGUARD MAINTENANCE TECHNICIAN	Non-Exempt Non-Exempt	\$27,577.67	\$35,850.98	\$44,124.28
52	CUSTOMER SERVICE REP.	Non-Exempt	\$28,542.89	\$37,105.76	\$45,668.62
53	HEAD LIFEGUARD METER READER SENIOR CUSTOMER SERVICE REP. SENIOR MAINTENANCE TECHNICIAN TELECOMMUNICATOR CUSTODIAN	Non-Exempt Non- Exempt Non- Exempt Non- Exempt Non- Exempt Non- Exempt	\$29,541.89	\$38,404.46	\$47,267.03
54	ADMINISTRATIVE ASSISTANT LAB ANALYST RECORDS TECHNICIAN SENIOR TELECOMMUNICATOR	Non-Exempt Non- Exempt Non- Exempt Non- Exempt	\$30,575.86	\$39,748.61	\$48,921.37
55	EVIDENCE TECHNICIAN TREATMENT PLANT OPERATOR UTILITY MAINTENANCE SPECIALIST	Non-Exempt Non- Exempt Non- Exempt	\$31,646.01	\$41,139.82	\$50,633.62
56	ACCOUNTING SPECIALIST EQUIPMENT OPERATOR FLEET TECHNICIAN PARKS & RECREATION CREW LEADER STOCKKEEPER UTILITY LOCATOR CEMETERY SERVICES SPECIALIST	Non-Exempt Non- Exempt Non- Exempt Non- Exempt Non- Exempt Non- Exempt Non- Exempt	\$32,753.62	\$42,579.71	\$52,405.80
57	ELECTRIC LINE TECH SENIOR EQUIPMENT OPERATOR PROGRAM SPECIALIST Horticulture Specialist	Non-Exempt Non-Exempt Non-Exempt	\$33,900.00	\$44,070.00	\$54,240.00
58	CEMETERY CREW LEADER CODE ENFORCEMENT OFFICER FIRE FIGHTER OUTSIDE FACILITIES CREW LEADER	Non- Exempt Non- Exempt Non- Exempt Non- Exempt	\$35,086.50	\$45,612.45	\$56,138.40
59	FIRE ENGINEER STREETS & SANITATION CREW LEADER ADVANCED TREATMENT PLANT OPERATOR	Non- Exempt Non- Exempt Non- Exempt	\$36,314.53	\$47,208.89	\$58,103.25

Pay/Classification Table 2021-2022 *(Effective 7/01/2021)*

Grade	Class Title	FLSA Status	Class Min	Class Mkt	Class Max
60	Buyer Police Officer 1	Non-Exempt Non- Exempt	\$37,585.54	\$48,861.20	\$60,136.86
61	EQUIPMENT MECHANIC POLICE OFFICER 2 PUBLIC FACILITIES MAINT. TECHNICIAN SENIOR ADMINISTRATIVE ASSISTANT	Non-Exempt Non-Exempt Non-Exempt Non-Exempt	\$38,901.03	\$50,571.34	\$62,241.65
62	POLICE OFFICER 3 WATERSHED ATTENDANT SENIOR PLANT OPERATOR	Non-Exempt Non-Exempt Non-Exempt	\$40,262.57	\$52,341.34	\$64,420.11
63	ELECTRIC LINE TECH 2 LEAD MECHANIC PARKS & RECREATION FACILITIES MANAGER PUMP MAINTENANCE MECHANIC SENIOR CODE ENFORCEMENT OFFICER SENIOR POLICE OFFICER TAX ANALYST TOWN CLERK WATER MAINTENANCE CREW LEADER	Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt EXEMPT Non-Exempt	\$41,671.76	\$54,173.29	\$66,674.82
64	MASTER OFFICER PARKS & RECREATION PROGAMS SUPERVISOR	Non-Exempt EXEMPT	\$43,130.27	\$56,069.35	\$69,008.43
65	PURCHASING SUPERVISOR	Exempt	\$44,639.83	\$58,031.78	\$71,423.73
66	AQUATICS RECREATION SUPERVISOR FIRE CAPTAIN FITNESS SUPERVISOR POLICE SERGEANT PUBLIC FACILITIES MANAGER SENIOR PUMP MECHANIC	Exempt Exempt Exempt Non- Exempt Exempt Non- Exempt	\$46,202.22	\$60,062.89	\$73,923.55
67	CHIEF TREATMENT PLANT OPERATOR FIRE MARSHALL PLANNER	Exempt Exempt Exempt	\$47,819.30	\$62,165.09	\$76,510.88
68	ADMINISTRATIVE SUPERVISOR LAB SUPERVISOR	Exempt Exempt	\$49,492.98	\$64,340.88	\$79,188.77

Pay/Classification Table 2021-2022 *(Effective 7/01/2021)*

Grade	Class Title	FLSA Status	Class Min	Class Mkt	Class Max
69	ATHLETIC PROGRAMS SUPERVISOR CODES ADMINISTRATOR	Exempt Exempt	\$51,225.23	\$66,592.80	\$81,960.37
70	ASSET SERVICES MANAGER ASSISTANT FIRE CHIEF HUMAN RESOURCES COORDINATOR DISTRIBUTION/COLLECTIONS SUPERINTENDENT LAND USE ADMINISTRATOR POLICE LIEUTENANT STREETS & SANITATION SUPERINTENDENT TREATMENT PLANT SUPERINTENDENT	Exempt Exempt Exempt Exempt Exempt Exempt Exempt Exempt	\$53,018.11	\$68,923.55	\$84,828.98
71	SENIOR LIEUTENANT	Exempt	\$54,873.74	\$71,335.86	\$87,797.98
72	ASSISTANT ELECTRIC SUPERVISOR ASSISTANT FINANCE DIRECTOR ASSISTANT POLICE CHIEF	Exempt Exempt Exempt	\$56,794.32	\$73,832.62	\$90,870.91
73	ELECTRIC DISTRIBUTION SUPERINTENDENT ASSISTANT PUBLIC SERVICES DIRECTOR/TOWN ENGINEER	Exempt	\$58,782.12	\$76,416.76	\$94,051.39
DEPT. HEADS	ASSISTANT TOWN MANAGER DEVELOPMENT SERVICES DIRECTOR FINANCE DIRECTOR FIRE CHIEF PARKS & RECREATION DIRECTOR POLICE CHIEF PUBLIC SERVICES DIRECTOR	EXEMPT	\$60,000.00	\$82,000.00	\$104,000.00
**	TOWN MANAGER ** Hired by Board Under Contract	Exempt			

