



## Town of Waynesville, NC

### Board of Aldermen Regular Meeting

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

Date: November 23, 2021 Time: 6:00 p.m.

The agenda and all related documentation may be accessed electronically at [www.waynesvillenc.gov](http://www.waynesvillenc.gov).

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*Consider the environment ♦ Conserve resources ♦ Print only when necessary*

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(828) 452-2491 [eward@waynesvillenc.gov](mailto:eward@waynesvillenc.gov)

#### A. CALL TO ORDER - Mayor Gary Caldwell

##### 1. Welcome/Calendar/Announcements

#### B. PUBLIC COMMENT

#### C. CONSENT AGENDA

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

- i. Adoption of minutes of the November 9, 2021 regular meeting
- ii. Adoption of the November 10, 2021 emergency meeting
- iii. Forest Steward's Contract to manage Watershed

#### D. CALL FOR PUBLIC HEARING

##### 2. Present the Town of Waynesville Stormwater Program and provide a platform for public input.

- Olga Grooman, Planner

***Motion: To call for a Public Hearing to be held on Tuesday December 14, 2021 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street Waynesville to present the Town of Waynesville Stormwater Program.***

##### 3. Call for a Public Hearing to consider a request for Annexation for property known as "The Queen Subdivision," PIN 8615-98-2217.

- Elizabeth Teague, Development Services Director

***Motion: To call for a Public Hearing to be held on Tuesday December 14, 2021 at 6:00 pm or as closely thereafter as possible in the Town Hall Board room located at 9 South Main Street***

***Waynesville to consider a request for Annexation for property known as “The Queen Subdivision,” PIN 8615-98-2217.***

**E. NEW BUSINESS**

4. Budget Amendment to hire a new Building Inspector Code Official within the Development Services Department
  - Elizabeth Teague, Development Services Director

***Motion: to approve budget amendment no. Ordinance no. O-24-21 for hiring a new Building Inspector Code Official within the Development Services Department***

5. Amendment to Chapter 44, Solid Waste and Weeds
  - Rob Hites, Town Manager

***Motion: Review the ordinance, recommend revisions and place on December meeting for adoption.***

**F. COMMUNICATION FROM STAFF**

6. Manager’s Report
  - Town Manager, Rob Hites
7. Town Attorney Report
  - Town Attorney, Martha Bradley

**G. COMMUNICATIONS FROM THE MAYOR AND BOARD**

**H. ADJOURN**



# TOWN OF WAYNESVILLE

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

## CALENDAR

December 2021

|                                       |   |
|---------------------------------------|---|
| Thursday & Friday<br>November 25 & 26 | Town Offices Closed - Thanksgiving                          |
| Friday December 3                     | Waynesville Christmas Tree Lighting – Main Street - 6:00 pm |
| Sunday December 5                     | Hazelwood Christmas Parade – 3:00 pm                        |
| Monday December 6                     | Waynesville Christmas Parade – Main Street - 6:00 pm        |
| Saturday December 11                  | Night Before Christmas – Main Street – 6:00 pm              |
| Tuesday December 14                   | Board of Aldermen Meeting – Regular Session                 |
| December 23, 24 & 27th                | Town Closed – Christmas Holidays                            |

## Board and Commission Meetings – December 2021

|  |                                       |   |
|--|---------------------------------------|---|
| ABC Board                              | ABC Office – 52 Dayco Drive           | <b>December 21</b><br>3 <sup>rd</sup> Tuesday<br>10:00 AM       |
| Board of Adjustment                    | Town Hall – 9 S. Main Street          | <b>December 7</b><br>1 <sup>st</sup> Tuesday<br>5:30 PM         |
| Firefighters Relief Fund Board         | Fire Station 1 – 1022 N. Main Street  | <b>Meets as needed</b><br><i>No meeting currently scheduled</i> |
| Historic Preservation Commission       | Town Hall – 9 S. Main Street          | <b>December 1</b><br>1 <sup>st</sup> Wednesday<br>2:00 PM       |
| Planning Board                         | Town Hall – 9 S. Main Street          | <b>December 20</b><br>3 <sup>rd</sup> Monday<br>5:30 PM         |
| Public Art Commission                  | Town Hall – 9 S. Main Street          | <b>December 9</b><br>2 <sup>nd</sup> Thursdays<br>4:00 PM       |
| Recreation & Parks Advisory Commission | Rec Center Office – 550 Vance Street  | <b>December 15</b><br>3 <sup>rd</sup> Wednesday<br>5:30 PM      |
| Waynesville Housing Authority          | Waynesville Towers – 65 Church Street | <b>December 14</b><br>2 <sup>nd</sup> Tuesday<br>3:30 PM        |

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**Regular Meeting**  
**November 9, 2021**

**THE WAYNESVILLE BOARD OF ALDERMEN** held a regular meeting on Tuesday November 9, 2021 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  
Mayor Pro Tem Julia Freeman  
Alderman Anthony Sutton  
Alderman Jon Feichter  
Alderman Chuck Dickson

The following staff members were present:

Rob Hites, Town Manager  
Jesse Fowler, Assistant Town Manager  
Martha Bradley, Town Attorney  
Police Chief David Adams  
Jeff Stines, Public Works Director  
Ricky Foster, Public Works Assistant Director  
Dean Trader, Interim Finance Director  
Byron Hickox, Land Use Administrator  
Lt. Chris Chandler

The following media representative was present:

Becky Johnson, Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone to the meeting and reminded them that Town Offices will be closed on November 11, 2021 in observance of Veterans Day.

**B. PUBLIC COMMENT**

Comments were made by **Erich and Lisa Overhultz, 26 Davis Lane** concerning garbage and homeless under the bridge at Russ Avenue.

## C. CONSENT AGENDA

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

- i. Adoption of minutes of the September 26, 2021 regular meeting
- ii. Adoption of minutes of the October 12, 2021 regular meeting
- iii. Approval of Special Event Permit: Hazelwood Old Timey Parade

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

## D. CALL FOR PUBLIC HEARING

2. Public Hearing for November 9, 2021 to consider a Text Amendment to the Land Development Standards Section 11.6 to establish a new sign category for Elementary and Secondary Schools and associated standards.

- Byron Hickox, Land Use Administrator

Town Attorney Martha Bradley opened the Public Hearing at 6:11 pm.

Mr. Byron Hickox, Land Use Administrator explained to the Board that this project proposes a text amendment to the Land Development Standards Section 11.6 that would allow schools to have electronic, interchangeable face signs and to establish a uniform set of dimensional standards for school signs across zoning districts. This was prompted by Waynesville Middle School installing an electronic sign without any consultation or permit. He stated that the Planning Board recognized that the sign was useful for providing information and wanted to work with the school Board in regulating signs for the schools.

Mr. Hickox explained the standards that would be in effect for the signs as follows:

- No sign may change its messages in less than one minute.
- When changed mechanically it will be changed in 3 seconds or less. (These signs are out-dated)
- The portion of the sign which accommodates multiple messages cannot exceed 50% of the total face.
- Face signs which are illuminated shall meet lighting standards in the Town's Ordinance
- Only one electronic changeable face sign per lot will be allowed.

At their regularly scheduled meeting on October 18, 2021, the Planning Board held a public hearing and found that the project is consistent with the 2035 Plan and unanimously recommended adoption of the text amendment.

Attorney Bradley asked if anyone wished to speak concerning the Text Amendment.

No one spoke.

Attorney Bradley closed the Public Hearing at 6:18 pm.

***A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to adopt a Consistency Statement indicating that the proposed amendment is reasonable and consistent with the 2035 Comprehensive Land Use Plan, that it is reasonable and in the public interest, and in the interest of public health, safety, and welfare, and recommends the amendments for its enactment. The motion carried unanimously.***

***A motion was made by Alderwoman Julia Freeman, seconded by Alderman Anthony Sutton, to approve, the proposed Text Amendment to the Land Development Standards Section 11.6 regarding signage for Elementary and Secondary Schools. The motion carried unanimously.***

**E. NEW BUSINESS**

3. Pigeon Street Reconstruction and Paving Project Budget Amendment Approval
- Dean Trader, Interim Finance Director

Mr. Dean Trader, Interim Finance Director, explained to the Board that this was a budget amendment to the CIP from \$0 to \$698,000.00 for the Pigeon Street Reconstruction and Paving Project in the General Fund Street Department. Mr. Trader stated that the original estimate for the project was \$180,000.00, to be paid for by the ARA grant money that was to be distributed twice a year. Because of the nature of the work, and the cost of the engineer consultants, the cost of the estimate is \$698,000.00. He said that after consulting with the School of Government, there is a possibility that the money will not have to be taken out of Fund Balance, but instead use the ARA grant money.

The condition of the Fund Balance as of the 2020 audit financial statements show that the Town solidly has the money to make this transfer.

***A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to approve Ordinance No. O-23-21 Budget Amendment 9 for the CIP items in the total amount of \$698,000.00 for the Pigeon Street Reconstruction and Paving project. The motion carried unanimously.***

**F. COMMUNICATION FROM STAFF**

Manager's Report

- Rob Hites, Town Manager

Manager Hites reminded the Board that the bids for the Wastewater Treatment Plant will be opened on December 7, 2021.

Mayor Gary Caldwell was able to obtain a signature for the easement on the Sutton property in Hazelwood.

6. Town Attorney Report

- Town Attorney, Martha Bradley

Attorney Bradley had nothing to report.

**G. COMMUNICATIONS FROM THE MAYOR AND BOARD**

Alderman Chuck Dickson stated he had received a request for Mr. George Ivey, Executive Director of the Blue Ridge Parkway Foundation, to obtain a letter of support from the Mayor and Board for a grant to explore opportunities to increase tourism and Economic Development along the Parkway.

***A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton to grant the letter of support to the Blue Ridge Foundation. The motion passed unanimously.***

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**H. ADJOURN**

***With no further business, a motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adjourn the meeting at 6:52pm. The motion carried unanimously.***

ATTEST:

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Gary Caldwell, Mayor

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Robert W. Hites, Jr. Town Manager

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Eddie Ward, Town Clerk



**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**Emergency Meeting**  
**November 10, 2021**

**THE WAYNESVILLE BOARD OF ALDERMEN** held an emergency meeting on Wednesday November 10, 2021 at 7:00 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 7:00 pm with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager  
Jesse Fowler, Assistant Town Manager  
Martha Bradley, Town Attorney  
Jeff Stines, Public Works Director  
Wayne Bolin, Water/Sewer Maintenance Superintendent  
Ricky Foster, Public Works Assistant Director  
Lt. Chris Chandler

The following media representative was present:

Becky Johnson, Mountaineer  
Cory Vaillancourt, Smoky Mountain News

Mayor Gary Caldwell explained to the Board that the reason for the emergency called meeting was to discuss the delay of the 20-inch water line repair located in Hazelwood, from Friday November 12<sup>th</sup> until Monday November 15<sup>th</sup>. He said he had received multiple calls from businesses in Hazelwood with concerns about the water outage and the effect it would have on their business. One business in particular was Clyde's Restaurant owned by Mr. Brandon Greene, who attended the meeting. Mayor Caldwell asked Mr. Greene to speak to the Board about his concerns.

Mr. Greene spoke to the Board stating that Friday was one of the busiest days of the week. By not being able to open on that day because of no water, he said he would lose one of the last

days of the color season, and his employees would lose pay for that day. He asked the Board to reconsider, and change the repair to Monday, or even delay it for a week.

Mr. Jeff Stines, Public Services Director was asked questions concerning the urgency of the repair and if it could be delayed. Mr. Stines told the Board he did not feel comfortable delaying the repair because of the location of the water line and the railroad. He said if the line in question broke, it would cause a longer delay than is scheduled on Friday. Another point of concern is the Hazelwood School. Haywood County Schools already have a planned closing on Friday, and if the work is delayed Hazelwood School will have to close on Monday as well. This will cause a hardship on the students and employees of the school.

There was much discussion on the pros and cons of doing the work on Friday.

***A motion was made by Alderman Jon Feichter, seconded by Alderwoman Julia Freeman to proceed as planned with the repair to the water line in Hazelwood. The motion passed with four ayes (Alderman Chuck Dickson, Alderwoman Julia Freeman, Alderman Jon Feichter, and Alderman Anthony Sutton) and one nay ( Mayor Gary Caldwell.)***

***With no further business, a motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adjourn the meeting at 7:27 p.m. The motion carried unanimously.***

## **H. ADJOURN**

***With no further business, a motion was made by Alderman Anthony Sutton, seconded by Alderwoman Julia Freeman, to adjourn the meeting at 6:52pm. The motion carried unanimously.***

ATTEST:

*Town of Waynesville  
Emergency Meeting November 10, 2021*

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Gary Caldwell, Mayor

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Robert W. Hites, Jr. Town Manager

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Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: 11-23-21**

**SUBJECT Renewal:** Forest Steward's Contract to manage Watershed

**AGENDA INFORMATION:**

**Agenda Location:** Consent Agenda

**Item Number:**

**Department:** Administration

**Contact:** Rob Hites,

**Presenter:** Rob Hites

**BRIEF SUMMARY:**

Forest Stewards has been performing forest management and academic research in Waynesville's watershed for a number of years. They conduct surface water quality testing and forest management practices such as thinning of white pine to encourage growth of hardwoods, and removal of non- native species such as Oriental Bittersweet. The Board recently approved the NC Forest Service and Forest Service to conduct several small, controlled burns to help re-establish a mature Oak canopy in the watershed. They propose a \$42,000 per annum contract, the same as contract amount as the last two years.

