



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: January 10th, 2023

Time: 6:00 p.m.

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(828) 452-2491 cpoolton@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gary Caldwell

1. Welcome/Calendar/Announcements

B. PUBLIC COMMENT

C. ADDITIONS OR DELETIONS TO THE AGENDA

D. CONSENT AGENDA

All items below are routine by the 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.

2. Adoption of minutes of the December 13th, 2022 Regular meeting

Motion: To approve the consent agenda as presented.

E. PUBLIC HEARING

3. Maggie Valley Annexation Renewal

- Jesse Fowler, Assistant Town Manager

Motion:

1. **To approve Ordinance NO. 0-02-23, An ordinance Approving Annexation Agreement.**
2. **To approve Contract NO C-01-23, Town of Waynesville & Town of Maggie Valley boundary Annexation Agreement.**

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

December 13, 2022

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F. NEW BUSINESS

4. NCDOT request to eliminate connection between Lea Plant Road and South Main Street
- Elizabeth Teague, Planning Director

Motion: To grant the NCDOT request to disconnect Lea Plant Road from US23/South Main Street.

5. Town of Waynesville Recreation Endowment Grant
- Luke Kinsland, Recreation Director

Motion: to approve the grant amount \$2,150 to help pay for dog water stations at the Waynesville Dog Park.

6. Entertain a bid of \$31,700 for a .8317-acre tract located on Oakdale Drive
- Rob Hites, Town Manager

Motion: Accept Mr. Amsler's bid and instruct the Clerk to advertise the bids for "upset bid".

G. COMMUNICATION FROM STAFF

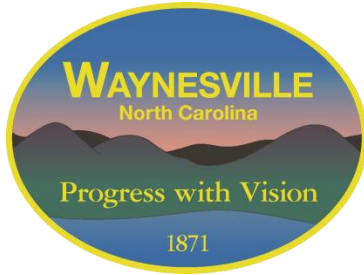
7. Manager's Report
- Town Manager, Rob Hites
8. Town Attorney Report
- Town Attorney, Martha Bradley

H. COMMUNICATIONS FROM THE MAYOR AND BOARD

I. CLOSED SESSION

9. Enter into closed session for the purpose of discussion of Personnel-Manager-under North Carolina General Statute §143.318.11(a)(6)

J. ADJOURN



TOWN OF WAYNESVILLE

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Waynesville, NC 28786
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CALENDAR January 2023

2023	
Tuesday January 10 TH	Board of Aldermen Meeting – Regular Meeting
Monday January 16 TH	Town Offices Closed – Martin Luther King, Jr. Day
Tuesday January 24 TH	Board of Aldermen Meeting – Regular Session
Tuesday Feb 14 TH	Board of Aldermen Meeting – Regular Session
Tuesday Feb 28 TH	Board of Aldermen Meeting – Regular Session
Tuesday March 14 TH	Board of Aldermen Meeting – Regular Session
Tuesday March 28 TH	Board of Aldermen Meeting – Regular Session
Tuesday April 7 TH	Town Offices Closed – Good Friday
Friday April 11 TH	Board of Aldermen Meeting – Regular Session
Tuesday April 25 TH	Board of Aldermen Meeting – Regular Session
Tuesday May 9 TH	Board of Alderman Meeting – Regular Session
Monday May 23 RD	Board of Aldermen Meeting – Regular Session
Monday May 29 TH	Town Offices Closed – Memorial Day
Tuesday June 13 TH	Board of Aldermen Meeting – Regular Session
Tuesday June 27 TH	Board of Aldermen Meeting – Regular Session
Tuesday, July 4 TH	Town Offices Closed – Independence Day
Tuesday July 11 TH	Board of Aldermen Meeting – Regular Session
Tuesday July 25 TH	Board of Aldermen Meeting – Regular Session
Tuesday August 8 TH	Board of Aldermen Meeting – Regular Session
Tuesday August 22 ND	Board of Aldermen Meeting – Regular Session
Monday September 4 TH	Town Offices Closed – Labor Day
Tuesday September 12 TH	Board of Aldermen Meeting – Regular Session
Tuesday September 26 TH	Board of Aldermen Meeting – Regular Session
Tuesday October 10 TH	Board of Aldermen Meeting – Regular Session
Tuesday October 24 TH	Board of Aldermen Meeting – Regular Session
Friday November 10th	Town Offices Closed- Veterans Day
Tuesday November 14 TH	Board of Aldermen Meeting – Regular Session
Tuesday November 28 TH	Board of Alderman Meeting- Regular Session
Tuesday December 12 TH	Board of Aldermen Meeting – Regular Session
December 22 nd , 26 th	Town Closed – Christmas Holidays

Board and Commission Meetings – January 2023

ABC Board	ABC Office – 52 Dayco Drive	January 17 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	January 3 1 st Tuesday 5:30 PM
Cemetery Commission	Public Services Building	January, March, July, and October 3 rd Tuesday 2:00 PM
Downtown Waynesville Commission	Municipal Building – 16 South Main Street	January 17 3 rd Tuesday 8:30 AM
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	January 4 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	January 16 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	January 12 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	January 18 3 rd Wednesday 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	January 10 2 nd Tuesday 3:30 PM

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

Regular Meeting December 13, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, December 13, 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 6:05 pm with the following members present:

Mayor Gary Caldwell
Aldерwoman 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
Martha Bradley, Town Attorney
Byron Hickox, Land Use Administrator
Olga Grooman, Planner
Ricky Foster, Assistant Public Works Director
Brandon Gilmore, Assistant Police Chief
Senior Lieutenant Chris Chandler
Chief David Adams
Candace Poolton, Town Clerk

Members of the media:

Becky Johnson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone of the event The Night before Christmas on Main Street on Saturday, December 17th, 6-9pm and that the Town Offices will be closed on Friday, December 23rd, Monday, December 26th, and Tuesday, December 27th.

Mayor Gary Caldwell presented the Pigeon River Award that the Town of Waynesville was awarded at Haywood Waterway's Annual Membership Dinner.

Mayor Gary Caldwell announced that the Town has a new Town Clerk, Ms. Candace Poolton.

B. PUBLIC COMMENT

Peggy Hannah, Hazelwood Area:

Ms. Hannah commented that Walmart management is using too much of the Waynesville Police Department's resources to respond to theft.

C. ADDITIONS OR DELETIONS TO THE AGENDA

Mayor Caldwell stated with no additions or deletions to the agenda, he asked for a motion to approve the consent 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.

2. Adoption of minutes of the November 22nd, 2022 Regular meeting

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

E. PRESENTATION

3. Presentation of Proclamation recognizing the service of Eddie Ward.

- Mayor Gary Caldwell

Mayor Gary Caldwell presented the Proclamation recognizing the service of Eddie Ward, which included Ms. Ward earning the prestigious Master Municipal Clerk certification and her volunteer work with the Civilian Police. Mayor Gary Caldwell thanked Ms. Ward for her years of service and acknowledged her accomplishments on behalf of the Board of Alderman and the Town of Waynesville.

A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman, to approve the attached Proclamation recognizing the service of Town Clerk, Eddie Ward. The motion passed unanimously.

4. Request approval of an additional SRO position and budget amendment for the recently relocated Haywood Central High School, which is now located at 62 Joy Lane, Waynesville, NC.

- Senior Lieutenant Chris Chandler

Senior Lieutenant Chris Chandler reported that The Waynesville Police Department currently provides a specialized School Resource Officer (SRO) at the Waynesville Middle School by contract with the Haywood County School System and Shining Rock Classical Academy by private contract. This school year, Haywood

Central High School moved inside the Town of Waynesville's jurisdiction. The responsibility to provide an SRO shifts from the Haywood County Sheriff's Office to the Waynesville Police Department.