Pay/Classification Table 2021-2022 *(Effective 7/01/2021)*

Grade Equiv.	Part-Time Class Titles	FLSA Status	Dept	Class Min	Class Max
	FIRE FIGHTER-PT	Non-Exempt	FIRE	\$13.50 / hr	\$15.50 / hr
	CHILD CARE AID	Non-Exempt	PARKS & REC	\$11.00 / hr	\$13.00 / hr
	CUSTOMER SERVICE REP-PT	Non-Exempt		\$11.00 / hr	\$13.00 / hr
	FITNESS INSTRUCTOR	Non-Exempt		\$15.00 / hr*	\$20.00 / hr*
	LIFEGUARD-PT	Non-Exempt		\$12.00 / hr	\$14.00 / hr
	MAINTENANCE WORKER-PT	Non-Exempt		\$11.00 / hr	\$13.00 / hr
	RECREATION AID – (Programs)	Non-Exempt		\$9.00 / hr	\$11.00 / hr
	REFEREE	Non-Exempt		\$15.00 / hr	\$15.00 / hr
	SCOREKEEPER	Non-Exempt		\$8.50 / hr	\$8.50 / hr
	SUMMER CAMP ASSISTANT	Non-Exempt		\$10.00 / hr	\$11.00 / hr
	LEAD SUMMER CAMP ASSISTANT	Non-Exempt		\$11.00 / hr	\$12.00 / hr
	UMPIRE	Non-Exempt		\$20.00 / hr	\$20.00 / hr
	CROSSING GUARD	Non-Exempt	POLICE	\$9.00 / hr	\$10.50 / hr
	TELECOMMUNICATOR-PT	Non-Exempt		\$13.00 / hr	\$14.00 / hr
	POLICE OFFICER-PT	Non-Exempt		\$15.00 / hr	\$16.25 / hr
	MAINTENANCE WORKER- SEASONAL	Non-Exempt	PUBLIC SVCS	\$11.00 / hr	\$12.00 / hr
	INTERN **	Non-Exempt	ALL DEPTS	\$10.00 / hr	\$20.00 / hr
	RETIREEES RETURNING TO WORK PT***	Non-Exempt		No Min	Outgoing Rate or \$25.00 / hr, whichever is lower

Part-time & seasonal employees may receive \$0.25/hr additional wage adjustment for each year of consecutive employment in the same position up to the maximum for the class, except where the minimum and maximum are fixed at the same rate.

*Fitness Instructors shall be paid \$15/hr with the Town paying for certifications, or they may be paid up to \$20 / hr upon recommendation by DD if they pay for their own certifications.

**The hiring of interns, and rate at which they are hired, requires prior approval of the Town Manager

***The hiring of retirees to provide part-time or occasional assistance, and the rate at which they are re-hired, requires prior approval of the Town Manager

the tasks required in the new position, demonstration of ElectriCities' behavioral expectations, and overall work ethic and attitude.

The following criteria must be met to be eligible for progression or promotion and to receive the associated compensation reward:

Probationary Period

First six months of employment – No Apprenticeship program participation during this period



Power Line Technician Apprentice I

Apprenticeship Program Level 1

Career Pathway Level 1 – Apprenticeship Program Level 1

Complete the **greater of 2,000 hours or 12 months** as a Power Line Technician Apprentice I

Work at least 75% of assigned on-call rotations within the prior six months

Complete 100% of the Apprenticeship program Level I requirements (online training curriculum, end-of-level test, FPR sheets, OJT task requirements, required schools*, and required hands-on tests*)

Receive Crew Leader/Foreman and Electric Operation Supervisor recommendation

Promotion to Power Line Technician Apprentice I – Pay increase to level I \$17.16



Power Line Technician Apprentice II

Complete the **greater of 2,000 hours or 12 months** as a Power Line Technician Apprentice II

Work at least 75% of assigned on-call rotations within the prior six months

Complete 100% of the Apprenticeship program Level II requirements (online training curriculum, end-of-level test, FPR sheets, OJT task requirements, required schools*, and required hands-on tests*)

Receive Crew Leader/Foreman and Electric Operation Supervisor recommendation

Promotion to Power Line Technician Apprentice II – Pay increase to level II \$20.68



Power Line Technician Apprentice III

Complete the **greater of 2,000 hours or 12 months** as a Power Line Technician Apprentice III

Work at least 75% of assigned on-call rotations within the prior six months

Complete 100% of the Apprenticeship program Level III requirements (online training curriculum, end-of-level test, FPR sheets, OJT task requirements, required schools*, and required hands-on tests*)

Receive Crew Leader/Foreman and Electric Operation Supervisor recommendation

Promotion to Power Line Technician Apprentice III – Pay increase to level III \$24.18



Power Line Technician Apprentice IV

Complete the **greater of 2,000 hours or 12 months** as a Power Line Technician Apprentice IV

Work at least 75% of assigned on-call rotations within the prior six months

Complete 100% of the Apprenticeship program Level IV requirements (online training curriculum, end-of-level test, FPR sheets, OJT task requirements, required schools*, and required hands-on tests*)

Receive Crew Leader/Foreman and Electric Operation Supervisor recommendation

Promotion to Level IIII – Pay increase to level IIII \$27.68



Assistant Superintendent Electric Department

Complete the **greater of xxxx hours or xxxx months** experience as a Journey Lineworker

Work 75% of assigned on-call rotation and maintain a 75% callout response rate

Complete ElectriCities Leadership for Crew Leaders course, plus four additional leadership courses after achieving Journey Lineworker level. Courses should be selected in collaboration with the Journey Lineworker's immediate supervisor or the Electric System Manager

Minimum of xxxx hours of experience relieving a Crew Leader or acting as an interim Crew Leader

Receive Crew Leader/Foreman and Electric Operation Supervisor recommendation

Promotion to Assistant Superintendent Electric Department – Pay increase to \$31.18

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2022

SUBJECT: Moving Lead Mechanic on the Pay & Classification table

AGENDA INFORMATION:

Agenda Location:

Item Number:

Department: Administration

Contact: Brittany Angel, HR Coordinator

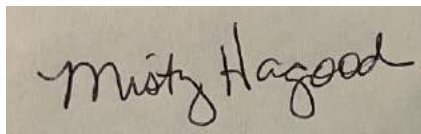
Presenter: Brittany Angel, HR Coordinator

BRIEF SUMMARY: Staff is requesting that we move the Lead Mechanic position from a grade 63 to a grade 69 on the Town's Pay and Classification Table. The lead mechanic is performing more job duties with additional fleet being added. This position supervises two other employees while managing all of the Garage's administrative duties, ordering of parts, and scheduling of fleet maintenance. Moving this on the pay classification table would increase the minimum salary for this position while cutting the expense of on-call pay for the garage budget as this position would be considered exempt, and ineligible for on-call pay.

MOTION FOR CONSIDERATION:

Motion to move the lead mechanic position from a grade 63 on the pay and classification table to a grade 69

FUNDING SOURCE/IMPACT: Reduction in on-call pay from the Garage budget and an increase in the Lead Mechanic Minimum class salary from \$41,671.76 to \$51,225.80.