**MOTION FOR CONSIDERATION:** Approve contract

**FUNDING SOURCE/IMPACT:** The contract amount has been included in the 2021-22 budget

**ATTACHMENTS:** Contract

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

Forest stewards is insuring that best forest management practices are carried out in the watershed. They have a long- range plan to restore the watershed to its appearance prior to the logging practices of the past centuries (minus the chestnuts) as well as removing invasive species of plants. Their water quality test sites provide the Town with important information as to the health of the streams that feed the lake. The Town's partnership with Forest Stewards provides the Town with an important contact with the academic community.

*Forest Stewards, Inc.*  
**SERVICES AGREEMENT**  
**(2021-22)**

**THIS SERVICES AGREEMENT** (the "Agreement") is made between **Forest Stewards, Inc.**, a North Carolina nonprofit corporation ("Forest Stewards"), and the **Town of Waynesville, NC** ("Client").

**RECITALS**

**WHEREAS**, Forest Stewards provides a variety of services related to sustainable forest management in the southern Appalachian Mountains; and

**WHEREAS**, Client desires to engage the services of Forest Stewards.

**NOW, THEREFORE**, in consideration of the terms, conditions, and mutual covenants hereinafter set forth, the parties agree as follows:

**TERMS**

**1.0 Obligations of Forest Stewards.**

- 1.1 Forest Stewards agrees to perform the following tasks in the Waynesville Watershed:
  - a. *Monitor surface water quality*
    - i. *Continue collecting and summarizing surface water quality data within the Waynesville watershed, and to assess stewardship impacts on water quality. A focus will be to develop comprehensive baseline data in the Old Bald/Steestachee Project Area to monitor and document any effects of future stewardship treatments on water quality.*
  - b. *In consultation with town staff and easement holders (SAHC and CTNC), continue monitoring and controlling non-native invasive plant populations. We will focus on areas near the reservoir, including the 2014 white pine thinning unit, and areas in the Old Bald/Steestachee Project Area where future treatments may occur.*
    - i. *Implement chemical and mechanical non-native plant control methods in selected areas consistent with time and resources available. Our efforts will concentrate on controlling invasive species that appear to pose the greatest threat to the establishment of native vegetation.*
    - ii. *Compile and share results of all NNIS control efforts through 2021.*
  - c. *Summarize results of the continuous forest inventory. These plots were established in 2008/09 and the first remeasurement was completed in 2019. The analyses will characterize changes in forest condition between measurements.*
  - d. *In consultation with town staff and easement holders (SAHC and CTNC) continue implementation of proposed stewardship treatments in the Old Bald/Steestachee Project Area that were outlined during the July 2019 stewardship tour.*
  - e. *Collaborate and assist with other entities investigating watershed resources.*
    - i. *Examples include EBCI/USFS ramp harvesting, USFS restoration projects near Lickstone Ridge, WCU wildlife studies, HRI hemlock treatments.*
  - f. *Participate in town meetings and update town officials and the public as needed.*

*g. Continue to maintain biophysical and geospatial databases for the watershed, and create maps and data summaries as requested.*

**2.0    Period of Performance:**        July 1, 2021 through June 30, 2022

**3.0    Compensation.**

3.1        It is agreed that the total compensation to Forest Stewards for services performed under this Agreement shall be **forty-two thousand dollars (\$42,000)**.

3.2        Invoices will be submitted for payment to be made per the following schedule:

\$15,000 will be due on November 30, 2021

\$15,000 will be due on March 1, 2022

\$12,000 will be due on June 30, 2022

3.3        Payment shall be made by Client to Forest Stewards upon receipt of invoice and mailed to the following address:

Forest Stewards, Inc.  
331 Stillwell Building  
Western Carolina University  
Cullowhee, NC 28723

3.4        The tax identification number of Forest Stewards, Inc. is: 26-2624364

**4.0    Termination.**

4.1        In the event that either party shall commit any breach of or default in any of the terms or conditions of this Agreement, and also shall fail to remedy such default or breach within thirty (30) days after receipt of written notice thereof from the other party hereto, the party giving notice may, at its option and in addition to any other remedies which it may have at law or in equity, terminate this Agreement by sending notice of termination in writing to the other party to such effect, and such termination shall be effective as of the date of the receipt of such notice.

4.2        Termination of this Agreement by either party for any reason shall not affect the rights and obligations of the parties accrued prior to the effective date of termination of this Agreement.

**5.0    Dissemination of results.**

5.1        Client acknowledges that Forest Stewards is an associated entity of Western Carolina University (WCU), and that certain findings and results of this project may be publishable or otherwise be made available to the public. Client agrees that WCU researchers and others engaged in the project shall be permitted to present at symposia, national, or regional professional meetings, and to publish in journals, theses, or dissertations, or otherwise of their own choosing.

**6.0    Insurance.**

6.1 At all times during the term of this Agreement, Forest Stewards shall obtain and maintain in full force and effect: (a) worker's compensation insurance, and (b) comprehensive general liability insurance, in amounts of not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the annual aggregate, in connection with the Project and services described in this Agreement. Certificates of insurance evidencing such insurance coverages will be provided to Client upon reasonable request. Forest Stewards shall give five (5) day's written notice to Client of the termination or cancellation of any such policies of insurance.

## **7.0 Independent Contractors.**

7.1 In the performance of all services hereunder, Forest Stewards shall be deemed to be and shall be an independent contractor and, as such, Forest Stewards shall not be entitled to any benefits applicable to employees of Client. Neither party is authorized or empowered to act as agent for the other for any purpose and shall not on behalf of the other enter into any contract, warranty, or representation as to any matter. Neither shall be bound by the acts or conduct of the other.

## **8.0 Hazardous Materials and Other Dangers.**

8.1 Client shall notify Forest Stewards in writing before any work is performed of all known hazardous materials, hazardous conditions, and any other safety risks existing on the property that is the subject of this Agreement. Client shall indemnify, protect, defend, and hold harmless Forest Stewards and its directors, officers, agents, employees, representatives, and assigns from and against any and all claims, demands, suits, and causes of action and any and all liabilities, costs, damages, expenses, and judgments incurred that relate to or arise out of the Client's failure or refusal to notify Forest Stewards of known hazardous materials or conditions pursuant to this Paragraph 8.

## **9.0 Miscellaneous Terms.**

9.1 Assignment. Neither party may assign any of its rights or delegate any of its obligations hereunder without first obtaining the prior written consent of the other party hereto. This Agreement inures to the benefit of, and is binding upon, the successors and permitted assigns of the parties hereto.

9.2 Binding Effect. Subject to the provisions of this Agreement relating to transferability, this Agreement will be binding upon and inure to the benefit of the parties and their respective successors, heirs, legal representatives, and assigns.

9.3 Entire Agreement/Amendments. This Agreement contains the entire understanding between the parties hereto and supersedes all prior agreements, understandings, and arrangements between the parties relating to the subject matter hereof. No amendment, change, modification or alteration of the terms and conditions hereof shall be binding unless evidenced by a writing signed by the parties hereto.

9.4 Force Majeure. No party to this Agreement shall be liable for failure to perform any duty or obligation that said party may have under this Agreement where such failure has been occasioned by any act of God, fire, strike, unavoidable accident, natural disaster, epidemic or pandemic, war or any cause outside the reasonable control of the party who had the duty to perform.

9.5 Governing Law and Venue. This Agreement and the rights and obligations of the parties hereunder shall in all respects be governed by the substantive law of the State of North Carolina, including all matters of construction, validity and performance. This provision shall survive the term of the Agreement. The parties hereto agree that the venue of any lawsuit filed in connection with this Agreement shall be Jackson County, North Carolina.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement effective as of the date last hereinafter written.

**Client**

**Forest Stewards, Inc**

By: \_\_\_\_\_

By: \_\_\_\_\_

Peter C. Bates

Title: \_\_\_\_\_

Title: President, Board of Directors

Date: \_\_\_\_\_

Date: \_\_\_\_\_

—

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: November 23, 2021**

**SUBJECT:**

Call for a Public Hearing for December 14, 2021 to present the Town of Waynesville Stormwater Program and provide a platform for public input.

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D2  
**Department:** Development Services  
**Contact:** Olga Grooman  
**Presenter:** Olga Grooman

**BRIEF SUMMARY:**

The Town of Waynesville holds a National Pollutant Discharge Elimination System Permit (NPDES) issued by the NC Department of the Environmental Quality (NC DEQ) on August 19, 2021. The permit authorizes discharges of stormwater runoff within the Town in accordance with an up-to-date, local Stormwater Management Plan. The plan is designed to preserve and improve local water quality by implementing "Six (6) Minimum Measures" for compliance with the NPDES Permit:

1. Public education and outreach
2. Public participation/involvement
3. Illicit discharge detection and elimination
4. Construction site stormwater runoff control
5. Post-construction runoff control
6. Pollution prevention/good housekeeping

The Town is partnering with Haywood Waterways to implement the plan and to meet the specific goals and requirements for the permit term, which is five (5) years. One requirement is to provide a forum for public input on stormwater related issues and the stormwater management plan at a public hearing.

**MOTIONS FOR CONSIDERATION:**

1. Motion to call for a Public Hearing to allow a presentation of the Town of Waynesville Stormwater Program to provide a platform for public input.
- 2.

**FUNDING SOURCE/IMPACT:**

N/A

**ATTACHMENTS:**

1. Town of Waynesville Stormwater Management Plan available on the Town's Stormwater Page and in hard copy (<https://www.waynesvillenc.gov/departments/development-services/stormwater-management>).
2. The Town's National Pollutant Discharge Elimination System Permit issued by the NC Department of Environmental Quality (NC DEQ) available on the Town's Stormwater Page and in hard copy (<https://www.waynesvillenc.gov/departments/development-services/stormwater-management>)

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: November 23, 2020**

**SUBJECT:** Call for a Public Hearing to consider a request for Annexation for property known as “The Queen Subdivision,” PIN 8615-98-2217.

**AGENDA INFORMATION:**

**Agenda Location:** Call for Public Hearing  
**Item Number:** D3  
**Department:** Development Services  
**Contact:** Elizabeth Teague, Development Services Director  
**Presenter:** Elizabeth Teague, Development Services Director

**BRIEF SUMMARY:** The Town received the attached “Petition for Annexation of contiguous area from property owner John M. Queen. This 32.67 acre property is within the Town’s Extraterritorial Jurisdiction and lies within the Raccoon Creek Neighborhood-Residential District (RC-NR).

**MOTION FOR CONSIDERATION:**

1. Adoption of attached resolution to hold a public hearing to consider an Annexation Petition.

**FUNDING SOURCE/IMPACT:** This application allows future development to connect to Town sewer services. Annexation of this property will encompass a planned development of 115 single-family homes to receive Town Municipal services, and pay property taxes.

**ATTACHMENTS:**

1. Application
2. Property Information
3. Zoning Map
4. Property location map relative to Municipal Boundaries
5. Resolution

**MANAGER’S COMMENTS AND RECOMMENDATIONS:** This is a call for public hearing only



## Transmittal

**Date:** October 25, 2021

**Project Name:** Queen Subdivision

**To:** Town of Waynesville – Development Services  
Attn: Elizabeth Teague, AICP, CTP, CFM - Director

**Via:** Mail ☐ Overnight ☐ Hand Delivered ☒ Pick up @ CDC Office ☐

| Copies | Date     | Description   |
|--------|----------|---|
| 1      | 10/21/21 | Executed Annexation Petition for Parcel 8615-98-2217              |
| 1      | 10/21/21 | Metes and Bounds Description of the subject parcel                |
| 1      | 10/21/21 | Haywood Co. Tax Map of the subject parcel                         |
| 1      | 10/22/21 | Check in the amount of \$200.00 for the Annexation Request Filing |
|        |          |   |
|        |          |   |
|        |          |   |

Remarks:

Elizabeth – Please let me know if you need any additional items in order to begin the requested annexation process for this property.

Thanks

Patrick Bradshaw, PE

Mailing Address: P.O. Box 5432, Asheville, NC 28813

168 Patton Avenue Asheville, NC 28801  
Phone 828-252-5388 Fax 828-252-5365

52 Walnut Street – Suite 9, Waynesville, NC 28786  
Phone: 828-452-4410 Fax: 828-456-5455

**TOWN OF WAYNESVILLE  
PLANNING DEPARTMENT  
P.O. BOX 100, WAYNESVILLE, NC 28786  
828-456-2004**

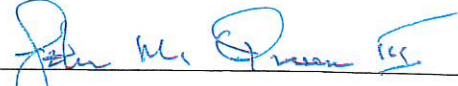
**ANNEXATION UPON PETITION  
OF ALL OWNERS OF REAL PROPERTY**

(G.S. 160A-31, as amended)

Date: October 21, 2021

To: Board of Aldermen of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described below be annexed to the Town of Waynesville.
2. Character of area to be annexed:
  - a. Any area which is contiguous to the corporate limits of the Town of Waynesville may be annexed by petition.
  - b. For purposes of these laws, an area is deemed "contiguous" If, at the time the petition is submitted, the area either abuts directly on the municipal boundary or is separated from the municipal boundary by a street, right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State.
3. The area to be annexed is contiguous to the Town of Waynesville and the boundaries of such territory are as follows:
  - a. Metes and bounds description is attached.
  - b. Tax map of the proposed territory is attached.