Sr. Lt. Chandler asked the Board to approve the Waynesville Police Department to fill the SRO position for Haywood Central High School located at 62 Joy Lane. He added that this will allow Waynesville Emergency Services to respond to emergencies at Haywood Central High. Sr. Lt. Chandler asked for a budget amendment of \$35,000 to cover the cost of the SRO position for the remainder of the fiscal year and the Town will be reimbursed for the position by the Haywood County School System.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to approve the Waynesville Police Department to enter into a contract with the Haywood County School system to provide an SRO for Haywood Central High School located at 62 Joy Lane, Waynesville, NC. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to approve the budget amendment, Ordinance O-36-22, for the SRO position and reimbursement by the Haywood County School System. The motion passed unanimously.

F. PUBLIC HEARING

5. Map Amendment (Rezoning) Request from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District for Five (5) Properties off South Main Street:

1. .38-acre property at 1434 S. Main St. (PIN 8605-91-5018),
2. .28-acre property at 1458 S. Main St. (PIN 8605-90-3984),
3. .23-acre property at 1484 S. Main St. (PIN 8605-90-3920),
4. .14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),
5. .24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).

- Olga Grooman, Planner

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:20 pm. The motion passed unanimously.

Planner Olga Grooman explained that the owners of the aforementioned properties are hoping to have their properties re-zoned to mixed-use overlay for many reasons. Recently, the DOT told property owners that they would be widening the road and taking up to 20 roadside feet of the properties. Planner Grooman reported that a traffic study revealed that traffic going past these properties is more than three times heavier than other nearby areas, so road noise is significant. Planner Grooman reported that the owners have had difficulty selling their properties because they are zoned as residential. The property owners felt it is reasonable to expand the uses of their properties to locate professional and personal services and limited retail or restaurant uses that would benefit from a close road frontage and could be appealing for businesses. Planner Grooman stated that the property owners want to protect the character of the neighborhood without compromising their own property values. There are already business districts and a country club mixed-use overlay all around the properties, so it would make sense to transition the properties to a mixed-use overlay.

All residential and other uses currently allowed in their district will remain the same if the Board moves to rezone these properties.

Planner Grooman said that the uses that are currently permitted outright in H-UR include:

- single and two-family dwellings
- townhomes
- multi-family
- home occupations
- child/adult daycare homes
- cultural and community facilities
- religious institutions
- nurseries

The uses allowed with the special use permit include:

- residential care
- facilities for more than 6 people
- inns (up to 20/30 rooms)
- elementary and secondary schools

If the properties are rezoned in H-UR-MX-O-2, additional uses allowed would be:

- government services
- personal services (barber shops, hair salons, etc.)
- professional services (legal, accounting, engineering services)
- studios (arts, dance)
- neighborhood commercial (3,000 sq ft or less)
- neighborhood restaurants (limited to 3,000 sq ft)

The staff submits that these uses are like existing businesses across the street and nearby, including: a law office, antiques store, consignment store, salon, bookstore, chimney cleaning service, financial advising, and a few others. Planner Grooman said it is important to note that there already exists a H-UR-MX-O zoning district which allows general commercial businesses less than 100,000 square feet. This proposal is to create a new H-UR overlay district #2 which does not include such large-scale commercial development that could compromise the character of the neighborhood. The newly created overlay district #2 would exclude this broad commercial use.

Alderman Jon Feichter asked what would happen if in the future adjacent property owners were interested in becoming mixed use overlay. Planner Grooman said that they would have to file a separate application and apply. Alderman Feichter then asked what the final vote was at the Planning Board meeting to recommend the rezoning. Planner Grooman responded that the vote was five to three in favor and the vote to recommend the rezoning to the Board of Aldermen was unanimous. Alderman Feichter expressed concern that the precedence we are setting because if the Town tells these property owners “yes”, it may be more difficult to tell adjacent property owners “no” in the future. He added that he appreciated that the applicants wanted to preserve the Town’s character. Mayor Gary Caldwell added that the concern of the property owners is reasonable, especially with the DOT encroaching on their properties in the future.

Planner Grooman summarized that as a staff, they ask if the zoning is appropriate for this area, and as a staff, they strongly say yes. Alderwoman Julia Freeman agreed with Planner Grooman’s statement.

Alderman Chuck Dickson asked if the other surrounding residential property owners may be interested in rezoning. Planner Grooman said with the public hearing notices being posted and letters being sent out, she's not heard from any other property owners.

Dustin Smith, 85 Mississippi Avenue:

Mr. Smith said that he owns 34 Belle Meade Drive and owns Triangle Automotive. He stated that he petitioned to the Town six months ago to rezone 34 Belle Meade to commercial use and was denied. Mr. Smith said he did not see the difference between his request for commercial rezoning and the applicants' request.

Planner Grooman clarified that this is not a commercial rezoning as Mr. Smith mentioned, but a rezoning to create a transitional area. She said that Mr. Smith is welcome to apply for a mixed-use overlay-2 rezoning and they would put the application through the same process.

Attorney Martha Bradley said she pulled the agenda packet from Mr. Smith's hearing and his request was different from what these property owners are requesting.

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to close the Public Hearing at 6:41 pm. The motion passed unanimously.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to find that the map amendment, Ordinance O-40-22 is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest in that the properties are designated as Mixed-Use Community and Residential High to Medium Density on the Future Land Use Map. The proposed additional uses are consistent with this designation and the rezoning of these properties will remain consistent with the purposes of the main underlying zoning district- Hazelwood Urban-Residential (H-UR) which is to encourage infill development and the rehabilitation of existing structures, keeping with the residential scale and character of the existing neighborhood, and limited non-residential uses supporting the community are permitted if contributing in scale, design, and use to the area, as described in Section 2.3.4.B of the Land Development Standards (LDS). The motion passed unanimously. Alderman Anthony Sutton recused himself from the vote.

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to adopt the map amendment, Ordinance O-40-22 (Rezoning) request from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District for Five (5) Properties off South Main Street:

- 1. .38-acre property at 1434 S. Main St. (PIN 8605-91-5018),***
- 2. .28-acre property at 1458 S. Main St. (PIN 8605-90-3984),***
- 3. .23-acre property at 1484 S. Main St. (PIN 8605-90-3920),***
- 4. .14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),***
- 5. .24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).***

The motion passed unanimously. Alderman Anthony Sutton recused himself from the vote.

6. Text amendment related to Section 8.4 Buffer Yards of the Land Development Standards (LDS)
 - Olga Grooman, Planner

A motion was made by Alderwoman Julia Freeman, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:44 pm. The motion passed unanimously.

Planner Olga Grooman reported that this text amendment was developed by the Adhoc Subdivision Subcommittee of the Planning Board related to subdivision development regulations. The amendment was developed because in the discussions of Land Development Standards related to larger scale subdivisions, there was concern expressed by the Planning Board subcommittee for large scale development or development uses that require Special Use Permits being placed within a zoning district. The Town's Buffer Yard requirements (LDS Section 8.4) requires buffer yards whenever a new development is adjacent to an adjacent zoning district, but does not have any requirements for when a new development is within a single zoning district. Planner Grooman said this text amendment enhances subdivision regulations to require a Type B Buffer for large developments. A Type B Buffer Yard is 10-20 feet in width and consists of a mix of evergreen trees and understory trees and shrubs to make a semi opaque vegetative screening. Planner Grooman said the purpose of this text amendment is to protect surrounding areas and to protect views.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to close the Public Hearing at 6:48 pm. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to find that the Ordinance O-37-22 is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest because it creates walkable and attractive neighborhoods, encourages in-fill, mixed use, and context-sensitive development, promotes conservation design to preserve important natural resources, reinforces the unique character in Waynesville, and protects rural lands, iconic views, and mountain vistas. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to adopt Ordinance O-37-22, the text amendment related to Section 8.4 Buffer Yards of the Land Development Standards (LDS), (or as amended). The motion passed unanimously.