Misty Hagood, Finance Director

4/5/22

Date

ATTACHMENTS:

- Town of Waynesville Pay and Classification Table

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Pay/Classification Table 2021-2022 *(Effective 7/01/2021)*

Grade	Class Title	FLSA Status	Class Min	Class Mkt	Class Max
51	LIFEGUARD MAINTENANCE TECHNICIAN	Non-Exempt Non-Exempt	\$27,577.67	\$35,850.98	\$44,124.28
52	CUSTOMER SERVICE REP.	Non-Exempt	\$28,542.89	\$37,105.76	\$45,668.62
53	HEAD LIFEGUARD METER READER SENIOR CUSTOMER SERVICE REP. SENIOR MAINTENANCE TECHNICIAN TELECOMMUNICATOR CUSTODIAN	Non-Exempt Non- Exempt Non- Exempt Non- Exempt Non- Exempt Non- Exempt	\$29,541.89	\$38,404.46	\$47,267.03
54	ADMINISTRATIVE ASSISTANT LAB ANALYST RECORDS TECHNICIAN SENIOR TELECOMMUNICATOR	Non-Exempt Non- Exempt Non- Exempt Non- Exempt	\$30,575.86	\$39,748.61	\$48,921.37
55	EVIDENCE TECHNICIAN TREATMENT PLANT OPERATOR UTILITY MAINTENANCE SPECIALIST	Non-Exempt Non- Exempt Non- Exempt	\$31,646.01	\$41,139.82	\$50,633.62
56	ACCOUNTING SPECIALIST EQUIPMENT OPERATOR FLEET TECHNICIAN PARKS & RECREATION CREW LEADER STOCKKEEPER UTILITY LOCATOR CEMETERY SERVICES SPECIALIST	Non-Exempt Non- Exempt Non- Exempt Non- Exempt Non- Exempt Non- Exempt Non- Exempt	\$32,753.62	\$42,579.71	\$52,405.80
57	ELECTRIC LINE TECH SENIOR EQUIPMENT OPERATOR PROGRAM SPECIALIST Horticulture Specialist	Non-Exempt Non-Exempt Non-Exempt	\$33,900.00	\$44,070.00	\$54,240.00
58	CEMETERY CREW LEADER CODE ENFORCEMENT OFFICER FIRE FIGHTER OUTSIDE FACILITIES CREW LEADER	Non- Exempt Non- Exempt Non- Exempt Non- Exempt	\$35,086.50	\$45,612.45	\$56,138.40
59	FIRE ENGINEER STREETS & SANITATION CREW LEADER ADVANCED TREATMENT PLANT OPERATOR	Non- Exempt Non- Exempt Non- Exempt	\$36,314.53	\$47,208.89	\$58,103.25

Pay/Classification Table 2021-2022 *(Effective 7/01/2021)*

Grade	Class Title	FLSA Status	Class Min	Class Mkt	Class Max
60	Buyer Police Officer 1	Non-Exempt Non- Exempt	\$37,585.54	\$48,861.20	\$60,136.86
61	EQUIPMENT MECHANIC POLICE OFFICER 2 PUBLIC FACILITIES MAINT. TECHNICIAN SENIOR ADMINISTRATIVE ASSISTANT	Non-Exempt Non-Exempt Non-Exempt Non-Exempt	\$38,901.03	\$50,571.34	\$62,241.65
62	POLICE OFFICER 3 WATERSHED ATTENDANT SENIOR PLANT OPERATOR	Non-Exempt Non-Exempt Non-Exempt	\$40,262.57	\$52,341.34	\$64,420.11
63	ELECTRIC LINE TECH 2 LEAD MECHANIC PARKS & RECREATION FACILITIES MANAGER PUMP MAINTENANCE MECHANIC SENIOR CODE ENFORCEMENT OFFICER SENIOR POLICE OFFICER TAX ANALYST TOWN CLERK WATER MAINTENANCE CREW LEADER	Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt Non-Exempt EXEMPT Non-Exempt	\$41,671.76	\$54,173.29	\$66,674.82
64	MASTER OFFICER PARKS & RECREATION PROGAMS SUPERVISOR	Non-Exempt EXEMPT	\$43,130.27	\$56,069.35	\$69,008.43
65	PURCHASING SUPERVISOR	Exempt	\$44,639.83	\$58,031.78	\$71,423.73
66	AQUATICS RECREATION SUPERVISOR FIRE CAPTAIN FITNESS SUPERVISOR POLICE SERGEANT PUBLIC FACILITIES MANAGER SENIOR PUMP MECHANIC	Exempt Exempt Exempt Non- Exempt Exempt Non- Exempt	\$46,202.22	\$60,062.89	\$73,923.55
67	CHIEF TREATMENT PLANT OPERATOR FIRE MARSHALL PLANNER	Exempt Exempt Exempt	\$47,819.30	\$62,165.09	\$76,510.88
68	ADMINISTRATIVE SUPERVISOR LAB SUPERVISOR	Exempt Exempt	\$49,492.98	\$64,340.88	\$79,188.77

Pay/Classification Table 2021-2022 *(Effective 7/01/2021)*

Grade	Class Title	FLSA Status	Class Min	Class Mkt	Class Max
69	ATHLETIC PROGRAMS SUPERVISOR CODES ADMINISTRATOR	Exempt Exempt	\$51,225.23	\$66,592.80	\$81,960.37
70	ASSET SERVICES MANAGER ASSISTANT FIRE CHIEF HUMAN RESOURCES COORDINATOR DISTRIBUTION/COLLECTIONS SUPERINTENDENT LAND USE ADMINISTRATOR POLICE LIEUTENANT STREETS & SANITATION SUPERINTENDENT TREATMENT PLANT SUPERINTENDENT	Exempt Exempt Exempt Exempt Exempt Exempt Exempt Exempt	\$53,018.11	\$68,923.55	\$84,828.98
71	SENIOR LIEUTENANT	Exempt	\$54,873.74	\$71,335.86	\$87,797.98
72	ASSISTANT ELECTRIC SUPERVISOR ASSISTANT FINANCE DIRECTOR ASSISTANT POLICE CHIEF	Exempt Exempt Exempt	\$56,794.32	\$73,832.62	\$90,870.91
73	ELECTRIC DISTRIBUTION SUPERINTENDENT ASSISTANT PUBLIC SERVICES DIRECTOR/TOWN ENGINEER	Exempt	\$58,782.12	\$76,416.76	\$94,051.39
DEPT. HEADS	ASSISTANT TOWN MANAGER DEVELOPMENT SERVICES DIRECTOR FINANCE DIRECTOR FIRE CHIEF PARKS & RECREATION DIRECTOR POLICE CHIEF PUBLIC SERVICES DIRECTOR	EXEMPT	\$60,000.00	\$82,000.00	\$104,000.00
**	TOWN MANAGER ** Hired by Board Under Contract	Exempt			

Pay/Classification Table 2021-2022 *(Effective 7/01/2021)*

Grade Equiv.	Part-Time Class Titles	FLSA Status	Dept	Class Min	Class Max
	FIRE FIGHTER-PT	Non-Exempt	FIRE	\$13.50 / hr	\$15.50 / hr
	CHILD CARE AID	Non-Exempt	PARKS & REC	\$11.00 / hr	\$13.00 / hr
	CUSTOMER SERVICE REP-PT	Non-Exempt		\$11.00 / hr	\$13.00 / hr
	FITNESS INSTRUCTOR	Non-Exempt		\$15.00 / hr*	\$20.00 / hr*
	LIFEGUARD-PT	Non-Exempt		\$12.00 / hr	\$14.00 / hr
	MAINTENANCE WORKER-PT	Non-Exempt		\$11.00 / hr	\$13.00 / hr
	RECREATION AID – (Programs)	Non-Exempt		\$9.00 / hr	\$11.00 / hr
	REFEREE	Non-Exempt		\$15.00 / hr	\$15.00 / hr
	SCOREKEEPER	Non-Exempt		\$8.50 / hr	\$8.50 / hr
	SUMMER CAMP ASSISTANT	Non-Exempt		\$10.00 / hr	\$11.00 / hr
	LEAD SUMMER CAMP ASSISTANT	Non-Exempt		\$11.00 / hr	\$12.00 / hr
	UMPIRE	Non-Exempt		\$20.00 / hr	\$20.00 / hr
	CROSSING GUARD	Non-Exempt	POLICE	\$9.00 / hr	\$10.50 / hr
	TELECOMMUNICATOR-PT	Non-Exempt		\$13.00 / hr	\$14.00 / hr
	POLICE OFFICER-PT	Non-Exempt		\$15.00 / hr	\$16.25 / hr
	MAINTENANCE WORKER- SEASONAL	Non-Exempt	PUBLIC SVCS	\$11.00 / hr	\$12.00 / hr
	INTERN **	Non-Exempt	ALL DEPTS	\$10.00 / hr	\$20.00 / hr
	RETIREEES RETURNING TO WORK PT***	Non-Exempt		No Min	Outgoing Rate or \$25.00 / hr, whichever is lower