Name John M. Queen, III Signature   
Address 480 Queen Cove Road, Waynesville, NC 28786

Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_

Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_

(Attach additional sheet if necessary)

(32.608 acres, Sunnyside Road, John M Queen III)

EXHIBIT A

BEGINNING at an existing iron pin on the north side of Sunnyside Road (NC SR 1809), at the southeastern corner of the Carver tract (Deed Book 143, page 543) and runs thence with a fence line, N. 10 deg. 14' 45" E. 230.23 ft. to an existing iron pin at an Allison corner (Deed Book 480, page 1268); thence with the Allison lines and the fence line, 6 calls: N. 13 deg. 57' 45" E. 142.25 ft. to an existing iron pin, N. 79 deg. 40' 00" W. 15.43 ft., N. 10 deg. 54' 56" W. 241.88 ft. to an existing iron pin, N. 1 deg. 32' 43" W. 134.63 ft. to an existing iron pin, N. 0 deg. 30' 59" E. 50.00 ft., and N. 3 deg. 28' 59" E. 99.95 ft. to an existing iron pin in the line of Howell (Deed Book 426, page 549); thence continuing with the fence lines and the lines of Howell, 2 calls: N. 83 deg. 33' 00" E. 129.42 ft. to an existing iron pin and N. 44 deg. 17' 54" W. 87.26 ft. to an existing iron pin in the line of Massie (Deed Book 422, page 974); thence with the Massie lines and continuing with the fence lines, 2 calls: S. 75 deg. 54' 57" E. 345.45 ft. to an existing iron pin and N. 2 deg. 19' 25" E. 272.87 ft. to an existing iron pin in the line of Stovall (Deed Book 479, page 2418); thence with the Stovall line and the fence line, N. 88 deg. 05' 10" E. 531.42 ft. to an iron pin set at a fence corner; thence continuing N. 88 deg. 5' 10" E. 297.26 ft. to an existing iron pin; thence S. 3 deg. 41' 50" W. (passing an iron pin at 1,439.58 ft.) 1,459.58 ft. to a point in the center of a ditch adjacent to the north side of Sunnyside Road in the line of Morrow (Deed Book 390, page 1111); thence with the center of the ditch and the line of Morrow, N. 73 deg. 49' 10" W. 393.05 ft. to a corner with Turner (Deed Book 417, page 852); thence with the Turner lines and the center of the ditch, 3 calls: N. 71 deg. 00' 00" W. 96.09 ft., N. 67 deg. 00' 25" W. 114.33 ft., and N. 61 deg. 43' 35" W. 53.88 ft.; thence leaving the ditch but continuing with the Turner lines, 3 calls: N. 77 deg. 38' 20" W. 68.45 ft., N. 83 deg. 30' 00" W. 99.08 ft. and N. 83 deg. 30' 00" W. 175.06 ft. to a corner with Moody (Deed Book 446, page 1541); thence with the Moody line, N. 85 deg. 08' 45" W. 205.53 ft. to the BEGINNING, containing 32.608 acres as shown on the survey of J. Randy Herron, PLS, dated 11-21-01, entitled "John M. Queen III," Drawing number 1093-181-A.

COMPREHENDING the tracts conveyed to John M. Queen III by deeds recorded in Book 470, page 267 and Book 462, page 2346, Haywood County Registry. TOGETHER WITH the easement described in Deed Book 462, page 2349.



# Report For

QUEEN, JOHN M III  
480 QUEEN COVE RD  
WAYNESVILLE, NC 28785

## Account Information

PIN: 8615-98-2217

Legal Ref: 470/267

Add Ref: A99/27

A01/379

## Site Information

SUNNYSIDE RD

Heated Area:

Year Built:

Total Acreage: 32.67

Township: Waynesville

## Site Value Information

Land Value: \$193,600

Building Value: \$0

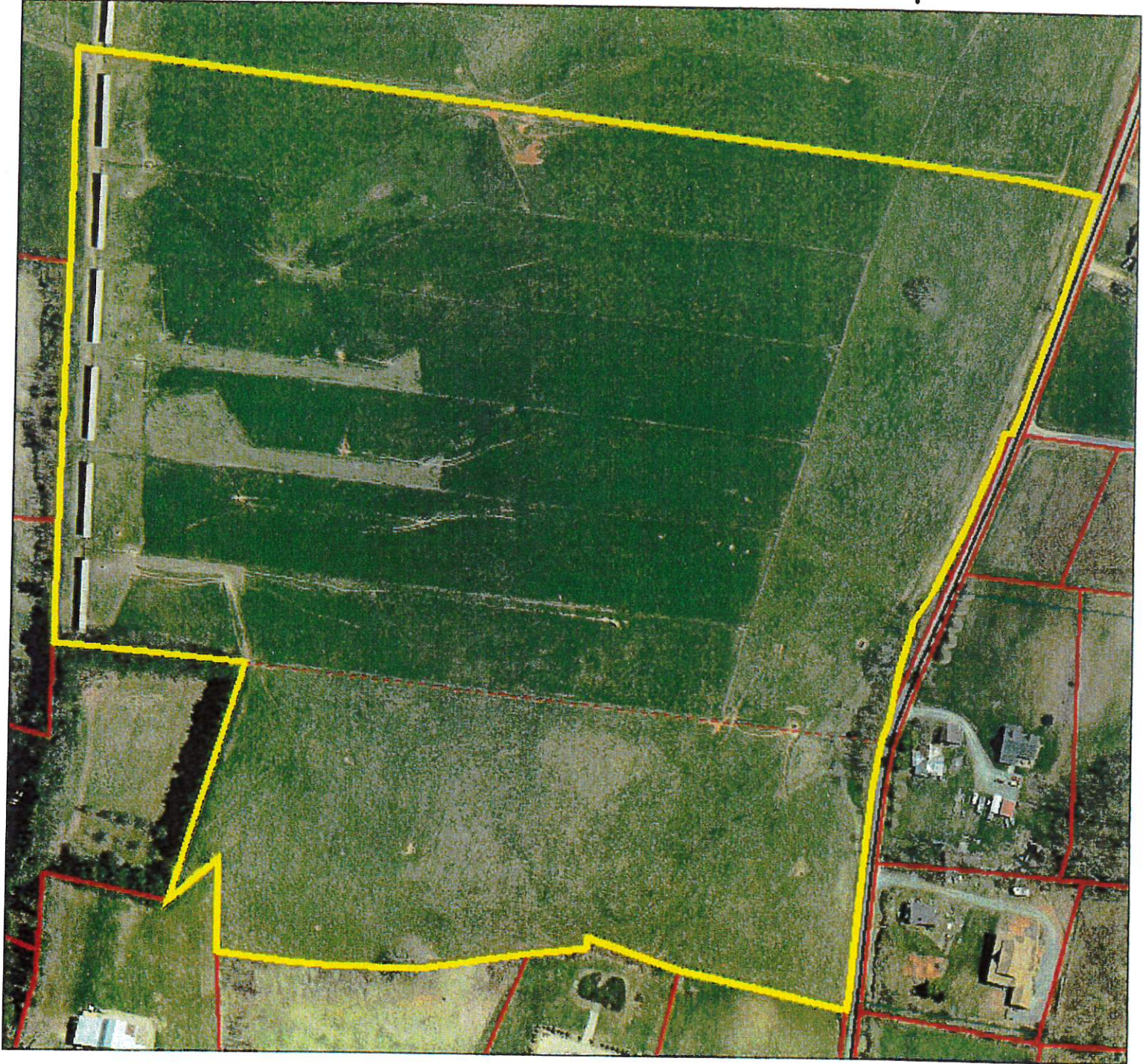
Market Value: \$193,600

Deferred Value: \$175,795

Assessed Value: \$17,805

Sale Price: \$66,641

Sale Date: 1/13/1999



1 inch = 200 feet

October 19, 2021

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



## Report For

QUEEN, JOHN M III  
480 QUEEN COVE RD  
WAYNESVILLE, NC 28785

### Account Information

**PIN:** 8615-98-2217

**Legal Ref:** 470/267

**Add Ref:** A01/379

### Site Information

SUNNYSIDE RD

**Heated Area:**

**Year Built:**

**Total Acreage:** 32.67

**Township:** Waynesville

### Site Value Information

**Land Value:**

**Building Value:**

**Market Value:**

**Deferred Value:**

**Assessed Value:**

**Sale Price:**

**Sale Date:** 1/13/1999



1 inch = 667 feet  
November 16, 2021

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



## Report For

QUEEN, JOHN M III  
480 QUEEN COVE RD  
WAYNESVILLE, NC 28785

### Account Information

PIN: 8615-98-2217

Legal Ref: 470/267

Add Ref: A01/379

### Site Information

SUNNYSIDE RD

Heated Area:

Year Built:

Total Acreage: 32.67

Township: Waynesville

### Site Value Information

Land Value:

Building Value:

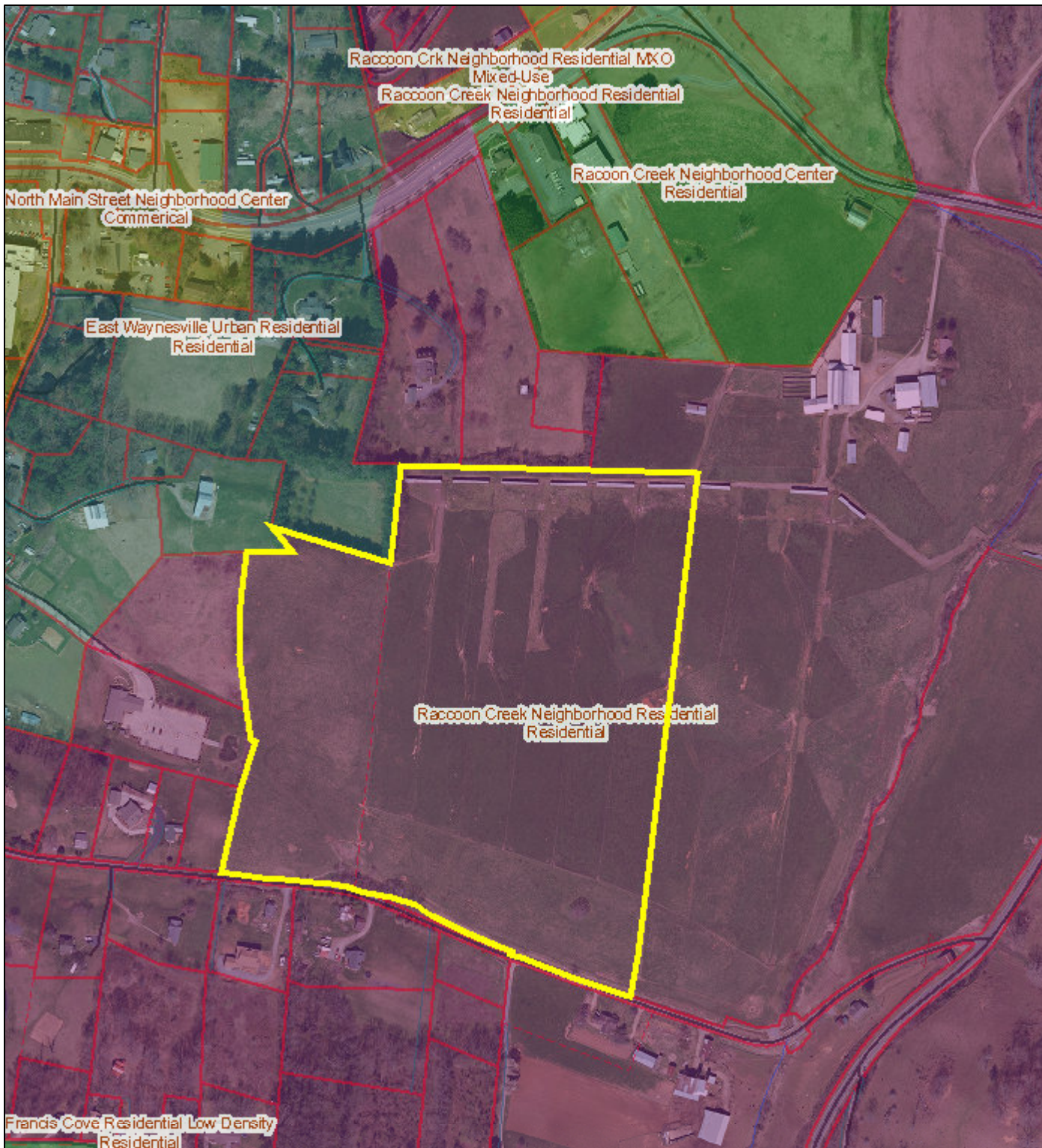
Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 1/13/1999



1 inch = 400 feet  
November 16, 2021

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



R-08-21  
RESOLUTION 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 G.S. 160A-31, to annex the area as described in the petition for a contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance any area 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 160A-31, 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 contiguous to the Town's municipal boundary, abutting other contiguous property;

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 December 14, 2021, 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 23rd day of November, 2021.