7. A Public Hearing to consider a Text Amendment to Land Development Standards Section 12.3, the Flood Damage Prevention Ordinance
 - Byron Hickox, Land Use Administrator

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to open the Public Hearing at 6:50 pm. The motion passed unanimously.

Land Use Administrator Byron Hickox reported that this is an update of the Town's Flood Damage Prevention Ordinance which is part of our Land Development Standards. Mr. Hickox added that a lot of these changes are just basic housekeeping changes. The most basic changes are:

1. References to 160D.
2. Additions to the definitions section.
3. Additional standards for building permits for existing structures.
4. Standards for cumulative flood damage to structures.
5. Standards for storage tanks, fences, retaining walls, and other non-habitable structures.
6. The incorporation of a new flood map designation, the AH Zone.

Mr. Hickox reported that at its meeting on November 7, 2022, the Planning Board unanimously found that the proposed ordinance amendment is consistent with the 2035 Comprehensive Plan and voted unanimously to recommend its adoption to the Board of Aldermen.

Alderman Jon Feichter recalled that a few years ago, the Town had discussed the possibility of asking FEMA to re-evaluate the floodplain area, specifically in Hazelwood. He added that homes sitting in the floodplain are dramatically affected by high insurance rates. Alderman Feichter is wondering if we could push FEMA to come out and revisit the floodplain boundaries. Mr. Hickox said that they have pushed for a re-evaluation by FEMA, and they replied that it would be a while before they could get to the Town. Mr. Hickox suggested that individual property owners request a Letter of Map Amendment or a Letter of Map Revision. He mentioned that a surveyor he works closely with, Marty Owens, has commented that a lot of things in Hazelwood stands out as needing additional floodplain revision.

Town Manager Rob Hites asked if there was a way for the Board to hire an engineering firm with a surveying component, have them conduct a survey of the Hazelwood area, and submit that report to the state. Mr. Hickox replied that it is a costly process and requires a lot of man hours.

Alderman Anthony Sutton voiced concern about the difficulty of Hazelwood homeowners getting insurance and the building homes.

Mr. Hickox offered to meet with several surveyors to get an idea of how much it would cost to look at a part of Hazelwood to be presented at the Board retreat. The Board agreed that's a great first step.

Shereen Malek PO Box 1164:

Ms. Malek said she owns a property in Hazelwood. They had an accessory dwelling they were hoping to turn into an affordable rental. She said they paid to have a flood certificate and found that they had to raise the structure three feet which made them stop renovating the structure.

A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to close the Public Hearing at 7:16 pm. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to find that the proposed Ordinance O-38-22 is consistent with the 2035 Comprehensive Plan in that it protects and enhances Waynesville's natural resources, protects, and enhances water quality and forests, and protects rural lands, iconic views, and mountain vistas. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter to adopt the amended Flood Damage Prevention Ordinance O-38-22 (LDS Section 12.3). The motion passed unanimously.

8. Text amendments related to Chapter 160D general additions and revisions to multiple sections of Land Development Standards (LDS).
 - Olga Grooman, Planner

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to open the Public Hearing at 7:18 pm. The motion passed unanimously.

Planner Olga Grooman summarized the text amendments into three main parts:

1. The Public Services Director has the authority to decide whether to enforce driveway connection standards on private roads within the Town or ETJ on a case-by-case basis.
2. The stormwater ordinance now has hydroplaning protections in place for large subdivisions.
3. Any substantial changes will be handled as a new process.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to close the Public Hearing at 7:23 pm. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to find that the map amendment, Ordinance O-39-22 is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest in that it continues to promote smart growth principles in land use planning and zoning, Encourage in-fill, mixed use, and context-sensitive development, protects and enhances Waynesville's natural resources, protects and enhances water quality and forests, creates an attractive, safe and multi-modal transportation system, provides an interconnected transportation network of roadways, greenways, freight mobility, bicycle routes and sidewalks that improves safety and strategic access for all users. The motion passed unanimously.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson to adopt the Ordinance O-39-22, the text amendments related to Chapter 160D general additions and revisions to multiple sections of Land Development Standards (LDS), (or as amended). The motion passed unanimously.

G. NEW BUSINESS

9. Proposed Regular Meeting Schedule

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler presented the 2023 Proposed Regular Meeting Schedule for the Board of Aldermen meetings as they have been the past year; the second and fourth Tuesday of every month at 6pm to be located in the Board Room at 9 South Main Street unless otherwise noted. The proposed schedule showed only one meeting in December, Tuesday the 12th. Alderwoman Julia Freeman and Alderman Anthony Sutton commented that they would both be out of town during the March 14th meeting.

A motion was made by Alderman Chuck Dickson, seconded by Alderwoman Julia Freeman, to approve the Board of Aldermen meeting schedule for the year 2023. Motion passed unanimously.

10. Feasibility, conceptual design, and cost estimate for the sidewalks along four (4) properties off Bellevue Road:

1. 298 East Street, PIN 8615-46-7624
2. 30 Bellevue Road, PIN 8615-46-7438
3. Unaddressed parcel, PIN 8615-46-7307
4. Unaddressed parcel, PIN 8615-46-8300

- Olga Grooman, Planner

Planner Olga Grooman began the presentation by describing the potential location for the sidewalks. She said that residents have expressed concern about the dangers of walking on Belleview Road and said they would feel safer if they had a sidewalk to walk on. Planner Grooman mentioned that all four property owners on Belleview Road are interested in having a sidewalk, one property owner already gave the Town a ten foot easement for a sidewalk on Bellview, and the other property owners would like to see the conceptual design before committing. The Public Services Department recommended a cost estimate for the sidewalk so they will know how to adjust their budget for the following year. Public Services Director Jeff Stines chose McGill and Associates to do the conceptual design of the sidewalk due to their qualifications, availability, pricing, and prior experience of working together.

Town Manager Rob Hites expressed concerns about drivers speeding down Belleview because of the steep slope to which Ricky Foster, Assistant Public Works Director, replied that the Town should do some traffic calming for a crosswalk that would connect to the existing sidewalk off East Street, if the Town moves forward with completing a sidewalk. Manager Hites added that it may cost \$50,000 to \$60,000 for that stretch of sidewalk because of the changing the topography in that area. He mentioned that getting a sidewalk grant to help pay for this project could be possible.

There was continued discussion among the Board of Aldermen and the Town Manager about how this sidewalk would impact the Preservation Way development, since the sidewalk, if constructed, could potentially connect to Preservation Way.

A motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to approve the study for potential sidewalks off Belleview Road and proceed with McGill and Associates as specified in the "Scope of Services Contract." The motion passed unanimously.

H. COMMUNICATION FROM STAFF

11. Manager's Report

- Town Manager, Rob Hites
- Assistant Town Manager, Jesse Fowler

Rob Hites, Town Manager, had nothing to report. Jesse Fowler, Assistant Town Manager, discussed the interview with candidate Judi Donovan for the Zoning Board of Adjustment. Mr. Fowler said that Ms. Donovan was interested in participating on both the Zoning Board of Adjustment and the Historic Preservation Commission. Alderman Anthony Sutton and Alderman Jon Feichter were also present for that interview. Both Aldermen commented on Ms. Donovan's incredible potential. Alderman Sutton said she would do well on the Planning Board, but recommended she should start on the Historic Preservation Commission first.

