



Town of Waynesville, NC

Town Council Regular Meeting

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

Date: May 23rd, 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.
 - a. Adoption of minutes of the April 28th, 2023 Special meeting
 - b. Adoption of minutes of the May 9th, 2023 Regular meeting
 - c. Christmas Parade Special Event Permit Application
 - d. Christmas 2023 Special Event Permit Application
 - e. Church Street Arts and Crafts Show Special Event Permit Application
 - f. Mountain Street Dances Special Event Permit Application
 - g. Treats on the Street Special Event Permit Application

Motion: To approve the consent agenda as presented.

E. PRESENTATION

3. Promotion ceremony for Sgt. Tamara VanderDay to the rank of Lieutenant.
 - David Adams, Chief of Police

F. PROCLAMATION

4. National Public Works Week

- Mayor Gary Caldwell

G. PUBLIC HEARINGS

5. Public Hearing to consider a request for Annexation for two (2) parcels along Howell Mill Road, PINs 8616-94-1485 (2.87 acres) and 8616-94-1047 (7.54 acres).

- Olga Grooman, Land Use Administrator

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

6. Public Hearing to consider Stormwater Ordinance text amendment, Section 12.5 of the Land Development Standards (LDS).

- Olga Grooman, Land Use Administrator

Motions:

1. ***Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.***
2. ***Motion to adopt the Ordinance as presented (or as amended).***

7. Public Hearing to consider a staff initiated text amendment to Section 44-2 of the Municipal Code related to disposal and containment of construction and demolition material.

- Elizabeth Teague, Development Director

Motion: *to adopt the text amendment Ordinance as proposed (or amended) to the municipal code, Section 44-2.*

8. Public Hearing to consider a Map Amendment for the property located at 237 Ratcliff Cove Road (PIN 8626-00-9246).

- Byron Hickox, Land Use Administrator

Motions:

1. ***A. Motion to find (or not find) the request consistent with the 2035 Comprehensive Land Use Plan.***

OR

B. Motion to find the request inconsistent with the 2035 Comprehensive Plan, but is reasonable and in the public interest to meet the development needs of the community.

AND

2. ***Motion to approve (or deny) the requested map amendment (with or without conditions) for the property described as 237 Ratcliff Cove Road (PIN 8626-00-9246) from the Raccoon Creek Neighborhood Residential District to the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay.***

9. 2023-24 Budget Public Hearing
- Misty Hagood, Finance Director

Motion: Instruct the staff as to how to proceed.

H. NEW BUSINESS

10. Budget Amendment to authorize the use of grant funds from Kiwanis of Waynesville to fund the capital budget item of the all-abilities playground fence from chain link to upgraded ornamental steel.
- Luke Kinsland, Recreation Director

Motion: To approve the budget amendment of a grant of \$8,000 from Kiwanis of Waynesville to upgrade the capital improvement item of chain link fence to ornamental steel for the all-abilities playground.

11. Budget Amendment to authorize the use of grant funds from the Pigeon River Fund for the purpose of two fishing access areas per the site plan for the Vance St Park extension (new greenway).
- Luke Kinsland, Recreation Director

Motion: To approve the budget amendment of a grant of \$30,000 from the Pigeon River Fund for fishing access areas.

12. Appointments to the Waynesville Public Art Commission and Waynesville Housing Authority
- Jesse Fowler, Assistant Town Manager

Motions:

- 1. Motion to appoint CJ Deering to the Waynesville Public Art Commission.**
- 2. Motion to interview Sandra Arnold in consideration of her appointment to the Waynesville Housing Authority.**

I. COMMUNICATION FROM STAFF

13. Manager's Report
- Town Manager, Rob Hites
14. Town Attorney Report
- Town Attorney, Martha Bradley

J. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

K. ADJOURN



TOWN OF WAYNESVILLE

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CALENDAR May 2023

2023	
Monday May 29 TH	Town Offices Closed – Memorial Day
Friday June 2 nd	Art After Dark gallery stroll 5:30-8:30pm
Tuesday June 13 TH	Town Council Meeting – Regular Session
Saturday, June 17 th	Hazelwood Hot Summer Nights 6-9pm
Saturday June 24 th	Main Street Mile 5-8pm
Tuesday June 27 TH	Town Council Meeting – Regular Session
Friday, June 30 th	Mountain Street Dance-on Main Street in front of the courthouse 6-8:30pm
Tuesday, July 4 TH	Stars & Stripes Kids Parade and July 4 th celebration
Tuesday, July 4 TH	Town Offices Closed – Independence Day
Friday, July 7 th	Art After Dark gallery stroll 5:30-8:30pm
Tuesday July 11 TH	Town Council Meeting – Regular Session
Friday, July 14	Mountain Street Dance-on Main Street in front of the courthouse 6-8:30pm
Saturday, July 15 th	Hazelwood Hot Summer Nights 6-9pm
Tuesday July 25 TH	Town Council Meeting – Regular Session
Friday, August 4 th	Mountain Street Dance-on Main Street in front of the courthouse 6-8:30pm and Art After Dark gallery stroll 6-9pm
Tuesday August 8 TH	Town Council Meeting – Regular Session
Saturday, August 12 th	Hazelwood Hot Summer Nights 6-9pm
Tuesday August 22 ND	Town Council Meeting – Regular Session
Friday, September 1 st	Art After Dark gallery stroll 5:30-8:30pm
Monday September 4 TH	Town Offices Closed – Labor Day
Tuesday September 12 TH	Town Council Meeting – Regular Session
Saturday, September 23 rd	Power of Pink 5K-Frog Level 9-11am
Saturday, September 23 rd	Sarges 18 th Annual Dog Walk 9am-1pm Main Street
Tuesday September 26 TH	Town Council Meeting – Regular Session
Friday, October 6 th	Art After Dark gallery stroll 5:30-8:30pm
Tuesday October 10 TH	Board of Aldermen Meeting – Regular Session
Saturday October 14 th	Church Street Art and Craft Show 40 th Anniversary
Saturday, October 21 st	Apple Harvest Festival-Main Street 10am-5pm
Tuesday October 24 TH	Town Council Meeting – Regular Session
Tuesday October 31 st	Treats on the Street
Friday, November 3 rd	Art After Dark gallery stroll 5:30-8:30pm
Friday November 10 th	Town Offices Closed- Veterans Day
Tuesday November 14 TH	Town Council Meeting – Regular Session
Tuesday November 28 TH	Town Council Meeting – Regular Session
Friday, December 1 st	Art After Dark gallery stroll 5:30-8:30pm and Christmas Tree Lighting

Monday, December 4th	Christmas Parade
Saturday, December 9th	Night Before Christmas
Tuesday December 12TH	Town Council Meeting – Regular Session
December 22nd, 26th	Town Closed – Christmas Holidays

Board and Commission Meetings – May 2023

ABC Board	ABC Office – 52 Dayco Drive	May 16 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	May 2 1 st Tuesday 5:30 PM
Cemetery Commission	Public Services Building	January, March-CANCELLED, July, and October 3 rd Tuesday 2:00 PM
Downtown Waynesville Commission	Municipal Building – 16 South Main Street	May 16 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	May 3 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	May 15 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	May 11 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	May 17 3 rd Wednesday 5:30 PM
Waynesville Housing Authority	Main Office-48 Chestnut Park Drive	May 9 3 rd Wednesday 9:00 AM

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Special Called Meeting-Joint meeting with Town Council and Planning Board
April 28, 2023

THE WAYNESVILLE TOWN COUNCIL held a special called meeting on Friday, April 28, 2023, at 11:30am, in the Public Works Training Room located at 129 Legion Drive, Waynesville, NC.

1. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 11:40 am with the following members present:

- Mayor Gary Caldwell
- Councilmember Julia Freeman
- Councilmember Chuck Dickson
- Councilmember Jon Feichter
- Councilmember Anthony Sutton
- Susan Teas Smith (Chairman)
- Ginger Hain (Vice Chairman)
- John Baus
- Stuart Bass
- Peggy Hannah
- Jan Grossman
- Barbara Thomas
- Tommy Thomas

The following members were absent:

- Michael Blackburn

The following staff members were present:

- Rob Hites, Town Manager
- Jesse Fowler, Assistant Town Manager
- Candace Poolton, Town Clerk
- Elizabeth Teague, Planning Director
- Olga Grooman, Land Use Administrator
- Byron Hickox, Land Use Administrator
- Ron Sneed, Planning Board Attorney
- Martha Bradley, Town Attorney

Members of the media:

- Becky Johnson, The Mountaineer

Others present:

- Jake Petrosky, Stuart Engineering

2. WELCOME/INTRODUCTIONS

Mayor Gary Caldwell and Director of Development, Elizabeth Teague, welcomed everyone, and thanked the Planning Board for their time and dedication.

3. PRESENTATION

- Director of Development, Elizabeth Teague, and Jake Petrosky of Stuart Engineering

-Comprehensive Plan Overview:

Elizabeth Teague, Director of Development, reported that between 2018 and 2020, the Development staff developed a comprehensive plan. It was adopted in 2020. The current plan is based on the previous 2020 Comprehensive Plan. Ms. Teague stated that a Comprehensive Land Use Plan is legally required in North Carolina. She added that a Board appointed Steering Committee worked on the Comprehensive Plan, along with nine months of public involvement (survey, workshops, focus groups, and public hearings). Ms. Teague said that what was most discussed when developing the Plan were jobs, housing, affordability, environmental protection, infill and redevelopment, and maintaining Town character. Survey data showed that the most pressing issues facing Waynesville were growth management, redevelopment, affordable housing, and agricultural land. She said that housing seemed to underpin every discussion. When developing the new plan, Smart Growth Principles were carried over from the 2020 Plan. Ms. Teague defined smart growth as an approach to development that encourages a mix of building types and uses in walkable centers and prioritizes infill over urban sprawl to avoid negative impacts on natural systems.

-Trends / Recent Developments:

Ms. Teague reviewed 2020 census data:

Waynesville was below the national and state average for growth.

Median Household Income in 2020 was \$40,911, average home price was \$301,606.

Prices for homes increased, inventory has gone down, but the desire to move to Waynesville has continued to increase.

Interest rates decreased significantly in 2021, so the Town saw a huge influx in applications. Ms. Teague highlighted some of the projects that were approved:

2021:

1. 84-unit multi-family development site plan off Howell Mill Rd. (RC-NR)
2. Corporate manufacturing expansion, conditional district amendment at 75 Giles Place (CI)
3. 60-unit multi-family development conditional district at 104 Locust Drive (PC-NR)
4. 8-unit cottage development conditional district/ demo of hotel at Waynesville Country Club (CC-RL)
5. 115 single family homes major subdivision off Sunnyside Road-at Queen's Farm (RC-NR)
6. 14-unit townhome development at Richland and Church Street (MS-NR)
7. 150-unit multi-family development SUP at 1426 Howell Mill Road (HM-UR)

2022:

1. 60-unit multi-family development off Preservation Way (WS-NR)
2. 59-unit townhome units at Allison Acres (EW-UR)
3. Shining Rock Classical Academy 3-story building expansion and 2 additional parking lots D-RM

Planning Board Vice Chair Ginger Hain asked if only new residents moved into the new housing recently built, what would the estimated increase in population be? Ms. Teague responded that the Town may see an increase in population of about 1500 new residents. To review, Ms. Teague reminded the Council and Board that the Comprehensive Land Use Plan is the Town's aspirational goals, guidelines for looking to the future, and how and where the Town should grow and develop. Land Development Standards (often referred to as the Zoning Ordinance) are the development regulations for a builder's application.

Ms. Teague reviewed some goals to be considered at this meeting:

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

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

Goal 3: Protect and enhance Waynesville's natural resources.

As these goals were analyzed, Ms. Teague said they should keep the following in mind:

- Protect steep slopes, mountains, and floodplain;
- Limit extent of water and sewer service; (Urban Services Boundary)
- Designate growth areas near existing infrastructure (railroad corridor, major roadways, redevelopment of existing sites, residential infill);
- Update and clarify Land Development Standards
- Housing development within allowable zoning

Ms. Teague wanted to clarify a misconception that when the Town adopted the Comprehensive Plan, no ones' property was re-zoned, zoning stayed the same unless individual applicants came in and applied for re-zoning.

-Zoning Framework and Recent UDO Changes:

Ms. Teague reviewed the regulatory changes that occurred since the Comprehensive Plan Adoption:

- Land Development Standards updated for 160D compliance
- Lowered TIA requirement
- Added buffer requirements for major subdivisions
- Updated roadway and driveway standards
- Updated stormwater requirements (more coming soon)
- Cottage and Conservation options introduced
- Civic space requirements increased
- Required neighborhood meetings

Ms. Teague said that one of the recommendations of the Comprehensive Plan was to look at the Railroad Corridor and see what the barriers were to those property owners along the corridor (a work group is currently working on that). She also said they are looking at short term rentals and discrepancies in the Future Land Use Map and the current zoning.

-Future Land Use Recommendations:

Jake Petrosky with Stuart Engineering reported that the Future Land Use Map looks 10-20 years into the future, shows how we want to grow as a Town, and accommodates existing zoning. The goal is to encourage infill and re-development of the right areas. He said that growth should occur in the Downtown Core

(Downtown, Frog Level, and Hazelwood). He added that the plan also included a Residential Conservation Area (lower density) where steep slopes, floodplains, and other areas are kept safe from any negative impacts.

-Future Land Use / Zoning Comparison:

Mr. Petrosky first reviewed the Density Recommendations according to the Future Land Use Map:

- The Residential Conservation area is a low-density residential development that is clustered or of a conservation design. The DUA (Dwelling Units per Acre) are not specified in the adopted plan, but the initial draft of the plan recommended less than 2 units an acre.
- The Residential Low to Medium Density areas provide single family uses with a 3-4 DUA allowed, with occasional small-scale attached housing.
- The Residential Medium to High Density areas are located on lands suitable for higher density residential developments that are readily accessible and where utilities are available. The DUA allowed are 5-10 units.

Mr. Petrosky reviewed the density regulations allowed by the zoning framework:

- RL district (lowest density category) allows for 6 units/acre (12 with a Special-Use Permit); the minimum lot size must be .5 acre, which allows for multi-family units.
- RM 8 units/acre (12 w/SUP); min .25 acre
- NR 10 units/acre (16 w/SUP); min .16 acre
- UR 16 units/acre (24 w/SUP); min .16 acre
- No density maximums or min acreage in Commercial or Industrial areas
- Multi-family allowed, except for RL (only townhomes allowed), HM-RM, SS-NR,
- Civic / Recreation Space requirements have been increased
- Cluster / Conservation Option (allows flexibility in standards for the preservation of open space).
- LDS Approval process and regulations

Councilmember Feichter asked how those numbers and figures were created. Ms. Teague said that the Land Development Standards were based on existing zoning ordinances. Byron Hickox, Land Use Administrator, said that they were transferred over from the LDS that dated back from 2004.

Mr. Petrosky then compared the Future Land Use Map and Zoning. He said there are some differences between allowable density in the existing zoning, and Comprehensive Land Use Plan recommendations in parts of Raccoon Creek, Allen's Creek, and Chestnut Park. For example, Neighborhood Residential Zoning allows 10-16 units/acre, Residential Low-density Zoning allows 6 units/acre, but the Comprehensive Plan Future Land Use Map recommends residential conservation of low to medium (3-4 units/acre), and Chestnut Park (RM) extends past the Urban Services Boundary.

Mr. Petrosky overviewed what the goals were for Residential Conservation Areas. He said that those areas are encouraged to have conservation design in areas with steep slopes, high quality wildlife habitat, views and vistas (i.e. upper parts of Eagles Nest, Allens Creek Area (west of Allens Creek)). Residential Conservation Areas should more accurately reflect development constraints (i.e., steep slopes) and areas where clustering new development could help preserve natural assets. He added that many areas that are classified as Low to Medium or Medium to High Density in zoning, the actual density should be lower when looking at Residential Conservation Areas. Mr. Petrosky said that according to LU-3, page 30 of the Comprehensive Plan,

Conservation design should reduce cut and fill slopes, follow the natural contours of the land, apply low-impact stormwater design, and preserve open space or sensitive habitats. He said that it also states that an update to the Land Development Standards allows for flexibility in density, setbacks, and unit types to preserve views and agricultural lands on the edges of town. This should allow new development to meet current low-density designations while creating open space by clustering structures.

Mr. Petrosky presented the following potential options to the Planning Board and Town Council regarding density, building type, and cluster standards:

1. Do Nothing
2. Density Changes: Lower allowable density to existing districts (NR and/or RL)
3. New District: Create and apply to Low-Med Density areas on FLU map, max density of 2-4 dwelling units per acre (DUA). The new district could incorporate site design standards or incentives.
4. Multi-family Allowances: Could be allowed only with conservation design in NR/RL Districts.
5. Civic/Open Space requirements: Increase open space requirements in NR and RL. Could adjust the balance between passive open space and active recreation space, less active space could be required in more undeveloped areas, and make areas with less than 2 DUA exempt from civic space requirements.
6. Cluster Standards: Adjust the existing structure or require cluster standards in certain areas, or increase incentives (i.e., MF).

Planning Board Chair Susan Teas Smith said that something that needs to be discussed is that with proposed changes, does zoning make things potentially unattractive to a developer, and is the Town addressing housing needs for the younger generation?

Town Attorney Martha Bradley reminded everyone that by limiting units per acre, that could be depriving owners of the property of economic and real property right. She said that while the thought process may be about protecting the Town from overdevelopment, low zoning could be violating a constitutional right by restricting owner's use of their property. Planning Board Vice Chair Ginger Hain said that low density incentives offer property owners something in return. Planning Board Member John Baus said that high densities are appropriate for some areas, but not all, so he wants a formula that looks at the area and sets the density appropriately.

4. DISCUSSION

Planning Board Member Jan Grossman said that residents say that it's too much development, but when looking at the numbers, they say that Waynesville is developing at a much lower rate. He asked if that means the density numbers are perhaps too high. He suggested that the Town lowers the density numbers and keep the SUP numbers the same. Town Attorney Martha Bradley said that by-right density could be capped, but overall density could be the same, and the upper end would be special use permit-which are quasi-judicial proceedings. She said that quasi-judicial meetings are complicated and would create a huge burden on staff, as well as increase litigation risks for the Town (which has been seen with the City of Asheville). Ms. Bradley said that zoning standards should be clear and uniform so there is little discretion/ambiguity. She added that Waynesville wants to be a small business community.

Planning Board Vice Chair Ginger Hain asked the Council if they would appoint a working committee, that would include some Councilmembers, to nail down specifics regarding today's objectives. Councilmember

Anthony Sutton and Councilmember Jon Feichter volunteered to sit on the work group. Planning Board Chair Smith and Planning Board Vice Chair Hain also volunteered to serve on work group.

Councilmember Chuck Dickson said he liked the idea of multifamily dwellings with conservation design, cluster dwellings, and open space. He said that there are a small group of people that have moved to the area and want to close the door behind them. He said that to not raise taxes and for the Town to provide decent services, the Town has to grow, therefore he supports smart growth. Councilmember Dickson said heights of structures are a concern in the community. He also said that more development should be allowed in low density areas-meaning increasing the number of houses allowed per acre. He added that he does not want gated communities because the Town should feel inclusive.

Planning Board Chair Susan Teas Smith mentioned that a lot of the lower density areas are under HOAs.

Planning Board Member Baus recommended that the Town looks into additional parking and other infrastructure. He said parking and traffic is becoming a problem downtown. Mayor Gary Caldwell said they are working on securing a parking lot by Church Street.

Land Use Administrator Byron Hickox mentioned that when there are 1500 units being built, it does not necessarily mean new residents are moving into this area, it could be residents moving from one location to another.

Planning Board Vice Chair Hain said that North Carolina could see an influx of residents who are fleeing worsening climates out west.

Councilmember Feichter requested information on where the numbers are derived (regarding zoning densities). He added that a formula based on data would be helpful.

Councilmember Sutton reminded Council and Board that people may have made land purchases based on rights that they were counting on 25 years ago, so any changes need to be very thoughtful.

Planning Board Member Peggy Hannah reminded the Board and Council to take the current residents into consideration with every decision made. Councilmember Sutton said that Board and Councilmembers are residents of Waynesville too, so every decision is heartfelt and thoughtful to the residents. Ms. Bradley said neighborhood meetings are vital.

Councilmember Dickson asked if there is a way to encourage affordable housing through the zoning process? Mr. Petrosky said yes and Councilmember Feichter suggested charging an affordable housing fee to developers, then that fee attached to those permits could go into an affordable housing fund.

Councilmember Dickson said the Town used to encourage development, but now he feels that the Town doesn't need to do that anymore and should be more discerning. Ms. Teague said that zoning is one tool we have, as well as where the Town runs its utilities (Growth Boundary). Councilmember Feichter asked if there are policies in place to provide guidance in accepting annexations. Ms. Teague said not at this time, but as of now, all annexations have been properties that were in the ETJ. She said that if the property is in the Urban Services Boundary, they could be annexed if they apply to be. Town Manager Rob Hites said the Town does

not offer incentives for water or sewer unless it meets the Economic Incentive policy or Affordable Housing policy. He clarified that the Town does not subsidize anything.

Councilmember Feichter asked Mr. Petrosky if he knew how much developable land is in Waynesville, and Mr. Petrosky said the work group could work on finding out.

5. PUBLIC COMMENT

There was no public comment.