Part-time & seasonal employees may receive \$0.25/hr additional wage adjustment for each year of consecutive employment in the same position up to the maximum for the class, except where the minimum and maximum are fixed at the same rate.

*Fitness Instructors shall be paid \$15/hr with the Town paying for certifications, or they may be paid up to \$20 / hr upon recommendation by DD if they pay for their own certifications.

**The hiring of interns, and rate at which they are hired, requires prior approval of the Town Manager

***The hiring of retirees to provide part-time or occasional assistance, and the rate at which they are re-hired, requires prior approval of the Town Manager

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2022**

SUBJECT: Accepting the Church Street Festival as a Town Sponsored Event

AGENDA INFORMATION:

Agenda Location:

Item Number:

Department: Administration

Contact: Jesse Fowler, Assistant Town Manager

Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY: The Downtown Waynesville Association would like to hand over the operations of the Church Street Festival to the Town of Waynesville and the Downtown Waynesville Advisory Committee (DWAC) in partnership with Teresa Pennington as the Church Street Show Director. Teresa Pennington has recently been appointed to the Events and Promotions Subcommittee of the DWAC. Staff is requesting Board approval to take on these responsibilities. This move would allow staff to manage the application process, advertising, logistics, and setup of the event. All proceeds from the event would be handed over to the Town as payment for services carried out by Town staff.

MOTION FOR CONSIDERATION:

Motion to accept the Church Street Festival as a Town sponsored and operated event.

FUNDING SOURCE/IMPACT:

This event would require the Town to spend extra money from the DWAC budget for advertising and event setup. However, we will be accepting the application fees and revenues to cover these costs.

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS:

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2022**

SUBJECT: ARP funding for Rollout Garbage Carts

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Street and Sanitation
Contact: Robert Hites
Presenter: Robert Hites

BRIEF SUMMARY: Included in the 2021-2022 annual budget are funds to purchase new roll-out garbage carts with Federal ARPA monies.

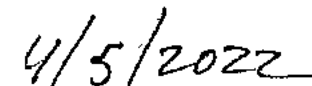
MOTION FOR CONSIDERATION: To award the purchase and delivery of 4500 roll-out garbage carts to OTTO Environmental Systems in the amount of \$294,165.00. OTTO was the lowest bidder who met all specifications in the Request for Proposal.

FUNDING SOURCE/IMPACT: Street and Sanitation 274510-532920 **\$273,024.07**

BUDGET AMENDMENT: A budget amendment will be needed in the amount of **\$22,000.00** to cover the additional cost of the contract.



Dean Trader, Assistant Finance Director



Date

ATTACHMENTS:

- Bid Tabulation
- Request for Proposal

MANAGER'S COMMENTS AND RECOMMENDATIONS: To award the contract to OTTO for the purchase and delivery of 4500 roll-out garbage carts and also approve the budget amendment to cover the additional cost of the contract.

Town of Waynesville
129 Legion Drive
Waynesville, NC 28786



REQUEST FOR PROPOSALS

95 GALLON ROLL-OUT GARBAGE CARTS

PROCEDURE TYPE: FORMAL, SEALED PROPOSAL

Refer Technical Inquiries to:

Jeff Stines
Public Services Director

828-456-3706

Sealed Proposals will be publicly opened at 3:00 p.m. On Thursday, March 24, 2022 in the Meeting Room of the Public Services Department located at 129 Legion Dr. Waynesville, NC. Proposals will be accepted up and until the time specified. Proposals not received by the Public Services Director by the expiration time and date will not be considered.

Commodity: 95-gallon plastic roll-out garbage carts for use in the Town of Waynesville's residential curb-side garbage service. **Assembly and Delivery is an integral part of this Proposal.**

Using Agency Name: Town of Waynesville

Funding Source: American Rescue Plan Act

****PLEASE READ THIS ENTIRE DOCUMENT CAREFULLY. PROPOSALS NOT COMPLIANT WITH THE REQUIREMENTS SET FORTH IN THIS DOCUMENT WILL BE REJECTED****

****NOTICE TO SUPPLIERS****

It is the intent of this Request for Proposal to procure 95- gallon plastic roll-out garbage carts for use in the Town of Waynesville's residential curb-side garbage program.

Funding source for this project is provided through the American Rescue Plan Act.

Assembly and Delivery is an integral part of this Proposal. Suppliers are required to provide the following:

1. Pricing for a purchase in the range of 4,500 ninety-five (95) gallon roll-out garbage carts meeting the specifications contained herein.
2. A detailed assembly and distribution plan that provides for cost of placing educational material supplied by the Town in envelopes, and the distribution of the carts. The Town will provide a database of accounts to allow assignment of carts.

Within the requirements of the grantee agency, Town of Waynesville intends to award to the most responsive, responsible Supplier that provides the best Proposal meeting the requirements set forth herein and most advantageous to the Town and therefore reserves the

right to accept or reject any or all Proposal or Proposals and to award in the best interest of the Town. The assembly and distribution plan will be an integral part in the decision-making process to award the purchase contract.

PROPOSAL PROCESS: This is a sealed, formal Proposal process, subject to the conditions made a part hereof. Sealed Proposals will be received at this office through and until **3:00 p.m. on Thursday, March 24, 2022.** At that time, a public opening of all Proposals received will be held. **Sealed Proposals may be submitted by mail to Town of Waynesville, P.O. Box 100 Waynesville NC 28786 or other delivery method. No faxed or emailed proposals will be accepted. All Proposals must clearly state on its cover "Bids for Garbage Carts".**

SUBMISSIONS and CONTRACT: This solicitation, in its entirety, when signed by the Supplier constitutes firm offer and when accepted and signed by the Purchasing Agent constitutes the entire contract for this project. **Therefore, Proposals will be rejected unless signed and submitted on this form and attached to this Proposal solicitation in its entirety.**

EXECUTION: In compliance with this Request for Proposals, and subject to all the conditions herein, the undersigned offers and agrees to furnish and deliver any or all items upon which prices are requested, at the prices set opposite each item within the time specified herein. By supplying this Proposal, I certify that this Proposal is submitted competitively and without collusion, that none of our officers, directors, or owners of an unincorporated business entity has been convicted of any violations of Chapter 78A of the General Statutes, the Securities Act of 1933, or the Securities Exchange Act of 1934, and that we are not an ineligible vendor as set forth in OS. 143-59.1. False certification is a Class I felony. **FAILURE TO SIGN PROPOSAL PRIOR TO SUBMISSION SHALL RENDER THE PROPOSAL INVALID.**