A motion was made by Alderman Jon Feichter and seconded by Alderman Anthony Sutton to appoint Judi Donovan to the Historic Preservation Commission for a term that will end June 30, 2025. Mayor Gary Caldwell, Alderwoman Julia Freeman, Alderman Jon Feichter, Alderman Chuck Dickson, and Alderman Anthony Sutton voted in favor. The motion passed unanimously.

A motion was made by Alderman Jon Feichter and seconded by Alderman Anthony Sutton to appoint Judi Donovan to the Zoning Board of Adjustment at the position of alternate. Mayor Gary Caldwell, Alderwoman Julia Freeman , Alderman Jon Feichter, Alderman Chuck Dickson, and Alderman Anthony Sutton voted in favor. The motion passed unanimously.

12. Town Attorney Report

- Town Attorney, Martha Bradley

Nothing to report.

I. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderwoman Julia Freeman commended the Downtown Waynesville Commission on their incredible work on the Christmas Parade and the Night Before Christmas event.

A motion was made by Alderman Anthony Sutton, Seconded by Alderman Chuck Dickson, to cancel the December 27th Board of Aldermen Regular Meeting. The motion passed unanimously.

J. ADJOURN

A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman to adjourn the meeting at 7:49pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 10, 2023

SUBJECT: Renewal of Annexation Agreement Between the Town of Waynesville and the Town of Maggie Valley.

AGENDA INFORMATION

Agenda Location: Public Hearing
Item Number:
Department: Administration
Contact: Jesse Fowler, Assistant Town Manager
Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY

The Town of Maggie Valley has requested that the Town of Waynesville renew the Annexation Boundary Agreement originally adopted in April of 2007. This Annexation Boundary Agreement establishes a line between the Town of Waynesville and the Town of Maggie Valley where each municipality is prohibited from annexing across. The original agreement has a sunset of 20 years, and while it has not yet expired the Town of Maggie Valley has requested an early renewal in order for a new document to be incorporated into their Comprehensive Land Use Plan update.

This renewed annexation agreement does not change the boundary or the language of the original agreement. This agreement will prohibit the Town of Maggie Valley from annexing properties to the southeast and will prohibit the Town of Waynesville from annexing properties to the northwest. Since this agreement includes areas that are greater than three miles outside the primary corporate limits of each municipality, state statute requires that the Haywood County Board of Commissioners approve this agreement by resolution.

MOTION FOR CONSIDERATION

1. **Motion to approve Ordinance NO. 0-02-23, An ordinance Approving Annexation Agreement**
2. **Motion to approve Contract NO C-01-23, Town of Waynesville & Town of Maggie Valley boundary Annexation Agreement.**

FUNDING SOURCE/IMPACT

ATTACHMENTS

- Ordinance Approving Annexation Agreement
- Town of Waynesville & Town of Maggie Valley Boundary Annexation Agreement
- Annexation Agreement Map
- Utility Annexation Agreement Map
- North Carolina General Statutes 160A-58.21-28

MANAGER'S COMMENTS AND RECOMMENDATIONS

The Town of Waynesville maintains approximately 5,000 feet of sewer infrastructure along Dellwood Road (US 19) at an interconnection with the Maggie Valley Sanitary District near Queen's Farm. The Town does not have any plans to extend this service on its side of the annexation boundary in the future. Waynesville also operates water infrastructure along the annexation boundary along the ridge of Eagles Nest Mountain. This infrastructure pumps water into the Maggie Valley Sanitary District, but the Town of Maggie Valley operates their own lines on the opposite side of the mountain.

Ordinance NO. O-02-23

AN ORDINANCE APPROVING ANNEXATION AGREEMENT

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in N.C.G.S. Chapter 160A, Article 4A, Part 6 have been met; and

WHEREAS, the Town of Waynesville Board of Aldermen has taken into consideration the statements presented at the public hearing held on January 10, 2023, on the proposed annexation Agreement; and

WHEREAS, the Town of Waynesville Board of Aldermen has concluded and hereby declares that it is appropriate and desirable for the Town of Waynesville to renew its Annexation Agreement with the Town of Maggie Valley; and

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

Section 1. The proposed Annexation Agreement between the Town of Maggie Valley and the Town of Waynesville is hereby approved and ratified, and the Mayor of the Town of Waynesville is directed to execute the Agreement with the Mayor of the other participating municipality as soon as possible to become effective as provided therein.

Section 2. A copy of the approved agreement is attached to this ordinance and is incorporated herein by reference.

Section 3. this approving ordinance is effective upon adoption.

Adopted this 10th day of January 2023.

TOWN OF WAYNESVILLE

Gary Caldwell
Mayor, Town of Waynesville

ATTEST

Candace Poolton
Clerk, Town of Waynesville

APPROVED AS TO FORM

Martha Sharpe Bradley, Town Attorney

CONTRACT NO. C-01-23
TOWN OF WAYNESVILLE & TOWN OF MAGGIE VALLEY
BOUNDARY ANNEXATION AGREEMENT

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

WHEREAS, the Town of Waynesville and the Town of Maggie Valley duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to the participating municipalities and also to improve planning by public and private interests in such areas; and

WHEREAS, Chapter 143 of the 1989 Session Laws of the North Carolina General Assembly (hereinafter referred to as the "Act") authorizes municipalities to enter into binding agreements concerning future annexation in order to enhance orderly planning by such municipalities as well as residents and property owners in areas adjacent to such municipalities;

NOW THEREFORE, THE PARTICIPATING MUNICIPALITIES AGREE AS FOLLOWS:

1. This agreement is executed pursuant to the authority of the Act, codified in G.S. Chapter 160A, Article 4A, Part 6.
2. This agreement shall terminate 20 years after its effective date.
3. A. The town of Maggie Valley may not annex the following areas: (the areas south and east of Annexation Boundary shown on the map labeled "Annexation Boundary Agreement", which is part of this agreement).

B. The Town of Waynesville may not annex the following areas: (the areas north and west of the Annexation Boundary shown on the attached map labeled "Annexation Boundary Agreement", which is part of this agreement).
4. The effective date of this agreement is January 10, 2023, or the date of adoption of the approving ordinance by the last participating municipality to do so, whichever is later.
5. Both participating municipalities waive the time period notification of annexation.
6. This Agreement will not be effective unless each participating municipality has held a public hearing on this Agreement, or the participating municipalities have held a joint public hearing, prior to adopting the ordinance approving this Agreement. Until such time as the required public hearings are held and respective approving ordinances are adopted, this shall be considered a proposed agreement.
7. This Agreement may be modified or terminated by a subsequent agreement entered into by the participating municipalities. Any subsequent agreement shall be approved by ordinance after public hearings as provided in G.S. 160A-31(c).
8. This Agreement shall not be binding beyond three miles of the primary corporate limits of a participating municipality, unless approved by the Board of County Commissioners with jurisdiction over the area. Provided, however, that an area where this agreement is not binding because of failure of the Board of County Commissioners to approve it, shall become subject to this Agreement if subsequent annexation brings it within three miles. The approval of a Board of County Commissioners shall be evidenced by a resolution adopted after a public hearing as provided in G.S. 160A-58.24(c) and (e) and 160A-31(c).

9. This Agreement may be terminated unilaterally by a participating municipality or a participating municipality may withdraw from this agreement by repealing the ordinance which approved the Agreement and providing five years written notice to the other participating municipality. Upon the expiration of the five-year period, this Agreement shall terminate.
10. From and after the effective date of this agreement, no participating municipality may adopt an annexation ordinance as to all or any portion of an area in violation of the Act or this Agreement.
11. Nothing in the act nor this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.
12. Any participating municipality which shall believe that a violation of an Act or this Agreement has occurred shall have available to it all remedies and relief authorized by the Act in addition to such remedies or reliefs as are authorized by other applicable law.
13. This writing contains the entire agreement between participating municipalities.