6. NEXT STEPS

Throughout the meeting, Ms. Teague recorded several areas the Planning Board would like to discuss:

1. Building Height
2. Downtown Parking
3. Analysis of density numbers used in zoning ordinance and where they came from. We can:
 - Compare with other Towns our size
 - Research when were they incorporated into the ordinance (2004, 2011) and reasons
4. Where and how can we “maneuver” within density guidelines?
 - lower base density but keep SUP max the same, pushing to a quasi-judicial proceeding?
 - Rezone or split off portions of NR and RL – where is existing density working? Where is it too much or too little?
 - create a conservation overlay district that keeps existing density but requires conservation design?
 - create a new zoning district appropriate to the RC and AC areas?
5. How do we keep affordable housing in the zoning process? Incentives? Requirements (Inclusionary zoning)? Housing trust fund?
6. Policy regarding extension of water and sewer infrastructure
7. Run analysis of available land and growth potential areas – update data from Comp Plan

7. OTHER BUSINESS

There was no other business.

8. ADJOURN

Mayor Gary Caldwell adjourned the meeting at 2:04pm.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
May 9, 2023

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, May 9, 2023, at 6:00 pm. in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:02 pm with the following members present:

Mayor Gary Caldwell
Councilmember Chuck Dickson
Councilmember Jon Feichter
Councilmember Anthony Sutton

The following Councilmembers were absent:

Mayor Pro Tempore Julia Freeman

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Candace Poolton, Town Clerk
Martha Bradley, Town Attorney
Police Chief, David Adams
Assistant Police Chief, Brandon Gilmore
Misty Hagood, Finance Director
Jeff Stines, Director of Public Services
Elizabeth Teague, Planning Director
Tom McGuire, Building Inspector
Beth Gilmore, Downtown Waynesville Commission

Members of the media:

Cory Vaillancourt, Smoky Mountain News
Becky Johnson, The Mountaineer

Others present:

David Carriker, Salvation Army
Alex McKay, Hazelwood Boosters

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone that there will be two public meetings through the Historic Preservation Commission to discuss the Preservation Plan for Frog Level and Main Street (May 11th) and Downtown Hazelwood (May 18th) and the next Town Council Meeting will be May 23rd at 6pm.

B. PUBLIC COMMENT

There was no public comment.

C. ADDITIONS OR DELETIONS TO THE AGENDA

Town Manager Rob Hites said he would like to add the Renovation Bids for Police Detention Room item to the end of New Business, before the Budget Presentation.

A motion was made by Councilmember Chuck Dickson, seconded by Councilmember Anthony Sutton, to add the Renovation Bids for Police Detention Room item to the agenda. The motion passed unanimously.

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.
 - a. Adoption of minutes of the April 25th, 2023 Regular meeting
 - b. Apple Festival Special Event Permit Application

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

E. PROCLAMATION

3. Proclamation for Salvation Army Week
 - Councilmember Jon Feichter

Councilmember Jon Feichter presented the Proclamation making the week of May 15th “Salvation Army Week” in recognition of their services to the community. Councilmember Feichter reflected on his own time volunteering for the Salvation Army and encouraged others to volunteer. He said the Salvation Army has been a vital organization for the Waynesville community for decades and provides a number of services for disadvantaged citizens.

David Carriker with the Salvation Army thanked the Town Council for celebrating and recognizing Salvation Army Week.

F. CALL FOR PUBLIC HEARING

4. Call for a Public Hearing for May 23, 2023 to consider Stormwater Ordinance text amendment, Section 12.5 of the Land Development Standards (LDS)
 - Elizabeth Teague, Development Director

Development Director Elizabeth Teague reported that Development Services Department contracts with WithersRavenel Engineering Firm for stormwater plan review and enforcement of the technical components of the ordinance related to water quality, quantity, design of stormwater control measures (SCMs), and final certification for the stormwater permit. She said that recently, per staff's request, the engineers visited several sites within the Town and provided their recommendations for the Stormwater Ordinance to address some deficiencies found on sites that the Town currently cannot enforce. Ms. Teague said these recommendations will improve safety measures as well as help the Town to comply with its National Pollutant Discharge Elimination System Permit (NPDES) issued by the North Carolina Department of Environmental Quality by maintaining legal authority through up-to-date ordinances.

Councilmember Anthony Sutton made a motion, seconded by Councilmember Chuck Dickson, to call for a Public Hearing on May 23, 2023 to consider Stormwater Ordinance text amendment, Section 12.5 of the Land Development Standards (LDS), as recommended by the Planning Board. The motion passed unanimously.

5. Call for a Public Hearing to consider a staff-initiated text amendment to Section 44-2 of the Municipal Code related to disposal and containment of construction and demolition material.

- Elizabeth Teague, Development Services Director
-

Development Director Elizabeth Teague reported that building inspections staff recommends changes to Section 44-2 of the Code to govern the proper storage and containment of materials on construction sites, and to prevent construction debris and litter from impacting adjacent properties. She said that building materials are defined as: "any material such as lumber, brick, plaster, sheetrock, concrete, carpet, asphalt, shingles, wire mesh, gutters, or other items accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures. This shall include, but not be limited to, building fixtures, cabinets, and shelving."

A motion was made by Councilmember Chuck Dickson, seconded by Councilmember Anthony Sutton, to call for a public hearing to be held on May 23rd to amend the municipal code, Section 44-2. The motion passed unanimously.

6. Call for a Public Hearing to be held on May 23, 2023, to consider a Map Amendment for the property located at 237 Ratcliff Cove Road (PIN 8626-00-9246).

- Elizabeth Teague, Development Services Director

Development Director Elizabeth Teague reported that the property the applicant is requesting to be re-zoned is a 28.69-acre parcel that is currently located in the Raccoon Creek Neighborhood Residential District (RC-NR). Ms. Teague said that Haywood County Schools wants to purchase the property to construct a multi-use building that would house operational facilities including vehicle maintenance and I.T. However, the current zoning district, RC-NR, does not permit government services. Therefore, Ms. Teague said the owner has submitted formal application for map amendment to rezone the subject property to Hazelwood Urban Residential Mixed-Use Overlay (H-UR MXO), which permits government services as a use by right. At its meeting on April 26, 2023, she said the Planning Board voted 5 to 3 to recommend to The Town Council that the property in question be rezoned from RC-NR to RC-NR MXO.

Councilmember Chuck Dickson asked if the Planning Board will only recommend the re-zoning to Town Council if the school system purchases the property? Ms. Teague said the Board put into place a caveat that stated that if the Council chooses to adopt the re-zoning map amendment, they approve it at a day certain. The Planning Board recommended 10 days after the due diligence period is over. If the school system does not purchase the property, Ms. Teague said the Planning Board recommended the zoning stays the same. Councilmember Chuck Dickson asked if there was a way to re-zone only part of the property? Ms. Teague said we can't force the property to sub-divide. Councilmember Anthony Sutton asked if the overlay was for everything, or if it could be limited to government services? Ms. Teague said there are other uses in the overlay district that may or may not be appropriate to that area. She added that the Planning Board's recommendation is to make it part of the regular overlay, however, in some other overlays that have come forward, they have narrowed the number of uses in a particular overlay depending on the character of that location. Councilmember Sutton asked staff to look into limiting the uses for that overlay. Councilmember Dickson said he'd feel more comfortable voting for the re-zoning if it was only on part of the property. Ms. Teague said the property is being sold in its entirety.

A motion was made by Councilmember Anthony Sutton, seconded by Councilmember Chuck Dickson, to call for a Public Hearing to be held on May 23, 2023, to consider a Map Amendment for the property located at 237 Ratcliff Cove Road (PIN 8626-00-9246). The motion passed unanimously.

G. OLD BUSINESS

7. Placement of Donated Art Sculpture

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that Mr. Blevins and the Public Art Commission would like guidance on where to place the donated Mountain Lion Sculpture. They would like the piece to go in front of the Municipal Building, or Town Hall. Mr. Fowler said that other pieces cannot be moved to far to make room for the new sculpture because locations of art pieces have been published in a book and on the website.

Councilmember Dickson asked for the Public Art Commission to discuss potentially moving the Folkmoot art piece. Mr. Fowler said they will discuss it at the May 11th meeting.

A motion was made by Councilmember Jon Feichter, seconded by Councilmember Anthony Sutton, to direct staff to begin installing the Mountain Lion art piece in front of Town Hall. The motion passed unanimously.

H. NEW BUSINESS

8. Lead and Copper Rule

- Jeff Stines, Public Services Director

Public Services Director Jeff Stines reported that in 1991, the EPA introduced the LCR (Lead and Copper Rule). He said there have been several revisions to this rule, including requiring the inventory of Town and customer

lines. Mr. Stines said he reached out to 120 Water to complete this service because the job is more than what Town staff could do. He added that once the Town gets into compliance by October 2024, Town staff could do upkeep in house.

A motion was made by Councilmember Chuck Dickson, seconded by Councilmember Jon Feichter to approve 120 Water to begin the Preliminary Inventory Development of EPA’s revised lead and copper rule for the Town of Waynesville in the amount of \$26,971.87. The motion passed unanimously.

9. Hazelwood Hot Summer Nights Car Show Special Event

- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that the Town received a special events application from the Hazelwood Boosters requesting that the Town Council permit them to host a car show fundraiser during the evenings of June 17, July 15, and August 12, from 6:00 pm to 9:00 pm. This event will require the closing of Hazelwood Avenue from Brown Avenue to Riverbend Street, as well as a portion of the Hazelwood parking lot.

Councilmember Anthony Sutton asked what kind of barricades will be used. Alex McKay, representing Hazelwood Boosters, said there will be both water filled and some not to allow for emergency vehicles to pass through. Mr. McKay said he chatted with business owners to make sure they have enough parking for their customers. He agreed to give ample warning to residents about road closures for the event.

A motion was made by Councilmember Chuck Dickson, seconded by Councilmember Anthony Sutton to approve the Hazelwood Hot Summer Nights Car Show Special Event Permit and all subsequent road closures and parking lot closures. The motion was passed unanimously.

10. Budget Amendment for TDA Grant

- Misty Hagood, Finance Director

Finance Director Misty Hagood reported that the Town of Waynesville was awarded a TDA grant in the amount of \$5,000 for a downtown Alleyway Mural. She asked for a budget amendment to account for the grant funds. The grant is for a downtown alleyway mural to be placed in the alley going from Main Street to Wall Street. Beth Gilmore with the Downtown Waynesville Commission said the money will be used for the design phase. She said the mural will most likely be a vinyl “wrap” and will show historical photos of Waynesville.

A motion was made by Councilmember Anthony Sutton, seconded by Councilmember Jon Feichter, to approve the budget amendment in the amount of \$5,000 for the TDA Grant. The motion passed unanimously.

11. Budget Amendment to increase the Electric Fund revenues and expenditures by \$750,000 and amend the Fee Schedule to increase electric rates by 6%.

- Misty Hagood, Finance Director

Finance Director Misty Hagood reported that the bills for wholesale power purchases from Santee Cooper included significant fuel adjustment charges that were not anticipated for several months during the winter.

She said that the fuel adjustments have stopped, and bills are back to normal. She advised Council that there needs to be a budget amendment to cover the cost of wholesale power purchases for the remainder of the fiscal year. She also requested that Town Council approve a 6% increase in electric rates to help increase revenue for May and June bills (recoup loss).

Councilmember Jon Feichter asked for clarification on the percentage increase. Ms. Hagood said there will be a 6% increase now, then 5% increase in the new fiscal year, which Councilmember Sutton said is still less than what Duke is proposing.

Councilmember Dickson suggested we have a base rate for electric, like the Town does for water and sewer. He suggested keeping the base rate the same and increase the rate when the usage amount goes over the base rate. Councilmember Sutton he doesn't want to wait to figure out what the base rate should be and how it ties to usage because the Town needs to recoup losses now. Mr. Hites reminded the Council that the only thing they have to legally adopt is the tax rate. He said that Council could adopt the 5% rate increase now, then see the impact that is made if after 500 kW usage, an increased amount is charged per kilowatt. He advised that we don't want to rush trying to figure this out, because we don't want to get it wrong and that rates can be adjusted anytime throughout the year.

Councilmember Dickson asked if staff could look at commercial rates as they compare to residential rates and suggested increasing commercial rates.

Councilmember Feichter supported what Councilmember Dickson is suggesting. He then asked if rates could be changed based on customers income. Mr. Hites said no, but a rate class based on consumption can be created. Mr. Hites said another thing that Council needs to be aware of is that half of Waynesville residents are customers of Waynesville, the other half are customers of Duke.

Ms. Hagood said that without a rate increase of 6%, the Town would be out \$105,000. She said that in the next budget cycle, the electric fund has some big projects, including the Russ Avenue widening project, and Allison Acres.

Mr. Hites recommended a Rates Stabilization Fund to help avoid drastic rate increases.

Councilmember Dickson recommended increasing the usage rate but not the base rate.

A motion was made by Councilmember Anthony Sutton, seconded by Councilmember Chuck Dickson to approve the budget amendment of \$750,000 for wholesale power purchases. The motion passed unanimously.

A motion was made by Councilmember Chuck Dickson, seconded by Councilmember Anthony Sutton, to amend the Fee Schedule to increase all electric usage rates in the amount necessary to raise \$102,000 over the next two months. No action was taken.

Councilmember Dickson amended the previous motion to state the following: To amend the Fee Schedule to increase all electric usage rates and base rates except for residential in the amount necessary to raise \$102,000 over the next two months. The motion was seconded by Councilmember Sutton. Mayor Gary

Caldwell, Councilmember Chuck Dickson, and Councilmember Anthony Sutton voted in the affirmative. Councilmember Jon Feichter voted against. The motion passed.

12. ARP Grant Project Ordinance Amendment and emergency purchase of SUV for Meter Readers
- Misty Hagood, Finance Director

Finance Director Misty Hagood reported that staff had planned to request a new SUV to replace a 2007 Dodge Durango out of the ARP funds in the new budget. There have been several issues with it over the past year, so replacement came as no surprise. Ms. Hagood said the Durango started make a terrible noise so the Meter Readers took it to the garage to be looked at. Garage staff said the motor could give out at any time, and the vehicle needed to be taken out of service. Ms. Hagood requested that Town Council allow the Finance Department to move forward with finding a small to mid-sized SUV now and use ARP funds to purchase the vehicle.

A motion was made by Councilmember Anthony Sutton, seconded by Councilmember Jon Feichter, to approve an amendment of \$40,000 to the ARP Grant Project Ordinance and an emergency purchase of a small to mid-sized SUV. The motion passed unanimously.

A motion was made by Councilmember Chuck Dickson, seconded by Councilmember Jon Feichter to direct staff to purchase an electric vehicle unless unavailable. The motion passed unanimously.

Councilmember Anthony Sutton said the problem with many electric vehicles is they do not have sufficient ground clearance which meter readers need.

Councilmember Chuck Dickson made a motion, seconded by Councilmember Jon Feichter, to direct the Town Manager to review all purchases of gas powered equipment, tools, mowers, or tractors before being purchased. The motion passed unanimously.

Town Manager Rob Hites said the issue with commercial equipment being electric is they are not as durable or long lasting, but he will investigate the possibilities.

13. Town Employee Reclassification and Salary Increases
- Jesse Fowler, Assistant Town Manager

Assistant Town Manager Jesse Fowler reported that at the last meeting, Town Council directed staff to go back and come up with ways to fund pay increases. Mr. Fowler said staff is suggesting an increase in the rate for trash pickup to \$12 a year. Mr. Fowler said that the budget now shows increased investment income, increase in the projected sales tax by 1%, and an increase in electric rates of 0.5%. If approved, raises would go into effect with the new fiscal year. Councilmember Jon Feichter pointed out that 22 staff are making less than \$15/hour, so this would bring them up to the living wage for Haywood County. Councilmember Dickson said he is in favor of reclassification but not increasing garbage rates. Councilmember Sutton said that in order to pay Town employees what they need, the Town has to increase revenue. Mr. Fowler said increasing garbage rates by \$11 a year was the least impactful way to customers to be able to give certain staff raises.

A motion was made by Councilmember Anthony Sutton, seconded by Councilmember Chuck Dickson to amend the Town of Waynesville's Pay and Classification table along with the associated salary increases contingent upon adoption of the proposed FY 2023/2024 budget. The motion passed unanimously.

14. Renovation Bids for Police Detention Room Renovation

- Rob Hites, Town Manager

Town Manager Rob Hites reported that Senator Kevin Corbin gave the Police Department a \$40,000 grant to renovate a room previously used as a detention facility to an office area for Police Patrol. Mr. Hites said the work included in the bid involves removing the old cell, non-load bearing walls and cabinets, and running electricity to the cubicles.

A motion was made by Councilmember Chuck Dickson, seconded by Councilmember Anthony Sutton, to approve the bid of \$46,889.75 for renovation of the detention room of the police department by PBI Inc. of Asheville. The motion passed unanimously.

15. 2023-24 Annual Budget Presentation

- Rob Hites, Town Manager

Town Manager Rob Hites read the Budget Message verbatim. Some of noteworthy parts of the budget message included:

- The FY 2023-24 proposed budget is influenced by significant increases in the cost of materials and supplies, a need to provide a cost-of-living increase to employees and a lack of significant revenue growth across all funds.
- It is estimated that the Town will only experience an increase of \$102,900 in ad valorem tax revenue over last year's estimate.
- In order to hire and retain employees, we recommend The Council approve a 2% Cost of Living Adjustment (COLA) in addition to the Town's "Career Development Program".
- Recommended a \$17,445,800 General Fund operating budget for FY 2023-24. This represents a 2% increase from the FY 2022-23 budget. A stormwater grant accounts for \$400,000 of the increase. We do not recommend that the Council appropriate funds from the General Fund Balance.
- The staff recommends no increase in the current ad valorem tax rate of \$.04392 per \$100 in value. The State requires that local governments budget the percentage of taxes collected in the previous year. Waynesville's collection rate was 97.12% in 2021-22. We project the Town will collect \$6,333,900 in current year property tax in 2023-24.
- The Town Council has requested the Board of County Commissioners to increase the Fire District Tax from \$.06 to \$.08 cents per \$100 valuation in order aid the Town in funding replacement apparatus and the new fire station. This would mark the first increase in the Fire District tax since 1979. We estimate that the tax will raise \$ \$168,750 in revenue.
- The current ad valorem tax on the Downtown Municipal Service District is \$.19 per \$100 of valuation. We estimate that the district will yield \$106,400 in 2023-24 for current and past year taxes.
- The staff recommends a budget of \$3,862,497. This represents a 4.43% decrease from FY 2022-23. The reduction in the overall budget is due to lower capital improvement requests.

- We recommend a \$1,263,530 budget to fund the operation of the Water Treatment Plant. This represents a 26% decrease from last year's budget. The decrease is due to a reduction in capital improvement projects as well as the elimination of the Division's contribution to the Asset Services Fund.
- The staff recommends a 10% increase in Sewer Rates beginning with the August billing cycle. The increase in rates is due to requirement of the State Revolving Loan program that a Town's rate structure be set to pay the interest and principal on the loan at the time of loan closing. We will close the State Revolving Loan in the Spring. In addition to the \$24,545,900 State Revolving Loan, the Town must obtain a \$5,000,000 loan from a private lender to fund the entire \$29,423,000 sewer plant renovation project. The increase will be applied to the "base rate" which includes 2,000 gallons of flow.
- We have not increased the Town's Capacity Use Fees since 2019 and do not recommend an increase for the 2023-24 fiscal year. In 2018-19 the Council capped the Town's "Capacity Use Fees" at \$100,000 for the combined Water and Sewer Fees. This was done to encourage investment in Waynesville after a decade of near zero growth. The Town is starting a \$29,450,000 waste treatment renovation that was not factored into the "Capacity Use Study" carried out in 2018. As we complete the project, it would be appropriate to carry out a new study and establish "Capacity Use Fees" that reflect the cost of that project.
- For FY 2023-24 we recommend an Electric Department budget of \$11,402,059. This represents a 13.7% increase in the operating budget. We recommend a 5% increase in electric rates across all rate classes. This increase will also be applied to the base charges. The increase is due to an increase in the base rate for electricity set by the Town's contract with Santee Cooper, "fuel adjustment charges" added to the Town's wholesale power bills, costs associated with moving the Town's electric infrastructure from the right of way of Russ Avenue and constructing the distribution system in Allison Acres.

Councilmember Chuck Dickson asked why the Town caps sewer use fees? Mr. Hites reminded Council that in 2018, there was almost no growth and development, so the Town wanted to incentivize and attract developers. Councilmember Dickson asked if the Town still needs to incentivize development? Councilmember Sutton and Councilmember Feichter agreed that the sewer cap needs to increase to \$150,000. Councilmember Feichter asked staff if there has been efforts to recover the \$200,000 in taxes that have not been able to be collected. Ms. Hagood said not at this point because they've been so busy with setting up payment plans, but they will be sending out letters to anyone who owes more than \$50. Councilmember Dickson requested that, with the water and sewer amounts, the Town only applies increases to the usage, not the base rate. He also asked staff to calculate how much the Town would have to increase the usage rate so base rates don't have to go up.

A motion was made by Councilmember Anthony Sutton, seconded by Councilmember Chuck Dickson, to receive proposed budget and set a public hearing on the proposed Budget for May 23, 2023. The motion passed unanimously.