Proposal Pricing Sheet

	ITEM Quantity	BASE PRICE Each	IN- MOLDED GRAPHICS Each	ASSEMBLY & DELIVERY Each		UNIT PRICE: Each	TOTAL
	95-gal GARBAGE CARTS Color: GREEN						
1.	4,500 Carts						

☐

Attached the required assembly and distribution plan

Company Name

STREET ADDRESS:		P.O. BOX:	ZIP:
TOWN & STATE & ZIP:		TEL NUMBER:	TOLL FREE TEL. NO (800)
PRINCIPAL PLACE OF BUSINESS ADDRESS IF DIFFERENT FROM ABOVE (SEE INSTRUCTIONS TO SUPPLIERS ITEM #21):			
PRINT NAME & TITLE OF PERSON SIGNING:		FAX NUMBER:	
AUTHORIZED SIGNATURE: DATE:		E-MAIL:	

Offer to remain valid for 60 days from date of Proposal opening.

ACCEPTANCE OF PROPOSAL

If any or all parts of this Proposal are accepted, Purchasing Agent shall affix her signature hereto and this document and the provisions of the Instructions to Suppliers, special terms and conditions specific to this Request for Proposals, the specifications, and the Town of Waynesville General Contract Terms and Conditions shall then constitute the entire, written contract agreement between the parties. A copy of this acceptance will be forwarded to the Supplier after award.

MAILING INSTRUCTIONS

1. Supplier to submit a complete, fully executed Proposal document.
2. Please address and mark your Proposal as shown below.

**Town of Waynesville
Attn: Purchasing Agent
PO Box 100
Waynesville, NC 28786**

SEALED PROPOSAL FOR GARBAGE CARTS

3. If forwarded other than by mail, delivery must be made directly to:

Town of Waynesville
Attn: Purchasing Agent
129 Legion Drive
Waynesville, NC 28786
Phone 828-456-3706

NOTE: IF MAIL OR DELIVERY BY ANY OTHER MEANS IS DELAYED BEYOND THE DATE AND HOUR SET FOR PROPOSAL OPENING, PROPOSAL THUS DELAYED WILL NOT BE CONSIDERED.

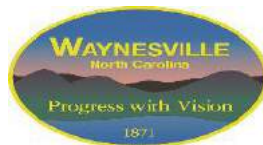
TABULATIONS AND REVIEW OF PUBLIC INFORMATION: All formal Proposals received become public information at the time of the Proposal opening and Proposal tabulations will be available after that time.

TRANSPORTATION CHARGES: All Proposals and prices are to be **FOB Destination** and no additional fees will be charged to or paid by Town of Waynesville.

SPECIAL TERMS AND CONDITIONS

1. DETAILED SPECIFICATIONS:

Proposals to be submitted in accordance with the attached specifications and these **Special Terms and Conditions**, both of which require doing all that is necessary, proper, or incidental to the furnishing of the equipment identified herein. All things not expressly stated in the attached specifications or Special Terms and Conditions but involved in carrying them out must be included in Supplier's proposal as though they were specifically stated.



Town of Waynesville
Bid Tabulation for 95-Gallon Garbage Carts

Thursday, March 24, 2022

3:00 PM

Contractor	Wall Min. Thickness .175"	Metal Lift Handle	Price Each	Graphics Cost	Assembly and Delivery	Total Unit Price Each	Total Cost
Schaefer Systems	.177"	Yes	\$63.32	Included	\$5.24	\$68.56	\$308,520.00
IPL Inc.	.150"	Yes	\$56.86	Included	\$4.90	\$61.76	\$277,920.00
Waste Equip (Toter)	.172"	Yes	\$62.14	Included	\$5.90	\$68.04	\$306,180.00
Cascade Engineering	.175"	No	\$56.86	Included	\$6.00	\$62.86	\$282,870.00
Otto	.190"	Yes	\$58.62	Included	\$6.75	\$65.37	\$294,165.00
Rehrig Pacific Company	.165"	Yes	\$57.50	\$1.50	\$6.80	\$65.80	\$296,100.00

All bids based on a quantity of 4500

*****Only two of the six Contractors complied with the specifications in the RFP.*****

Town Staff present at bid opening:

Lisa Burnett, Purchasing Supervisor
Jeff Stines, Public Services Director
Ricky Foster, Assistant Director of Public Services
Julie Grasty, Asset Services Manager

Contractors at bid opening:

Toter Representative from Charlotte

2. NOTICE TO SUPPLIERS:

All Proposals are subject to the provisions of the instructions to Suppliers, special terms and conditions specific to this Request for Proposals, the specifications, and General Contract Terms and Conditions. The Town of Waynesville objects to and will not evaluate or consider any additional terms and conditions submitted with a Supplier response. This applies to any response appearing in or attached to the document as part of the Supplier's response.

DO NOT ATTACH ANY ADDITIONAL TERMS AND CONDITIONS. By execution and delivery of a proposal, the Supplier agrees that any additional terms and conditions, whether submitted purposely or inadvertently, shall have no force or effect. It shall be the Supplier's responsibility to read this entire document, review all enclosures and attachments, and comply with all requirements specified herein.

3. ISSUING OFFICE:

This Proposal request is issued by the Town of Waynesville Purchasing Division.

4. CLARIFICATIONS/INTERPRETATIONS:

Any and all questions regarding this document must be addressed to the Town of Waynesville Purchasing Division. Technical inquiries may be directed to the individual named herein. Any and all revisions to this document shall be made only by written addendum from the Town of Waynesville Purchasing Division. Therefore, no oral statements by any person shall modify or otherwise affect the terms, conditions, or specifications stated in this request for Proposals and proposals. The Supplier is cautioned that the requirements of this Proposal can be altered only by written addendum and that verbal communications from whatever source are of no effect.

5. TECHNICAL INQUIRIES:

Questions regarding specifications to be directed to Mr. Jeff Stines, Public Services Director, Monday through Friday, 8:00 a.m. – 4:00 p.m. Telephone 828-646-1281.

6. MINOR DEVIATIONS/EXCEPTIONS TO SPECIFICATIONS:

Minor deviations from the provisions of these specifications may be considered to permit manufacturers to follow their standard manufacturing processes; however, all proposed minor deviations must be explained in detail and submitted within the exceptions to specifications, time frame identified herein.

7. EXCEPTIONS TO SPECIFICATIONS OR ALTERNATE PROPOSALS:

In all cases materials must be furnished as requested, and where brand names are used, consider the term "or equal" to follow. However, written approval for any proposed substitution or change in specifications must be obtained by Supplier prior to the close of Proposals. Requests for approved equals, clarifications or changes in specifications, and/or protests of specifications must be received by the Town of Waynesville in writing, not less than five (5) days before the date of scheduled Proposal opening, March 24, 2022. Such requests can be emailed to Jeff Stines.

It is up to the sole discretion of the Town of Waynesville to allow or reject any alternatives or appeals to modify the specifications. Approved alternatives will be published to prospective Suppliers at least 5 days prior to Proposal opening.