TOWN OF WAYNESVILLE

ATTEST:

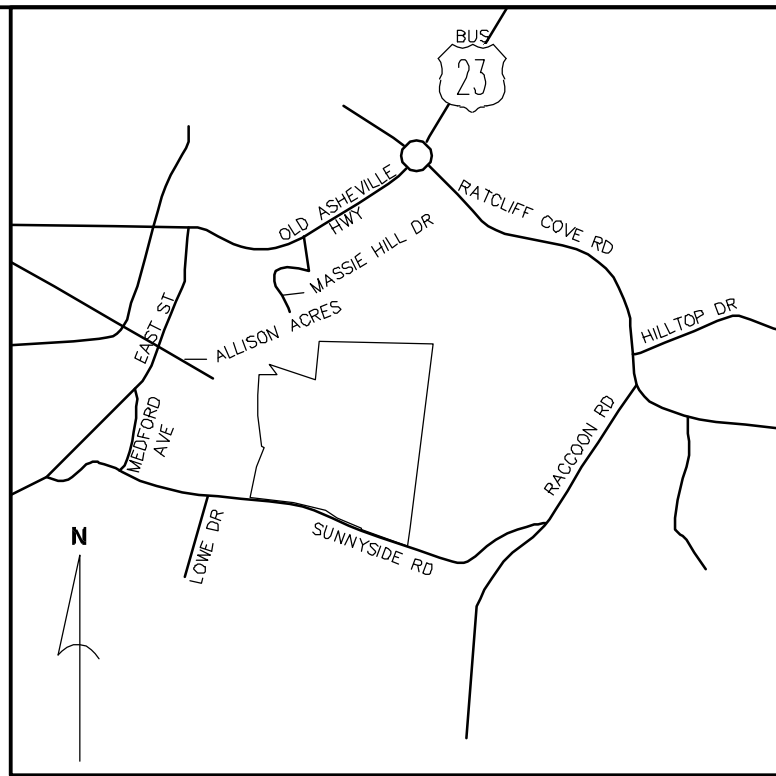
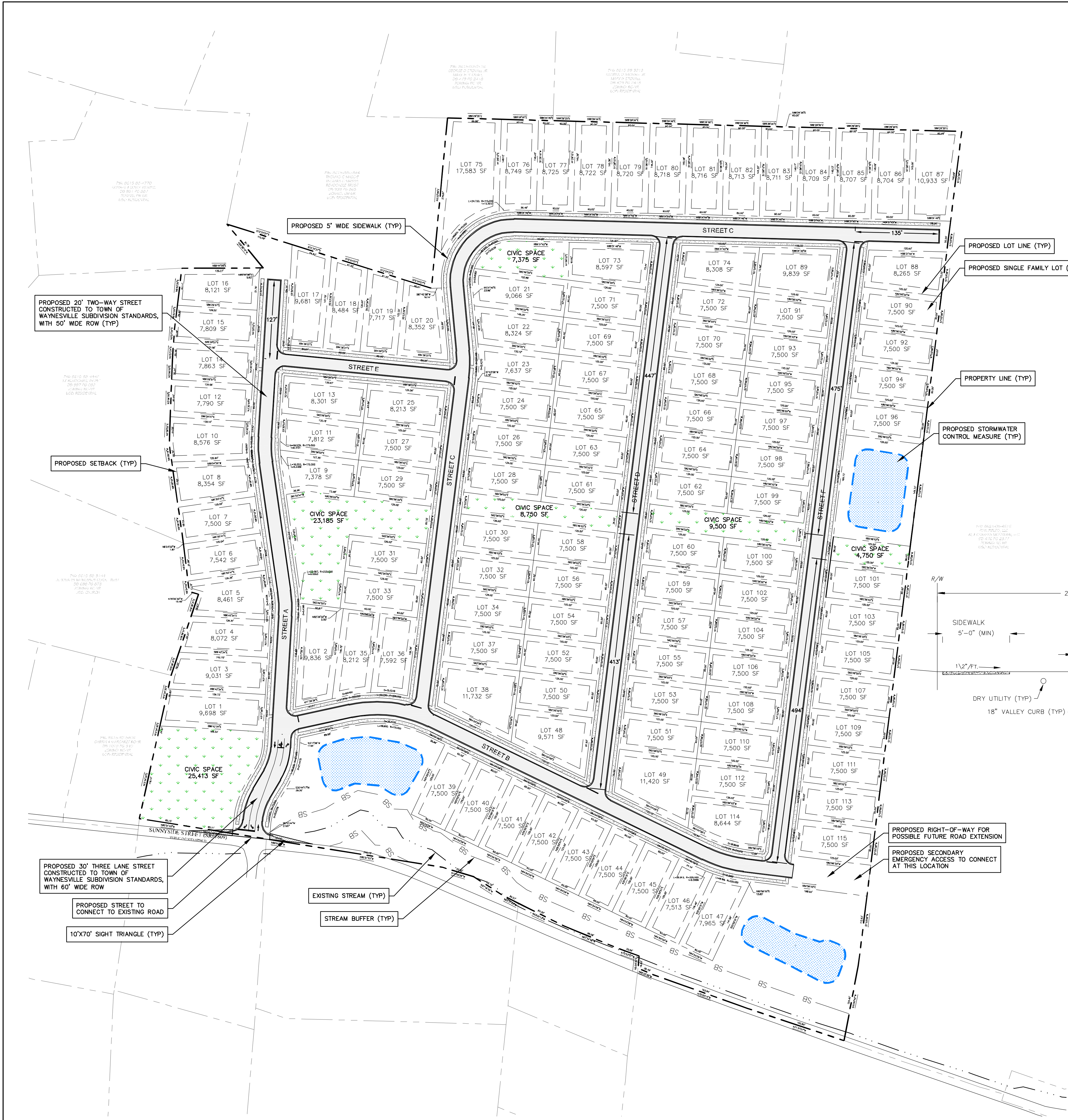
\_\_\_\_\_  
J. Gary Caldwell, Mayor

\_\_\_\_\_  
Eddie Ward, Town Clerk

APPROVED AS TO FORM:

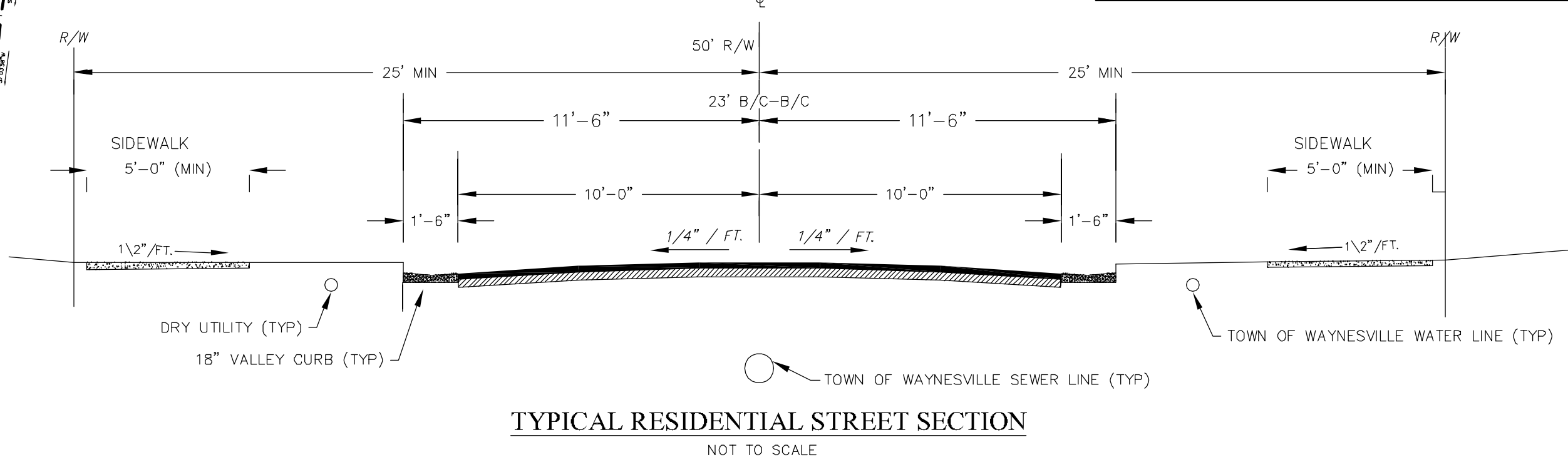
\_\_\_\_\_  
Martha Sharpe Bradley, Town Attorney





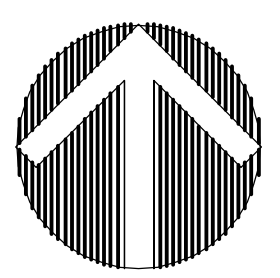
VICINITY MAP  
(NOT TO SCALE)

| DEVELOPMENT DATA                 |  |
|----------------------------------|--|
| OWNER/DEVELOPER:                 | QUEEN DEVELOPMENT, LLC<br>1335 CANE CREEK ROAD<br>FLETCHER, NC 28732   |
| CIVIL ENGINEER:                  | CIVIL DESIGN CONCEPTS, P.A.<br>168 PATTON AVENUE<br>ASHEVILLE, NC 28801<br>JESSE GARDNER, P.E.<br>(828) 252-5388 |
| CONTACT:                         |  |
| PROJECT DATA                     |  |
| PIN:                             | 8615-98-2217   |
| ADDRESS:                         | SUNNYSIDE ROAD   |
| DEED BOOK/PAGE:                  | 470/267  |
| SITE ACREAGE:                    | 32.67 ACRES  |
| ZONING:                          | RACCOON CREEK<br>NEIGHBORHOOD RESIDENTIAL  |
| SETBACKS:                        |  |
| FRONT:                           | 10'  |
| SIDES:                           | 10'  |
| REAR:                            | 6'   |
| DEVELOPMENT DATA:                |  |
| MINIMUM LOT SIZE:                | 1/6 OF AN ACRE   |
| MAXIMUM ALLOWED DENSITY:         | 6 UNITS/ACRE   |
| MAXIMUM ALLOWED LOTS:            | 196  |
| PROPOSED LOTS:                   | 115  |
| PROPOSED LENGTH OF ROAD:         | 5,560 LF   |
| CIVIC SPACE:                     |  |
| REQUIRED: 1.63 ACRES (5%)        | PROVIDED: 1.81 ACRES   |
| RECREATION SPACE:                |  |
| REQUIRED: 0.41 ACRES (25% OF 5%) | PROVIDED: 0.41 ACRES   |



TYPICAL RESIDENTIAL STREET SECTION  
(NOT TO SCALE)

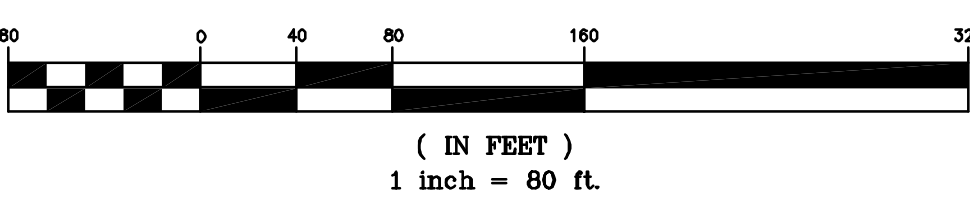
CDC INSPECTIONS HOTLINE:  
828-771-4755 OR INSPECTION@CDCGO.COM



NORTH

PRELIMINARY PLAT PLAN

GRAPHIC SCALE



Civil Design Concepts, PA  
168 PATTON AVENUE  
ASHEVILLE, NC 28801  
PHONE (828) 252-5388  
FAX (828) 252-5388

32 WALNUT STREET - SUITE 9  
WALNUT STREET  
ASHEVILLE, NC 28801  
PHONE (828) 458-4400  
FAX (828) 458-5455

NCBLS LICENSE # C-2184

| MAD                          | DATE       | DESCRIPTION | BY |
|------------------------------|------------|-------------|----|
| WAYNESVILLE PLAT SUBMITTAL   | 09/03/2021 |             |    |
| WAYNESVILLE PLAT RESUBMITTAL | 10/07/2021 |             |    |

PRELIMINARY  
NOT RELEASED  
FOR  
CONSTRUCTION

PRELIMINARY PLAT PLAN FOR:

QUEEN SUBDIVISION

QUEEN DEVELOPMENT, LLC - WAYNESVILLE, NORTH CAROLINA

DRAWN BY:  
CDC PROJECT NO.:  
XXX PERMIT NO.

AMP  
22139  
xxx

SHEET

C202



**TOWN OF WAYNESVILLE BOARD OF ALDERMEN**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: November 23, 2021**

**SUBJECT:**

Budget Amendment to hire a new Building Inspector Code Official within the Development Services Department.