I. COMMUNICATION FROM STAFF

16. Manager's Report

- Town Manager, Rob Hites

Nothing to report.

17. Town Attorney Report

- Town Attorney, Martha Bradley

Nothing to report.

J. COMMUNICATIONS FROM THE MAYOR AND BOARD

Mayor Gary Caldwell said the junked vehicles at the Hazelwood Fire Department are being used for training their firefighters, and the vehicles will be removed soon.

Councilmember Dickson requested a presentation from the ABC Board, the Waynesville Housing Authority, Councilmember Feichter for the TDA, and Councilmember Sutton for the MPO.

K. ADJOURN

A motion was made by Councilmember Anthony Sutton, seconded by Councilmember Chuck Dickson, to adjourn at 8:18pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk



Application for Special Events Permit

I. General Information

EVENT NAME: Waynesville Christmas Parade

EVENT DATE(S): Monday- December 4, 2023
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, Walnut Street to Haywood Street

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

SET-UP TIME (START/END): 4 to 6 p.m.

EVENT HOURS: 6 - 7 p.m.

DISMANTLE HOURS (START/END): 7 to 8 p.m.

ESTIMATED ATTENDANCE: 5,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Record of past 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: Town of Waynesville - The Downtown Waynesville Commission

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

APPLICANT NAME: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE: 828-550-8122 FAX#: _____ EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE #: 456-3517 CELL PHONE #: 550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event

The Waynesville Christmas parade is a nighttime parade, held the first Monday of December at 6 p.m. Parade entries are staged along residential streets near the north end of Main Street, including: Boundary, Hazel, Cherry and Maple Streets (typically facilitated by the Waynesville Kiwanis Club) between 4 and 6 p.m. The parade begins at 6 p.m. at the corner of North Main and Walnut Street and ends at South Main/Haywood 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. Close residential streets to all traffic except residents and floats for staging by 4 p.m: Boundary, Hazel, Cherry and Maple Streets.
2. Close Walnut Street at 5 p.m. Close N. Main at Howell Street (detour traffic via Wall St). Clear Main Street traffic by 5:45.
3. Police cars and volunteers, and orange barricades are used to block side street entrances/intersections including: Church, East, Depot, Pigeon and Academy Streets.

V. Event Details

YES NO

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

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

Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: 0 Number of Band(s): 0 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 **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?
[Town Staff will stake up to 7 small signs with event day and time along Main Street and Wall Street during the week leading up to the event](#)

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

VI. Additional Questions

How will **parking** be accommodated for this event? Public parking will be available on Wall, Miller and Montgomery Streets, and the justice center parking deck. Signs will be posted on Main Street early Monday to let residents and patrons know that the street will be closed for the parade.

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? Permanent receptacles along Main Street have proven sufficient. Town street/sanitation dept crews will change out liners prior to the event.

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:
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:



Application for Special Events Permit

I. General Information

EVENT NAME: Appalachian True Christmas

EVENT DATE(S): Saturday- December 9, 2023
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

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

SET-UP TIME (START/END): 4 to p.m.

EVENT HOURS: 6 to 9 p.m.

DISMANTLE HOURS (START/END): 9 to 10 p.m.

ESTIMATED ATTENDANCE: 8,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Record of past 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: The Downtown Waynesville Commission

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

APPLICANT NAME: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE: 828-550-8122 FAX#: _____ EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE #: 456-3517 CELL PHONE #: 828-550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event

Main Street closes to traffic and transforms into a nostalgic "hometown Christmas" scene with horse-drawn wagon rides, Santa and Mrs. Cluas mingling with children, live music and entertainment scattered about the sidewalk, strolling carolers and a live handbell choir. Main Street is lined with hundreds of luminaries and shops are encouraged to extend hours of operation for holiday shopping. This event traditionally happens in conjuncture with the live nativity event at First Baptist Church.

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. Close Main Street from Pigeon Street to Wells Way.
2. Closure at Depot and Montgomery Streets AND Church and Montgomery Streets.
3. Close Main Street at Miller Street. Close East Street at Wall Street.
Roads close at 4:30. Reopen by 10 p.m.

V. Event Details

YES **NO**

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

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

 Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Sidewalk Number of
Stages: music Band(s): 6 to 10 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: 1-3 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?
Town Staff will stake up to 7 small signs with event day and time along Main Street and Wall Street during the week leading up to the event

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

VI. Additional Questions

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

Public parking will be available on Wall, Miller and Montgomery Streets, surrounding residential streets and the justice center parking deck. Signs will be posted on Main Street early Saturday to let residents and patrons know that the town will close the street to vehicular traffic at 5 p.m.

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?

Town staff and DWAC volunteers will set out additional trash cans on Main Street in high traffic areas. Town street/sanitation dept crews will also change out liners in the permanent cans along Main Street and replace as needed. At the end of the event, garbage bags will be left on the sidewalk for the town crew to haul away.

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

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

Return to:
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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:



Application for Special Events Permit

I. General Information

EVENT NAME: The 40th Annual Church Street Art & Craft Show

EVENT DATE(S): October 14, 2023
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 (from Pigeon to Wells Way)

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

SET-UP TIME (START/END): Oct. 13 at 9 p.m. – Oct. 14 at 9:30 a.m.

EVENT HOURS: 10 a.m. to 5 p.m.

DISMANTLE HOURS (START/END): 5 to 7 p.m.

ESTIMATED ATTENDANCE: 10,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Past event data

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: The Downtown Waynesville Commission

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

APPLICANT NAME: Teresa Pennington TITLE: Show Director

ADDRESS: _____ CITY: Waynesville STATE: NC ZIP 28786

PHONE: _____ FAX#: _____ EMAIL: tpennart@gmail.com

ON-SITE CONTACT: Beth Gilmore TITLE: DWC Director

ADDRESS: PO Box 100 Waynesville, NC 28786

PHONE #: _____ CELL PHONE #: (828) 550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event

Craft and food vendors fill Main Street for a one-day market style vendor event featuring handmade art & craft items. Live bands and dance groups perform throughout the day on stages at each end of the 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 from Pigeon Street to Wells Way
- 2. Church at Montgomery Street, East at Wall Street, Depot at Montgomery Street, Miller Street
- 3. Truist Bank parking lot, Mountaineer alleyway entrances to Main Street

V. Event Details

YES NO

- Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes No Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)
- Does the event involve the **sale of food**? _____
If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____
- Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: 2-3 Number of Band(s): 2-5 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: 2 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). \$175 jury + booth fee
- Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? _____
- Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

How will **parking** be accommodated for this event? Public parking areas surrounding Main Street, Miller Street lot, Wall Street, and the public parking deck near the Justice Center

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? Cans will be monitored throughout the duration of the event and emptied as needed into dumpsters located nearby on Wall Street and Depot Street

Volunteers: Will you require Civilian Police Volunteers for your event? YES (for Saturday event set up traffic)

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

Return to:
Beth Gilmore, Downtown Waynesville Director
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:



Application for Special Events Permit

I. General Information

EVENT NAME: Mountain Street Dances (3)

EVENT DATE(S): June 30, July 14, August 4
 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: North Main Street (Historic Courthouse block- between Depot Street intersection and Wells Way)

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

SET-UP TIME (START/END): 4 to 6 pm

EVENT HOURS: 6 to 9 pm

DISMANTLE HOURS (START/END): 9 to 10 pm

ESTIMATED ATTENDANCE: 1,500 – 2,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Past 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: Downtown Waynesville Commission (DWC)

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

APPLICANT NAME: Beth Gilmore TITLE: DWC Executive Director

ADDRESS: 9 S. Main Street CITY: Waynesville STATE: NC ZIP: 28786

PHONE: 828-550-8122 FAX#: _____ EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: DWC Executive Director

ADDRESS: _____

PHONE #: _____ CELL PHONE #: 828-550-8122 EMAIL: _____

III. Brief Description of Event

Friday night Mountain Street Dances are an opportunity for the community to come together on Main Street to celebrate a piece of Appalachian culture and participate in an authentic square dance, officiated by caller Joe Sam Queen. One block of Main Street is closed from 4 to 10 p.m. from Depot Street to Wells Way. A stage is set up in front of the Mountaineer, facing the historic courthouse, where people gather on the lawn for live music, performances by clogging teams and square dancing in the street. Set up involves: a stage and stage skirt, 4 sets of bleachers and trash cans.

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. North Main Street is closed from Depot Street to Wells Way from 4 to 10 pm

2.

3.

V. Event Details

YES NO

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

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

Does the event involve the **sale of food**? _____

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

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

Number of Stages: 1 Number of Band(s): 1 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 **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? 1 unit near the Justice Center bldg.

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

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

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

Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s). _____

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

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

VI. Additional Questions

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

Most of Main Street will remain open for parking. Public parking will also be available on Wall, Miller and Montgomery Streets, in addition to the nearby justice center parking deck. Signs will be posted on Main Street in front of the Mountaineer and historic courthouse early Friday to let residents and patrons know that the town will close that part of the street to vehicular traffic at 4 p.m. for set up

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?

Town staff and DWC volunteers will set out trash cans on Main Street near the stage area prior to the event. At the end of the event, garbage bags will be left on the sidewalk for the town crew to haul away.

Volunteers: Will you require Civilian Police Volunteers for your event? NO

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

Return to:
Beth Gilmore, Downtown Waynesville Director &
Jesse Fowler, Assistant Town Manager
Town of Waynesville
9 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 456-3517
Fax No. : (828) 456-2000
Email Address: bethgilmore@waynesvillenc.gov
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: Treats on the Street (Halloween event)

EVENT DATE(S): Tuesday- October 31, 2023
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

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

SET-UP TIME (START/END): 3 p.m.

EVENT HOURS: 5 to 7 p.m.

DISMANTLE HOURS (START/END): 7 to 8 p.m.

ESTIMATED ATTENDANCE: 4,000

BASIS ON WHICH THIS ESTIMATE IS MADE: Record of past 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: The Downtown Waynesville Commission

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

APPLICANT NAME: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE: 828-550-8122 FAX#: _____ EMAIL: bethgilmore@waynesvillenc.gov

ON-SITE CONTACT: Beth Gilmore TITLE: Downtown Waynesville Executive Director

ADDRESS: 9 S. Main Street, PO Box 100 CITY: Waynesville STATE: NC ZIP 28786

PHONE #: 456-3517 CELL PHONE #: 550-8122 EMAIL: bethgilmore@waynesvillenc.gov

III. Brief Description of Event

Children in Halloween costumes fill Main Street on Halloween night for "Treats on the Street." From 5 to 7 p.m. participating merchants/businesses line the sidewalks of Main Street to distribute candy to trick-or-treaters. Participating churches and/or civic groups set up on each end of Main Street (in front of Town Hall and The Mountaineer/courthouse) with treats and Halloween-themed music. Typically, the event occurs on the same night that children are trick-or-treating in surrounding neighborhoods, and in conjunction with the Fall Carnival at First Baptist Church and First Methodist Church's "Trunk or Treat"

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. Close Main Street from Pigeon Street to Wells Way (boom trucks on each end).
2. Closure at Depot and Montgomery Streets AND Church and Montgomery Streets.
3. Police cars and volunteers, and orange barricades are used to block side street entrances/intersections.

V. Event Details

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the event involve the sale or use of alcoholic beverages ? If yes, has the ABC permit been obtained? Yes <input type="checkbox"/> No <input type="checkbox"/> Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the event involve the sale of food ? _____ If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will there be musical entertainment at your event? IF "YES" provide the following information: Number of Stages: <u>0</u> Number of Band(s): <u>0</u> Amplification? <u>yes</u>
		Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Do you plan to use an existing occupied building ? Address _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Do you plan to use an existing vacant building ? Address _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	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? <input type="checkbox"/> NO <input type="checkbox"/> YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the event involve the use of pyrotechnics ? Explain _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will you provide portable toilets for the general public attending your event? IF SO, how many and where will they be located? _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will you require electrical hookup for the event? Generators? _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will you require access to water for the event? Explain _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will admission fees be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will fees be charged to vendors to participate in this event? If "YES", please provide the amount(s). _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will signs and/or banners be displayed as part of the event? If "YES" have you applied for a sign permit? <i>Town Staff will stake up to 7 small signs with event day and time along Main Street and Wall Street during the week leading up to the event</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will inflatable parade balloons be used for the event? Provide details if necessary.

VI. Additional Questions

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

Public parking will be available on Wall, Miller and Montgomery Streets, in addition to the First Baptist Church parking lot and the justice center parking deck. Signs will be posted on Main Street early Monday to let residents and patrons know that the town will close the street to vehicular traffic at 3 p.m.

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?

Permanent receptacles along Main Street have proven sufficient. Town street/sanitation dept crews will change out liners prior to the event.

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

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

Return to:
Beth Gilmore, Downtown Waynesville Director
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.
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- * The Town has an ordinance prohibiting the use of tobacco and e-cigarettes in the business districts and all parks of the Town. The Applicant is to communicate this information to all vendors and participants. Permanent signs are in place in these districts and parks.
- * The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 23, 2023**

SUBJECT: Promotion ceremony for Sgt. Tamara VanderDay to the rank of Lieutenant.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: Leave Blank
Department: Police Department
Contact: David Adams, Chief of Police

Presenter: David Adams, Chief of Police

BRIEF SUMMARY:

The Waynesville Police Department recently conducted a promotional assessment process to select a new Lieutenant. Sgt. Tamara VanderDay was selected to receive this promotion as a result of the assessment. We are requesting a few minutes to officially promote Tamara VanderDay to the rank of Lieutenant with the Waynesville Police Department.

MOTION FOR CONSIDERATION:

N/A

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

N/A

Misty Hagood, Finance Director

Date: _____

ATTACHMENTS:

N/A

MANAGER'S COMMENTS AND RECOMMENDATIONS:

**TOWN OF WAYNESVILLE COUNCIL MEMBERS
REQUEST FOR COUNCIL ACTION
Meeting Date: May 23, 2023**

SUBJECT: National Public Works Week

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Public Services
Contact: Jeff Stines, Director of Public Services

Presenter: Mayor Gary Caldwell

BRIEF SUMMARY: May 21, 2023 – May 27, 2023, is National Public Works Week. These employees are the backbone of Waynesville. They do an outstanding job daily to serve the citizens of Waynesville

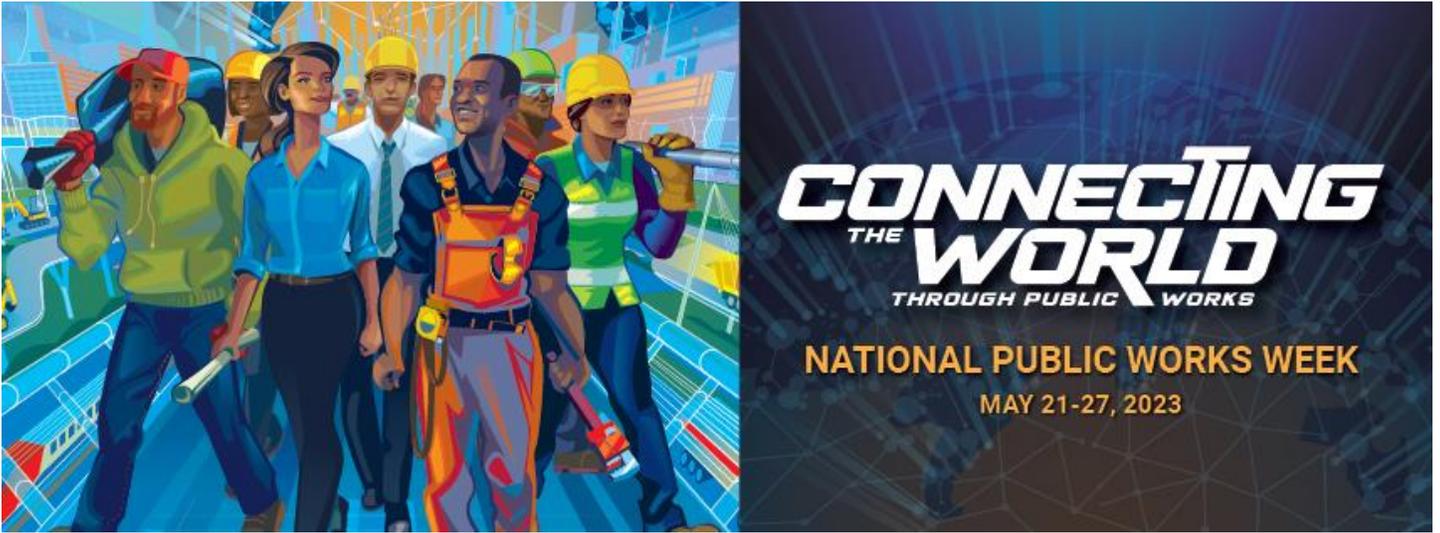
MOTION FOR CONSIDERATION: To proclaim May 21, 2023 – May 27, 2023, National Public Works week in Waynesville N.C.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

- National Public Works Week Proclamation

MANAGER'S COMMENTS AND RECOMMENDATIONS:



National Public Works Week Proclamation

May 21–27, 2023

“Connecting the World Through Public Works”

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of **Waynesville N.C.** and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS it is in the public interest for the citizens, civic leaders and children to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, I, Mayor Gary Cladwell, do hereby designate the week of May 21–27, 2023 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of **North Carolina**,

DONE at **Waynesville N.C.** this 23rd day of May 2023.

[INSERT NAME]

[INSERT OFFICIAL SEAL]

TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: May 23, 2023

SUBJECT: Public Hearing to consider a request for Annexation for two (2) parcels along Howell Mill Road, PINs 8616-94-1485 (2.87 acres) and 8616-94-1047 (7.54 acres).

AGENDA INFORMATION:

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

SUMMARY: The Town received the attached “Petition for Annexation for a Non-Contiguous ‘Satellite’ Areas” from Herman E. Ratchford Jr., President of Southwood Realty Company that owns the properties. The annexation request is for two unaddressed parcels along Howell Mill Road. The properties are the future site of a proposed apartment complex. The Planning Board granted the Special Use Permit for a 150-unit apartment complex for these properties on November 15, 2021. The properties are within the Town’s extra-territorial jurisdiction, and they are zoned Racoon Creek Neighborhood Residential (RC-NR).

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

1. *The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city:* the properties are approximately .35 miles from the primary corporate limits (per Haywood County GIS).
2. *No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section:* the closest town to these parcels is Waynesville.
3. *The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits:* the utilities availability letter from the Public Services Director is attached, and the applicants have paid their sewer allocation fees on 10/14/2022.
4. *If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.-* the proposed parcels are not a subdivision.
5. *The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city:* the area to be added is 10.41 acres (both parcels combined),

and it does not exceed 10% of the area within the primary corporate limits, and it is roughly 0.18% of the current corporate area (Waynesville Zoning Map, GIS Analysis).

MOTIONS FOR CONSIDERATION:

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

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

ATTACHMENTS:

1. Petition, map, metes and bounds
2. Proximity to municipal boundaries and zoning maps
3. Signed Resolution to consider the Ordinance
4. Annexation Ordinance
5. Payment confirmation
6. Property postings, newspaper notice
7. Utilities availability letter

MANAGER'S COMMENTS AND RECOMMENDATIONS:

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

The undersigned Owner or Party with a contract or option to purchase that real property located at 1426 Howell Mill Road in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Jeff Ledford

Title and Company: Southwood Realty Company

Address: 165 S. York Street, Gastonia NC 28054

Phone and email: (704) 869-6024 jeff.ledford@southwoodrealty.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 16th day of May, 2023.

Owner or Party with Contractual Interest in Property:



Herman E. Ratchford, Jr. President
Southwood Realty Company

Address and phone number:

165 S. York Street

Gastonia, NC 28054

(704) 869-6024

Exhibit A

Parcel One: Tax Pin Number: 8616-94-1485: Beginning at a point located in the pavement of Howell Mill Road (NCSR 1184), said Beginning point standing North 80° 10'23" East 214.61 feet from N.C.G.S. Monument "Suburban", with grid coordinates of N=664,694.21 and E=818,805.12, and from said Beginning point thus established runs thence with Howell Mill Road North 78° 33' 47" East 14.50 feet; thence South 11 ° 53' 12" East 14.58 feet to an aluminum right of way marker; thence South 11° 53' 12" East 10.02 feet to an aluminum right of way marker; thence South 75° 07' 28" East 140.22 feet to an aluminum right of way marker; thence South 80° 53' 45" East 132.17 feet to an aluminum right of way marker; thence North 82° 43' 26" East 149.89 feet to an aluminum right of way marker; thence South 50° 55' 50" East 42.68 feet to an iron pin; thence on a curve with a radius of 1,361.55 feet, an arc length of 216.09 feet (chord bearing South 15° 19' 59" East 215.87 feet) to an iron pin; thence South 19° 52' 41" East 66.99 feet to an iron pin; thence South 76° 22' 40" West 616.66 feet to an iron pin; thence North 05° 56' 46" East 505.16 feet to the point and place of BEGINNING. Said tract of land, consisting of 4.564 acres, more or less, as shown on a survey for Haywood Advancement Foundation, Inc., prepared by L. Kevin Ensley, PLS, dated June 6, 2001 and last revised October 29, 2001, Drawing A-073-01. Being all of that property conveyed in Deed Book 751 at Page 1460, Haywood County Registry.