Changes to specifications will be made by written addendum. Prospective Suppliers may make appointments to discuss these specifications. This, however, does not relieve prospective Suppliers from the requirement for a written request for clarification or change to the specifications. Supplier's failure to request exceptions to specifications or approved equals as

stated above will be interpreted as the Suppliers' intent to comply fully with the requirements as written. Conditional or qualified Proposals shall be subject to rejection in whole or in part. The Town of Waynesville reserves the right to postpone the Proposal opening for its own convenience.

8. SAMPLE CARTS:

Following the Proposal opening, the apparent successful Supplier shall be prepared to furnish a sample of the cart they propose to furnish within 3 business days of a request for a sample. ALL SAMPLE CARTS MUST BE FURNISHED AT NO CHARGE TO THE TOWN and if not destroyed during evaluation, sample carts will be made available for the Supplier/vendor to recover.

All sample carts MUST be clearly marked with Supplier's/vendor's name and delivered to the Town's Public Services Department with complete specifications and descriptive literature. Suppliers requesting exceptions to specifications must furnish a sample cart for evaluation within the time period noted above for written exceptions to specifications or alternate Proposals.

9. NONCONFORMING TERMS AND CONDITIONS:

A Proposal response that includes terms and conditions that do not conform to the terms and conditions in this Proposal document is subject to rejection as nonresponsive. The Town of Waynesville reserves the right to permit the Supplier/vendor to withdraw nonconforming terms and conditions from its Proposal prior to a determination by the Town of Waynesville of non-responsiveness.

10. SUPPLIERS SUBMITTALS:

Supplier must furnish all information requested herein including descriptive literature and/or complete specifications covering the products offered. Proposals which do not comply with these requirements will be subject to rejection. All documents submitted should bear the name of the Supplier.

11. EXPENSES INCURRED IN PREPARING PROPOSAL:

The Town of Waynesville accepts no responsibility for any expense incurred by the Supplier in the preparation and presentation of a Proposal. Such expenses shall be borne exclusively by the Supplier.

12. CONTRACT/AWARD:

Pursuant to the laws governing public contracts in North Carolina, the successful Supplier's/vendor's response to this Request for Proposals and Proposals and any addenda thereto, plus the City's issuance of a Town of Waynesville Purchase Order for the proposed goods and/or services shall constitute a binding contract.

13. CONTRACT TERM/OPTION TO PURCHASE ADDITIONAL REQUIREMENTS:

The Town reserves the option to purchase additional equipment as specified herein at the price awarded in this Request for Proposal for up to 12 months after issuance of a Town of Waynesville Purchase Order.

14. INDEMNIFICATION:

The Supplier/vendor covenants to save, defend, keep harmless, and indemnify the Town of Waynesville and all of its officers, departments, agencies, agents, and employees from and against all claims, loss, damage, injury, fines, penalties and cost - including court costs and attorney's fees, charges, liability, and exposure, however, caused - resulting from, arising out of, or in any way connected with the Supplier's/vendor's negligent performance or nonperformance of the terms of the contract.

15. ASSIGNMENT:

During the performance of the contract, the Supplier/vendor shall not assign, transfer, convey, sublet, or otherwise dispose of any award or any or all of its rights, title, or interest therein, without the prior written consent of the Town of Waynesville.

16. WARRANTY:

Supplier to include the warranty provisions as outlined in Proposal specifications.

17. TAX EXEMPTIONS:

The Town of Waynesville is exempt from Federal Excise Tax but not State and Local Sales Tax. Sales tax should not be included in Proposal prices but must be added as separate item.

18. SUBMITTALS:

Suppliers to submit one (1) original Proposal package and two (2) complete copies.

19. DELIVERY:

Delivery of the carts shall be made to the individual households. Suppliers will be assigned one or more staging areas for ease of assembly and distribution. The distribution areas will be chosen and approved by the Town prior to award of the contract.

20. EVALUATION AND SELECTION OF PROPOSALS:

The evaluation of vendor Proposals shall center on the match between the stated specifications and other requirements included in the final Proposal request and the vendor's proposal including selection of the lowest responsible Supplier, with consideration of past performance, delivery and distribution plan, service record, and reliability. The statutory provisions controlling purchasing by local governments in N. C. (GS 143) includes selection standards for use in making of awards. The Town of Waynesville reserves the right to accept or reject any or all Proposals and proposals and further specifically reserves the right to make the award or awards in the best interest of the Town of Waynesville.

21. DURATION:

All Proposals shall be made firm for no less than sixty (60) days.

22. INSURANCE:

Supplier shall obtain and maintain during the life of the Contract, with an insurance company rated not less than A by A.M. Best, authorized to do business in the State of North Carolina the following insurance. This applies to the assembly and distribution portion of the purchase.

Automobile Liability

Bodily injury and property damage liability covering all owned, non-owned and hired automobiles for limits of not less than \$1,000,000 bodily injury each person, each accident and \$1,000,000 property damage, or \$1,000,000 combined single limit - bodily injury and property damage.

Commercial General Liability

Bodily injury and property damage liability as shall protect the Town of Waynesville and any subcontractor performing work under the Contract, from claims of bodily injury or property damage which arise from operation of the Contract, whether such operations are performed by the Town of Waynesville, any subcontractor, or anyone directly or indirectly employed by either. The amounts of such insurance shall not be less than \$1,000,000 bodily injury each occurrence with \$3,000,000 aggregate and \$1,000,000 property damage each occurrence with \$3,000,000 aggregate. Supplier must also carry a \$5,000,000

excess liability policy. This insurance shall include coverage for products/completed operations, personal injury liability and contractual liability, assumed under the indemnity provision of the Contract.

Worker's Compensation and Employers Liability

Supplier shall meet the statutory requirements of the State of North Carolina, \$100,000 per accident limit, \$500,000 disease per policy limit, \$100,000 disease each employee limit.

23. IRAN DIVESTMENT CERTIFICATION:

The Contractor certifies that it currently complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, and that at all times during the term of this Contract, it will continue to comply with these requirements. Consultant also certifies that it will require that all of its subcontractors that perform any work pursuant to this Contract to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. Violation of this section shall be deemed a material breach of this Contract.

24. E-VERIFY EMPLOYER COMPLIANCE:

Employers and their subcontractors with 25 or more employees as defined in Article 2 of Chapter 64 of the NC General Statutes must comply with E-Verify requirements to contract with governmental units. E-Verify is a Federal program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law. E-verify can be accessed via this link: <http://www.uscis.gov/e-verify/employers>

25. DRUG-FREE WORKPLACE:

The Town of Waynesville has adopted a Drug-Free Workplace Policy requiring the contractor to ensure that a drug-free workplace is provided in the performance of this agreement. The requirements of that policy are included in the invitation to bid and included in the agreement of the Project.

26. MINORITY/WOMAN BUSINESS ENTERPRISE (M/WBE):

It is the policy of the Town of Waynesville to ensure that all businesses, including M/WBEs, are afforded the maximum practical opportunity to participate in the Town's purchasing and contracting processes. Therefore, the Town will not enter into a contract or be engaged in a business relationship with any business entity that has discriminated in the solicitation, selection, hiring or commercial treatment of vendors, suppliers, Subcontractors, or commercial customers on the basis of race, color, religion, national origin, sex, age, or handicap.