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:**

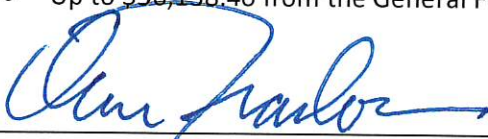
With increased development, the Town inspections staff has need of more personnel to meet customer demand. Additionally, the hire of a new building inspector and code enforcement official provides opportunity for training and department succession planning as current staff nears retirement. Staff respectfully request a new position in Pay Grade 58 (with a range of \$35,086.50 to \$56,138.40) in order to recruit a building inspector with levels 1, 2, or 3 certifications in any and all disciplines.

**MOTION FOR CONSIDERATION:**

1. Motion to approve the attached budget amendment

**FUNDING SOURCE/IMPACT:**

- Up to \$56,138.40 from the General Fund Balance



Dean Trader, Assistant Finance Director

9/20/2021

Date

**ATTACHMENTS:**

1. Budget Amendment Ordinance 0-24-21
2. Building Inspector Job Description

**MANAGER'S COMMENTS AND RECOMMENDATIONS:**



**Date:** 12/01/2021

**Position:** Code Enforcement

**Department:** Development Services

**Salary:** \$35, 086. 50 w/5% increase after successful 6mth. Probation

**Hours:** 8:00am-4:30pm

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The purpose of the class is to perform building, housing, fire prevention and other inspections and to review plans and specifications to ensure compliance of buildings and properties with all pertinent regulatory codes and ordinances, and to perform related work as required. The class works within a general outline of work to be performed, and develops work methods and sequences under general supervision.

## **ESSENTIAL TASKS**

The tasks listed below are those that represent the majority of the time spent working in this class. Management may assign additional tasks related to the type of work of the class as necessary.

Reviews site plans, blueprints and specifications submitted for construction projects to ensure code compliance.

Interprets and enforces all adopted regulatory codes and ordinances pertaining to building construction; meets with architects, engineers, contractors, developers, property owners and others to discuss plan review and inspection procedures and results.

Inspects residential and commercial building construction for compliance with codes in five trades areas and with fire prevention codes; monitors the construction of foundations and framing; notifies responsible parties of defects, and reinspects to determine if corrective actions have been taken; issues stop work orders; prepares cases for prosecution in the event of non-compliance; testifies in court as necessary.

Conducts minimum housing code inspections.

Issues certificates of occupancy when properties pass inspection.

Enforces zoning and flood prevention ordinances.

Prepares and maintains inspection and permit records.

Assists in coordinating department activities and functions with those of other Town departments,

counties and outside agencies as appropriate.

Receives and responds to inquiries, concerns, complaints and requests for assistance regarding areas of responsibility.

Attends training, workshops, meetings, etc., to enhance job knowledge and skills and maintain certifications.

Performs general clerical work as required, including preparing reports and correspondence, entering and retrieving computer data, copying and filing documents, answering the telephone, attending meetings, etc.

**DATA INVOLVEMENT:**

Requires gathering, organizing, analyzing, examining or evaluating data or information and may prescribe action based on such data or information.

**PEOPLE INVOLVEMENT:**

Requires giving information, guidance or assistance to people to directly facilitate task accomplishment; may give directions or assignments to helpers or assistants.

**INVOLVEMENT WITH THINGS:**

Requires handling or using machines, tools or equipment requiring brief instruction or experience, such as computers for data entry, fax machines, copiers, telephones or similar equipment; may service office machines, including adding paper and changing toner.

**REASONING REQUIREMENTS:**

Requires performing skilled work involving rules/systems with almost constant problem-solving.

**MATHEMATICAL REQUIREMENTS:**

Requires using basic algebra involving variables and formulas and/or basic geometry involving plane and solid figures, circumferences, areas and volumes, and/or computing discounts and interest rates.

**LANGUAGE REQUIREMENTS:**

Requires reading technical instructions, procedures, manuals and charts to solve practical problems; composing routine reports and specialized reports, forms and business letters with proper format; speaking compound sentences using normal grammar and word form.

**MENTAL REQUIREMENTS:**

Requires doing specialized technical or entry-level professional work requiring general understanding of operating policies and procedures and their application to problems not previously encountered; application of specialized technical or professional principles and practices or the use of a wide range of administrative methods in the solution of problems; requires normal attention with short periods of concentration for accurate results and occasional exposure to unusual pressure

**VOCATIONAL/EDUCATIONAL PREPARATION:**

Requires high school diploma or GED equivalent.

**SPECIAL CERTIFICATIONS AND LICENSES:**

Must possess a valid state driver's license.

Must possess or be able to obtain state certification as a Standard Level I Building Inspector in fire prevention, building, plumbing, heating, electrical and fire prevention within two years of employment.

Possession of a commercial contractor's license in one trade area is preferred.

**EXPERIENCE REQUIREMENTS:**

Requires over one year and up to and including two years in building construction and/or inspection, and/or in the enforcement of state and local codes.

**PHYSICAL AND DEXTERITY REQUIREMENTS:**

Requires light work that involves walking or standing much of the time and involves exerting up to 20 pounds of force on a recurring basis, or skill, adeptness and speed in the use of fingers, hands or limbs on repetitive operation of mechanical or electronic office or shop machines or tools within moderate tolerances or limits of accuracy. Must be able to perform basic life operational functions of climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, grasping, feeling, and repetitive motion.

**ENVIRONMENTAL HAZARDS:**

The job may risk exposure to dusts and pollen, extreme heat and/or cold, wet or humid conditions, fumes and/or noxious odors, traffic, electrical shock, heights, construction site hazards.

**SENSORY REQUIREMENTS:**

The job requires normal visual acuity, depth perception and field of vision, hearing and speaking abilities.

**JUDGMENTS AND DECISIONS:**

Responsible for guiding others, requiring frequent decisions affecting co-workers and others who depend on the service or product; works in a somewhat fluid environment with rules and procedures but with many variations from the routine.

## **ADA COMPLIANCE**

The Town of Waynesville is an Equal Opportunity Employer. ADA requires the Town to provide reasonable accommodations to qualified individuals with disabilities. Prospective and current employees are invited to discuss accommodations.

**Interested applicants may submit an application to:**

**Town of Waynesville,  
Brittany Angel, HR Coordinator  
Human Resources Department  
16 S. Main Street  
Waynesville, NC 28786**

**Or via email to [bangel@waynesvillenc.gov](mailto:bangel@waynesvillenc.gov)**

**Applications will be accepted until December 30, 2021**

Ordinance No. 0-24-21

Amendment No.10 to The 2021-2022 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2021-2022 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2021-2022 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

|                                     |               |                    |
|-------------------------------------|---------------|--------------------|
| Other Financing Sources             |               |                    |
| Fund Balance Appropriation-         | 103900-493992 | 46,875.00          |
| Total General Fund revenue increase |               | <u>\$46,875.00</u> |

(Increasing Salaries and Benefits of Planning and Development Services for new Building Inspector)

Increase the following appropriations:

|   |               |                    |
|---|---------------|--------------------|
| Planning and Development Services         |               |                    |
| Wages                                     | 104910-511210 |                    |
| Fica                                      | 104910-511810 |                    |
| Retirement                                | 104910-511820 |                    |
| 401 (k)                                   | 104910-511825 |                    |
| Health Insurance                          | 104910-511830 |                    |
| Dental Insurance                          | 104910-511833 |                    |
| Life Insurance                            | 104910-511832 |                    |
|   |               | <u>\$46,875.00</u> |
| Total General Fund appropriation increase |               | <u>\$46,875.00</u> |

(Increasing all expenditures associated with the proposed increase of Planning and Development Services new Building Inspector)

Adopted this 23th day of November 2021.

Town of Waynesville

\_\_\_\_\_  
J. Gary Caldwell  
Mayor

Attest:



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Eddie Ward  
Town Clerk

Approved As To Form:

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Martha Sharpe Bradley, PLLC  
Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION  
Meeting Date: 11-23-21**

**SUBJECT**           Amendment to Chapter 44, Solid Waste and Weeds.

**AGENDA INFORMATION:**

**Agenda Location:**       **New Business**  
**Item Number:**           **E5**  
**Department:**           Administration  
**Contact:**               Rob Hites  
**Presenter:**             **Rob Hites**

**BRIEF SUMMARY:**

We will be receiving our order to 4500 rollout recycling containers in the next couple of months. The ordinance that governs garbage and recycling needs to be heavily amended to accommodate the new system of pickup. The attached memorandum and draft ordinance prepare the Town for the conversion. There are several very important sections in the re-drafted ordinance that I have emphasized in bold lettering. The language that is stricken is current language I recommend being deleted. The language that is underlined and emphasized in yellow represents new language. In order to accommodate rollout service with our mountain terrain I borrowed from our neighboring towns that currently have rollout service, especially Maggie Valley.

**MOTION FOR CONSIDERATION:** Review the ordinance, recommend revisions and place on December meeting for adoption. We may set an adoption date that varies from December since we will not place it in effect until the recycling containers are delivered, assembled and distributed.

**FUNDING SOURCE/IMPACT:** General

**ATTACHMENTS:**

Memorandum, draft ordinance

**MANAGER'S COMMENTS AND RECOMMENDATIONS**

Receive a presentation, comment, and place on December agenda for action.



## MEMORANDUM

**TO:** Mayor and Town Board of Aldermen  
**FROM:** Robert W. Hites Jr.  
**DATE:** 11/23/2021  
**SUBJECT:** Amendment to Solid Waste Ordinance

Introducing rollout containers to our solid waste service requires considerable amendment to Chapter 44, "Solid Waste and Weed Management". I have borrowed language from several mountain towns that use rollout service to ensure that we create a system that considers our unique topography. Rollout containers are designed to be balanced in such a way that the weight of the garbage does not impede the customer's ability to tip and roll it to the curb. The service does require that the containers be pointed lid first so collectors may easily roll and connect them with the hydraulic lifts on the trucks. Once the garbage or recyclables are collected the can is returned to the curb with the lids pointed toward the house. That way one can determine if their garbage has been picked up. Following Maggie Valley, we are purchasing 65-gallon, blue rollout recycling containers and 95-gallon garbage containers. We hope that 95 gallons will provide storage for the equivalent of 4 black garbage bags. It will be much better to provide 2, ninety-five-gallon rollouts than have the customer fill the rollout and leave another 2 or 3 bags beside the curb. We are trying to eliminate bagged waste being scattered by animals. Under the amendments it is not the responsibility of the staff to rake strewn debris from torn up bags.

The Board has not visited the solid waste articles of Chapter 44 since amendment were made in 2010 and 2013. I am going to dedicate the balance of this memo to going over existing or new language that you should be familiar with as we move into a new way of collecting garbage.

As you read the attached ordinance you will note that deleted language from the old ordinance is crossed through. New language is underlined and yellowed out.

Important policy issues are printed in bold print. Existing language will not be yellowed out while the new language will be bold, yellowed out, and underlined.

I plan to go over these important changes on Tuesday and let the draft sit on the table till January so you can consider the amendments.

The important policies outlined in the draft are as follows:

### **Sec. 44-42 Garbage Receptacles**

- (e) The Town shall retain ownership of rollout containers which are initially provided for solid waste and recycling collection services. The container(s) shall not be removed from the original premises. Repair or

replacement of containers for any reason, excluding normal wear and tear, shall be the responsibility of the customer unless the damage necessitating such repair or replacement is determined to be a direct result of the negligence of the Town and/or its contractor. The Town or its designated contractor shall be notified by the property owner or tenant of the need to repair or replace a receptacle. Containers which require replacement as a result of user abuse and/or negligence (i.e., lost or stolen) will result in the user being charged a replacement fee as set forth in the solid waste fee schedule. The property owner shall be notified of the cost of the receptacles and the requirement for payment before service can be rendered. The Town shall bear the cost of one garbage or recycling container. Property owners or tenants may purchase additional containers at the cost established in the fee schedule. **Bagged garbage and recyclables are not permitted to be placed on the ground next to the container.**

*One of the major reasons for the Town providing large uniform rollout carts is to improve the appearance of the Town by requiring that all garbage and recycling be placed in containers at the curb. One of the requirements of the County and State grants is to eliminate the use of clear plastic recycling bags. In areas where the 65-gallon recycling containers may be impractical the Town will furnish small recycling bins rather than permit clear plastic recycling bags. If residents need additional 95-gallon rollouts, we can provide them.*

#### **Sec. 44-44 Placing receptacles for collection.**

- (e) No employee of the town shall assist in any way in the performance of what has been set out in this section as the duty of the landlord, tenant, or storekeeper. **Containers are prohibited from being stored in front of the home or residence without an enclosure approved by the public services director constructed to shelter the container from the street. Containers shall be stored in the side or rear of the home or residence. Should the topography of the lot or distance from the dwelling to the more than one hundred (100) feet, front storage may be approved by the public services director within three feet of the curb to provide safe and easy access for collection.**

*The town's policy is for all rollout containers to be placed on the side or rear of the home or business. In cases where the topography or length of the drive is such that it poses a hardship to rollout the containers the public services director may approve an enclosure. The enclosures may be used in townhome units where there is no room for the rollouts. Enclosures should be made of fence type materials with the gap in slats no wider than 2". The enclosures must be placed off the right of way. The customer must take the rollout and place it on the curb for the Town to pick up. The employees will not take the rollouts out of the enclosures for the customers.*

- (f) Garbage, trash, empty cartons and similar refuse shall be collected in the downtown municipal service district Hazelwood and Frog Level after 10:00 a.m. on days specified by the director. Such refuse shall only be placed in sealed containers on the sidewalks at the curbside for collection between the hours of 6:00 a.m. and 10:00 a.m. on the days specified for collection. **Recycling shall not be placed in plastic bags and must be placed in approved containers.** Unless the town has announced a special collection schedule due to a holiday or for some other event, it shall be unlawful for any person to place garbage, trash, empty cartons, or similar refuse on the streets or sidewalks in that portion of **Hazelwood Street's commercial area, on Commerce and Depot Street** and on Main Street lying within the downtown municipal service district at any other time.