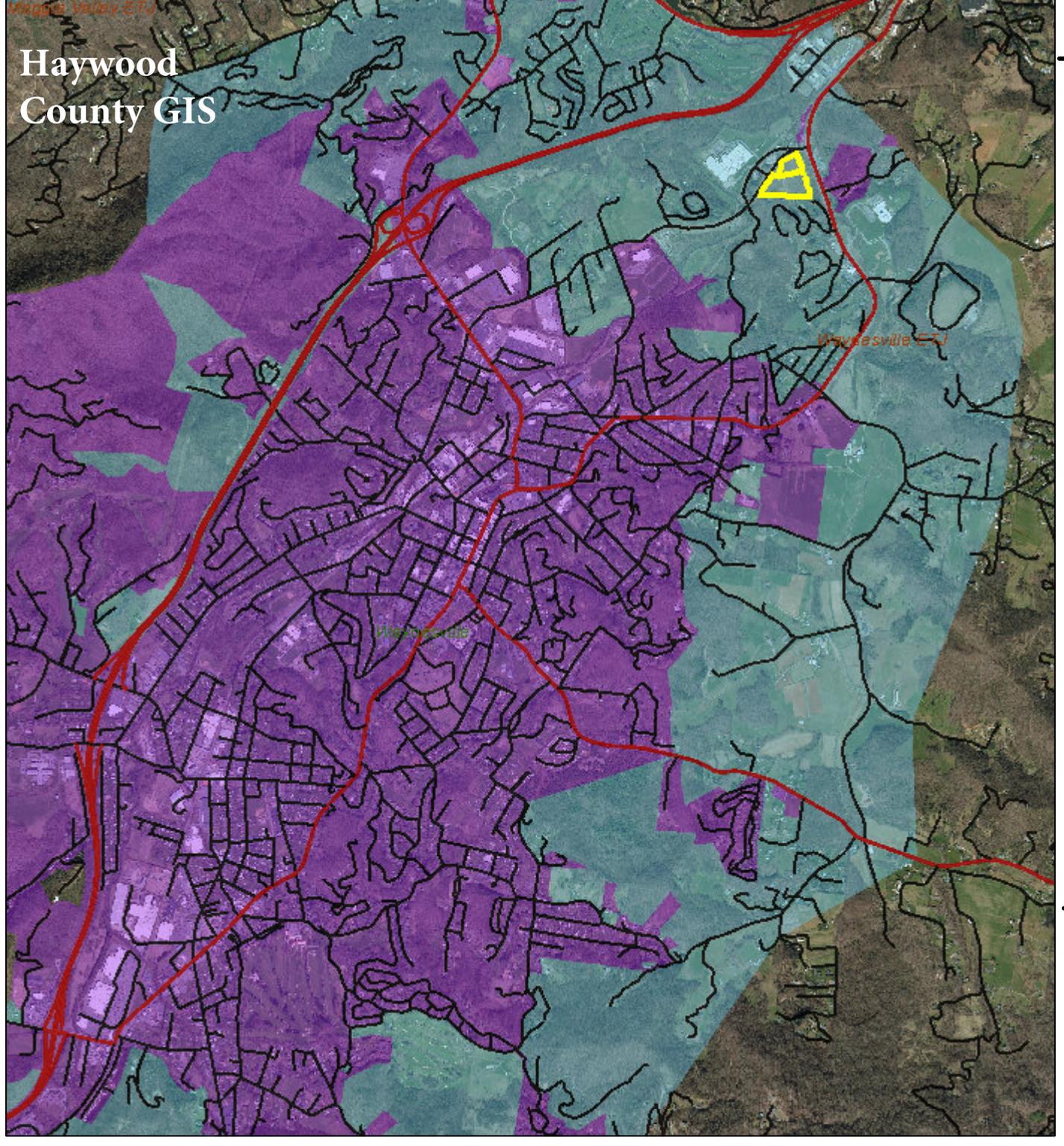
Parcel Two: Tax Pin Number:-8616-94-1047: Being that 9.677 acre tract or parcel of land particularly described upon plat of survey entitled "Haywood Advancement Foundation, Inc." by Clifford G Sechser, PLS, Sechser Surveying & Mapping, dated August 29, 2005 of record in Plat Cabinet C, Slot 4152, Haywood County Registry. Subject to that permanent drainage easement affecting 1.710 acres as described upon the above referenced recorded plat. Being all of that property conveyed in Deed Book 659 at Page 237, Haywood County Registry.

There is Less and Excepted from the above-described Property are the conveyances to the North Carolina Department of Transportation recorded in Book 808 at Page 1977 and in Book 845 at Page 827 and in Book 847 at Page 910 of the Haywood County Registry.



Maggie Valley, EV

Haywood County GIS



Waynesville

Waynesville, EV

Haywood County GIS

Delwood Residential Medium Density Residential

Howell Mill Residential Medium Density Residential

Commercial Industrial Commerical

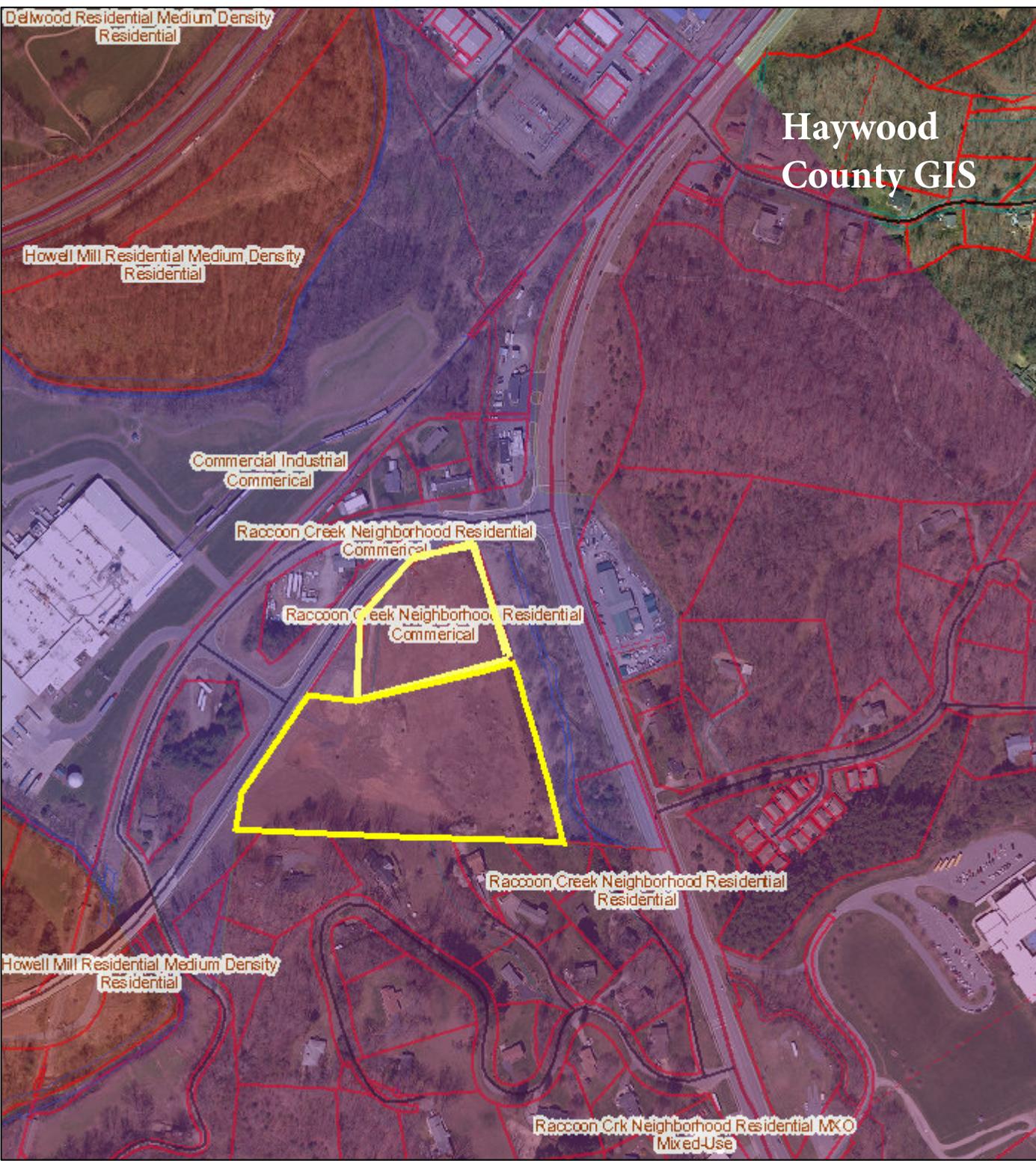
Raccoon Creek Neighborhood Residential Commerical

Raccoon Creek Neighborhood Residential Commerical

Raccoon Creek Neighborhood Residential Residential

Howell Mill Residential Medium Density Residential

Raccoon Crk Neighborhood Residential MXO Mixed-Use



PETITION FOR ANNEXATION OF
NON-CONTIGUOUS "SATELLITE" AREAS

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

April 17, 2023
Date

TO: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 3 below be annexed to the Town of Waynesville.
2. Standards which the satellite area must meet:
 - a. The nearest point on the satellite area must not be more than three (3) miles from the primary limits of the annexing city.
 - b. No point on the satellite area may be closer to the primary limits of another municipality than to the annexing city.
 - c. Note: When there is any substantial question as to whether the area is closer to another city, the tax map submitted with the petition shall show the satellite area also in relation to the primary corporate limits of the other city.
 - d. The area proposed for annexation must be situated that services provided the satellite area can be equivalent to the services provided within the primary limits.
 - e. If the area proposed for annexation, or any portion thereof, is a subdivision, as defined in G.S. 160A-376, all of the subdivision must be included.
 - f. The area within the proposed satellite limits plus the area within all other satellite corporate limits may not exceed ten percent (10%) of the total land area within the primary corporate limits of the annexing city.
3. The area to be annexed is non-contiguous to the Town of Waynesville and the boundaries of such territory are as follows:
 - a. A survey by Ed Holmes & Associates showing metes and bounds is attached.
4. A tax map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Waynesville. If there is substantial question as to whether the area may be closer to another city than to the annexing city, the map should show the relation to the primary corporate limits of the other town.

OWNER Southwood Realty Company

BY Herman E. Ratchford, Jr., President

ADDRESS 1426 Howell Mill Road

SIGNATURE X 

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

The undersigned Owner or Party with a contract or option to purchase that real property located at 1426 Howell Mill Road in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: G. Thomas Jones III, PE

Title and Company: WGLA Engineering, PLLC Project Manager

Address: 1627 5th Avenue West, Hendersonville NC 28739

Phone and email: (828) 687-7177 x303 tjones@wgla.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 17th day of April, 2023.

Owner or Party with Contractual Interest in Property:



Herman E. Ratchford, Jr. President
Southwood Realty Company

Address and phone number:

165 S. York Street

Gastonia, NC 28054

(704) 869-6024

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

The undersigned Owner or Party with a contract or option to purchase that real property located at 1426 Howell Mill Road in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: William E. Ratchford

Title and Company: Southwood Realty Company

Address: 165 S. York Street, Gastonia NC 28054

Phone and email: (704) 869-6024 william.ratchford@southwoodrealty.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 17th day of April, 2023.

Owner or Party with Contractual Interest in Property:



Herman E. Ratchford, Jr. President
Southwood Realty Company

Address and phone number:

165 S. York Street

Gastonia, NC 28054

(704) 869-6024

NOTES

- * TOTAL AREA SURVEYED = 10.53± ACRES.
- * THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE.
- * THIS PROPERTY MAY BE SUBJECT TO OTHER RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS AND RESTRICTIONS, WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED, NOT SHOWN HEREON.
- * THE CERTIFICATION SHOWN HEREON IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.
- * SUBJECT PROPERTY IS ZONED RACCOON CREEK - NEIGHBORHOOD RESIDENTIAL. FRONT SETBACK: 10', SIDE SETBACK: 5', REAR SETBACK: 5'.
- * FOR FURTHER ZONING INFORMATION, CONTACT TOWN OF WAYNESVILLE PLANNING DEPARTMENT.
- * PORTIONS OF THIS PROPERTY LIE IN ZONE AE (AREAS DETERMINED TO BE INSIDE THE 1% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP #1700881000, EFFECTIVE DATE JULY 3RD, 2012. FLOOD LINES SHOWN HEREON WERE TAKEN FROM THE NORTH CAROLINA FLOOD RISK INFORMATION SYSTEM.
- * THE LOCATION OF RACCOON CREEK SHOWN HEREON WAS PROVIDED FROM THE NORTH CAROLINA FLOOD RISK INFORMATION SYSTEM WEBSITE UNLESS OTHERWISE NOTED.
- * GAS LINES ALONG ASHEVILLE ROAD ARE SHOWN BASED ON PROVIDED EXHIBITS FROM DOMINION ENERGY AND SHOULD BE CONSIDERED APPROXIMATE.
- * THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON ABOVE-GROUND EVIDENCE AND SHOULD BE CONSIDERED APPROXIMATE.
- * PORTIONS OF ASHEVILLE ROAD SHOWN HEREON ARE BASED ON THE HAYWOOD COUNTY GEOGRAPHIC INFORMATION SYSTEM AND SHOULD BE CONSIDERED APPROXIMATE.
- * ALL BOUNDARY MONUMENTS ARE FLUSH WITH ADJACENT GRADE UNLESS OTHERWISE NOTED.
- * ALL BEARINGS ARE ORIENTED TO N C. GRID NAD 83 (2011) AND ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. ELEVATIONS ARE BASED ON NAVD88.
- * THE WATER LINE LOCATION SHOWN HEREON WAS SCALED FROM A PROVIDED EXHIBIT FROM THE TOWN OF WAYNESVILLE AND SHOULD BE CONSIDERED APPROXIMATE.

LEGEND

- CORNER FOUND (AS DESCRIBED)
- ⊙----- 5/8" REBAR SET WITH EHA CAP
- CALCULATED POINT
- CREEK
- FLOOD HAZARD LINE (FLOODWAY)
- FLOOD HAZARD LINE (ZONE AE)
- PROPERTY LINE (SURVEYED)
- PROPERTY LINE (NOT SURVEYED)
- RIGHT-OF-WAY
- STORM LINE
- FENCE (AS DESCRIBED)
- GAS ----- UNDERGROUND GAS LINE (APPROXIMATE)
- SS ----- SANITARY SEWER LINE (APPROXIMATE)
- OU ----- OVERHEAD UTILITY LINE
- AG ----- ABOVE ADJACENT GRADE
- BG ----- BELOW ADJACENT GRADE
- CI ----- CURB INLET
- DB ----- DEED BOOK
- DI ----- DROP INLET
- FOV ----- FIBER OPTIC VAULT
- GA ----- GUY ANCHOR
- OIP ----- OPEN TOP PIPE
- PI ----- PARCEL IDENTIFICATION NUMBER
- P ----- PACE
- U ----- UTILITY POLE
- AL ----- ALUMINUM RIGHT-OF-WAY MONUMENT
- RBC ----- REBAR WITH CAP
- RBF ----- REBAR FOUND
- RC ----- REINFORCED CONCRETE PIPE
- SM ----- SANITARY SEWER MANHOLE
- S ----- SIGN
- TDP ----- TRUNCATED DOME PLATE
- TSB ----- TRAFFIC SIGNAL BOX
- TYP ----- TYPICAL

I, Robert J. Earley, certify that this plat was drawn under my supervision from an actual survey made under my supervision (using deed descriptions recorded in deed books and pages as noted); that the boundaries not surveyed are clearly indicated as drawn from information found in deed books and pages as noted; that the ratio of precision or positional accuracy as calculated is 1:10,000; and that this map meets the requirements of the Standard of Practice for Land Surveying in North Carolina (21 NCAC 56.1600), that this ground survey was performed at the 95% confidence level to meet Federal Geographic Data Committee Standards; that this survey was performed to meet the requirements for a topographic/planimetric survey to the accuracy of Class AA and vertical accuracy when applicable to the Class A standard; and that the original data was obtained on January 24th, 2022 and November 15th, 2022; and that all coordinates are based on NAD 83 (2011) and all elevations are based on NAVD 88.

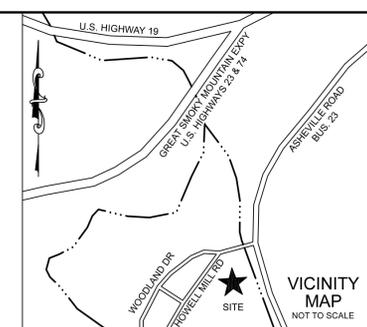
Furthermore, State Plane Coordinates for this survey were obtained by Global Navigation Satellite System (GNSS) Survey, and the following information was used to perform the GNSS survey:

Horizontal positional accuracy: 0.01m
 Vertical positional accuracy: 0.02m
 Type of GNSS field procedure: static (post-processed using Topcon Tools Software and verified using OPUS-RS)
 Date of GNSS Survey: May 19th, 2021
 Datum: horizontal = NAD83 (2011), Vertical = NAVD88
 Geoid model: GEOID 16
 Combined scale factor: 0.99976125
 Units: U.S. Survey Feet

Witness my original signature, license number, and seal

this date: 01/05/2023

Robert J. Earley
 Robert J. Earley, PLS
 N.C. Professional Land Surveyor L-5435



BOUNDARY SURVEY OF:
1426 Howell Mill Road
 OWNER: SOUTHWOOD REALTY CO.
 PIN: 8616-94-1485 & 8616-94-1047
 D.B. 1048, P. 553 & CAB C, P. 4152
 TOWN OF WAYNESVILLE
 HAYWOOD COUNTY, NORTH CAROLINA
 SCALE: 1" = 50' 06/01/2022

ROBERT J. EARLEY, PLS
 JOB# 22138
 DRAWN BY: J. EARLEY CHECKED BY: R. BROWN
 COMPANY LICENSEURE # C-2806
Ed HOLMES & ASSOCIATES
 LAND SURVEYORS P.A.
 200 RIDGEFIELD CT., STE. 208, 28806
 P.O. BOX 17335, ASHEVILLE, NC 28816
 PHONE: (828) 225-5562



REVISIONS	DATE	NOTE
06/18/2022	ADD SANITARY SEWER INFORMATION AND REMOVE ERRONEOUS RIGHT-OF-WAY LOCATION	
01/04/2023	ADD LIMITED TOPOGRAPHIC AREA	

D22-044

RESOLUTION R-08-2023 TO CONSIDER

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

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

WHEREAS, the governing board of any municipality may annex by ordinance an area non-contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all real property located within the area; and

WHEREAS, the clerk of the Town of Waynesville certifies the sufficiency of the petition in accordance with G.S. 160A-58, to wit:

- a. The petition follows the form required by statute in which the owner of real property has requested the area described for voluntary annexation; and
- b. That the petitioning owner of record owns 100 percent of the property in question; and
- c. The property is non-contiguous to the Town's municipal boundary, but it abuts several other non-contiguous annexed areas;

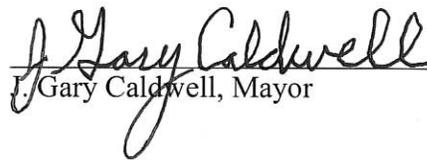
WHEREAS, the Board of Aldermen must fix a date for a public hearing, and cause notice of the public hearing to be published in a newspaper at least 10 days prior to the hearing;

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

1. To fix the date for the public hearing on May 23, 2023, during the regularly scheduled meeting of the Board of Aldermen, at 6:00pm or close to that time within the agenda of the meeting, in the Town Board Room at 9 South Main Street, Waynesville, NC 28786; and
2. To direct the Town Clerk to notice the public hearing in the Mountaineer at least 10 days prior to the meeting; and
3. To post the property in at least three locations providing additional notice to the public.

Adopted this 25 day of April, 2022.

TOWN OF WAYNESVILLE



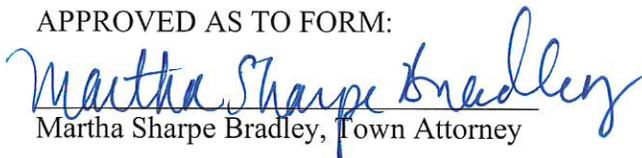
Gary Caldwell, Mayor

ATTEST:



Candace Poolton, Town Clerk

APPROVED AS TO FORM:



Martha Sharpe Bradley, Town Attorney

ORDINANCE NO. O-24-23

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

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

WHEREAS, the governing board of any municipality may annex by ordinance any area not contiguous to its primary corporate limits upon presentation to the governing board of a petition signed by the owners of all real property located within the area; and

WHEREAS, the Town Council finds the sufficiency of the petition in accordance with NCGS, Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas. 160A-58.1-Petition for Annexation; standards, to wit:

- a. The petition follows the form required by the statute in which the owner of real property has requested the area described for voluntary annexation; and
- b. That the petitioning owner of record owns 100 percent of the property in question; and
- c. The property is not contiguous to the Town's municipal boundary; and
- d. The nearest point on the proposed satellite corporate limits is not not more than three miles from the primary corporate limits of Waynesville; and
- e. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city; and
- f. The area is so situated that Waynesville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits; and
- g. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of Waynesville; and
- h. The Town Clerk has conducted an investigation in compliance with G.S. 160A-58.1, and has certified the sufficiency of the petition; and

WHEREAS, a public hearing on the question of annexation was held at Town Hall at 6:00 pm, on the 23rd day of May, 2023, and

WHEREAS, the Town Council does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the Town and of the area proposed for annexation will best be served by annexing the area described as PIN # 8616-94-1485 and PIN # 8616-94-1047; and

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

Section 1. By virtue of the authority granted by North Carolina General Statutes, the following described non-contiguous territory is hereby annexed and made part of the Town of Waynesville as of the Twenty-Third day of May, 2023. Metes and bounds description is in Exhibit A attached hereto and incorporated by reference.