27. CONFLICT OF INTEREST:

No officer, employee or agent of the Town, and no sub-grantee or sub-recipient of any federal or state funds from the Town shall participate in the selection or in the award or administration of a contract supported by federal, state, or City funds if a conflict of interest, real or apparent, would be involved. Such a conflict of interest would arise when any of the following persons or entities has a financial or other interest in the firm selected for the award:

1. The employee, officer, agent
2. Any member of his immediate family
3. His or her partner; or
4. An organization which employs or is about to employ anyone listed in (1) and (2) above.

The grantee or sub-grantee's officers, employees or agents will not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements except as may be allowed in the Town's Gift Policy.

28. DIVESTMENT FROM COMPANIES BOYCOTTING ISRAEL CERTIFICATION:

As of the date of this Agreement, the Contractor certifies that it is not listed on the Final Divestment and Do-Not Contract List of Restricted Companies Boycotting Israel created by the State Treasurer pursuant to N.C.G.S. 147-86.81 and that the Contractor will not utilize any subcontractor found on the State Treasurer's Final Divestment and Do-Not-Contract List. All individuals signing this Contract on behalf of the Contractor certify that they are authorized by the Contractor to make this certification.

29. FEDERAL FUNDING:

The source of funds for this contract is federal funds, the following federal provisions apply pursuant to 2 C.F.R. § 200.326 and 2 C.F.R. Part 200, Appendix II (as applicable):

Equal Employment Opportunity (41 C.F.R. Part 60); Davis-Bacon Act (40 U.S.C. 3141- 3148); Copeland "Anti-Kickback" Act (40 U.S.C. 3145); Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708); Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387); Debarment and Suspension (Executive Orders 12549 and 12689); Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). Procurement of Recovered Materials (2C.F.R. § 200.322); and Record Retention Requirements (2 CFR § 200.324).

DETAILED SPECIFICATIONS

General:

It is the intent of these minimum specifications to describe a 95- gallon plastic roll-out garbage cart for the purpose of containing residential household garbage (Note 95 gallon is to be used as a general description to the cart size as it is recognized that actual size capacities may vary from each manufacturer.) The carts must be compatible with both standard American semi-automated bar-locking lifters (ANSI type B) as well as automated arm lifters (ANSI Type G). The Town will accept Proposals for injection molded carts. The Town of Waynesville has designed these specifications in order to include as many potential vendors as possible with comparable equipment and with no intent to limit the carts submitted. Please note where your cart is equivalent to or exceeds the specification. Any and all exceptions taken must be identified with a detailed description as to how the proposed equipment is equal to or exceeds the requested specification. Independent test data should be provided. The Town may seek the services of an independent engineering firm to assist with the evaluation.

CART DESCRIPTION:

- The container must be injection molded.
- The container must meet ANSI Z245.30-2008 and ANSI Z245.60-2008 standards.
- The capacity of the carts, not including the lid, must be approximately 95 gallons respectively, as measured by the test procedure in Appendix A of ANSI Standard Z245.30-30-2008.
- Plastic resin must be first quality high density polyethylene for injection molded and be 100% recyclable.
Recycle Carts must be green in color. Suppliers must submit color chips of their palette of green color options. Supplier must submit a specification sheet from polyethylene manufacturer with Proposal.
- The container shall be stabilized against ultraviolet rays with color pigment and ultraviolet inhibitors. No less than .3% Tinuvin/Chmassorb 783 or the approved equivalent. Suppliers must supply manufacturer's sheet detailing UV stabilization.
- The cart must have a minimum wall thickness of 0.175 inches for injection molded carts.
- The top of container must be molded with a reinforced rim to add structural strength and stability to cart. This rim serves as a barrier to escaping odors, pest and water entering cart.
- The interior of cart shall be smooth and free of pockets, recesses, and anything that will prevent the complete dumping of its contents.
- There shall be a wear ridge molded around the perimeter of the cart bottom to prevent abrasion wear through.
- The cart shall be equipped with the attachment points which make it compatible on standard American semi-automated bar-locking lifters and automated arm lifters. The lower attachment bar must rotate 360 degrees.
- To ensure cart durability under unusually heavy loads the cart must have a load rating equal to the maximum allowed by ANSI Standards of 3.5 pounds per gallon of volume.
- Maximum height 47 inches.
- Maximum width 30 inches.
- Maximum weight assembled **95 gallon, 37 lbs.**
- Stability-Must withstand 35 mph winds. Provide certification with Proposal.

HANDLE:

- Push-pull handles shall be molded as in integral part of the cart body.

- Handles shall conform to ANSI 245.30-2008. Pitch points are not acceptable.
- Must not be able to rotate on its own axis at any time.

LIDS:

- The lid shall be made from the same material as the body and shall be configured in such a manner that it will not warp, bend, slump, or distort to such an extent that it no longer fits the cart properly.
- Lids shall be water- tight, prohibit vermin from entering and odor emission from coming out.
- Lid attachment is critical to the durability of the cart. Lids attached with fasteners such as metal screws and or bolts are not acceptable.
- The lid must open from a closed position through a full 270-degree arc using easily accessible lifting mechanisms.
- Lids should not interfere with the flow of refuse from cart during the dumping cycle.
- Handles for the opening of lids shall be easily accessible without having to touch the internal portion of the cart.

WHEELS AND AXLES:

- The wheels shall be made of one-piece molded plastic construction and must be “Snap-On” design.
- Each container should be equipped with two (2) plastic molded wheels, rated for 200 lbs. loaded per wheel. Attachment system must securely hold wheels on through 10 years of automated dumping. Diameter for injection molded 95-gallon cart is 10 inches. Suppliers must quote their standard wheel size, and all must be at least a 10-inch diameter.
- Axle shall be ¾ inch diameter, rust resistant, tempered, rolled solid steel for injection molded. Axles should be mounted in the container body through yokes molded into the container body and providing permanently lubricated bearing surfaces. Yokes must be well braced and provide support against forces tending to bend axle.

METAL TUBING:

All metal tubing used in the lift bar must be a minimum of 16 gauge and be prepared to remain free of rust and corrosion as determined by the Town for the duration of the warranty.

CART IDENTIFICATION AND MARKINGS:

- Serial numbers shall be stamped on front of cart.
- The Town of Waynesville seal shall be hot stamped on each side of cart.
- All ANSI and regulatory labeling of cart must be stamped on lid along with other information/directions required by the Town of Waynesville.

REFERENCES:

All Suppliers shall supply with the Proposal, a reference list of at least (5) eight entities with a minimum of 4,000 carts using the Supplier's carts in a fully and /or semi-automated collection system for a period of at least five years. At least three entities **must be using full automated system trucks. Complete and accurate contact names, addresses, telephone, tax, and e-mail addresses must be provided.**
Failure to submit this requirement will result in disqualification of Proposal.

WARRANTY:

Supplier must submit with Proposal document, which clearly states the exact warranty of Supplier. The non-prorated warranty must be for no less than ten (10) full years and must specifically provide for no-charge replacement of any component parts, which fail in materials or workmanship for a period of ten (10) years after installation. The Suppliers warranty is understood to include, whether stated in Supplier's warranty or not, the following coverage:

- a. Failure of the lid to prevent rainwater from entering the container when closed on the container body.
- b. Damage to the container body, the lid or any component parts through opening or closing the lid.
- c. Failure of the body and lid to maintain its original shape.
- d. Failure of the wheels to provide continuous, easy mobility, as originally designed.
- e. Failure of any part to conform to minimum standards specified herein.