*As I stated above one of the principal reasons for our grants is to eliminate the use of clear or blue plastic bags from the recycling stream. The Town will provide 65-gallon, blue rollout*

containers to each residence and business. In cases like the downtown, Hazelwood and Frog Level and townhomes where rollouts cannot be accommodated the Town will provide two sizes of small containers for customers to place their recyclables. We will not be able to pick up recyclables in bags. The MERF will cease to permit them.

- (l) Exception for backyard collection. The Town may provide solid waste and recycling backyard services to persons with disabilities provided no one in the residence or employed by the household is physically capable of moving the container from the backyard to the curbside. A doctor's statement of disability will be required to substantiate existence of disability. Backyard solid waste service will consist of only one pickup per week (one garbage, one recycling) **Backyard pickup shall not be provided for trash, large item or leaf pickup. The Town shall reserve the right to verify the need for extending special services and to periodically reassess the need for such services. Civil Penalty. A civil penalty in the amount of \$50 may be issued to any person in violation of this section.**

*In special cases where the customer has a physician certified disability that prevents them from rolling their containers from the backyard to the curb and back AND where there is no one in the dwelling capable of rolling the container to the curb the town staff will provide that service for the disabled party. We assume that someone is dragging the 32- gallon containers to the curb presently so we will study the need for town aid very carefully. The backyard pickup service applies only to garbage and recycling rollout containers, not to pickup of yard waste or large item pickup.*

**Sec. 44-45, Tree limbs, cuttings, shrubbery, leaves; removal of tree stumps**

- (a) The town shall attempt to collect tree limbs, cuttings, shrubbery, and the like from each residence of the town on a regular basis, as set forth by the town pick-up schedule; however, during leaf season, this service will likely be curtailed to allow the collection of leaves. This service shall be limited to the amount of tree limbs, cuttings, shrubbery, and the like that a typical resident shall produce in normal yard work and is not a service provided to a landscaping firm or to a private tree company or to individuals who are paid to trim trees, redo landscaping or perform major yard work. Such debris produced by these firms shall not be collected by the town, and the property owner or tenant shall be responsible for the cost of removal and disposal of such material. Volumes of more than four (4) cubic yards or volumes which will take more than 30 minutes to load will not be collected. In any case, such limbs, cuttings, shrubbery and the like shall not be greater than six feet in length, nor more than three inches in diameter nor of such a weight that it may not be handled by one person. This debris is to be placed along the edge of the owner's or tenant's property nearest the street right-of-way, with cut ends facing the street, and shall not block any sidewalk or be in the street where vehicles might be prohibited from safe passage. Tree limbs and yard trimmings shall be free of trash, dirt, wire or anything which could damage chipping equipment. Lawn trimmings shall be placed in rollout cans not exceeding ninety- five (95) gallons or non- tipper compatible containers not exceeding 32 gallons. All other cans or bags for pickup and the weight of a single container device shall not exceed 30 pounds. Machine-piled material, logs and/or stumps shall not be collected. Material addressed in this section shall not be

**placed in the street or in gutters or drainage ways so as to inhibit storm drainage or so that the material might wash into or block catch basins.**

*This section is language from the current ordinance. We are experiencing an increase in commercial landscapers telling customers the town will pick the limbs and debris for free, so they won't have to charge them extra to haul it off. This has not been the case for many years. Some customers are saying that they hired one person to cut the limbs out of entire trees, but they helped so the town should pick it up. Again, this activity is not permitted in the current ordinance. If the Board wishes the town to begin picking up large piles of limbs or trimming in excess of what a property owner could generate doing the work themselves, you need to eliminate this section or amend it to say that the service will be provided by the town at a set rate per load as stated in your annual fee schedule. It is unfair to have one neighbor follow the ordinance and another demand that the town pick the commercial service trimmings at no cost. Please give us guidance on how this should be drafted.*

- (b) **The town shall attempt to collect leaves from each residence ~~once weekly on a seasonal basis~~ four times from mid-October until mid-January. Approximate dates of collection per neighborhood will be posted on the Town Website Outside of this time frame, leaves must be bagged for collection or placed in containers that can be lifted with tippers.** Leaves should be placed to the back of the curb or paved street for collection by the vacuum machine and should be free of limbs, sticks or other debris. Leaves shall not be placed in the street or in gutters or drainageways so as to inhibit storm drainage or so that the leaves might wash into or block catch basins.

*The current language states that the town will pick up leaves on a weekly basis. The staff has not been able to provide the service with that frequency for a number of years. Many municipalities provide leaf service on a neighborhood-by-neighborhood schedule four times per leaf season. This schedule allows for more flexibility when the leaves fall slowly or get wet and slows down the crews. The public services department can place a weekly schedule of the areas that will be picked up so that customers may plan their work.*

#### **Sec. 44-46. Discarded appliances and similar objects.**

(a) It shall be the duty of the property owner who wishes to dispose of discarded appliances such as water heaters, stoves, and any other items too large to be hauled by a regular garbage truck to have items placed ~~curbside~~ **on the front corner of their property nearest to the public street for collection pickup as set forth by the town pick-up schedule.** This is a service provided to residential customers in the normal replacement of home appliances, and shall not be provided to establishments, which are in the business of selling and allowing trade-ins of such appliances, or for purposes of building/site cleanout as defined in section 44-41.

**(b) Commercial businesses are required to make private arrangements to dispose of their bulky items. There will be no collection of such items by the Town or its contractor. Commercial business bulky items are prohibited from staying on the curb more than two (2) business days.**

**(c) Items from business establishments operating from a residential unit will not be collected by the Town.**

**(d) The Town will not be responsible for the removal of automobile parts, including but not limited to body parts, engine blocks, transmissions, tires or batteries. The proper disposal of these items will be the responsibility of the property owner.**

*The current ordinance simply states that bulk items be placed on the curb. Our recommended language states that bulk items be placed on the front corner of the customer's property nearest the public street. The town does not currently remove bulky items from commercial business. The new language clarifies the current language.*

#### **Sec. 44-47 Collection of Recyclables**

The Town has a goal to reduce the amount of waste going into the landfill by recycling items that are permitted by the Haywood County Solid Waste Division.

- (a) The Town will provide recycling collection to residents and commercial businesses that can recycle their waste in sixty-five (65) gallon rollout containers or less per schedule determined by the Public services director. The Town shall provide residences and small commercial businesses a sixty-five (65) gallon rollout container or other, approved container. Such containers shall remain the property of the Town.**
- (b) Recyclables can be comingled in the container.**
- (c) All food, drink, and other residuals shall be rinsed from the recyclable items.**
- (d) Recycling items shall be determined by the Haywood County Solid Waste Division.**
- (e) The Town provides electronic waste (e-waste) recycling that can be picked up at the curb by appointment only. The Town shall not pickup computer monitors or televisions with cathode ray screens. Such materials may be taken to Haywood County's Materials Recovery Facility on Jones Cove Road.**
- (f) Recyclable's containers shall not be placed on the curb earlier than 5:00 pm the day before the scheduled collection date and shall be removed by midnight on the collection day. Containers by be placed in enclosures approved by the Public services director.**

#### Sec. 44-47. Frequency of collection; fees.

- (a) Garbage and refuse set out for collection as provided in this article shall be collected by the town or its contractor at such times as may be provided by the ~~mayor and board of aldermen~~ **public services director**.
- (b) All refuse accumulated in the town shall be collected, conveyed and disposed of by the town **or its contractor**. No person shall collect or convey refuse over any of the streets or alleys of the town, or dispose of any refuse accumulated in the town, except as follows:
  - (1) *Actual producers.* This section shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and with any other applicable provisions of law.
  - (2) *Outside collectors.* Nonresidential establishments, ~~at their option, may shall~~ contract with private refuse collection firms for providing dumpsters and collecting, conveying and disposing of such refuse and **recyclables** provided such private firms comply with the provisions of this chapter and with any other applicable provisions of law.

- (3) *Transporting through town.* This section shall not prohibit collectors of refuse from outside the town from hauling such refuse over town streets, provided such collectors comply with the provisions of this chapter and with any other applicable provisions of the law.
- (4) *Volunteers/cleanup operations.* This section shall not prohibit volunteers or those who are assigned cleanup duty by the courts or in the course of their work from collecting, conveying and disposing of such refuse, provided such collectors comply with the provisions of this chapter and with any other applicable provisions of the law.
- (c) The schedule of fees for collecting residential and commercial refuse ~~or for the rental or sale of dumpsters~~ shall be determined from time to time by the board of aldermen and set forth in the official schedule of fees as a part of the budget ordinance.

(Ord. No. 31-03, § 96.08, 12-9-2003; \_\_--\_\_--21)

*Subsections (a) thru (f) provide for the conversion from clear and blue recycling bags to using 65-gallon rollout containers. Section (a) allows for smaller non-rollout containers to be used where there is no space for the 65-gallon rollouts. The section state that containers must not contain food, liquids and other contents. The types of recyclables are determined by the Solid Waste Division of Haywood County (We will post the list of recyclables in the containers, on our website, and on special mailings that will be sent when the carts are distributed. Section (e ) outlines the types of electronic waste the town will pick up at the curb and directs customers to take other types of electronic waste to the "Materials Recovery Facility" on Jones Cove Road.*

#### **Sec. 44-48 Removal of Dead Animals, Ashes, Contagious Disease Material, Hypodermic Instruments and Hazardous Waste**

- (a) **Dead Animals.** The Town will collect small dead animals and wildlife from the publicly maintains (NCDOT; Town) Rights of way.
- (b) **Ashes.** It shall be unlawful to place live (hot) or dead (cold) coals in any containers set out for collection.
- (c) **Contagious disease material.** It shall be unlawful to remove or discard clothing, bedding, mattresses, springs, or other solid waste from homes or other places where highly infectious diseases have occurred. Such solid waste shall not be placed in rollout containers or at the curbside for collection and disposal by the Town and/ or its contractor.
- (d) **Hypodermic instruments.** It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle, or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable or reuse without safeguarding the disposal thereof by placing in a secure container so as to avoid the possibility of causing injuring to the collection personnel.
- (e) **Hazardous waste.** It shall be unlawful to place hazardous waste in any container for disposal except as follows:
  - (1) **Paint cans shall have lids removed and contain no wet paint. Kitty litter, sand or commercial paint solidifiers may be added to solidify material for collection.**



**(2) Soiled Kitty Litter, pet waste pads, guinea pig or rat bedding shall be enclosed in double plastic bags and securely tied prior to placing the bag in rollout cart at the curbside for disposal.**

**(3) Sec. 44-49. Penalties and remedies.**

(4) (a) A violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in G.S. 14-4.

(5) (b) A violation of any of the provisions of this chapter shall also subject the offender to civil penalties in the follow amounts:

**(6) (1) Beginning 31 days after the notice of violation, ~~\$10 per day~~ \$25.00 per day.**

**(7) (2) Beginning 60 days after the notice of violation, ~~\$25.00 per day~~ \$50 dollars per day.**

**(8) (3) Beginning 90 days after the notice of violation, ~~\$50.00 per day~~, \$75 dollars per day and every day thereafter.**

(9) Civil penalties shall be assessed by the code administrator and such other inspectors or deputy or assistant inspectors as authorized by the board aldermen.

(10) (c) The town may seek to enforce this chapter through any appropriate equitable action.

(11) (d) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(12) (e) The town may seek to enforce this chapter by using any one or any combination of the remedies in subsections (a) through (d) of this section.

(13) (Ord. No. 31-03, § 96.02, 12-9-2003; Ord. No. 14-10, 10-26-2010; \_\_--\_\_--21)

**Section 44-48 Removal of Dead Animals, Ashes, Contagious Disease Material, Hypodermic Instruments and Hazardous Waste.**

*This section is new language that defines the town's roll in picking up dead animals and prohibits the disposal of loose hypodermic instruments, contagious disease materials. One of the most frequent injuries to employees is to be snagged by a syringe or exposed to lose medical waste. The current ordinance does not spell this out. Loose diapers, pet excrement, used cat litter and adult diapers are frequently dumped in garbage containers. The proposed ordinance does not prohibit them but requires that they be securely sealed in double bags. Syringes must be disassembled or made inoperable before disposing of them. Many people use a plastic milk container to dispose of syringes after the needle is broken off.*

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**ORDINANCE No. O-23-21**  
**AMENDING THE WAYNESVILLE CODE OF ORDINANCES**  
**CHAPTER 44 ARTICLES I & II , SOLID WASTE AND WEED MANAGEMENT**

**WHEREAS** the Town of Waynesville Board of Aldermen adopted chapter 44 to regulate the disposal of garbage, trash, brush, construction debris and recycling and.