Section 2. Upon and after the Twenty-Third day of May, 2023, the above described territory, and its citizens, and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Waynesville and shall be entitled to the same privileges and benefits as other parts of the Town of Waynesville. Said territory shall be subject to municipal taxes according to G.S. 160A.

Section 3. The Mayor of the Town of Waynesville shall cause to be recorded in the office of the Register of Deeds of Haywood County and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Haywood County Board of Elections as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Waynesville.

Adopted this the 23rd day of May, 2023.

TOWN OF WAYNESVILLE

ATTEST:

J. Gary Caldwell, Mayor

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Sharpe Bradley, Town Attorney

TOWN OF WAYNESVILLE
280 GEORGIA AVENUE
WAYNESVILLE NC 28786

MISC RECEIPT 2901852
REFERENCE Annexation
DATE/TIME 04/18/23 14:00
CLERK 2044ecou
CUSTOMER Southwood Realty Compa
EFF. DATE 04/18/2023
DEPT

01

TOTAL: 200.00
200.00

PMT TYPE	QTY	REF	AMOUNT
CHECK	1	57246	200.00

Properties Posted on May 2, 2023

THE TOWN COUNCIL
WILL HOLD
A PUBLIC HEARING
ON MAY 23, 2023 AT 6:00 PM
IN THE TOWN HALL BOARD ROOM
AT 9 SOUTH MAIN ST.
TO CONSIDER AN ANNEXATION PETITION

CONTACT
DEVELOPMENT
SERVICES
828-456-8647



Scan me for Details

Properties Posted on May 2, 2023



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TO CONSIDER AN ANNEXATION PETITION
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DEVELOPMENT
SERVICES
828-456-8647





TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: May 3 and May 10 Wednesday Editions

Date: April 26, 2023

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing Town of Waynesville Council

The Town of Waynesville Council will hold a public hearing on Tuesday, May 23, 2023 at 6:00 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose of the Public Hearing is to consider a request for Annexation for two (2) properties along Howell Mill Road, PINs 8616-94-1485 (2.87 acres) and 8616-94-1047 (7.54 acres).

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



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

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

April 17, 2023

Re: PIN# 8616-94-1485
PIN# 8616-94-1047

To whom it may concern,
In relation to the referenced PIN(s), the Town of Waynesville can provide water and sewer service to these parcels as provided to the citizens of Waynesville. Electric service will be provided by Duke Energy. Sanitation/Dumpster services will be provided by a contractor of the developers choice.

Sincerely,
Jeff Stines
Director of Public Services

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: May 23, 2023**

SUBJECT: Public Hearing to consider Stormwater Ordinance text amendment, Section 12.5 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:

The Development Services Department contracts with WithersRavenel Engineering Firm for stormwater plan review and enforcement of the technical components of the ordinance related to water quality, quantity, design of stormwater control measures (SCMs), and final certification for the stormwater permit. The engineers recommended several text amendments to ensure proper design and safety of large SCMs, such as ponds with steep slopes and high banks.

These additions will help the Town to comply with its National Pollutant Discharge Elimination System Permit (NPDES) issued by the North Carolina Department of Environmental Quality on August 19, 2021 by maintaining legal authority through up-to-date ordinances.

MOTIONS FOR CONSIDERATION:

1. Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.
2. Motion to adopt the Ordinance as presented (or as amended).

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

1. Proposed text amendment
2. Consistency Statement Worksheet
3. Report from the Planning Board
4. Staff Report
5. Images from sites
6. Newspaper notice

MANAGER'S COMMENTS AND RECOMMENDATIONS:

ORDINANCE NO. O-21-23

**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 must comply with its National Pollutant Discharge Elimination System Permit issued by the North Carolina Department of Environmental Quality on August 19, 2021 and maintain legal authority to enforce the stormwater program through up-to-date ordinances.

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Stormwater Ordinance 12.5 of 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 “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 Town Council; and

WHEREAS, the Town Council 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 26, 2023** at the special called meeting of the Waynesville Planning Board, and on **May 23, 2023** at the regularly scheduled meeting of the Waynesville Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE WAYNESVILLE TOWN COUNCIL, MEETING IN REGULAR SESSION ON MAY 23, 2023 AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

Section 12.5- Stormwater Management of the Land Development Standards (LDS) be amended as follows:

1. Amend section 12.5.3 Exemption as follows:

- (...)
- Redevelopment that results in no net increase in built-upon area and/or provides equal or greater stormwater control than the previous development is exempt from the provisions of this ordinance.

2. Amend the section 12.5.7.A- General Requirements as follows:

7. (...)

8. No stormwater structure, or part thereof, shall project into the property setbacks as established for each zoning district in section 2.4- Dimensional Standards. If there is no setback or setback is less than 10 ft, then use a minimum distance of 10 feet from the perimeter lot line to a stormwater structure or any part thereof.

9. **Fencing:** All sections of stormwater structures shall be surrounded with a permanent, continuous fence or vegetation barrier at the top of the embankment with no opening wider than two (2) inches if a stormwater structure contains:

- a proposed retaining wall higher than 4 feet, and/or
- a 3:1 slope, and/or
- a slope height from the toe of the SCM to the crest is greater than 5 feet.

Any stormwater structure with a continuous fence around the entire perimeter shall provide ingress and egress for SCM/pond maintenance but restricted by lockable gates of adequate size to allow for the easy passage of necessary maintenance equipment. **Fences shall be shown on all as-built plans.**

10. **Signage:** Any SCM that is designed as a pond must have warning signs posted for public visibility and at any major approach to the pond, identifying the area as a stormwater management site to raise public awareness of potential hazards of the site (i.e. no swimming, boating, skating, unsafe to enter, etc.).

11. **Conversion to Stormwater Management Structure:** After permanent stabilization of all disturbed contributory drainage areas and flushing of the storm drains, temporary sediment basins, if initially built and certified to meet permanent standards, may be converted to permanent stormwater management structures. To convert the basin from temporary to permanent use, the outlet structure must be modified in accordance with approved stormwater management design plans and inspected for watertight connections. Sediment and other debris should be removed to a contained spoil area. Regrading of the basin may be necessary to achieve the final design grades and to provide an adequate topsoil layer to promote final stabilization. **Final elevations and a complete description of any modifications to the riser structure's geometry should be shown on the approved plans.**

ADOPTED this _____ Day of _____, 2023.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Waynesville Town Council
 From: Olga Grooman, Land Use Administrator
 Date: May 23, 2023
 Subject: Text Amendment Statement of Consistency
 Description: Stormwater Text Amendment, Section 12.5 of the Land Development Standards
 Address: Town of Waynesville Planning Department (“Development Services Department”)

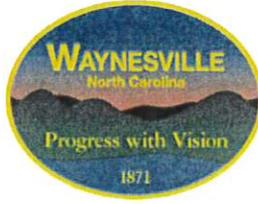
The Town Council hereby finds that:

The zoning text amendment **is approved and consistent with the Town’s Comprehensive Land Use Plan** because: _____

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

The zoning amendment **is rejected because it is inconsistent with the Town’s Comprehensive Land Plan and is not reasonable and in the public interest** because: _____

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town’s Comprehensive Land Use Plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____



To: Waynesville Town Council
From: Olga Grooman, Land Use Administrator
Date: May 23, 2023
Subject: Planning Board Report and Statement of Consistency
Description: Stormwater Ordinance text amendment related to safety and design of the stormwater structures, Section 12. 5 of the Land Development Standards (LDS)
Applicant Address: Development Services Initiated Text Amendment

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

1. A motion was made by Board member Jan Grossman and seconded by Board Chair Susan Teas Smith that the zoning text amendment **is approved as it is in conformity with the Town's Comprehensive Land Use Plan and is reasonable and in the public interest** because it is consistent with:

Goal 1: 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.

Goal 3: Protect and enhance Waynesville's natural resources.

- Protect rural lands, iconic views, and mountain vistas.
- Protect and enhance water quality and forests.

The motion was carried unanimously.

2. Additionally, the Planning Board **recommends that the Town Council adopt the text amendment** related to the design of stormwater structures. Planning Board member Jan Grossman made a motion, seconded by Board Chair Susan Teas Smith, to recommend the text amendment to the Town Council as presented.

The motion passed unanimously.


Susan Teas Smith, Planning Board Chair Date 5/5/23


Candace Poolton, Town Clerk Date 5/5/2023

Waynesville Town Council Staff Report

Subject: Stormwater text amendment related to the design of stormwater structures (SCMs)
Ordinance Section: Section 12.5 of the Land Development Standards (LDS)
Applicant: Planning Board initiated text amendment; Development Services Department
Meeting Date: May 23, 2023

Background

As a part of stormwater contract and per staff's request, WithersRavenel engineers visited several sites within the Town and provided their recommendations for the Stormwater Ordinance to address some deficiencies found on sites that the Town currently cannot enforce. The recommendations include updated design for rise structures to ensure long-term functionality, safety measures along SCMs with tall embankments and steep slopes, non-encroachment of the stormwater devices into the abutting properties, and ensuring proper design of the SCMs at the end of construction. Although the Town cannot enforce these provisions to the already approved projects, we will be able to apply them to all new developments in the future to ensure better stormwater control and public safety on developed land.

Staff Recommended Text Changes and Consistency with the 2035 Comprehensive Plan:

Staff submits that the proposed text amendments to the LDS are consistent with the goals # 1 and 3 of the 2035 Comprehensive Plan:

Goal 1: 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.

Goal 3: Protect and enhance Waynesville's natural resources.

- Protect rural lands, iconic views, and mountain vistas.
- Protect and enhance water quality and forests.

The proposed changes to the LDS include:

- Non-encroachment of any part of a stormwater structure into the district setbacks
- Fencing for stormwater structures with tall or steep embankments
- Signage around ponds
- Conversion from a sediment control structure to a permanent stormwater management structure requires final elevations, description, and certification of any modifications referenced on the final plat prior to its approval

The proposed changes are shown **in red**.

Attachments

1. Proposed text amendment
2. Planning Board Report
3. Staff Report
4. Consistency Statement Worksheet
5. Images from sites
6. Newspaper notice

Recommended Motions

1. Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.
2. Motion to adopt the Ordinance as presented (or as amended).

Stormwater Exhibit
Town Council Meeting 5_23_23



Stormwater Exhibit
Town Council Meeting 5_23_23



Stormwater Exhibit
Town Council Meeting 5_23_23



Stormwater Exhibit
Town Council Meeting 5_23_23



Stormwater Exhibit
Town Council Meeting 5_23_23





TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: May 10 and May 17 Wednesday Editions

Date: May 1, 2023

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing

Town of Waynesville Town Council

Waynesville Town Council will hold a **public hearing on May 23, 2023 at 6:00 p.m.** or as closely thereafter as possible in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider the Stormwater Ordinance text amendment related to the design of the stormwater structures, Section 12.5 of the Land Development Standards (LDS).

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

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: May 23, 2023**

SUBJECT: Public Hearing to consider a staff initiated text amendment to Section 44-2 of the Municipal Code related to disposal and containment of construction and demolition material.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number:
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Tom Maguire, Building Inspector
Presenter: Elizabeth Teague, Development Services Director

SUMMARY: Building inspections staff recommends changes to Section 44-2 of the Code to govern the proper storage and containment of materials on construction sites, and to prevent construction debris and litter from impacting adjacent properties. Building Materials are defined as: “any material such as lumber, brick, plaster, sheetrock, concrete, carpet, asphalt, shingles, wire mesh, gutters, or other items accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures. This shall include, but not be limited to, building fixtures, cabinets, and shelving.”

MOTIONS FOR CONSIDERATION:

1. Motion to adopt the text amendment Ordinance as proposed (or amended) to the municipal code, Section 44-2.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Draft Ordinance

MANAGER’S COMMENTS AND RECOMMENDATIONS: Adoption of this ordinance will improve and clarify the extent to which building inspections staff may enforce requirements for cleanliness of construction and demolition sites within the Town.

ORDINANCE NO. O-22-23

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

WHEREAS, accumulation of construction debris and materials without containment can become a public health and safety hazard, degrade the look of public rights-of-ways and neighborhoods, and contribute to stormwater and environmental pollution;

WHEREAS, the Town Council adopted the 2035 Comprehensive Plan to “enable the growth of a vibrant, healthy, and successful community,” and find that safe management of construction sites and construction materials are essential to the goals of protecting natural resources, and promoting “the growth of a vibrant, healthy, and successful community,” and

WHEREAS, the Town Council 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 May 23, 2023, at the regularly scheduled meeting of the Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON MAY 23, 2023, AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

"That the Code of Ordinances, Town of Waynesville, North Carolina, is hereby amended, numbered Section 44-2 (b) – (d), to read as follows:

(b) **Construction or demolition waste generated within the Town shall be accumulated and stored in compliance with the following provisions.** It shall be the responsibility of the general contractor to see that all construction and demolition contractors keep the site ~~in as reasonably~~ clean and litter-free condition ~~as possible for a construction or demolition site~~. All loose debris, paper, building material waste, scrap building materials and other trash produced by those working on the site shall be containerized or disposed of ~~in any reasonable manner~~ by the contractor. Dirt, mud, construction materials or other debris deposited upon any public or private property as a result of construction or demolition shall be immediately removed by the contractor. **This section shall apply to:**

- 1. Generators of construction or demolition material in the Town of Waynesville.**
- 2. Current holders of permits from the Town to develop, build, construct, remodel, or alter any structure or conduct any demolition activities; henceforth referred to as “the authorized party”;**
- 3. Self-transporters of construction or demolition material in the Town; and**
- 4. Haulers of construction or demolition material in the Town.**

The Town may initiate an action to enforce the provisions of this section including, but not limited to: Warnings, Stop Work Orders (Red Tags), Re-fees, Citations, and any other legal remedy provided by law. Red tags and re-fees must be paid before any inspections will be scheduled for the property in violation.

(c) Construction or Demolition material. Generators shall manage construction and demolition materials in roll-offs, dumpsters, containers approved by the Director of Public Works, or completely inside a fully enclosed building, with the following exceptions:

1. Material that is so large that it cannot be placed in a single piece into a container or building. Such material may be permitted to remain uncontained for no more than fifteen (15) days, provided that potential wind-borne waste or debris is not included.
2. Rock, concrete, mortar, masonry, or similar material generated by a contractor or group of contractors at a group of properties located within a subdivision are not required to be contained, unless these materials have the potential to contribute to run-off into the Town's storm water conveyance system. These materials may be collected into piles on the ground within the project where such material was generated, provided they are removed to an authorized solid waste or recycling facility no more than fifteen (15) days after they are deposited unless an extension is granted by the Codes Administrator. Other types of Construction materials, Demolition debris, or any trash or solid waste shall not be commingled with the allowed materials.
3. Recyclable materials. Generators of Construction or Demolition materials are encouraged to take part in recycling programs. Generators of recyclables shall store such materials in approved containers provided by an authorized recycling company and operating under the same conditions as any other hauler of Demolition and Construction materials.

(d) Generators and the authorized parties, for a property generating Construction or Demolition material, shall contract with a permitted hauler to collect all construction, demolition, or recyclable material generated at such property, or they may self-transport to an authorized facility. The Hauler shall provide the generator with a copy of the disposal contract and proof of legal disposal for all material, such as a manifest or a landfill or recycle facility receipt.

1. Upon receiving written authorization from the Town to develop, build, construct, demolish, or conduct construction and/or demolition activities, and prior to beginning such action, the generator or authorized party shall inform the Public Works Director and Codes Administrator of the starting date and provide a copy of the collection contract.
2. The contract with the hauler, or a written agreement in the case of self-transport of Construction or Demolition material, shall specify the following:
 - a. A sufficient quantity of roll-offs or approved containers shall be placed on-site and distributed to ensure that Construction and Demolition material does not become an obstacle to access, a safety or health hazard, or cause overfill of containers.
 - b. Frequent collection or service of containers to avoid overfill.

- c. Cleanliness of the container sites is the responsibility of Haulers and Generators equally.
- 3. Location of Containers. Roll-offs and containers shall be placed on the property generating the material. If placement on the property is not safe or feasible, special permission for off-site placement must be approved by the Public Works Director who shall determine the conditions to be met. Such permission shall be obtained prior to placement.
- 4. Haulers of roll-offs and generators of Construction or Demolition materials shall maintain the area surrounding the roll-offs and/or containers in a clean, safe, unobstructive and sanitary condition. The area shall be free of litter, trash, or any other objectionable material.

Section (c) – (h) to be renumbered for consistent formatting of the section.

ADOPTED this _____ Day of _____, 2023.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

Town Council Staff Report

Subject: Regulation of Demolition and Construction Site Debris
Ordinance Section: Section 44-2 of the Waynesville Code of Ordinances
Applicant: Staff initiated text amendment; Development Services Department
Meeting Date: May 23, 2023

Background

Town Code Enforcement Officials have had several instances of inspecting construction sites that have not been well managed for cleanliness, materials storage, and the prevention of debris leaving the site carried by wind or stormwater onto adjoining properties. Section 44-2(b) of the Municipal Code of Ordinances requires that:

“It shall be the responsibility of the general contractor to see that all construction and demolition contractors keep the site in as reasonably clean and litter-free condition as possible for a construction or demolition site. All loose debris, paper, building material waste, scrap building materials and other trash produced by those working on the site shall be containerized or disposed of in any reasonable manner by the contractor. Dirt, mud, construction materials or other debris deposited upon any public or private property as a result of construction or demolition shall be immediately removed by the contractor.”

Building Inspections staff requests that this section of the municipal code be expanded to be more specific in order to clarify and strengthen their enforcement ability.

Staff Recommended Text Changes:

Staff recommends an expansion to this section of the ordinance to emphasize and include the following:

- Expand and specify that the ordinance applies to all generators of construction or demolition debris, including those who are hauling or transporting materials;
- Clarify possible actions to enforce the provisions of this section including: “warnings, Stop Work Orders (Red Tags), Re-fees, Citations, and any other legal remedy provided by law;”
- Enumeration of the types of materials and debris covered by the ordinance;
- Provides compliance and remedy options; and
- Regulates location of containers, hauler and roll-off containers on-site.

Staff submits the proposed changes for the adoption by the Board of Aldermen **in red**.

Attachments

1. Proposed Text Amendment
2. Notification of the Public Hearing

Recommended Motions

1. Motion to adopt the Ordinance as presented (or as amended)



TOWN OF WAYNESVILLE

Development Services Department

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FOR PUBLICATION IN THE MOUNTAINEER: May 10 and May 17 Wednesday Editions

Date: May 1, 2023

Contact: Elizabeth Teague (828) 456-2004

Notice of Public Hearing

Town of Waynesville Town Council

Waynesville Town Council will hold a **public hearing on May 23, 2023 at 6:00 p.m.** or as closely thereafter as possible, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider text amendment to Section 44-2 of the Municipal Code related to disposal and containment of construction and demolition material.

For more information contact the Development Services Department at: (828) 456-2004, email: eteague@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 23, 2023

SUBJECT:

Public Hearing to consider a Map Amendment for the property located at 237 Ratcliff Cove Road (PIN 8626-00-9246).

AGENDA INFORMATION:

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

BRIEF SUMMARY:

The property is a 28.69-acre parcel that is currently located in the Raccoon Creek Neighborhood Residential District (RC-NR). Haywood County Consolidated Schools wants to purchase the property to construct a multi-use building that would house operational facilities to support the public school district. Uses would include including vehicle maintenance, general storage, information technology equipment and general support services. The application is for a map amendment to rezone the subject property from Raccoon Creek Neighborhood Residential (RC-NR) to Raccoon Creek Residential Mixed-Use Overlay (H-UR MXO), which would add the following permitted uses: ATMs, Banks, Business Support Services, Dry Cleaning/Laundry, Funeral Homes, Government Services, Personal and Professional Services, Gas/Fueling Stations, General and Neighborhood Commercial, and Neighborhood Restaurant uses.

At its meeting on April 26, 2023, the Planning Board voted 5 to 3 to recommend to The Town Council that the property in question be rezoned from RC-NR to RC-NR MXO.

MOTIONS FOR CONSIDERATION:

1. A. Motion to find (or not find) the request consistent with the 2035 Comprehensive Land Use Plan.

OR

- B. Motion to find the request inconsistent with the 2035 Comprehensive Plan, but is reasonable and in the public interest to meet the development needs of the community.

AND

2. Motion to approve (or deny) the requested map amendment (with or without conditions) for the property described as 237 Ratcliff Cove Road (PIN 8626-00-9246) from the Raccoon Creek Neighborhood Residential District to the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay.

FUNDING SOURCE/IMPACT:

If rezoned and purchased by the school board, this will convert private property to government property which will have future property tax revenue implications.

MANAGER'S COMMENTS AND RECOMMENDATIONS:

As part of a due diligence purchase agreement between the Haywood County Consolidated Schools and Michael and Deborah Crawford, the Board has the option to adopt the ordinance with an effective date past the purchase closing date by the school. That way if the sale does not go through to transfer this property for school use, the rezoning is not enacted.