If the Supplier is owned by another business entity, then the owning entity must also accept full financial responsibility for the warranty of the Suppliers. The Supplier must submit with a proposal letter from the owning entity which clearly states its obligation and commitment to honor the warranty of this letter to be signed by the owning entity's top officer (President or CEO) and notarized.

REPLACEMENT PARTS

The awarded contractor/vendor shall provide the continuous availability of parts over the warranty period. If the contractor/vendor fails to comply with this requirement, it shall provide total replacement of the container including lids, wheels, axle, grabbers and any and all incidental parts required to replace or rebuild carts to make it fully operational per these specifications. **A parts price list shall be submitted with the Proposal and these prices shall be guaranteed for a five-years period from the date of delivery.**

- a. **Warranty Parts:** The Awarded Vendor will also stock an Inventory the equivalent of 50 complete sets for the 95- gallon carts, of spare parts for the entire ten (10) year warranty period. If the Town uses any replacement parts for replacements or repairs that are covered by the warranty, the Vendor shall replace those parts at no charge, for the part and for delivery. The Awarded Contractor/Vendor must take responsibility for maintaining the inventory of replacement parts.
- b. **Non-Warranty Parts:** Vendor shall submit a parts price list to the Town annually representing the current prices and charges. The Vendor will sell parts to the Town at prices no greater than the prices listed on the part price list. All delivery and processing charges, if any, shall be stated on the parts price lists and shall be no greater than those charged to similar customers.

REPAIR TRAINING & TOOLS

The Contract Vendor will provide one full day (8 hrs.) of training to approximately 3 Town of Waynesville, Sanitation Division members in cart repair for replacement parts. In addition, 3 sets of any specialized tools required to make repairs, remove or install parts must be provided at NO CHARGE to the Town of Waynesville.

PROTOTYPE:

The awarded contract vendor must provide the Town of Waynesville a manufactured Prototype cart for final approval prior to the start of mass production.

ASSEMBLY & DELIVERY.

Suppliers shall be required to:

- Assemble and distribute containers to addresses provided by the Town.
- Provide database (in a format acceptable to the Town) of all distributed containers including address, and serial number.
- Attach to each container instructional/promotional materials provided by Town.

Container assembly and distribution shall be jointly scheduled by the Town and Supplier.

Container delivery shall not begin before 7:00 AM and shall not extend beyond 7:00 PM Monday through Friday (unless weekend delivery is expressly granted by the Town).

Supplier must provide their distribution plan as part of the submittals for the Proposal. The plan must include

1. Requirements for staging areas
2. Anticipated manpower
3. Anticipated equipment provided by the Supplier
4. Any services or information provided by the Town of Waynesville
5. Distribution timeline
6. Cart delivery schedule from factory
7. Means to verify progress during delivery

Any excess inventory will be delivered to the Public Works Sanitation Division at 129 Legion Drive.

Ordinance No. O-11-22

Amendment No.19 to the 2021-2022 Budget Ordinance

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

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

Grant Project Fund:

Increase the following revenues:

Federal ARP Grant		
Intergov. Revenue-Federal	273350-433010	\$20,000.00
Total General Fund revenue increase		<u>\$20,000.00</u>

(Increasing Revenues to purchase new roll-out garbage carts)

Increase the following appropriations:

Materials and Supplies	\$20,000.00
Total Grant Project Fund appropriation increase	<u>\$20,000.00</u>

(Increasing expenditures associated with the purchase of new roll-out garbage carts)

Adopted this 12th day of April 2022.

Town of Waynesville

J. Gary Caldwell
Mayor

Attest:

Eddie Ward
Town Clerk

Approved As To Form:

Martha Sharpe Bradley, PLLC
Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 4-12-22**

SUBJECT Presentation on WWTP Project (design, bids, borrowing, grants)

AGENDA INFORMATION:

Agenda Location:

Item Number:

Department: Administration

Contact: Rob Hites

Presenter: Rob Hites

BRIEF SUMMARY: McGill and Associates have been working on multiple fronts to alter the design of the Waste Treatment Plant to reduce the bid price from \$28 million to \$23 million \$600 thousand dollars. They have submitted it to the DENR staff and received their informal approval. In addition, they have requested that the Division of Environmental Infrastructure (DEI) use their administrative discretion to increase our loan amount by 10% or \$1,900,000. They are also requesting the LGC to grant a further increase in the loan by an additional \$2,100,000. With DEI's approval we are applying for a \$5 million dollar grant to eliminate the need for this additional loan amount. You will be asked to approve a several resolutions authorizing McGill to submit these plans, loan and grant requests.

While we are not happy having to request an additional \$4 million in loans, the impact is minimal on rates. Under the present \$19,500,000 loan citizens would pay \$45.65 per 5,000 gallons of sewer use by 2029. If we have to borrow an additional \$4- million we that rate would only increase to \$49.95 in 2029.

MOTION FOR CONSIDERATION: Receive presentation and approve the resolutions to carry out the design, loan increases and grants.

FUNDING SOURCE/IMPACT: Sewer

ATTACHMENTS: McGill is meeting with us at 10:00 am on Thursday. They will give us the resolutions at that time.

MANAGER'S COMMENTS AND RECOMMENDATIONS Our ultimate goal is to convince DENR that we should be placed on the distressed community list and awarded the \$5 million ARP grant. Should we receive the grant, we won't draw down \$5 million in grant funds.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 4-12-22

SUBJECT Wayfinding Phase II

AGENDA INFORMATION:

Agenda Location:

Item Number:

Department: Administration

Contact: Rob Hites

Presenter: Rob Hites

BRIEF SUMMARY: I presented Phase II of the Wayfinding Program at your last meeting. Over the past two weeks I have presented the program to the DWAC, Frog Level (Jim Pierce, Travis and Morgan Crisp) and Alex McKay in Hazelwood. Alex reviewed the plans with John Burgin and Chris Forga. All of the folks liked the design, message and placement of the signs. Travis Crisp and Jim Pierce asked that the Town place a sign at the intersection of Depot and Main Street to direct people to Frog Level from Main. Buzz currently has a parking sign at that location so he can incorporate the parking with the directional sign on one post. The program is split into three phases. We recommend that we fund and bid the first two phases totaling \$62,436.20 in this budget year. The TDA is providing a \$40,000 grant with the Town paying the additional \$22,436.20. The Town's share can be taken from the General Fund balance. While Phase I and II are being constructed and installed we will negotiate the third phase with DOT. The negotiations in Phase I took about four months so we anticipate we won't be able to determine the final pricing for that phase until the summer.

MOTION FOR CONSIDERATION: Approve Phase I and II of the Wayfinding Program and approve a budget amendment of \$24,000 to cover the Town's share plus incidental expenses.

FUNDING SOURCE/IMPACT: General fund

ATTACHMENTS: Wayfinding Program

MANAGER'S COMMENTS AND RECOMMENDATIONS Approve the Program and adopt the budget amendment