IN WITNESS WHEREOF, the Mayors of the participating municipalities execute this Agreement in Duplicate, to become effective as provided in Paragraph 4 above. This the 10th day of January 2023

TOWN OF WAYNESVILLE

ATTEST:

Candace Poolton, Town Clerk

Mayor Gary Caldwell

APPROVED TO FORM

Martha Sharpe Bradley, Town Attorney

TOWN OF MAGGIE VALLEY

ATTEST:

Kathy Johnson, Town Clerk

Mayor Mike Eveland

APPROVED AS TO FORM:

Craig Justus, Town Attorney

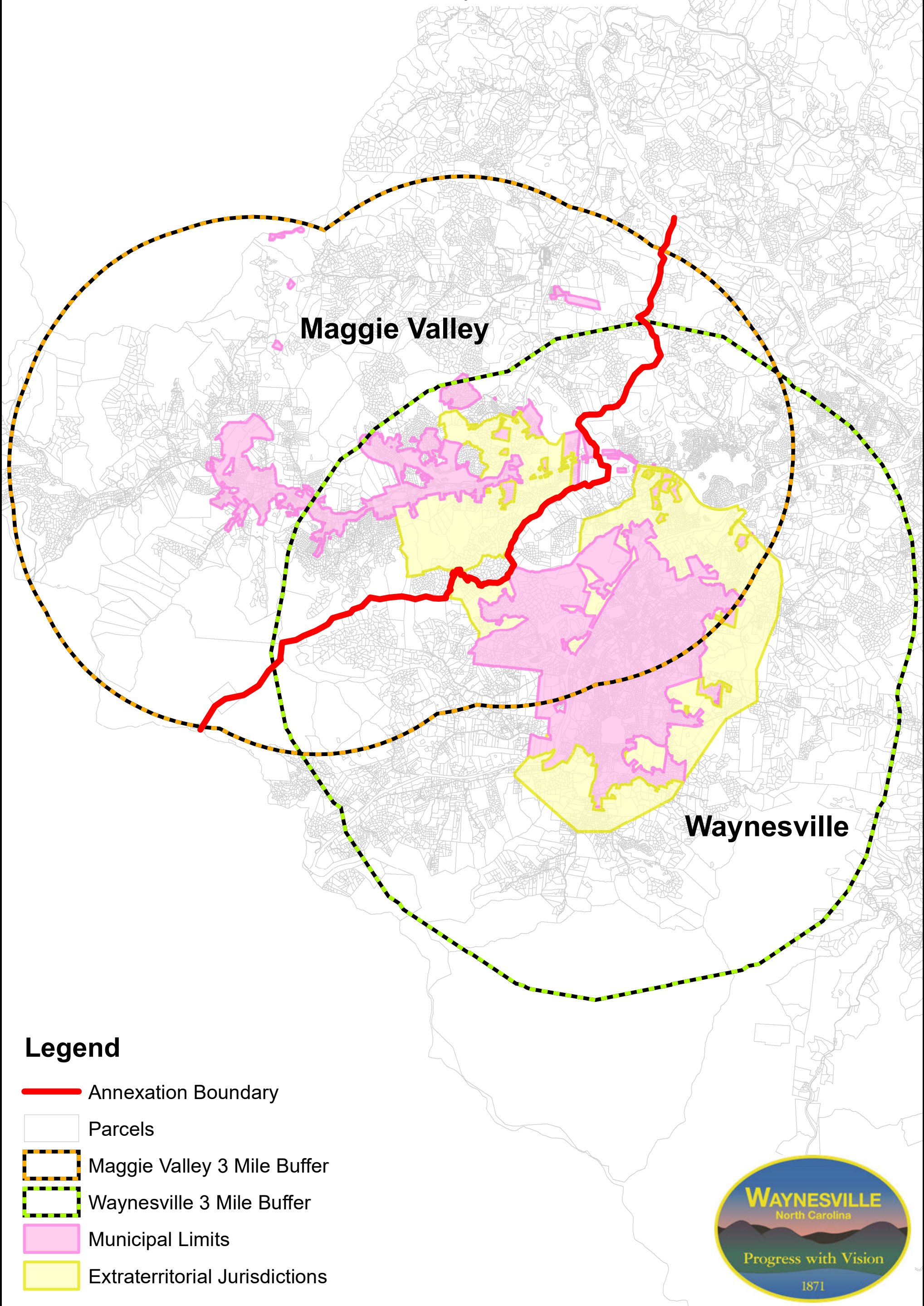
Annexation Agreement Boundary Line Between Waynesville and Maggie Valley

The Town of Waynesville agrees not to annex north and west of this line, and the Town of Maggie Valley agrees to not annex south and east of this line as shown on the attached map marked Attachment A.

BEGINNING on a point, said point being in the Haywood and Jackson county boundary line and being the summit of Mt. Lynn Lowery; thence running northeasterly with the ridgeline of the Plott Balsam mountains approximately 9,100 feet to a point, said point being the USGS control monument, elevation 6,088 feet located on the summit of Plott Balsam as shown on the USGS Hazelwood, N.C. quadrangle map; thence running northeasterly with the ridgeline of Eaglenest Ridge approximately 15,800 feet to a point, said point being the southeastern corner of Lot G-12 of the Smoky Mountain Retreat at Eagles Nest as recorded in plat cabinet C/4522, and said point being approximately 350 feet southwest of the USGS control monument, elevation 4,942 feet on the southwest summit of Eaglenest Mountain as shown on the USGS Hazelwood, N.C. quadrangle map; thence running generally north and east with southern and eastern boundary of Phases 2, 3 and 4 of the Smoky Mountain Retreat at Eagles Nest subdivision as recorded in plat cabinets C/4522, C/3900, C/4114, C/4220, C/4283, C/4329 and C/2221 approximately 9,700 feet to a point, said point being the northernmost corner of the Elizabeth C. Hines property (PIN 8606-21-3853), and said point being in the summit of the Hard Ridge ridgeline; thence running generally northerly and easterly with the summit of the Hard Ridge ridgeline approximately 12,000 feet to a point; said point being the southwestern corner of the Waynesville Properties LLC property, (PIN 8617-00-5418); thence running northerly with the western boundary line of said tract approximately 940 feet to a point; said point being at intersection with the southern boundary line of the Louis P. Queen property, (PIN 8607-82-2478); thence running westerly with the southern boundary line of the Queen property approximately 630 feet to a point; said point being the southwestern corner of said property; thence running northerly with the western boundary line of said property approximately 700 feet to a point, said point being located in the southern right-of-way boundary of U.S. Highway 19 – 276, (Dellwood Road) thence crossing the right-of-way of U.S. Highway 19-276 in a northwesterly direction approximately 210 feet to a point, said point being in the northern right-of-way boundary of U.S. Highway 19 and being the southwestern corner of the portion of the said Louis P. Queen property north of U.S. Highway 19; thence running northerly with the western boundary line of said property approximately 3,100 feet to a point; said point being the summit of Ad Tate Knob on the Utah Mountain ridgeline; thence running easterly with the Utah Mountain ridgeline approximately 3,800 feet to a point, said point being USGS control monument "MS 428", elevation 3,464 feet as shown on the USGS Dellwood, N.C. quadrangle map; thence continuing with the Utah Mountain ridgeline running northeasterly approximately 7,800 feet to a point, said point being the USGS control monument "Truelove", elevation 4,228 feet, at the summit of High Top as shown on the USGS Clyde, N.C. quadrangle map; thence continuing with the Utah Mountain ridgeline running northerly across Snakeden Top, Toms Top, and Davie Top approximately 10,500 feet to a point at Coleman Gap, said point being at intersection of the high point of Coleman Gap and the centerline of Interstate Highway 40.