**Town Council Staff Report
Map Amendment Application
May 23, 2023**

Agenda Item: Map Amendment (Rezoning) Application
Location: 237 Ratcliff Cove Road
PIN: 8626-00-9246
Area: 28.69 Acres
Owner: Michael Crawford

Background

The property in question is a 28.69-acre parcel that is currently located in the Raccoon Creek Neighborhood Residential District (RC-NR). Raccoon Creek runs along the west boundary, with associated floodway and floodplain extending eastward into the property. While the lowest portion of the property along Raccoon Creek is fairly flat, the property rises from an elevation of 2,620 feet to 2,900 feet at the northeast corner. The property has approximately 400 feet of frontage along Ratcliff Cove Road, with a broad gravel driveway connection to interior gravel and dirt roadways. With the exception of an old barn located on the northern boundary, the property is vacant.

The purpose of the Raccoon Creek Neighborhood Residential District as specified in the Land Development Standards Section 2.3.3G states:

The **Raccoon Creek Neighborhood District (RC-NR)** is a medium density residential area surrounding one of the major entrances into Waynesville — Business 23. There are two centers for this area — the Ratcliff Cove Neighborhood Center and the Junaluska School/ballfield area within the district itself. Water service is available throughout much of the district with sewer available along Business 23 and Francis Farm Road. Higher density development is encouraged west of Business 23 with lower density clustered development proposed to the east. It is suggested that the County explore recreational uses on the landfill property on Francis Farm Road — an area that could become another focal point for the community. Development will occur at a residential scale. Development fronting onto Business 23 must form a street wall along this entryway into town.

The request to be considered is for a map amendment to place the property in the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay (RC-NR MXO). The Land Development Standards Section 2.6.2A defines a Mixed-Use Overlay District as “*a zoning overlay district established to permit certain limited mixed-uses within residential neighborhoods.*” This application for map amendment was submitted by Haywood County Consolidated Schools in order to place the property in question into a zoning district in which Government Services is a permitted use. The Land Development Standards Section 17.3 defines Government Services as “*federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and judicial authority.*”

If placed within the RC-NR MXO, several additional uses would be permitted on this property. The newly permitted uses would be: live-work units, ATM, Banks, Credit Unions, & Financial Services, Business Support Services, Dry Cleaning & Laundry Services, Funeral Homes, Government Services, Personal Services, Professional Services, Gas/Fueling Station, General Commercial (Less Than 100,000 ft²), Neighborhood Commercial, Neighborhood Restaurant, Outside Sales, and Restaurant.

The applicant would be using the property to consolidate supportive operations for county schools under the “government services” definition. This would achieve several things:

- The relocation of the Haywood County Consolidated Schools facility from its current location within the RC-NR District at the former Haywood County landfill site, to this property;
- The relocation of school support facilities in Clyde, known as the education center, out of a flood hazard area; and
- The creation of new meeting and training space for school administration and staff; and
- The practicality and improved efficiency of locating school bus fleet storage, repair and maintenance; supportive information technology services; general storage of school facility maintenance and other needs, within a new consolidated facility that is centrally located to serve all the schools of the County.

Notification of this hearing by the Town Council was mailed to adjacent property owners on May 10, 2023, posted with a sign on the property on May 10, 2023, and published in The Mountaineer on May 10 & 17, 2023.

Surrounding Land Use and Zoning Pattern

The subject property is surrounded by the following land use types: (1) To the north by vacant, wooded land, (2) to the south by a large agricultural operation (the Queen Farm which is immediately across the street from this property) and vacant, wooded land, (3) to the east by single-family dwellings, and (4) to the west by vacant land. The properties to the north, south, and east are also located within the Raccoon Creek Neighborhood Residential District, while the property to the west is located within the Raccoon Creek Neighborhood Center District.

Consistency with the 2035 Comprehensive Plan

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

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

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

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

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

Goal 5: Create opportunities for a sustainable economy.

- Strengthen Waynesville’s current and future workforce through education and training; and
- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

Found in the Appendix to the Comprehensive Plan (page 174), the Future Land Use Map indicates that the property being considered for map amendment should be a part of the Low to Medium Density

Residential areas for the purposes of future land use planning. However, the property shares its western boundary with an area that is designated Mixed Use – Community, which is defined as follows:

This designation is intended for nodes of activity areas on major streets and thoroughfares incorporating commercial retail and office, light industrial, employment centers and institutional uses to serve the community. Residential single and multifamily development of medium densities may be vertically or horizontally integrated with the commercial. These areas will likely have access to municipal utilities and development should be connected to transit and pedestrian ways. Scale of these areas should vary based on context.

Additionally, the Comprehensive Plan states that:

“Community facilities are institutional-type land uses operated by a public or semi-public organization which serve the community as a whole. Depending on the intensity, these uses may appropriately be incorporated into the higher density residential and mixed-use districts. Types of development include:

- Government Centers
- Educational Institutions
- Hospitals and medical centers
- Cultural centers (e.g. faith-based uses, Folkmoot)” (Comprehensive Plan Page 27)

Staff & Planning Board Recommendation

At a public hearing held on April 26, 2023, the Planning Board held extensive discussion on the application, weighing the roles of the Future Land Use Map and the Goals of the 2035 Comprehensive Land Use Plan. The Planning Board also discussed the definition of Government Services and staff’s determination that supportive facilities for public schools would fall under the Government Services definition, and is distinct from the definition of a Secondary or Elementary School definition.

In the Future Land Use Map, the property in question is indicated as “residential low-to medium density,” but is contiguous to an area designated for more intensive future development and shown as “mixed-use-community.” The property is also located along a well-maintained road with an existing entrance located approximately 1,000 feet from U.S. Highway 23, a major commercial entrance into Waynesville.

At its public hearing, some Planning Board members raised the possibility of requiring the property owner to subdivide the property and only apply the rezoning to the portion necessary for the proposed project. This option was not pursued further nor considered for inclusion in any formal motion.

There was also discussion that while this action is not consistent with the Comprehensive Land Use Plan Future Land Use Map specifically, it is not inconsistent with the desire to promote mixed-use centers, and that the action is reasonable and in the public interest because it supports the needs of county schools. The Planning Board also noted that the current bus fleet storage facility that is located above Junaluska Elementary is within the RC-NR District already, and that this action would be relocating this use within the same district.

At the end of the hearing and discussion, the Planning Board determined that although the map amendment is inconsistent with the Town’s Comprehensive Land Use Plan Future Land Use Map, it is consistent with Goals 1 and 5 of the Comprehensive Plan and is reasonable and in the public interest because of its location and because it would support the needs of the County’s Public Schools.

The Planning Board, by majority vote of 5 to 3, voted to recommend to the Town Council approval of the proposed map amendment for the property described as 237 Ratcliff Cove Road – PIN 8626-00-9246 from Raccoon Creek Neighborhood Residential to Raccoon Creek Neighborhood Residential Mixed-Use Overlay, with the stipulation that if the Town Council approves the map amendment, that the effective date of the map amendment be 10 days after Haywood County Consolidated Schools takes ownership of the property.

If the Town Council is inclined to limit the extent of the rezoning to an area smaller than the entire parcel under consideration, it could delineate that limitation. However, this would need to be worked out with the applicant in how that might work, for example:

- (1) distance from the property’s western boundary, so that the overlay designation would only cover that portion of the property required for the potential facility – similarly to how the Dellwood Mixed Use Overlay is applied along Russ Avenue;
- (2) extend overlay to an appropriate topographic elevation line that restricts the development potential from the steepest and highest portions of the property,
- (3) to a line connecting two points along the property’s north and south boundaries, or some other designation on which the applicant and the Council could agree, with the goal of limiting intensive uses in the upper elevations and providing a buffer or transitional area to existing, adjacent residential districts, or
- (4) Some other overlay boundary that is delineated from the adjacent boundaries of existing residential neighborhoods.

If the Town Council wishes to limit the extension of the Overlay just to Government Services, then it could limit the enumerated uses of the overlay to just include Government Services as part of the ordinance.

If the Town Council wishes to follow the planning board’s recommendation, then Council could enact the ordinance in a way that it would go into effect after Haywood County Consolidated Schools closes on the property. In taking this approach, the Board could consider the action of amending the property’s designation on the Comprehensive Land Use Future Land Use Map to Community Facilities as well.

Requested Actions

1. Motion to find the request consistent (or inconsistent) with the 2035 Comprehensive Land Use Plan and that it is reasonable and in the public interest because:
 - a. it provides a needed community facility for the Haywood County School District by providing a central location for supportive services that serve all Haywood County Schools; and
 - b. it is located adjacent to a major thoroughfare, contains water and sewer service, and is on a lot which can accommodate the School Board’s needs while also providing ample buffer and open space areas; and
 - c. it provides a nearby location, within the same zoning jurisdiction, to which existing facilities can be relocated; and

- d. it enables the School Board to relocate facilities from the Special Hazard Floodplain in Clyde to be consolidated at this location;
2. Motion to adopt the requested map amendment Ordinance **Option 1** for the property described as 237 Ratcliff Cove Road (PIN 8626-00-9246) from the Raccoon Creek Neighborhood Residential District to the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay

OR

Motion to adopt the requested map amendment **Option 2** for the property described as 237 Ratcliff Cove Road (PIN 8626-00-9246) from the Raccoon Creek Neighborhood Residential District to the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay to be enacted 10 days after the Haywood County School Board achieves ownership of the property;

OR

Motion to adopt the requested map amendment **Option 3** from the Raccoon Creek Neighborhood Residential District to the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay to be enacted 10 days after the Haywood County School Board achieves ownership of the property, and to limit the additional uses extended by the overlay to Government Services, and in so doing amending the Comprehensive Plan, Future Land Use Map to re-designate this property as “Community Facilities” in its land use typology.



To: Town of Waynesville Planning Board
 From: Byron Hickox, Planner
 Date: May 23, 2023
 Subject: Zoning Map Amendment Statement of Consistency Worksheet
 Description: 237 Ratcliff Cove Road; PIN: 8626-00-9246

The Council hereby adopts the following statement(s):

Option 1

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

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

Option 2

The amendment **is rejected because it is inconsistent with the Town’s comprehensive land plan and is not reasonable and in the public interest** because _____

Option 3

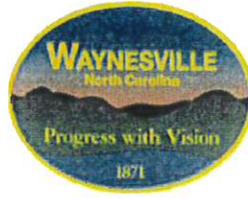
The amendment **is approved and in addition** to approving this zoning map amendment, this approval is **also deemed an amendment to the Town’s comprehensive land use plan.** The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows:

Board Member _____, made a motion, seconded by _____

The motion passed _____. (*unanimously or vote results here*)

 Candace Poolton, Clerk

 Date



To: Waynesville Town Council
From: Byron Hickox, Land Use Administrator
Date: May 23, 2023
Subject: Planning Board Report and Statement of Consistency
Description: Map Amendment (Rezoning)
Property Location: 237 Ratcliff Cove Road – PIN 8626-00-9246

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

1. A motion was made by Board member Ginger Hain and seconded by Board member Tommy Thompson that the map amendment **is consistent with the Town’s Comprehensive Land Use Plan and is reasonable and in the public interest** because it is consistent with:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.
• Encourage infill, mixed-use, and context-sensitive development

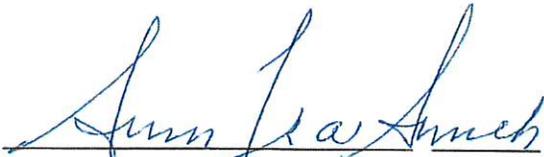
Goal 5: Create opportunities for a sustainable economy.
• Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

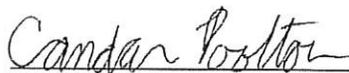
Additionally, as part of this motion, it was moved to **recommend to the Town Council approval of the proposed map amendment for the property described as 237 Ratcliff Cove Road - PIN 8626-00-9246 from Raccoon Creek Neighborhood Residential to Raccoon Creek Neighborhood Residential Mixed-Use Overlay, with the stipulation that if the Town Council approves the map amendment, that the effective date of the map amendment be 10 days after Haywood County Consolidated Schools takes ownership of the property.**

The motion passed 5 to 3.

2. A motion was made by Board member Michael Blackburn and seconded by Planning Board Chair Susan Teas Smith to **refer the Planning Board’s recommendation to the Town Council for consideration.**

The motion passed unanimously.


Susan Teas Smith, Planning Board Chair Date
5/5/23


Candace Poolton, Town Clerk Date
5/15/2023



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: May 10 and May 17 Wednesday Editions

Date: May 1, 2023

Contact: Byron Hickox (828) 452-0401

Notice of Public Hearing

Town of Waynesville Town Council

Waynesville Town Council will hold a **public hearing on May 23, 2023 at 6:00 p.m.** or as closely thereafter as possible, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a rezoning request from Raccoon Creek Neighborhood Residential to Raccoon Creek Neighborhood Residential Mixed-Use Overlay District for the property at 237 Ratcliff Cove Road (PIN 8626-00-9246).

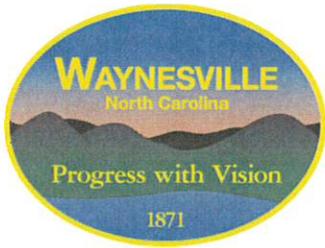
For more information contact the Development Services Department at: (828) 452-0401, email: bhickox@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.



5/10/23 BJDH



5/10/23 BJDH



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

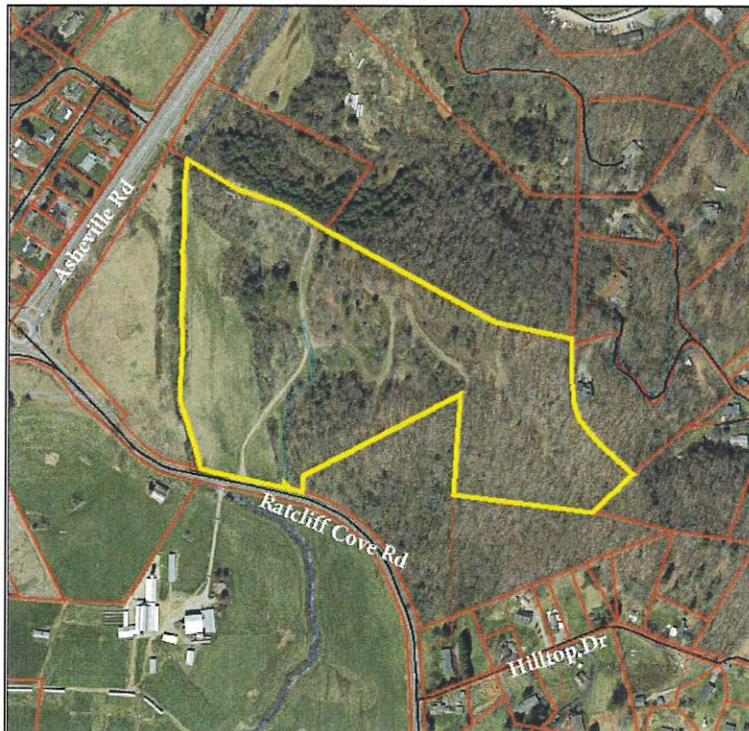
www.waynesvillenc.gov

Date: May 10, 2023

Notice of Public Hearing

Town of Waynesville Town Council

Waynesville Town Council will hold a **public hearing on May 23, 2023 at 6:00 p.m.** or as closely thereafter as possible, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a rezoning request from Raccoon Creek Neighborhood Residential to Raccoon Creek Neighborhood Residential Mixed-Use Overlay District for the property at 237 Ratcliff Cove Road (PIN 8626-00-9246):



For more information contact the Development Services Department at: (828) 452-0401, email: bhickox@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

FRANCIS, JAMES H JR/LT;
FRANCIS, JAMES HARLEY III
PO BOX 117
LK JUNALUSKA, NC 28745-0117

CARPENTER FAMILY REV TRUST,
C/O CAROLYN SAWYER
216 CARPENTER WAY
WAYNESVILLE, NC 28786

EMERSON, SCOTTIE DEAN;
EMERSON, LINDA B
191 CARPENTER WAY
WAYNESVILLE, NC 28786

HAYWOOD ELECTRIC MEMBERSHIP CORP
ATTN: SUSAN MCCALL
376 GRINDSTONE RD
WAYNESVILLE, NC 28785-6120

PHILLIPS, ERNEST;
PHILLIPS, FRANCES
25 BASIL COURT
WAYNESVILLE, NC 28786

PHUONG, CHHEANG B;
PHUONG, MAI H
73 JOSEPHINE ST
SYLVA, NC 28779

CRAWFORD, MICHAEL D;
CRAWFORD, DEBORAH N
50 VALLEY VIEW DR
CANTON, NC 28716

TRIBROOK FARMS LLC A NC LLC
1315 RATCLIFF COVE RD
WAYNESVILLE, NC 28786-3108

PINK FIELDS LLC,
AL & CHARLIES MOUNTAIN LLC
480 QUEEN COVE RD
WAYNESVILLE, NC 28785

JODRY, LOUIS;
JODRY, BRENDA
1803 ASHVILLE RD
WAYNESVILLE, NC 28786

RICHMOND, SCOTT TUCKER
1777 ASHEVILLE RD, PO BOX 533
LAKE JUNALUSKA, NC 28745

WILLIS, ROBERT;
MOODY, ELIZABETH ANNE
1763 ASHEVILLE RD
WAYNESVILLE, NC 28786

RESENDIZ, EFRAIN
C/O EFRAIN RESENDIZ
2399 OLD CLYDE RD
CLYDE, NC 28721-7808

FRANCIS, MELODY M
29 BOUNTY LN
WAYNESVILLE, NC 28785-8238

LEVERE, SUZANNE C
64 CLEMENT DR
WAYNESVILLE, NC 28786

STANSBURY, KEITH EDWARD;
STANSBURY, ERIKA MARIE
PO BOX 601
WAYNESVILLE, NC 28786

CORLEY, AMANDA KRISTINE
1669 ASHEVILLE RD
WAYNESVILLE, NC 28786-3435

FRANCIS, ELLENE H
20 ZEMERY LN
WAYNESVILLE, NC 28786

DAVIS, EDWARD L/TR;
IVA LEE DAVIS IRREVOCABLE TRUST
11 ZEMERY LN
WAYNESVILLE, NC 28786-3499

LEATHERWOOD, RONALD CHARLES;
LEATHERWOOD, LAWRENCE BRADLEY
392 WINTERJOHN CV
WAYNESVILLE, NC 28785

FRANCIS, JAMES HARLEY III;
DARBY, ANITA KAY FRANCIS
255 RACHAEL DR
WAYNESVILLE, NC 28785-6984

HAYWOOD COUNTY SCHOOLS
1230 N. MAIN ST.
WAYNESVILLE, NC 28786

CIVIL DESIGN CONCEPTS
ATTN: PATRICK BRADSHAW
P.O. BOX 5432
ASHEVILLE, NC 28813



Transmittal

Date: March 30, 2023

Project Name: Crawford Property – Rezoning Request

To: Town of Waynesville
Attn: Elizabeth Teague, Development Services Director

Via: Mail Overnight Hand Delivered Pick up @ CDC Office

Copies	Date	Description
1	3/22/23	Application for Land Development Standards Map Amendment
1	3/29/23	Submittal Fee in the amount of \$1,900 (CDC Check # 8441)

Per our meeting on Monday, March 20, 2023, please find attached the application for LDS Map Amendment for PIN # 8626-00-9246 which is currently under contract to be purchased by Haywood County Schools.

Once the Planning Board date is established for the initial public hearing please let me know.

Thanks for your assistance as always,

Patrick Bradshaw, PE

TOWN OF WAYNESVILLE
280 GEORGIA AVENUE
WAYNESVILLE NC 28786

MISC RECEIPT 2895102
REFERENCE Rezone fee
DATE/TIME 03/30/23 16:01
CLERK 2044ecou
CUSTOMER Civil Design Concepts
EFF. DATE 03/30/2023
DEPT

01

TOTAL: 1,900.00
1,900.00

PMT TYPE	QTY	REF	AMOUNT
CHECK	1	8441	1,900.00

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

The undersigned Owner or Party with a contract or option to purchase that real property located at 237 RATCLIFF COVE ROAD in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: GRAHAM HAYNES

Title and Company: HAYWOOD COUNTY SCHOOLS - ASSISTANT SUPERINTENDENT

Address: 1230 N. MAIN ST WAYNESVILLE, NC 28786

Phone and email: 828-456-2441 G.HAYNESE@HAYWOOD.K12.NC.US

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 21ST day of APRIL, 2023

Owner or Party with Contractual Interest in Property:

Mukul D. Chahal

Address and phone number:

[50 VALLEY VIEW DR
CANTON NC 28716
828-734-7025
828-648-4865

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

The undersigned Owner or Party with a contract or option to purchase that real property located at 237 RAYCLIFF COVE ROAD in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: PATRICK REARDEN
Title and Company: CIVIL DESIGN CONCEPTS - VICE PRESIDENT
Address: 168 PATTON AVE. ASHBOURNE, NC 28801
Phone and email: 828-252-5388 PATRICK@CDCGO.COM

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

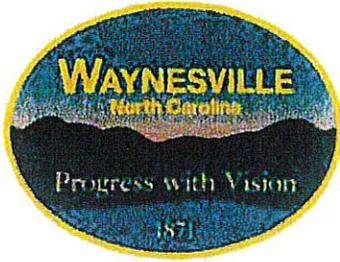
This the 21ST day of APRIL, 2023

Owner or Party with Contractual Interest in Property:

• Michael D. Casey

Address and phone number:

[50 VALLEY VIEW DR
CANTON NC 28716
828-648-4865
828-734-7025



TOWN OF WAYNESVILLE
 Development Services Department
 PO Box 100
 9 South Main Street
 Waynesville, NC 28786
 Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Application for Land Development Standards Map Amendment

Application is hereby made on MARCH 22, 2023 to the Town of Waynesville for the following map amendment:

Property owner of record: MICHAEL & DEBORAH CRAWFORD
 Address/location of property: 237 RATCLIFF COVE ROAD WAYNESVILLE, NC
 Parcel identification number(s): 8626-00-9246
 Deed/Plat Book/Page, (attach legal description): 458/256
 The property contains 30.25 acres.
 Current district: RACCOON CREEK - NEIGHBORHOOD RESIDENTIAL
 Requested district: RACCOON CREEK - NEIGHBORHOOD RESIDENTIAL MIXED MEDIUM USE
ORIG.