**WHEREAS**, the Board of Aldermen have instituted the collection of waste, garbage and recyclables using rollout containers provided and owned by the Town and.

**WHEREAS** the introduction of rollout containers impacts all areas of the management of solid waste.

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE**  
**THAT CHAPTER 44 ARTICLES I & II BE AMENDED AS FOLLOWS.**

**ARTICLE I. IN GENERAL**

**Sec. 44-1. Definitions.**

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

*Building materials.* means 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.

*Building/site cleanouts.* means any accumulated refuse, garbage, or debris, contained or uncontained, in excess of ~~four, 32-gallon~~ two, 95-gallon receptacles, and/or weighing in excess of 60 90 pounds per receptacle, or more than four bulky items deposited at any one time.

*Bulky items* mean inorganic items of such volume that they cannot be placed in a town approved refuse container for collection, e.g., appliances, furniture and play equipment, box springs, mattresses, lawn equipment or vehicle parts.

*Business Trash* Any accumulation of incidental waste products and garbage, other than household trash, which is associated with the operation of stores, offices, and commercial establishments.

*Collection.* The act of removing solid waste from a point of generation to an approved disposal site.

*Container.* Any bulk container, detachable container, recyclables container or rollout container as defined herein.

*Electronic Waste (E-Waste)* Includes computers, monitors, cell phones, radios, televisions, and the like.

*Enclosures for Rollout Containers.* In cases where the topography of the dwelling or structure is such that rolling the containers may be a danger, the owner may request the public services director permit an enclosure to be constructed and placed at the property line. Such enclosures shall be no higher than four (4) feet and constructed of fencing material with no opening between pickets that exceed 2". Enclosures shall have at least three sides facing the street. Materials such as plywood, oriented strand board or palates shall not be permitted

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to be used as enclosure facades. It is the property owner or tenant's responsibility to move the containers from the enclosure to the curblin for pickup.

**Foul Odors** Any offensive odor emanating from, but not limited to, garbage, trash or waste.

**Director** means the public works services director.

**Garbage** means all solid waste capable of being rapidly decomposed by microorganisms including, but not limited to, animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food excluding sewerage and human waste. A by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking, and consumption of food or other matter which is subject to decomposition, decay, and /or the generation of noxious odors, or which during and/or after decay may serve as breeding or feeding material for flies, insects and/or animals.

**Hazardous waste.** Potentially dangerous by-products which cannot be handled, treated, or disposed of without special precautions. Hazardous waste includes ignitable, corrosive, reactive, and toxic waste such as acetone, gasoline, industrial metal, alkaline cleaners, acids, batteries, cyanide, chlorine, arsenic, pesticides waste, paint, caustics, infected materials, offal, fecal matter (human or animal), and explosives.

**Household trash** Accumulation of sweepings, rags, or other material of any kind, other than garbage and recyclables, which is usually attendant to housekeeping.

**Industrial waste** means all waste, ( except hazardous waste) including solids, semi-solids, sludge and liquids resulting directly from industrial, processing or manufacturing operations that require special handling.

**Inspector** means the person designated by the town manager to perform the duties and responsibilities assigned by this chapter.

**Junk/Bulky items.** Any item creating a littered condition, including but not limited to household or office furnishings, household appliances, mattresses, box springs, lawn equipment or other similar items ( see definition of Bulky Items above) which are either in a wholly or partially rusted, wrecked, junked dismantled, or inoperable condition.

**Recyclables** means materials designated as capable of being sorted, processed, transported, and sold to markets for the remanufacture of like or different products. Newspapers and accompanying inserts, magazines, junk mail, cardboard, glass, food and beverage containers, plastic soft drink bottles and liquor bottles, spiral paper cans, aluminum, bimetal cans, steel and tin cans, and other items determined by Solid Waste Division of Haywood County to be recyclable.

**Recyclables Container.** A container designed and authorized by the Town solely for the purpose collecting recyclables. It shall be subject to the regulations pertaining to recyclables.

**Rollout container.** The authorized wheeled garbage and recycling container approved by the Town for use in collection and disposal of garbage and recyclables.

**Refuse** means solid waste material consisting of garbage, trash, and other materials including contaminated paper, rags, cloth, boxes, contaminated cardboard, wood, rubber, leather, metal cans, metals, glass, dust and mineral matter.

**Regular collection** means all collection services offered recurrently which include the collection of county approved recyclables and vegetable and food wastes in a manner safe to public health.

**Separate collection** means all collection of specifically defined materials not associated with regular collection practices such as large items such as furniture, appliances, play equipment, and lawn maintenance equipment pickup.

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*Town approved refuse container* means a dumpster, ninety-five (95) gallon rollout garbage cans sixty-five (65) gallon rollout recycling containers, waste and recycling bins designed for areas where rollout containers cannot be placed. Alternative containers to rollout shall be approved by the public services director or his designate. ~~town inspector or defined in town regulations.~~

*Trash* means all refuse resulting from the use and maintenance of property, regardless of the nature of the activity thereon, except garbage.

*White goods* Inoperative and discarded residential, metal refrigerators, ranges, water heaters, freezers and other similar domestic large appliances

*Yard waste* means leaves, grass trimmings, shrubs or shrub trimmings, tree trimmings and other plant waste other than garbage.

(Ord. No. 31-03, § 96.01, 12-9-2003; Ord. No. O-02-13, 2-12-2013; Ord. No. \_\_-\_\_-21

Cross reference(s)—Definitions generally, § 1-2.

## **Sec. 44-2. Accumulation of solid wastes prohibited.**

- (a) ~~No person may cause, suffer, or permit refuse to accumulate or remain on premises under his control except for collection by the town or some other licensed refuse hauler. It shall be the duty of all owners, proprietors, or persons in charge of every business of every kind and description, and of every office, private residence, and all other buildings or premises to keep such free from all refuse, building materials, bulky items, hazardous waste and industrial waste. Subsections (b) through (d) of this section are not intended to limit the generality of the foregoing.~~
- (a) It shall be unlawful for any person to endanger the public health, safety and welfare through neglect of property by causing or allowing unsightly garbage, weeds and grass, yard waste, foul odor, dead animals, junk, unsecured appliances or potentially dangerous devices to remain on or emanate from property, or to discard or abandon on public property, private property, vacant lots or any pond, stream or body of water or banks thereof within the town limits.
- (b) 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.
- (c) All commercial establishments shall, particularly with respect to their loading and unloading areas, store their refuse in containers so as to eliminate wind driven debris and litter in and about their establishments. Approved methods of containerization include refuse receptacles, bulk containers and all town approved refuse containers. Spillage and overflow shall be immediately cleaned up by the establishment when and as it occurs unless caused by the town when servicing approved containers.
- (d) Parking lots shall be maintained by the person in possession of the lot in a clean, litter-free manner, with all trash generated therein containerized and prevented from spreading to adjoining property. It shall be the responsibility of the person in possession of the parking lot to collect the refuse and trash deposited on the lot and place this material in containers serviced by the Town or a private contractor.
- (e) No person shall interfere with the contents of any receptacle or container set out for removal by the town and/or unless by express written permission by the town.
- (f) It shall be unlawful to interfere with or hinder town collection personnel and/or the town's authorized contractor in the performance of their duties.
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(g) The town shall have the authority to require additional containers if necessary, to provide proper containerization of solid waste.

(h) Ninety-five-gallon rollout garbage containers and sixty-five (65) gallon recycling containers furnished by the town and/or its contractor shall be used solely for the storage of garbage and recycling only. The town shall provide each residence with one (1) ninety-five-gallon container (i.e., green) for garbage and one (1) sixty-five-gallon recycling container (i.e., blue). In cases where the residence or business cannot locate such containers on their property the Public services director may permit alternative containers.

(Ord. No. 31-03, § 96.03, 12-9-2003; \_\_\_ -- \_\_\_ --21

### **Sec. 44-3. Nonresident use of collection services prohibited.**

~~It shall be unlawful for any person not a resident of the town to deposit or cause to be deposited for collection by the town any garbage, trash, or refuse in any container within the town, or to place any brush, limbs or debris along the street side for collection or to deposit or cause to be deposited any garbage, trash, or refuse in the town landfill area.~~

It shall be unlawful for any person knowingly to permit the use of his or her receptacles or any other portion of his or her property by any other person for the disposal of any construction debris, business trash, garbage, hazardous refuse, household trash, industrial waste, litter, refuse, solid waste, yard waste or any other kind of trash or rubbish brought into the Town from a point outside the town for the purpose of disposing of the materials to become subject to pick up by the Town.

(Ord. No. 31-03, § 96.11, 12-9-2003; \_\_\_ -- \_\_\_ --21

### **Sec. 44-4. Dumping or littering on public or private property.**

As provided in G.S. 14-399 and 14-399.1, no person may place, discard, throw, drop, dump, or deposit, or cause to be placed, discarded, thrown, dropped, dumped or deposited any litter, trash or refuse:

- (1) On any public street or sidewalk within the town or on any property owned or operated by the town or on any other public property, except in properly designated receptacles.
- (2) On any private property, either owned by the person or owned by another person, regardless of whether or not permission is granted.
- (3) In any stream or within thirty (30) foot stream buffer or any body of water.

(Ord. No. 31-03, § 96.12, 12-9-2003; \_\_\_ -- \_\_\_ -- 21

## ***ARTICLE II. COLLECTION AND DISPOSAL<sup>1</sup>***

### **Sec. 44-41. Prohibited items.**

The town shall not collect building materials, hazardous wastes, industrial wastes, or building/site cleanouts, as defined in section 44-1, tires or heavy automotive parts, and the same shall not be left at curbside or at any other location for collection by town personnel and equipment. In collecting bulky items as defined in section 44-1, items placed for removal shall be limited to the in collecting bulky items as defined in section 44.1 items placed for removal shall be limited to ~~what two people can lift and~~ items that do not exceed six (6) feet in width, four feet in height and weight no more than one hundred (100) lbs.

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<sup>1</sup>State law reference(s)—Authority to require the use of solid waste collection services, G.S. 160A-317(b).

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## Sec. 44-42. Garbage receptacles.

- (a) All householders and proprietors of business houses shall provide receptacles for all garbage and refuse for removal by the street/sanitation department. All residential customers shall be provided receptacles for garbage, trash, and recyclables for collection by the town and/or its agent.
- (b) Residential containers. Garbage shall be stored in a container of a type approved by the director. Every container shall be constructed of metal or equally durable material in such a manner as to be strong, watertight, not easily corrodible, fly proof, and rodent proof; shall have a capacity of not more than 32 gallons; shall have handles designed for lifting and shall have a fly tight cover which shall be kept in place at all times, except when garbage or other refuse is being deposited in or removed from container. Containers and their surrounding areas shall be kept in a sanitary condition by the property owner, resident, and/or tenant. It is the responsibility of the owner/tenant to keep garbage and trash in the container and clean up any garbage that has been scattered around the container.
- (c) Dumpster containers. Commercial dumpster containers shall be of steel construction, and of a size and of such design and construction as to facilitate mechanical unloading by collection equipment operated by a town or private commercial hauler. Each dumpster shall be equipped with a tight-fitting cover which shall be kept in place at all times when the receptacle is not being filled or emptied. These containers may be used for cold ashes or garbage, but smoldering ashes shall not be mixed with garbage. If one receptacle is not sufficient to hold the quantity of garbage or refuse accumulated between collections, a sufficient number of similar receptacles shall be provided, or the public services director shall require more frequent collections from the establishment. The customer shall be responsible for keeping the area immediately around the dumpster clean and free of refuse.
- (d) It shall be unlawful for any person to maintain boxes, bins, or any type of container located on the sidewalks within the fire district of the town inconsistent with the provisions of this chapter.
- (e) The town shall retain ownership of rollout containers which are initially provided for solid waste and recycling collection services. The container(s) shall not be removed from the original premises. Repair or replacement of containers for any reason, excluding normal wear and tear, shall be the responsibility of the customer unless the damage necessitating such repair or replacement is determined to be a direct result of the negligence of the Town and/or its contractor. The town or its designated contractor shall be notified by the property owner or tenant of the need to repair or replace a receptacle. Containers which require replacement as a result of user abuse and/or negligence (i.e., lost or stolen) will result in the user being charged a replacement fee as set forth in the solid waste fee schedule. The property owner shall be notified of the cost of the receptacles and the requirement for payment before service can be rendered. The town shall bear the cost of one garbage or recycling container. Property owners or tenants may purchase additional containers at the cost established in the fee schedule. Bagged garbage and recyclables are not permitted to be placed on the ground next to the container.

## Sec. 44-43. Preparation of garbage.

1.

- (a) Garbage, trash, and refuse, as defined in section 44-1, shall be placed in such manner as to prevent the same from being scattered upon the streets by wind, animals or other causes.
- (b) Commingled recyclables shall be placed in blue or clear bags, separate from garbage/trash receptacles. Recyclables must be weighted and/or secured in some proper and efficient manner to prevent the same from being scattered upon the streets by wind, animals or other causes. Cardboard must be broken down, stacked flat and secured from being scattered upon the streets by wind, animals or other causes.