Annexation Boundary Agreement

Town of Waynesville & Maggie Valley
January 2022



Legend

- Annexation Boundary
- Parcels
- Maggie Valley 3 Mile Buffer
- Waynesville 3 Mile Buffer
- Municipal Limits
- Extraterritorial Jurisdictions



Annexation Boundary Agreement

2

-
- Legend:**
- Parcels
 - Corporate Limits
 - Extraterritorial Jurisdictions
- Maggie Valley**
- Waynesville**
- Waynesville, North Carolina**
Progress with Vision
1871

Maggie Valley

Waynesville



§ 160A-58.21. Purpose.

It is the purpose of this Part to authorize cities to enter into binding agreements concerning future annexation in order to enhance orderly planning by such cities as well as residents and property owners in areas adjacent to such cities. (1989, c. 143, s. 1.)

§ 160A-58.22. Definitions.

The words defined in this section shall have the meanings indicated when used in this Part:

- (1) "Agreement" means any written agreement authorized by this Part.
- (2) "Annexation" means any extension of a city's corporate limits as authorized by this Article, the charter of the city, or any local act applicable to the city, as such statutory authority exists now or is hereafter amended.
- (3) "Participating city" means any city which is a party to an agreement. (1989, c. 143, s. 1.)

§ 160A-58.23. Annexation agreements authorized.

Two or more cities may enter into agreements in order to designate one or more areas which are not subject to annexation by one or more of the participating cities. The agreements shall be of reasonable duration, not to exceed 20 years, and shall be approved by ordinance of the governing board and executed by the mayor of each city and spread upon its minutes. (1989, c. 143, s. 1.)

§ 160A-58.24. Contents of agreements; procedure.

(a) The agreement shall:

- (1) State the duration of the agreement.
- (2) Describe clearly the area or areas subject to the agreement. The boundaries of such area or areas may be established at such locations as the participating cities shall agree. Thereafter, any participating city may follow such boundaries in annexing any property, whether or not such boundaries follow roads or natural topographical features.
- (3) Specify one or more participating cities which may not annex the area or areas described in the agreement.
- (4) State the effective date of the agreement.
- (5) Require each participating city which proposes any annexation to give written notice to the other participating city or cities of the annexation at least 60 days before the adoption of any annexation ordinance; provided, however, that the agreement may provide for a waiver of this time period by the notified city.
- (6) Include any other necessary or proper matter.

(b) The written notice required by subdivision (a)(5) of this section shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to: the area or areas described pursuant to subdivision (a)(2) of this section, roads, streams and any other prominent geographical features. Such notice shall not be effective for more than 180 days.

(c) No agreement may be entered into under this Part unless each participating city has held a public hearing on the agreement prior to adopting the ordinance approving the agreement.

The governing boards of the participating cities may hold a joint public hearing if desired. Notice of the public hearing or hearings shall be given as provided in G.S. 160A-31(c).

(d) Any agreement entered into under this Part may be modified or terminated by a subsequent agreement entered into by all the participating cities to that agreement. The subsequent agreement shall be approved by ordinance after a public hearing or hearings as provided in subsection (c).

(e) No agreement entered into under this Part shall be binding beyond three miles of the primary corporate limits of a participating city which is permitted to annex the area under the agreement, unless approved by the board of county commissioners with jurisdiction over the area. Provided however, that an area where the agreement is not binding because of failure of the board of county commissioners to approve it, shall become subject to the agreement if subsequent annexation brings it within three miles. The approval of a board of county commissioners shall be evidenced by a resolution adopted after a public hearing as provided in subsection (c).

(f) A participating city may terminate an annexation agreement unilaterally or withdraw itself from the agreement, by repealing the ordinance by which it approved the agreement and providing five years' written notice to the other participating cities. Upon the expiration of the five-year period, an agreement originally involving only two cities shall terminate, and an agreement originally involving more than two cities shall terminate unless each of the other participating cities shall have adopted an ordinance reaffirming the agreement. (1989, c. 143, s. 1.)

§ 160A-58.25. Effect of agreement.

From and after the effective date of an agreement, no participating city may adopt an annexation ordinance as to all or any portion of an area in violation of the agreement. (1989, c. 143, s. 1.)

§ 160A-58.26. Part grants no annexation authority.

Nothing in this Part shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law. (1989, c. 143, s. 1.)

§ 160A-58.27. Relief.

(a) Each provision of an agreement shall be binding upon the respective parties. Not later than 30 days following the passage of an annexation ordinance concerning territory subject to an agreement, a participating city which believes that another participating city has violated this Part or the agreement may file a petition in the superior court of the county where any of the territory proposed to be annexed is located, seeking review of the action of the city alleged to have violated this Part or the agreement.

(b) Within five days after the petition is filed with the court, the petitioning city shall serve copies of the petition by certified mail, return receipt requested, upon the respondent city.

(c) Within 15 days after receipt of the copy of the petition for review, or within such additional time as the court may allow, the respondent city shall transmit to the reviewing court:

- (1) A transcript of the portions of the ordinance or minute book in which the procedure for annexation has been set forth;
- (2) A copy of resolutions, ordinances, and any other document received or approved by the respondent city's governing board as part of the annexation proceeding.

(d) The court shall fix the date for review of the petition so that review shall be expeditious and without unnecessary delays. The review shall be conducted by the court without a jury. The court may hear oral arguments and receive written briefs, and may take evidence intended to show either:

- (1) That the provisions of this Part were not met; or
- (2) That the provisions of the agreement were not met.

(e) At any time before or during the review proceeding, any petitioner may apply to the reviewing court for an order staying the operation of the annexation ordinance pending the outcome of the review. The court may grant or deny the stay in its discretion upon such terms as it deems proper, and it may permit annexation of any part of the area described in the ordinance concerning which no question for review has been raised.

(f) Upon a finding that the respondent city has not violated this Part or the agreement, the court may affirm the action of the respondent city without change. Upon a finding that the respondent city has violated this Part or the agreement, the court may:

- (1) Remand to the respondent city's governing board any ordinance adopted pursuant to Parts 2 or 3 of this Article, as the same exists now or is hereafter amended, for amendment of the boundaries, or for such other action as is necessary, to conform to the provisions of this Part and the agreement.
- (2) Declare any annexation begun pursuant to any other applicable law to be void. If the respondent city shall fail to take action in accordance with the court's instructions upon remand under subdivision (d)(1) of this section within three months from receipt of such instructions, the annexation proceeding shall be void.

(g) Any participating city which is a party to the review proceedings may appeal from the final judgment of the superior court under rules of procedure applicable in other civil cases. The appealing party may apply to superior court for a stay in its final determination, or a stay of the annexation ordinance, whichever shall be appropriate, pending the outcome of the appeal to the appellate division; provided, that the superior court may, with the agreement of the parties, permit annexation to be effective with respect to any part of the area concerning which no appeal is being made and which can be incorporated into the respondent city without regard to any part of the area concerning which an appeal is being made.

(h) If part or all of the area annexed under the terms of a challenged annexation ordinance is the subject of an appeal to the superior court or appellate division on the effective date of the ordinance, then the ordinance shall be deemed amended to make the effective date with respect to such area the date of the final judgment of the superior court or appellate division, whichever is appropriate, or the date the respondent city's governing board completes action to make the ordinance conform to the court's instructions in the event of remand.

