



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: **March 13, 2018**

Time: **6:30 p.m.**

The agenda and all related documentation may be accessed electronically at www.waynesvillenc.gov.
Click on "**Government/Mayor & Board**" to download materials for town board meetings.

Consider the environment ♦ Conserve resources ♦ Print only when necessary

The Town of Waynesville provides accessible facilities, programs and services for all people, in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or accommodation for this meeting, please contact the Town Clerk at:
(828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gavin Brown

1. Welcome/Calendar/Announcements
2. Adoption of Minutes

Motion: To approve the minutes of the February 13, 2018 regular meeting as presented (or as corrected).

Motion: To approve the minutes of the February 23, 2018 Special Meeting – Board Retreat as presented (or as corrected).

B. PUBLIC HEARING

3. Public Hearing to close an unused Right of Way off of Bridges Street – 847 North Main Street (No PIN)

- Elizabeth Teague

Motion: To approve the Resolution to permanently close an unused portion of right-of-way located off of Bridges Street, 847 North Main Street, Waynesville. (No PIN)

4. Public Hearing and Consideration for a Text Amendment Request to amend the Land Development Standards Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental standards related to Monopole Towers

- Elizabeth Teague

Motion: Motion to find Text Amendment is Consistent with the 2020 Land Development Plan.

- **Motion:** To approve (or disapprove) the text amendment ordinance for the CI District.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

March 13, 2018

- 2 -

C. NEW BUSINESS

5. Consideration and Guidance for Medford Grant Applications

- Elizabeth Teague

Motion: *To direct staff on this year's Medford Grant Application.*

D. CONTINUED BUSINESS

6. Personnel Policy Revision – Hiring of Relatives (Nepotism)

- Assistant Town Manager Amie Owens

Motion: *To approve the revisions to Section 4 Employment of Relatives (Nepotism) policy, to be effective immediately, as presented*

E. COMMUNICATIONS FROM STAFF

7. Manager's Report - Town Manager Rob Hites

- Customer Service Policy

8. Attorney's Report – Town Attorney Bill Cannon

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

9. Animals at Festivals – Mayor Brown

G. CALL ON THE AUDIENCE

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

CALENDAR March 13, 2018

2018	
Tuesday March 13 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Thursday March 15 5:30 PM Waynesville Police Department	Sgt. Keith Moore Retirement
Friday March 16 2:00 – 4:00 Public Services Building	Edwin Fish Retirement
Saturday March 17 4:00 PM to 9:00 PM	Art after Dark – “Smoky Style” Main Street – sponsored by the Downtown Waynesville Association
Saturday March 24 9:00 AM Waynesville Middle School	Mountaineer Two Miler
Saturday March 24 6:00 PM – 11:00 PM Laurel Ridge Country Club	Casino Night Haywood Healthcare Foundation RSVP to Eddie Ward or Amie Owens by March 16, 2018
Tuesday March 27 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Friday March 30	Good Friday Town Offices Closed
Wednesday April 4 Drop In 5:00 – 8:00 PM Canton Armory	Retirement of Chief Bryan Whitner RSVP to Eddie Ward no later than March 14, 2018
Thursday April 5 4:00 PM Town Hall Board Room	Historic Preservation Commission Prominent Waynesville Families Presented by Sarah Sloan Kreutziger
Tuesday April 10 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Monday April 23 5:30 PM	Council of Government Meeting Town of Clyde
Tuesday April 24 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Thursday May 3 4:00 PM Town Hall Board Room	Historic Preservation Commission History of Main Street Presented by Alex McKay

Friday May 4 5:00 – 9:00 PM	Art after Dark Main Street – sponsored by the Downtown Waynesville Association
Tuesday May 8 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Saturday May 26 7:00 PM	BLOCK PARTY - sponsored by the Downtown Waynesville Association – partial street closure – Main Street
Tuesday May 22 6:30 PM Town Hall Board Room	Board of Aldermen Meeting - Regular Session
Monday May 28	Memorial Day Town offices closed
Friday June 1 5:00 – 9:00 PM	Art after Dark Main Street – sponsored by the Downtown Waynesville Association
Saturday June 9 10:00 AM – 5:00 PM Main Street	Appalachian Lifestyle Celebration
Friday June 22 6:30PM – 9:00 PM Main Street	Mountain Street Dance
Tuesday June 26 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Wednesday July 5 11:00AM – 3:00 PM Main Street	Stars & Stripes Celebration
Wednesday July 4	Independence Day Town Offices Closed
Friday July 6 6:30PM – 9:00 PM Main Street	Mountain Street Dance
Tuesday July 10 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Saturday July 19 - 29	FOLKMOOT USA INTERNATIONAL FESTIVAL – various venues and times in Haywood and surrounding counties
Friday July 20 6:30 PM – 9:00 PM	Mountain Street Dance
Saturday July 21 10:00 AM Main Street	Folkmoor Parade of Nations
Monday July 23 5:30 PM	Council of Government Meeting Haywood County
Tuesday July 24 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Saturday July 28 10:00 – 5:00 Main Street	International Festival Day
Friday August 3 5:00PM – 9:00 PM	Art after Dark Main Street – sponsored by the Downtown Waynesville Association