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- (b) All garbage must be bagged and fit inside the cart with the lid fully closed. The town will not be responsible for garbage that is scattered by animals, wind and the like if the cart is overflowing and the lid is not secure.
  - (c) Garbage shall be drained on all free liquids and the like closed to prohibit rain from entering the container.
  - (d) It shall be unlawful to place yard waste, rocks, dirt, heavy metals, automotive or lawn equipment, concrete, construction waste, hazardous waste, or medical waste for collection by the town and/ or contractor . Yard waste and bulky items shall be placed at the curb for collection as specified in other sections of this chapter.

#### **Sec. 44-44. Placing receptacles for collection.**

- (a) It shall be the duty of each householder or proprietor of a business house to see that all garbage and refuse receptacles and the contents are set out at such place and time as may be fixed by the board of aldermen and to remove the receptacles after collection. Garbage shall be placed in approved containers. It shall be the responsibility of each resident/or property owner to set out garbage and recycling containers at curbside by 7:00 am on the fixed collection day. Containers may not be placed on the curb before 5:00 pm on the day prior to the scheduled collection date and shall be removed by midnight on the day of collection.
  - (b) It shall be unlawful for any person who is a resident of the town or any person engaged in any business of any nature in the town to deposit any boxes, cans, trash, debris, garbage, or refuse of any other nature at any point on the streets or sidewalks of the town for collection by the town trucks except immediately adjacent to the premises owned by or otherwise in the possession of the town resident or the firm or corporation engaged in business in the town.
  - (c) In the placement of garbage, trash, empty cartons, paper, and other refuse for pickup and collection by the street/sanitation department it shall be unlawful to place the same except immediately adjacent to the curb or edge of pavement
  - (d) It shall be the duty of the landlord, tenant, or storekeeper not to allow a receptacle to remain on the street right-of-way for a period of longer than 12 hours after the receptacle is emptied by the street/sanitation department.
  - (e) ~~No employee of the town shall assist in any way in the performance of what has been set out in this section as the duty of the landlord, tenant, or storekeeper.~~ **Containers are prohibited from being stored in front of the home or residence without an enclosure approved by the public services director constructed to shelter the container from the street. Containers shall be stored in the side or rear of the home or residence. Should the topography of the lot or distance from the dwelling to the more than one hundred (100) feet, front storage may be approved by the public services director within three feet of the curb to provide safe and easy access for collection.**
  - (f) Garbage, trash, empty cartons and similar refuse shall be collected in the downtown municipal service district Hazelwood and Frog Level after 10:00 a.m. on days specified by the director. Such refuse shall only be placed in sealed containers on the sidewalks at the curbside for collection between the hours of 6:00 a.m. and 10:00 a.m. on the days specified for collection. **Recycling shall not be placed in plastic bags and must be placed in approved containers.** Unless the town has announced a special collection schedule due to a holiday or for some other event, it shall be unlawful for any person to place garbage, trash, empty cartons, or similar refuse on the streets or sidewalks in that portion of **Hazelwood Street's commercial area, on Commerce and Depot Street** and on Main Street lying within the downtown municipal service district at any other time.
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- (g) It shall be unlawful for any resident, merchant, businessperson, or employee thereof to place garbage, trash, or similar refuse in any pole-mounted or sidewalk litter receptacles when such refuse was generated by such resident or business and is of such volume that it compromises over 10 percent of the capacity of such litter receptacle.
  - (h) All garbage and recycling carts' wheels must be facing the house and placed within three (3) feet of the curb to provide easy access for collection. **Town employees will not remove containers from enclosures.**
  - (i) The garbage and recycling cart requires two (2) feet of space between each cart and between obstructions such as mailboxes, parked cars, utility poles and the like.
  - (j) Containers shall not be placed on public sidewalks or streets or in such a manner as to obstruct the vision of motorists or the free flow of traffic or drainage along any public street.
  - (k) Containers are not to be removed from the premises to which they are assigned except by the Town or its contractor.
  - (l) *Exception for backyard collection.* The Town may provide solid waste and recycling backyard services to persons with disabilities provided no one in the residence or employed by the household is physically capable of moving the container from the backyard to the curbside. A doctor's statement of disability will be required to substantiate existence of disability. Backyard solid waste service will consist of only one pickup per week (one garbage, one recycling) **Backyard pickup shall not be provided for trash, large item or leaf pickup. The town shall reserve the right to verify the need for extending special services and to periodically reassess the need for such services. Civil Penalty. A civil penalty in the amount of \$50 may be issued to any person in violation of this section.**

**Sec. 44-45. Tree limbs, cuttings, shrubbery; leaves; removal of tree stumps.**

- (a) The town shall attempt to collect tree limbs, cuttings, shrubbery, and the like from each residence of the town on a regular basis, as set forth by the town pick-up schedule; however, during leaf season, this service will likely be curtailed to allow the collection of leaves. This service shall be limited to the amount of tree limbs, cuttings, shrubbery, and the like that a typical resident shall produce in normal yard work and is not a service provided to a landscaping firm or to a private tree company or to individuals who are paid to trim trees, redo landscaping or perform major yard work. Such debris produced by these firms shall not be collected by the town, and the property owner or tenant shall be responsible for the cost of removal and disposal of such material. Volumes of more than four (4) cubic yards or volumes which will take more than 30 minutes to load will not be collected. In any case, such limbs, cuttings, shrubbery and the like shall not be greater than six feet in length, nor more than three inches in diameter nor of such a weight that it may not be handled by one person. This debris is to be placed along the edge of the owner's or tenant's property nearest the street right-of-way, with cut ends facing the street, and shall not block any sidewalk or be in the street where vehicles might be prohibited from safe passage. Tree limbs and yard trimmings shall be free of trash, dirt, wire or anything which could damage chipping equipment. **Lawn trimmings shall be placed in rollout cans not exceeding ninety- five (95) gallons or non- tipper**



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**compatible containers not exceeding 32 gallons. All other cans or bags for pickup and the weight of a single container device shall not exceed 30 pounds. Machine-piled material, logs and/or stumps shall not be collected. Material addressed in this section shall not be placed in the street or in gutters or drainage ways so as to inhibit storm drainage or so that the material might wash into or block catch basins.**

- (b) The town shall attempt to collect leaves from each residence **once weekly on a seasonal basis four times** from mid-October until mid-January. **Approximate dates of collection per neighborhood will be posted on the town website. Outside of this time frame, leaves must be bagged for collection or placed in containers that can be lifted with tipper.**  
Leaves should be placed to the back of the curb or paved street for collection by the vacuum machine and should be free of limbs, sticks or other debris. Leaves shall not be placed in the street or in gutters or drainageways so as to inhibit storm drainage or so that the leaves might wash into or block catch basins.
- (c) **The town shall at no time remove or assist in the removal of stumps resulting from the clearing of property of any kind. It shall be unlawful for any person to place or deposit or to otherwise cause to be placed or deposited any tree stump in the town landfill at any time.**
- (d) In situations where there is danger for town employees or concern for the safety of the motoring public, the director, at his discretion, may authorize the collection of any permitted materials from a point off the street rights-of-way and out of the path of vehicular traffic.

#### **Sec. 44-46. Discarded appliances and similar objects.**

(a) It shall be the duty of the property owner who wishes to dispose of discarded appliances such as water heaters, stoves, and any other items too large to be hauled by a regular garbage truck to have items placed **curbside on the front corner of their property nearest to the public street for collection pickup as set forth by the town pick-up schedule.** This is a service provided to residential customers in the normal replacement of home appliances, and shall not be provided to establishments, which are in the business of selling and allowing trade-ins of such appliances, or for purposes of building/site cleanout as defined in section 44-41.

**(b) Commercial businesses are required to make private arrangements to dispose of their bulky items. There will be no collection of such items by the town or its contractor. Commercial business bulky items are prohibited from staying on the curb more than two (2) business days.**

**(c) Items from business establishments operating from a residential unit will not be collected by the town.**

**(d) The town will not be responsible for the removal of automobile parts, including but not limited to body parts, engine blocks, transmissions, tires or batteries. The proper disposal of these items will be the responsibility of the property owner.**

#### **Sec. 44-47 Collection of recyclables.**

**The town has a goal to reduce the amount of waste going into the landfill by recycling items that are permitted by the Haywood County Solid Waste Division.**

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- (a) The town will provide recycling collection to residents and commercial businesses that can recycle their waste in sixty-five (65) gallon rollout containers or less per schedule determined by the Public services director. The town shall provide residences and small commercial businesses a sixty-five (65) gallon rollout container or other, approved container. Such containers shall remain the property of the town.
  - (b) Recyclables can be comingled in the container.
  - (c) All food, drink, and other residuals shall be rinsed from the recyclable items.
  - (d) Recycling items shall be determined by the Haywood County Solid Waste Division.
  - (e) The town provides electronic waste (e-waste) recycling that can be picked up at the curb by appointment only. The town shall not pickup computer monitors or televisions with cathode ray screens. Such materials may be taken to Haywood County's Materials Recovery Facility ( MERF) on Jones Cove Road.
  - (f) Recyclable's containers shall not be placed on the curb earlier than 5:00 pm the day before the scheduled collection date and shall be removed by midnight on the collection day. Containers by be placed in enclosures approved by the public services director.

Sec. 44-47. Frequency of collection; fees.

- (a) Garbage and refuse set out for collection as provided in this article shall be collected by the town or its contractor at such times as may be provided by the ~~mayer and board of aldermen~~ public services director.
  - (b) All refuse accumulated in the town shall be collected, conveyed and disposed of by the town or its contractor. No person shall collect or convey refuse over any of the streets or alleys of the town, or dispose of any refuse accumulated in the town, except as follows:
    - (1) *Actual producers.* This section shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and with any other applicable provisions of law.
    - (2) *Outside collectors.* Nonresidential establishments, ~~at their option, may shall~~ contract with private refuse collection firms for providing dumpsters and collecting, conveying and disposing of such refuse and recyclables provided such private firms comply with the provisions of this chapter and with any other applicable provisions of law.
    - (3) *Transporting through town.* This section shall not prohibit collectors of refuse from outside the town from hauling such refuse over town streets, provided such collectors comply with the provisions of this chapter and with any other applicable provisions of the law.
    - (4) *Volunteers/cleanup operations.* This section shall not prohibit volunteers or those who are assigned cleanup duty by the courts or in the course of their work from collecting, conveying and disposing of such refuse, provided such collectors comply with the provisions of this chapter and with any other applicable provisions of the law.
  - (c) The schedule of fees for collecting residential and commercial refuse ~~or for the rental or sale of dumpsters~~ shall be determined from time to time by the board of aldermen and set forth in the official schedule of fees as a part of the budget ordinance.
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**Sec. 44-48 Removal of Dead Animals, Ashes, Contagious Disease Material, Hypodermic Instruments and Hazardous Waste**

- (a) **Dead Animals.** The town will collect small dead animals and wildlife from the publicly maintains (NCDOT; town) rights of way.
- (b) **Ashes.** It shall be unlawful to place live (hot) or dead (cold) coals in any containers set out for collection.
- (c) **Contagious disease material.** It shall be unlawful to remove or discard clothing, bedding, mattresses, springs, or other solid waste from homes or other places where highly infectious diseases have occurred. Such solid waste shall not be placed in rollout containers or at the curbside for collection and disposal by the town and/ or its contractor.
- (d) **Hypodermic instruments.** It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle, or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable or reuse without safeguarding the disposal thereof by placing in a secure container so as to avoid the possibility of causing injuring to the collection personnel.
- (e) **Hazardous waste.** It shall be unlawful to place hazardous waste in any container for disposal except as follows:
- (1) **Paint cans shall have lids removed and contain no wet paint. Kitty litter, sand or commercial paint solidifiers may be added to solidify material for collection.**
- (2) **Soiled kitty litter, pet waste pads, guinea pig or rat bedding shall be enclosed in double plastic bags and securely tied prior to placing the bag in rollout cart at the curbside for disposal.**

**(3) Sec. 44-49. Penalties and remedies.**

- (a) A violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in G.S. 14-4.
- (b) A violation of any of the provisions of this chapter shall also subject the offender to civil penalties in the follow amounts:
- (1) **Beginning 31 days after the notice of violation, ~~\$10 per day~~ **\$25.00 per day.****
- (2) **Beginning 60 days after the notice of violation, ~~\$25.00 per day~~ **\$50 dollars per day.****
- (3) **Beginning 90 days after the notice of violation, ~~\$50.00 per day~~, **\$75 dollars per day** and every day thereafter.**

(Ord No. 31.03, 96.12, 12-9-2003)

Civil penalties shall be assessed by the public services director, code administrator and such other inspectors or deputy or assistant inspectors as authorized by the board aldermen.

- (c) The town may seek to enforce this chapter through any appropriate equitable action.

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(d) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(e) The town may seek to enforce this chapter by using any one or any combination of the remedies in subsections (a) through (d) of this section.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2021.

**Town of Waynesville**

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Mayor Gary Caldwell

ATTEST:

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Eddie Ward, Town Clerk