(i) A participating city which is prohibited from annexing into an area under a binding agreement may file a petition in the superior court where any of the territory proposed to be annexed is located, or a response in a proceeding initiated by another participating city, seeking permission to annex territory in the area notwithstanding the agreement. If the territory qualifies for annexation by the city seeking to annex it, the court may enter an order allowing the annexation to proceed with respect to all or a portion of the territory upon a finding that there is an imminent threat to public health or safety that can be remedied only by the city seeking annexation. The

procedural provisions of this section shall apply to proceedings under this subsection, so far as applicable. (1989, c. 143, s. 1.)

§ 160A-58.28. Effect on prior local acts.

This Part does not affect Chapter 953, Session Laws of 1983, Chapter 847, Session Laws of 1985 (1986 Regular Session), or Chapters 204, 233, or 1009, Session Laws of 1987, authorizing annexation agreements, but any city which is authorized to enter into agreements by one of those acts may enter into future agreements either under such act or this Part. (1989, c. 143, s. 1; 1991 (Reg. Sess., 1992), c. 1030, s. 48.)

§ 160A-58.29: Reserved for future codification purposes.

§ 160A-58.30: Reserved for future codification purposes.

§ 160A-58.31: Reserved for future codification purposes.

§ 160A-58.32: Reserved for future codification purposes.

§ 160A-58.33: Reserved for future codification purposes.

§ 160A-58.34: Reserved for future codification purposes.

§ 160A-58.35: Reserved for future codification purposes.

§ 160A-58.36: Reserved for future codification purposes.

§ 160A-58.37: Reserved for future codification purposes.

§ 160A-58.38: Reserved for future codification purposes.

§ 160A-58.39: Reserved for future codification purposes.

§ 160A-58.40: Reserved for future codification purposes.

§ 160A-58.41: Reserved for future codification purposes.

§ 160A-58.42: Reserved for future codification purposes.

§ 160A-58.43: Reserved for future codification purposes.

§ 160A-58.44: Reserved for future codification purposes.

§ 160A-58.45: Reserved for future codification purposes.

§ 160A-58.46: Reserved for future codification purposes.

Please Publish on December 28th 2022 and January 4th 2023

NOTICE OF PUBLIC HEARING

The Town of Waynesville Board of Aldermen will be holding a public hearing on Tuesday, **January 10, 2023** beginning at 6:00 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose meeting is to consider renewal of the joint annexation agreement with Maggie Valley.

Interested persons are encouraged to attend and be heard. For more information please contact Elizabeth Teague at 828 456 2004 or via email at eteague@waynesvillenc.gov.

s/Candace Poolton

By: Candace Poolton, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 10, 2022

SUBJECT: NCDOT request to eliminate connection between Lea Plant Road and S. Main.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Rob Hites, Town Manager; Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: In expectation of roadway improvements to US23 Business/South Main Street (NCDOT Project U-4712; SPOT ID H090482), NCDOT has asked that the Town Board approve the elimination of the intersection where Lea Plant Road and Hemlock Street connect to South Main. NCDOT proposes to eliminate the intersection by creating a curved, seamless connection of Lea Plant Road with Hemlock Street. This request would only eliminate the connection to US23/South Main within the NCDOT right-of-way and would not take away any additional property or Town roadway. The purpose of this request is to accommodate roadway and safety improvements proposed as part of the new project.

MOTION FOR CONSIDERATION:

1. To grant the NCDOT request to disconnect Lea Plant Road from US23/South Main Street.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

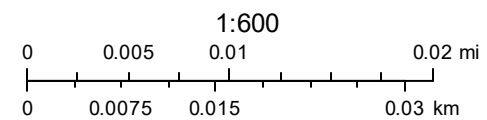
1. Aerial map of impacted area from land records
2. NCDOT U-4712 plan map at impacted location

MANAGER'S COMMENTS AND RECOMMENDATIONS: This is a request of NCDOT Division 14 Staff.

Haywood County



December 28, 2022



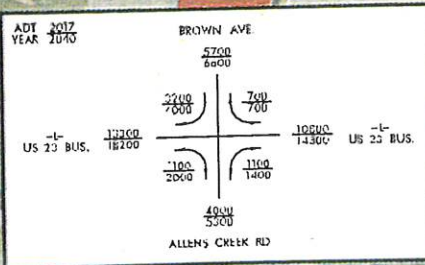
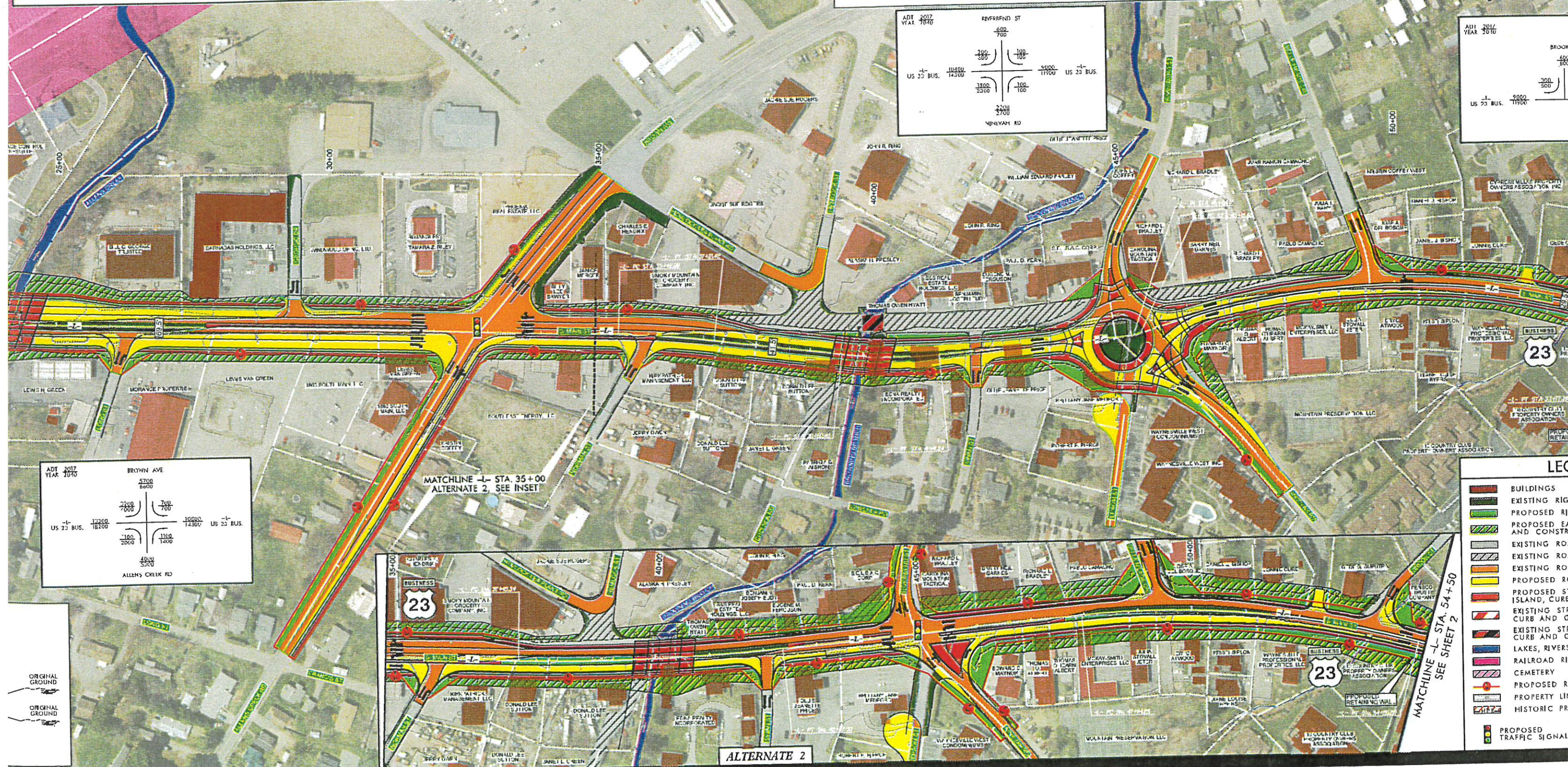
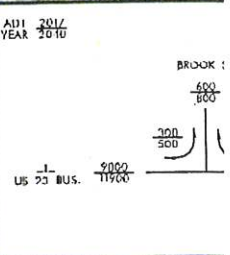
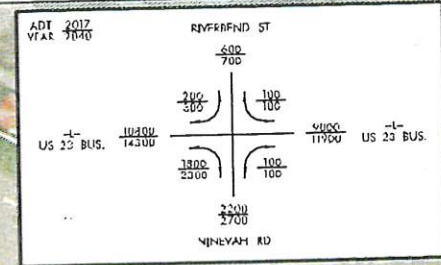
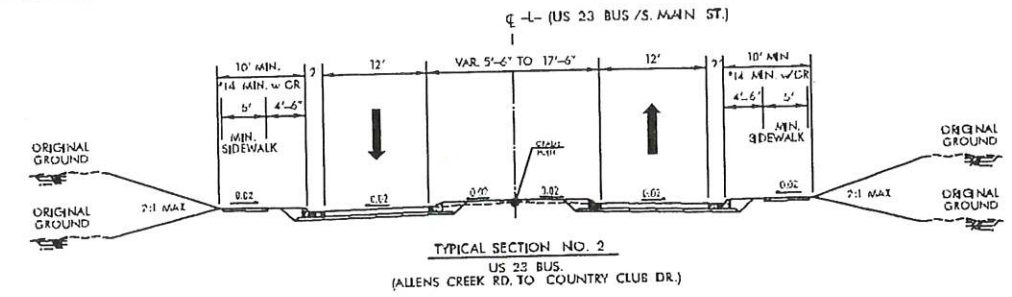
PUBLIC MEETING MAP