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

EXPAND THE POSSIBLE USES OF THE PARCEL TO BE
MORE IN ALIGNMENT WITH THE RACCOON CREEK NEIGHBORHOOD CENTER

Applicant Contact Information

Applicant Name (Printed): HAYWOOD COUNTY CONSOLIDATION SCHOOLS
 Mailing Address: 1230 N. MAIN ST. WAYNESVILLE, NC 28786
 Phone(s): 828-456-2400
 Email: GWAYNES@HAYWOOD.K12.NC.US

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

Michael Crawford Deborah Crawford

Note: Map Amendment Requests require a fee based on the size and number of lots being requested for amendment. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street, Waynesville, NC 28786.

TRANSFER MADE ON PROPERTY RECORD

Date 3/27/97

By [Signature]

REGISTERED
BK. 458 PAGE 256

97 MAR 27 PM 3:34

REGISTER OF DEEDS
HAYWOOD CO., N.C.

STATE OF NORTH CAROLINA
 HAYWOOD COUNTY
 3 1 3 5 1 2
 Real Estate Excise Tax
 580.00
 MAR 31 '97 P.D. 10747
 5:00 AM

Excise Tax \$580.00

Recording Time, Book and Page

3149

Tax Lot No. Parcel Identifier No. 8626-00-9246

Verified by County on the day of 19 by

Mall after recording to DJH

This instrument was prepared by David J. Haynes

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 11 day of March, 1997, by and between

GRANTOR

GRANTEE

HAYWOOD SERVICES CORPORATION, INC., a North Carolina Corporation

MICHAEL D. CRAWFORD and wife, DEBORAH N. CRAWFORD

50 Valley View Dr.
Canton, NC 28714

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

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

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

See Exhibit "A" attached hereto and made a part hereof.

000056

Exhibit "A"

BEGINNING at a point in center of Raccoon Creek, northeast corner of 11.878-acre tract conveyed by Haywood Services Corporation, Inc. to Haywood Electric Membership Corporation by deed recorded in Deed Book 457, page 122, and in line of Post tract described in Deed Book 432, page 1319, and runs with fence, line of said Post tract and thereafter with line of Francis tract described in Deed Book 432, page 1265, six calls as follows: S. 62 deg. 08 min. 41 sec. E. 236.69 feet to an iron pipe in fence at top of knob, S. 75 deg. 23 min. 27 sec. E. 184.27 feet to an iron pipe in fence, S. 63 deg. 51 min. 54 sec. E. 171.97 feet to an iron pipe in fence, S. 63 deg. 51 min. 54 sec. E. 464.42 feet to a 20-inch marked locust in fence, S. 66 deg. 26 min. 21 sec. E. 292.39 feet to an iron pipe at fence and S. 80 deg. 27 min. 30 sec. E. 289.20 feet to an iron pipe at fence corner on top of ridge in line of Carpenter tract (Tract Two in Deed Book 209, page 329); thence with lines of that tract four calls as follows: S. 03 deg. 18 min. 31 sec. E. (with fence) 219.73 feet to an iron pipe at fence corner on top of ridge, S. 17 deg. 49 min. 38 sec. E. (not with fence) 76.76 feet to an iron pipe, S. 39 deg. 59 min. 50 sec. E. (not with fence) 159.15 feet to an iron pipe in fence on top of ridge and S. 46 deg. 40 min. 26 sec. E. (with fence) 189.07 feet to an iron pipe at fence corner on top of ridge in line of Phillips tract described in Deed Book 198, page 402; thence with line of that tract and fence S. 46 deg. 19 min. 20 sec. W. 222.10 feet to an iron pipe in fence in line of John M. Queen heirs tract (Deed Book 48, page 565); thence with the lines of that tract 4 calls as follows: N. 85 deg. 22 min. 39 sec. W. (with fence) 550.64 feet to a 40-inch white oak in fence corner, N. 00 deg. 32 min. 52 sec. W. (with and near fence) 358.28 feet to a 36-inch white oak in fence corner, S. 63 deg. 37 min. 20 sec. W. 701.21 feet to an iron pipe and S. 17 deg. 37 min. 20 sec. W. 60.07 feet to a point in center of 60-foot right of way of NCSR No. 1818 (Ratcliff Cove Road); thence N. 85 deg. 54 min. 02 sec. W. 327.00 feet to a point in center of Raccoon Creek; thence N. 28 deg. 19 min. 15 sec. E. 32.00 feet to a point in east end of bridge in center of Ratcliff Cove Road; thence with center of said road N. 80 deg. 55 min. 52 sec. W. 16.24 feet in center of Raccoon Creek in bridge over center of Ratcliff Cove Road; thence with center of Raccoon Creek as follows: N. 12 deg. 07 min. 47 sec. W. 87.56 feet, N. 18 deg. 42 min. 20 sec. W. 231.27 feet, N. 02 deg. 38 min. 18 sec. E. 105.67 feet, N. 02 deg. 07 min. 43 sec. E. 98.65 feet, N. 05 deg. 20 min. 05 sec. W. 76.69 feet, N. 06 deg. 08 min. 26 sec. W. 74.65 feet, N. 02 deg. 04 min. 11 sec. E. 150.74 feet, N. 13 deg. 23 min. 59 sec. W. 60.32 feet, N. 08 deg. 17 min. 21 sec. E. 47.82 feet, N. 07 deg. 33 min. 13 sec. W. 41.64 feet, N. 06 deg. 39 min. 18 sec. E. 31.68 feet, N. 07 deg. 28 min. 12 sec. W. 51.99 feet, N. 00 deg. 11 min. 58 sec. W. 61.11 feet and N. 04 deg. 01 min. 25 sec. E. 110.57 feet to the BEGINNING, containing 30.250 acres, as shown on survey and plat dated November 18, 1996, Drawing No. 1759-316-A by Herron Land Surveying.

Being a part of the property conveyed by Alice F. Dearmon, et al. to Haywood Services Corporation, Inc. by deed recorded in Deed Book 446, page 1980, Haywood County registry, and SUBJECT TO such rights of way and easements affecting the tract herein conveyed as may be of record in the Office of the Register of Deeds of Haywood County on the date hereof.

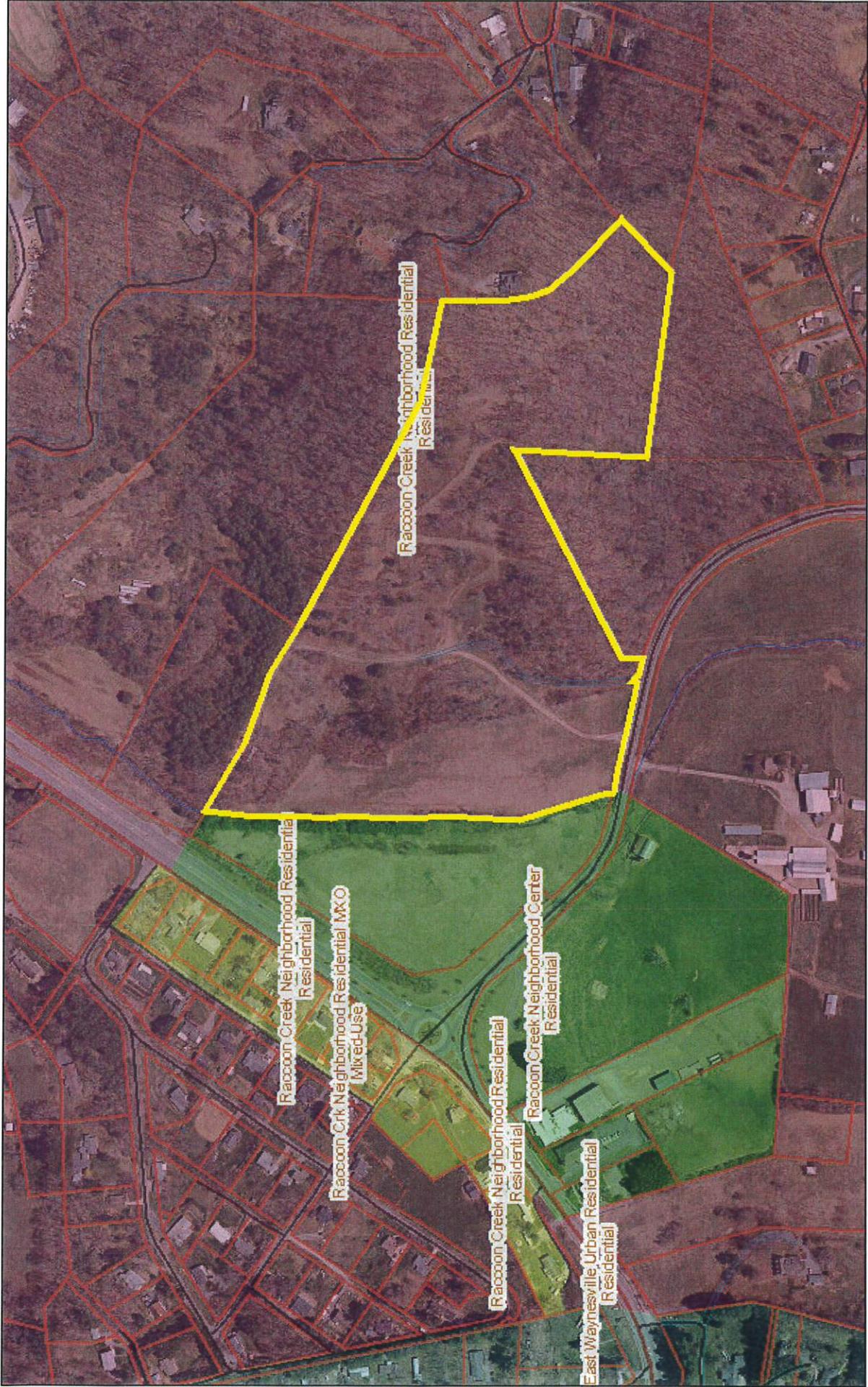
This conveyance is made TOGETHER WITH, INCLUDING and SUBJECT TO the conditions, rights of way and easements set forth in that agreement dated March 10, 1997, between Haywood Electric Membership Corporation and Haywood Services Corporation, Inc., filed for record in the office of Register of Deeds of Haywood County.

000258

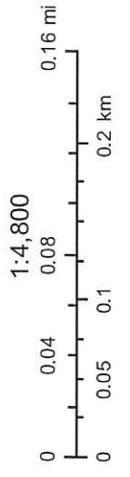




April 19, 2023



April 17, 2023



ORDINANCE NO. **DRAFT** *(Option 1)*

**AN ORDINANCE AMENDING THE OFFICIAL LAND DEVELOPMENT MAP
OF THE TOWN OF WAYNESVILLE**

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

WHEREAS, the Town of Waynesville Planning Board reviewed the proposed map amendment to the Official Land Development Map (Zoning Map) at a duly notified hearing and Special Called Meeting on April 26th, 2023, and made the following determination:

- That while not specifically designated on the 2035 Comprehensive Land Use Plan future land use map, the project is reasonable and in the public interest because it supports the needs of Haywood County Consolidated Schools, and in so doing meets the following goals:
 - a. Goal 1: Continue to promote smart growth principles in land use planning and zoning, and to encourage infill, mixed-use, and context sensitive development; and
 - b. Goal 5: Create opportunities for a sustainable economy by strengthening Waynesville’s current and future workforce, and encouraging creatively designed, mixed-use, walkable commercial districts.

WHEREAS, the Planning Board recommends the proposed map amendment for enactment by the Board of Aldermen by a majority vote; and

WHEREAS, the Town Council 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 26, 2023, at the special called meeting of the Waynesville Planning Board, and on May 23, 2023 at the regularly scheduled meeting of the Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON May 23, 2023, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Official Land Development Map be amended with the following property being rezoned from Racoon Creek-Neighborhood Residential to Racoon Creek- Neighborhood Residential Mixed-use overlay:

237 Ratcliff Cove Road, Waynesville, NC, PIN 8626-00-9246

ADOPTED this _____ Day of _____, 2023.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

ORDINANCE NO. **DRAFT** *(Option 2)*

**AN ORDINANCE AMENDING THE OFFICIAL LAND DEVELOPMENT MAP
OF THE TOWN OF WAYNESVILLE**

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

WHEREAS, the Town of Waynesville Planning Board reviewed the proposed map amendment to the Official Land Development Map (Zoning Map) at a duly notified hearing and Special Called Meeting on April 26th, 2023, and made the following determination:

- That while not specifically designated on the 2035 Comprehensive Land Use Plan future land use map, the project is reasonable and in the public interest because it supports the needs of Haywood County Consolidated Schools, and in so doing meets the following goals:
 - a. Goal 1: Continue to promote smart growth principles in land use planning and zoning, and to encourage infill, mixed-use, and context sensitive development; and
 - b. Goal 5: Create opportunities for a sustainable economy by strengthening Waynesville’s current and future workforce, and encouraging creatively designed, mixed-use, walkable commercial districts.

WHEREAS, the Planning Board recommends the proposed map amendment for enactment by the Board of Aldermen by a majority vote; and

WHEREAS, the Town Council 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 26, 2023, at the special called meeting of the Waynesville Planning Board, and on May 23, 2023 at the regularly scheduled meeting of the Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON May 23, 2023, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

1. That the Official Land Development Map be amended with the following property being rezoned from Racoon Creek-Neighborhood Residential to Racoon Creek- Neighborhood Residential Mixed-use Overlay:

237 Ratcliff Cove Road, Waynesville, NC, PIN 8626-00-9246

2. That this rezoning action and amendment to the Comprehensive Land Use Plan be enacted only after 10 days of Haywood County Consolidated Schools taking ownership of the property.

ADOPTED this _____ Day of _____, 2023.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

ORDINANCE NO. **DRAFT** *(Option 3)*

**AN ORDINANCE AMENDING THE OFFICIAL LAND DEVELOPMENT MAP
OF THE TOWN OF WAYNESVILLE**

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

WHEREAS, the Town of Waynesville Planning Board reviewed the proposed map amendment to the Official Land Development Map (Zoning Map) at a duly notified hearing and Special Called Meeting on April 26th, 2023, and made the following determination:

- That while not specifically designated on the 2035 Comprehensive Land Use Plan future land use map, the project is reasonable and in the public interest because it supports the needs of Haywood County Consolidated Schools, and in so doing meets the following goals:
 - a. Goal 1: Continue to promote smart growth principles in land use planning and zoning, and to encourage infill, mixed-use, and context sensitive development; and
 - b. Goal 5: Create opportunities for a sustainable economy by strengthening Waynesville’s current and future workforce, and encouraging creatively designed, mixed-use, walkable commercial districts.

WHEREAS, the Planning Board recommends the proposed map amendment for enactment by the Board of Aldermen by a majority vote; and

WHEREAS, the Town Council 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 26, 2023, at the special called meeting of the Waynesville Planning Board, and on May 23, 2023 at the regularly scheduled meeting of the Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON May 23, 2023, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

1. That the Official Land Development Map be amended with the following property being rezoned from Racoon Creek-Neighborhood Residential to Racoon Creek- Neighborhood Residential Mixed-use Overlay “2”, to include the use of Government Services only:

237 Ratcliff Cove Road, Waynesville, NC, PIN 8626-00-9246

2. That this rezoning action and amendment to the Comprehensive Land Use Plan be enacted only after 10 days of Haywood County Consolidated Schools taking ownership of the property.

3. That the Future Land Use Map of the Town's Comprehensive Plan also be amended to indicate the conversion of this property to "Community Facilities."

ADOPTED this _____ Day of _____, 2023.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: 5/23/2023**

SUBJECT 2023-24 Budget Public Hearing

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number:
Department: Administration
Contact: Rob Hites
Presenter: **Misty Hagood**

BRIEF SUMMARY Ms. Hagood has presented the budget during our preview. We have made the corrections to the draft and provided you with answers to questions you have had over the past two weeks. Ms. Hagood will present an updated budget proposal to you and the audience as part of the public hearing. After receiving input from the public, we will look to you for direction. Would you like to comment on the budget after the hearing and ask us to prepare a final proposal for the first meeting in June or would you like to schedule a work session next week for a final review and then instruct the staff as to how you would like to proceed.

MOTION FOR CONSIDERATION: Instruct the staff as to how to proceed

FUNDING SOURCE/IMPACT: All

ATTACHMENTS: Budget will be downloaded later in the week.

MANAGER'S COMMENTS: See Above

**WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: May 23rd, 2023**

SUBJECT:

Budget Amendment to authorize the use of grant funds from Kiwanis of Waynesville to fund the capital budget item of the all-abilities playground fence from chain link to upgraded ornamental steel.

AGENDA INFORMATION:

Agenda Location: New Business

Item Number:

Department: Parks and Recreation

Contact: Luke Kinsland

Presenter: Luke Kinsland

BRIEF SUMMARY:

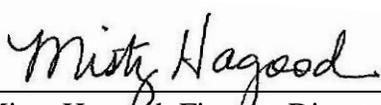
The FY 22-23 capital improvement item of a black chain link fence for the all-abilities playground was quoted at \$21,000 with \$25,000 available in that line item. The Recreation Advisory Commission suggested applying for a grant to upgrade the fence to a more aesthetic pleasing ornamental fence. The Town applied and received a grant in the amount of \$8,000 to fund this upgrade putting the total cost of the fence at \$33,476.14. It is a more pleasing look that also meets building safety codes for child safety and containment. Pickets are just under 4” wide. The price includes two self-latching gates and two 10’ maintenance gates.

MOTIONS FOR CONSIDERATION:

1. Motion to approve the budget amendment of a grant of \$8,000 from Kiwanis of Waynesville to upgrade the capital improvement item of chain link fence to ornamental steel for the all-abilities playground.

FUNDING SOURCE/IMPACT:

Misc grant – Kiwanis of Waynesville


Misty Hagood, Finance Director

5/16/2023
Date

MANAGER’S COMMENTS AND RECOMMENDATIONS:

Please refer to the attached site plan. An updated detailed plan will be presented at the meeting.

Ordinance No. O-26-23

Amendment No. 22 to the 2022-2023 Budget Ordinance

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

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

General Fund:

Increase the following revenues:

Misc. Grant – Kiwanis	\$8,000
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Increase the following appropriations:

Recreation Dept	\$8,000
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Adopted this 23rd day of May 2023.

Town of Waynesville

Gary Caldwell
Mayor

Attest:

Candace Poolton
Town Clerk

Approved As To Form:

Martha Sharpe Bradley
Town Attorney



ASHEVILLE CONTRACTING CO., INC.
PO BOX 1540
CANDLER, NC 28715
(P) 828-665-8900 (F) 828-665-8902
www.ashevillefence.com
HUB Certified (Woman Owned)

PROPOSAL/CONTRACT

Date: 05/11/2023

CUSTOMER INFORMATION:

WAYNESVILLE PARKS AND REC
550 VANCE ST
WAYNESVILLE, NC, 28786

JOB INFORMATION:

Luke Kinsland 828-456-2030
All Abilities Playground
W Marshall St.
lkinsland@waynesvillenc.gov

SCOPE OF WORK:

- Install approximately 410 linear feet of 5' tall Ameristar Montage Majestic, 3-rail - black powder coated steel ornamental fence.
-Install (2) 4' walk gates with top pull latches and self-closing hinges.
-Install (2) 10' double drive gate.
-All posts will be 2" square and set in concrete.

Approved & Accepted for Customer:

Contract Amount: \$ 33476.14
Down Payment: \$ 16738.07
Balance Due: \$ 16738.07

Customer Date
ASHEVILLE CONTRACTING CO., INC.:
Salesperson Date

Credit Card Processing Fee 3% Per Transaction

Quote good for 5 days

CC

FENCE INSTALLATION CONSTRUCTION CONTRACT

This Fence Installation Construction Contract (the "Contract") is entered into on 05/11/2023, by and between **Asheville Contracting Co., Inc.** dba Asheville Fence and Guardrail Contracting (hereinafter referred to as "the Company" or "the Contractor") and WAYNESVILLE PARKS AND REC (hereinafter referred to as the "Owner"), (cumulatively referred to as "the Parties"). This job is referred to as the Project.