TIP PROJECT NO. U-4712

HAYWOOD COUNTY

WAYNESVILLE, NC

US 23 BUSINESS (S. MAIN STREET) FROM SOUTH OF
SR 1164 (HYATT CREEK ROAD) TO NORTH OF
US 276 (PIGEON STREET)



MATCHLINE -L- STA. 35+00
ALTERNATE 2, SEE INSET

ALTERNATE 2

MATCHLINE -L- STA. 54+50
SEE SHEET 2

- LEG**
- BUILDINGS
 - EXISTING RIG
 - PROPOSED RIG
 - PROPOSED EAS AND CONSTRU
 - EXISTING ROA
 - EXISTING ROA
 - PROPOSED RO
 - PROPOSED STS ISLAND, CURB
 - EXISTING STRL CURB AND GL
 - EXISTING STRL CURB AND GL
 - LAKES, RIVERS, RAILROAD RIG
 - CEMETERY
 - PROPOSED RIG
 - PROPERTY LIN
 - HISTORIC PRO
 - PROPOSED TRAFFIC SIGNAL

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: January 10, 2023

SUBJECT: Town of Waynesville Recreation Endowment Grant

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Recreation
Contact: Luke Kinsland, Recreation Director
Presenter: Luke Kinsland, Recreation Director

BRIEF SUMMARY:

The Town of Waynesville Recreation Endowment Fund managed by the NC Community Foundation was setup 25 years ago and has accrued \$43,000. The recreation department has received over \$21,000 over the years. This year we submitted a grant request and received \$2,150.

MOTION FOR CONSIDERATION:

Motion to approve the budget amendment for the grant amount of \$2,150 to help pay for dog water stations at the Waynesville Dog Park.

FUNDING SOURCE/IMPACT: \$2,150 in Town of Waynesville Recreation Endowment funding.



Misty Hagood, Finance Director	1/4/23 Date
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ATTACHMENTS:

- Budget Amendment

MANAGER'S COMMENTS AND RECOMMENDATIONS:

This year we purchased two quality dog water fountains for \$5,886. I recommend that this grant help to pay toward the amount to replenish the department's material and supply budget.

Ordinance No. O-01-23

Amendment No. 7 to the 2022-2023 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2022-2023 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2022-2023 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Grants/Restricted Revenues	\$2,150.00
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Increase the following appropriations:

Recreation Dept	\$2,150.00
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Adopted this 10th day of January, 2023.

Town of Waynesville

Gary Caldwell
Mayor

Attest:

Candace Poolton
Town Clerk

Approved As To Form:

Martha Sharpe Bradley
Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 1/10/23**

SUBJECT: Entertain a bid of \$31,700 for a .8317-acre tract located on Oakdale Drive

AGENDA INFORMATION:

Agenda Location: New Business

Item Number:

Department: Administration

Contact: Rob Hites,

Presenter: Rob Hites

BRIEF SUMMARY Mr. Chris Amsler has submitted a bid of \$31,700 for a .8317-acre tract of land (Pin #8615-33-9978) located on Oakdale Road owned by the Town. The property contains water, waste water and power along its frontage with Oakdale. I asked the Town's departments if they have any plans for using the property. The Departments do not have a use for the property with the exception that the Town could enter into an interlocal agreement or public/private partnership to construct up to four affordable housing units on the property in the future. Should the Town Board determine that there it has no public use for the property and the bid on Mr. Amsler (Tax Value) is acceptable, you will move to accept the bid and instruct the Town Clerk to advertise the property for "upset bid". When the property is advertised bidders will have ten (10) days to submit a bid at least 10% of first \$1,000 and 5% of the remainder higher than the previous bid. The bidder must post a payment of at least five (5) percent when the bid is submitted. When an upset bid is submitted, the Clerk will once again advertise the property for upset bid. The process will be continued until a bid is submitted and the ten (10) day period does not result in an "upset bid". Once the process is complete the high bid will be submitted to the Board and you will determine if you wish to accept the bid. It is important to recognize that the General Statutes do not require an elected board to accept the initial bid or final bid and may reject bid(s) at any point in the process. Should bids not be acceptable or upset, the Town will return the funds submitted to meet the statute.

MOTION FOR CONSIDERATION: 1. Determine if the Town has any use for the property. 2. Determine if the bid submitted by Mr. Amsler is acceptable. 3. If so, accept his bid and instruct the Clerk to advertise the bids for "upset bid".

FUNDING SOURCE/IMPACT: General

ATTACHMENTS: Property Tax Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: Determine if the property has a current or future public purpose, determine if the bid submitted is acceptable and if so, instruct the Clerk to advertise it for "upset bid".

9/12/2022

From: N. Chris Amsler

To: Waynesville Town Clerk

Subj: Offer to Purchase Pin # 8615-33-9978

1. Nelson Christopher Amsler and Alma Amsler offer to purchase a lot owned by the Town of Waynesville located between Oakdale Road and Grayden Street. Pin # 8615-33-9978.
2. Our offer amount is \$31,700.00.
3. As per North Carolina General Statute 160A-269 a check in the amount of \$1585.00 will be delivered to the Town Clerk with 24 hours of notice that the City Council proposes to accept it.
4. We understand the offer, notice to accept, publishing of offer, and upset bid process.
5. R/,

N. Chris Amsler and Alma Amsler
170 Oakdale Rd
Waynesville NC 28786
(619)962-7720

Sale Date: 08/13/1978



1 inch = 50 feet
January 3, 2023

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

§ 160A-269. Negotiated offer, advertisement, and upset bids.

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)