In consideration of the Services to be rendered, the sums to be paid, and each and every covenant and condition contained herein, the parties hereto agree as follows:

1. Contract Amount & Payments Schedule. The total estimated contract price for the Project is \$ 33476.14. See attached Proposal. Please note that the Proposal is an estimate of ultimate costs of the Project and resulting work product and is subject to final change according to any unforeseen changes in measurables, such as fence length, cost of supplies and materials, or other. Owner shall pay Contractor in the following manner, in amounts and schedule as follows:

A. Initial Job Deposit: Insofar as title of the property has not been transferred to Contractor, at the execution this Contract by both Parties Owner will pay Contractor an initial non-refundable deposit of \$ 16738.07. This amount shall be for the purposes of securing Contractor's, and any potential requisite subcontractors', availability for the future commencement of Construction date, purchasing materials, and preparation and planning by Contractor in the time between the execution of this Contract and the commencement date of the Project, and shall be non-refundable and credited against the total contract price. CANCELLATIONS ARE SUBJECT TO A 30% RESTOCKING FEE ON MATERIALS THAT THE CONTRACTOR DEEMS RETURNABLE. OWNER IS RESPONSIBLE FOR ORIGINAL SHIPPING AND RETURN SHIPPING CHARGES. VINYL, ORNAMENTAL, AND CUSTOM WOOD FENCE MATERIAL(S) ARE EXAMPLES OF NON-REFUNDABLE PRODUCTS.

B. Final Payment: Upon completion of the Project and final invoice by Contractor, the Owner will make a final payment of \$ 16738.07, to be paid within 10 days of receipt of Final Invoice. Final billing will be based on the actual footage of fencing built and the work performed as outlined in the attached Proposal. A late fee service charge of 1.5% per month (or a minimum of \$1.00), which is an annual percentage rate of 18%, shall be applied to accounts that are not paid within 10 days after receipt of any amount invoiced by Contractor. If the Contractor is unable to complete the estimated footage as outlined herein due to changes in supply and/or materials pricing, the difficulty of the terrain or any other unforeseeable circumstance, this contract may be modified or terminated by the Contractor, and the final billing will be based on the actual footage of fencing built, the cost of supplies and materials, and the work performed. If full payment of amounts owed is not completed within 90 days of final work date, then Contractor will have no choice but to proceed with collections through applicable Mechanic's Lien rights, including pursuit of property as collateral for recovery, subject to Section G herein.

Customer Initial _____

C. Change Orders: All additions and/or changes to the original proposal and/or contract are subject to the terms and specifications of this Agreement. Owner will remain responsible for any increased costs caused by a Change Order. Should there be any changes caused by unforeseen circumstances, Contractor will attempt to notify Owner as soon as reasonably possible with an updated cost estimate that reflects such changes. Any Change Order costs will be included in the final invoice. **ADDITIONAL CHARGES FOR LABOR, INCLUDING ANY CLEARING OF THE FENCE LINE, THAT IS NOT COVERED IN THE EXISTING PROPOSAL AND/OR CONTRACT WILL BE BILLED AT A RATE OF \$95.00 PER HOUR.**

2. Owners' Responsibilities and Representations.

A. Owner warrants and represents to Contractor that Owner owns the Project property in fee simple absolute subject only to Owner's recorded deeds of trust, restrictive covenants, minimum building lines on subdivision plats, and utility easements and will provide Contractor access to the Project site to complete the Work outlined in this Contract. Owner will deliver copies of applicable documentation, including, but not limited to, restrictive covenants, minimum building lines on subdivision plats, and utility easements, where they may affect the scope of the Project or upon request of Contractor.

B. Owner warrants and represents that the Project site meets all zoning and/or permit requirements for the intended Project. Owner is responsible for any required permits.

C. Owner further warrants and represents that Owner has the financial ability to pay the compensation to Contractor as set forth herein as it is due, and Owner will make such payments timely upon notice and request.

3. Liability and Indemnity. The Contractor assumes no liability to Owner or Owner's guests, family members, neighbors, or other Owner invitee individuals present at the Project property for any claims, damages, injuries, or losses, related to Contractor's work under this Contract, outside of claims, losses, or damages resulting from Contractor's gross negligence or intentional misconduct. Owner agrees to defend, indemnify, and hold the Contractor harmless from any and all suits or other claims by third parties stemming or emanating from the Contractor performing his job, duties and responsibilities under this Contract, outside of Contractor's gross negligence or willful misconduct. Additionally, during the Project and after completion, Contractor assumes no liability to Owner or any guest or invitee of Owner and makes no promises regarding the security of Owner's property and against any trespassers or uninvited individuals.

4. Warranty of Work: The Contractor warrants the Work to be free from defects in materials and workmanship for one year from the completion date of the contract. All product and/or materials "Manufacturer" warranties are deemed assigned by Contractor and shall belong to the Owner.

5. Subsurface Issues. Contractor will assume the responsibility for having underground public utilities located and marked; however, the Owner assumes all liability for any damage caused by the Project to known utilities. Additionally, the Contractor assumes no responsibility for unmarked sprinkler lines, or any other unmarked buried lines or objects. The Contract Price does not include any costs or contingencies for rock, water, or other abnormal surface conditions, and Owner shall be responsible for the costs of correcting any such conditions, unknown at the time of execution of this Contract. If any unknown underground obstacles are encountered that impede the progress of the Project, then the Contractor will

Customer Initial _____

inform the Client as soon as possible and request a Change Order to be executed to account for the obstacle and completion of the Project.

6. Photos – Right to Use. Owner gives Contractor and its employees and agents permission to take and use for any lawful purpose photographs, video and/or other images from the Project as such may be embodied in any pictures, drawings, renderings, photographs, video recordings, bulletins, advertisements, promotional or education materials, audiotapes, digital images or the like, including but not limited to the internet, television, radio, newspapers, magazines, social media sites. In this regard, Owner acknowledges that Owner will not receive any compensation or remuneration for the use of such pictures, etc. Owner also understands that once such pictures, etc. are published to the media or on the internet, or are otherwise published, they may be used in publications and/or on websites outside of the Contractor's control. Even if the Project property is sold, the right to use any and all images of and from the Project survives such transfer.

7. Miscellaneous.

A. Entire Agreement. The foregoing, along with any attached exhibits, shall and does constitute the entire agreement of the parties, and there are no other provisions written or oral between parties. Any modification to this Contract shall be in writing, shall refer to the Contract and shall be signed by the parties charged.

B. Proposal Estimate and Changes. The Proposal is an estimate for the Project and may differ from ultimate billing. Final billing will be based upon length of fencing provided and respective materials cost needs and changes. Any changes to the Project and ultimate costs caused by unforeseen situations will be communicated by Contractor to Owner as soon as reasonably possible and will be reflected in Final Payment.

C. Force Majeure. If performance of this Contract or any obligation under it is prevented, restricted or interfered with by causes beyond either party's reasonable control, and if the party unable to carry out its obligations gives the other party prompt written notice of such event, then the obligations of the party invoking this provision shall be suspended to the extent necessary by such event. Any changes caused by unforeseen circumstances may affect and change the timing and costs of the Project, which will be communicated to Owner as soon as reasonably possible by Contractor.

D. Assignment. The Contractor and Owner agree that neither of them shall assign or transfer their respective interests in this Contract without the written consent of the other.

E. Governing Law and Venue. The Contractor and the Owner agree that this Contract shall be governed by and construed in accordance with the laws of the State of North Carolina. The Parties agree that any suit relating to the Project and Work under this Contract must be filed in Buncombe County, North Carolina.

F. Unenforceability of Provisions and Severability. If any provision of this Contract, or any portion thereof, is held to be invalid and unenforceable, then the remainder of this Contract shall nevertheless remain in full force and effect. If a court finds that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it would become valid or enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

Customer Initial _____

G. Waiver. The failure of either party to enforce any provision of this Contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel compliance with all other provisions of this Contract.

H. Collection and Attorneys' Fees. In the event that there is alleged breach of this Contract and/or lawsuit or Arbitration ensues out of the Work performed under this Contract, then the prevailing party is entitled to have his or her attorney's fees and costs incurred in that suit paid by the losing party. Additionally, the Owner agrees to pay all costs and expenses, including reasonable attorney and other legal fees, incurred by the Contractor in collecting any outstanding debt owed by the Owner to Contractor under this Contract.

I. Survival. All representations and warranties of the Parties contained herein shall survive termination of this Contract and completion of the subject Project.

IN WITNESS WHEREOF, the undersigned have executed this Contract as of the day and year first written above written to identical counterparts, each constituting an original of the document. The parties hereto agree that facsimile and scanned signatures shall be as effective as if originals.

ASHEVILLE CONTRACTING CO., INC. dba Asheville Fence and Guardrail Contractors

Sign: _____

Date: _____

Print: _____

OWNER:

Sign: _____

Date: _____

Print: _____

Customer Initial _____

**WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: May 23rd, 2023**

SUBJECT:

Budget Amendment to authorize the use of grant funds from the Pigeon River Fund for the purpose of two fishing access areas per the site plan for the Vance St Park extension (new greenway).

AGENDA INFORMATION:

Agenda Location: New Business

Item Number:

Department: Parks and Recreation

Contact: Luke Kinsland

Presenter: Luke Kinsland

BRIEF SUMMARY:

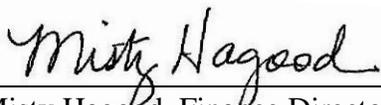
The site plan for the PARTF grant project for the new greenway at Vance St Park displays two fishing access areas along Richland Creek. Per PARTF grant guidelines we must complete the entire site plan. As construction costs have increased, PARTF funds have been substantially used already. The Town applied and received a grant from the Pigeon River Fund in the amount of \$30,000 for the purpose of cleanup/grading and constructing these two fishing access areas. The Town staff would like to coordinate this project with Haywood Waterways Association for planning and design.

MOTIONS FOR CONSIDERATION:

1. Motion to approve the budget amendment of a grant of \$30,000 from the Pigeon River Fund for fishing access areas.

FUNDING SOURCE/IMPACT:

Misc grant – Pigeon River Fund


Misty Hagood, Finance Director

5/16/2023
Date

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Please refer to the attached site plan. An updated detailed plan will be presented at the meeting.

Ordinance No. O-25-23

Amendment No. 21 to the 2022-2023 Budget Ordinance

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

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

General Fund:

Increase the following revenues:

Misc. Grant – Pigeon River Fund	\$30,000
---------------------------------	----------

Increase the following appropriations:

Recreation Dept	\$30,000
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Adopted this 23rd day of May 2023.

Town of Waynesville

Gary Caldwell
Mayor

Attest:

Candace Poolton
Town Clerk

Approved As To Form:

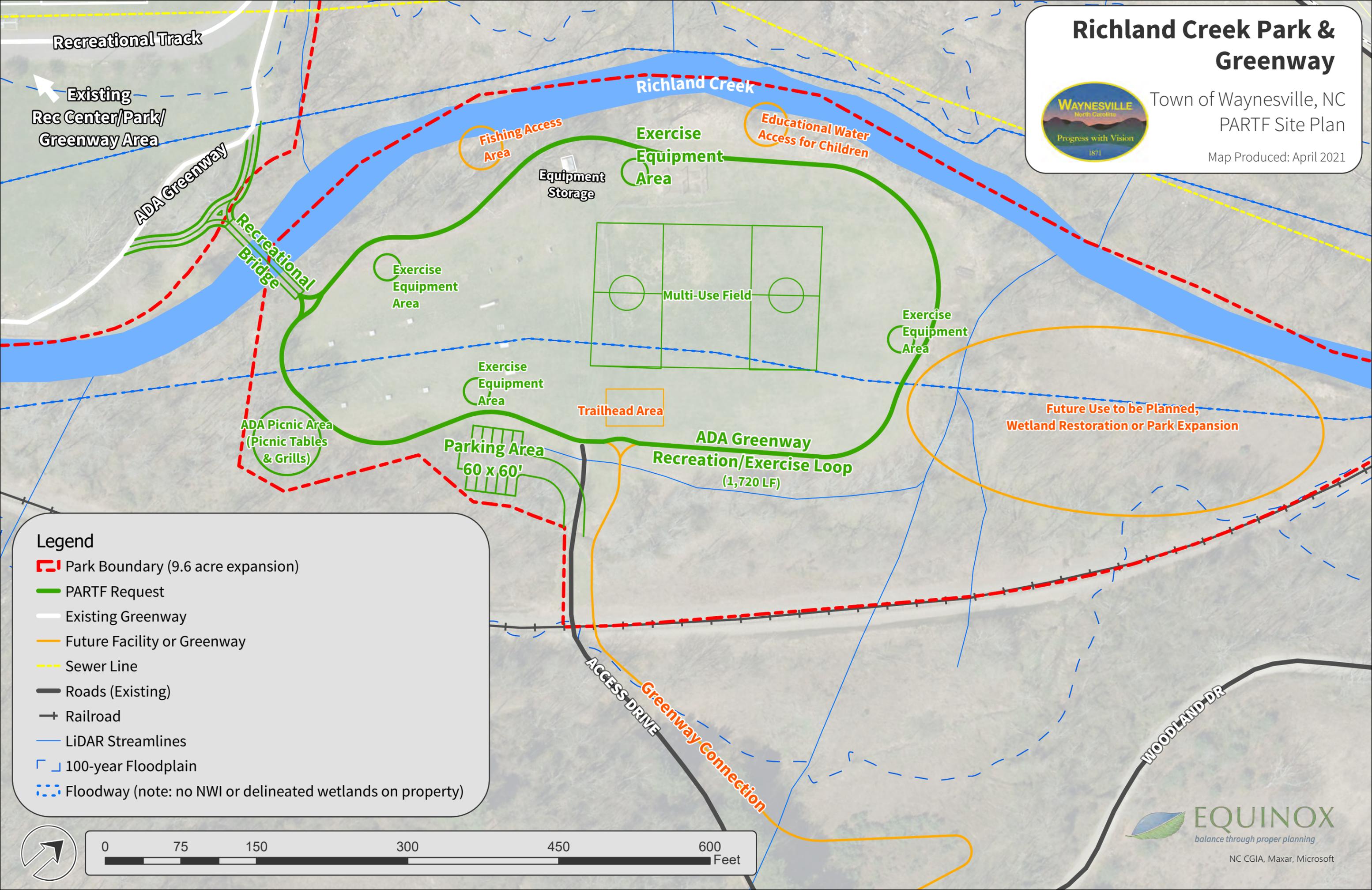
Martha Sharpe Bradley
Town Attorney

Richland Creek Park & Greenway



Town of Waynesville, NC
PARTF Site Plan

Map Produced: April 2021



Legend

- - - Park Boundary (9.6 acre expansion)
- PARTF Request
- Existing Greenway
- Future Facility or Greenway
- - - Sewer Line
- Roads (Existing)
- + + + Railroad
- LiDAR Streamlines
- - - 100-year Floodplain
- · · Floodway (note: no NWI or delineated wetlands on property)



NC CGIA, Maxar, Microsoft

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: May 23, 2023**

SUBJECT: Appointments to the Waynesville Public Art Commission and Waynesville Housing Authority

AGENDA INFORMATION

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

BRIEF SUMMARY

The Waynesville Public Art Commission recently had two vacancies. If appointed, Ms. Deering would be taking over a previous member's term that would be ending on 6/30/2025.

The Waynesville Housing Authority recently had two vacancies. If appointed, Ms. Arnold would fulfill WHA's requirement that at least one member must be directly assisted by WHA. Following the Town Council's policy on statutory advisory board appointments, Ms. Arnold will need to be interviewed prior to her appointment to the Waynesville Housing Authority.

MOTIONS FOR CONSIDERATION

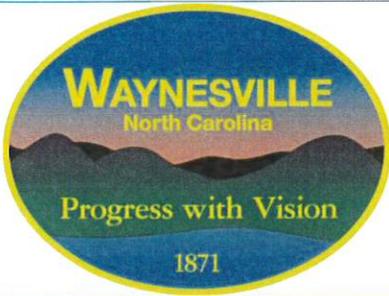
1. Motion to appoint CJ Deering to the Waynesville Public Art Commission.
2. Motion interview Sandra Arnold in consideration of her appointment to the Waynesville Housing Authority

FUNDING SOURCE/IMPACT

ATTACHMENTS

- CJ Deering's advisory board application
- Sandra Arnold's advisory board application

MANAGER'S COMMENTS AND RECCOMENDATIONS



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

cpoolton@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Q J DEERING
STREET ADDRESS 40 LANSING ROAD
MAILING ADDRESS SAME
PHONE 828-489-8114
E-MAIL qj.deering@yahoo.com

Please consider me for appointment to the following board(s) or commission(s):

- Alcoholic Beverage Control Board
- Board of Adjustment
- Firemen's Relief Fund Board
- Historic Preservation Commission
- Planning Board
- Public Art Commission
- Recreation & Parks Advisory Commission
- Waynesville Housing Authority
- Cemetery Committee

**As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because: I am a person who cares about art & community

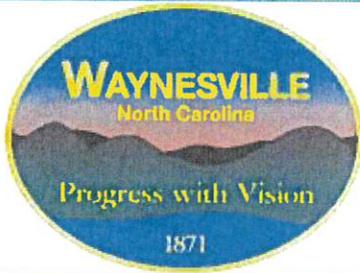
I have experience/expertise in the following areas and/or have served on the following board or commission: HARWOOD ARTS Council, WAYNESVILLE Triangle Club-

I feel that I can contribute the following to this board or commission my background in community service, fundraising, event planning also I am an active volunteer at community events.

Tell us about yourself and your background: As an Art major + fundraiser & event planner - I have background in areas that the council can use -

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Signature Qj Deering Date 5/11/23



TOWN OF WAYNESVILLE, NORTH CAROLINA

Application for Appointment to Boards/Commissions

Please return to the Town Clerk's office.

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

(828) 452-2491

cpoolton@waynesvillenc.gov

Additional Pages and/or a resume may be attached but is not required

NAME Sandra Arnold

STREET ADDRESS 65 Church St #608 Waynesville

MAILING ADDRESS _____

PHONE 334-268-8788

E-MAIL saracloud@yahoo.com

Please consider me for appointment to the following board(s) or commission(s):

- Alcoholic Beverage Control Board
- Board of Adjustment
- Firemen's Relief Fund Board
- Historic Preservation Commission
- Planning Board
- Public Art Commission
- Recreation & Parks Advisory Commission
- Waynesville Housing Authority
- Cemetery Committee

**As of July 27, 2021, the Board of Aldermen now require applicants to any Board and Commission required by statute to be interviewed by the Board of Aldermen. These Boards and Commissions are the Planning Board, Zoning Board of Adjustment, Alcohol Beverage Control Board, and the Waynesville Housing Authority.

I am interested in serving on this board or commission because: I believe everyone deserves a decent quality of life and I would like to be a part of making that happen

I have experience/expertise in the following areas and/or have served on the following board or commission: I have been on the Lower Advisory Committee for 2 years and as the Lower Activity Coordinator for 3 years

I feel that I can contribute the following to this board or commission: As a resident I'm in a unique position to be able to observe daily struggles and suggest changes

Tell us about yourself and your background: I owned a business for 22 years, enjoy face making but my passion is to show the love of Jesus to others thru my actions.

If a vacancy exists and I qualify for appointment, I will be contacted for my permission to the appointment. If I am chosen, I will faithfully execute my duty on the selected board or commission.

Signature Sandra Arnold Date 3/7/23



THE WHITE HOUSE

WASHINGTON

Congratulations on receiving the President's Volunteer Service Award, and thank you for helping to address the most pressing needs in your community and our country.

In my Inaugural Address, I stated that we need a new era of responsibility—a recognition on the part of every American that we have duties to ourselves, our Nation, and the world. These are duties that we do not grudgingly accept, but rather seize gladly, firm in the knowledge that there is nothing so satisfying to the spirit than giving our all to a difficult task. Your volunteer service demonstrates the kind of commitment to your community that moves America a step closer to its great promise.

Our Nation faces the most challenging economic crisis in a lifetime. We will only renew America if we all work together. Individuals, the private sector, and government must combine efforts to make real and lasting change so that each person has the opportunity to fulfill his or her potential.

While government can open more opportunities for us to serve our communities, it is up to each of us to seize those opportunities. Thank you for your devotion to service and for doing all you can to shape a better tomorrow for our great Nation.

A handwritten signature in black ink, appearing to be "Barack Obama", written in a cursive style.



MEDICAL TEAMS INTERNATIONAL

With sincere appreciation and

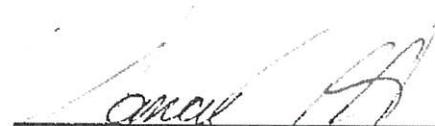
Gratitude

to

Sandra Arnold, Assistant

FOR YOUR GENEROUS DONATION OF 276 HOURS OF
YOUR TIME AND PROFESSIONAL SERVICES HELPING
THOSE IN NEED THROUGH MEDICAL TEAMS
INTERNATIONAL'S MOBILE DENTAL PROGRAM IN 2012

Thank you Sandra, for helping us provide dental care in Washington
to over 6,655 people who have no realistic way to pay
for or access dental services.


Program Manager

3/11/13
Date



Presented by the President's Council on Service and Civic Participation to

Sandra Arnold

In recognition and appreciation of your commitment to strengthening our

Nation and for making a difference through volunteer service.

Gold Award

2011

Corporation for
**NATIONAL &
COMMUNITY
SERVICE** 