Friday August 3 6:30 PM – 9:00 PM Main Street	Mountain Street Dance
Saturday August 4 9:30 AM – 1:00 PM Courthouse Lawn	Downtown Dog Walk Friends of SARGE
Tuesday August 14 6:30 PM Town Hall Board Room	Board of Aldermen Meeting - Regular Session
Tuesday August 28 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Friday and Saturday August 31 & September 2	Smoky Mountain Fold Festival Stuart Auditorium, Lake Junaluska
Monday September 3	Labor Day Town Offices Closed
Friday September 7 5:00 PM – 9:00 PM Main Street	Art after Dark Main Street – sponsored by the Downtown Waynesville Association
Tuesday September 11 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Saturday September 15 7:00 PM	BLOCK PARTY - sponsored by the Downtown Waynesville Association – partial street closure – Main Street
Tuesday September 25 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Friday October 5 5:00 PM – 9:00 PM	Art after Dark Main Street – sponsored by the Downtown Waynesville Association
Tuesday October 9 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Saturday October 13 10:00 AM – 5:00 PM Main Street	Church Street Art & Craft Show
Saturday October 20 10:00 AM – 5:00 PM Main Street	Apple Harvest Festival
Monday October 22 5:30 PM	Council of Government Meeting Maggie Valley
Tuesday October 23 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Wednesday October 31 5:00 PM – 7:00 PM Main Street	Treats on the Street
Friday November 2 5:00 PM – 9:00 PM Main Street	Art after Dark Main Street – sponsored by the Downtown Waynesville Association
Monday November 12	Veteran's Day – Town Offices Closed

Tuesday November 13 6:30 PM Town Hall Board Room	Board of Aldermen Meeting - Regular Session
Thursday & Friday November 22 & 23	Thanksgiving Town Offices Closed
Tuesday November 27 6:30 Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Monday December 3 6:00 PM Main Street	Waynesville Christmas Parade
Friday December 7 5:00 PM – 9:00 PM Main Street	Art after Dark Main Street – sponsored by the Downtown Waynesville Association
Saturday December 8 6:00 PM – 9:00 PM Main Street	A Night Before Christmas
Tuesday December 11 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Monday, Tuesday & Wednesday December 24, 25, & 26	Christmas Town Offices Closed

Board and Commission Meetings – March 2018

ABC Board	ABC Office – 52 Dayco Drive	Mar. 20th 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	Mar. 6 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	Mar. 22 4 th Thursdays 12 Noon
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	Mar. 7th 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	Mar. 19th 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	Mar. 8th 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	Mar. 21st 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	Mar. 21st 3 rd Wednesdays 3:30 PM

BOARD/STAFF SCHEDULE

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
February 13, 2018

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, February 13, 2018, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Gavin Brown called the meeting to order at 6:30 p.m. with the following members present:

Mayor Gavin Brown
Mayor Pro Tem Gary Caldwell
Alderman Julia Freeman
Alderman Jon Feichter
Alderman LeRoy Roberson

Absent: Alderman Julia Freeman

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Elizabeth Teague, Development Services Director
David Foster, Public Services Director
James Robertson, Tax Collector
Bill Hollingsed, Police Chief
Tim Petrea, Program, Specialist
Preston Gregg, Town Engineer
Rhett Langston Parks and Rec Director
Jason Reynolds – Police Officer
Billy Benhart – Police Officer
Keith Banks – Police Officer
Jared Flesch – Police Officer
Tim O'Neill – Police Officer
Tyler Trantham – Police Officer
Michael Whitley – Police Officer

The following media representatives were present:

Becky Johnson – The Mountaineer

Mayor Gavin Brown welcomed everyone and asked Police Chief Bill Hollingsed to come forward and make a very special presentation. Chief Hollingsed introduced Mr. Colttin Sutton, and presented him with a Certificate of Commendation for the heroic actions shown during a medical emergency of his mother while driving the car Colttin and his younger sister were riding in. Chief Hollingsed and the entire Police Department saluted Mr. Sutton for his actions on that day.

1. Calendar/Announcements

Mayor Brown reminded the Board of the following events on the calendar:

- Saturday Feb 17, 11:30 AM: Haywood Waterways – Freezing for a Reason Plunge – Canton Pool.
- Friday Feb. 23, 8:30 AM: Board Retreat – Public Services Building Training Room

Mayor Brown explained to the Board that the Board meeting that is scheduled for February 27, 2018, is on the same night as the Chamber of Commerce sponsored Elected Officials Reception. He recommended cancelling that meeting, and any items could be discussed at the Board Retreat on February 23.

Alderman LeRoy Roberson made a motion, seconded by Alderman Jon Feichter, to cancel the February 27, 2018 Board of Aldermen meeting. The motion passed unanimously.

2. Adoption of Minutes

Alderman Gary Caldwell made a motion, seconded by Alderman LeRoy Roberson to approve the minutes of the January 9, 2018 meeting as presented. The motion carried unanimously.

B. PRESENTATION/REPORT

3. A. Tuscola High School Junior ROTC – Cadet Presentation

Lt. Col. Kevin Sutton thanked the board for the opportunity for the cadets to present and noted that this presentation was an explanation of the activities from the past year. He also introduced Sr. Aerospace science instructor Steven W. Robertson.

Cadet Second Lt. Aaleiah Cagle began the presentation by noting that she was honored to participate in her second presentation to the Board. She explained that the Corps had been serving the community for 46 years. She said the Cadet's motto was "Never Say Die" and all cadets were expected to honor the code of never cheat, steal, or lie, and these were repeated everyday before class. She said entire unit felt like "family" and she hope the Board could see that the goal of the NC- 075 was to be better citizens for America.

Cadet Lt. Col. Mayra Rios explained to the Board the Cadet Corps Goals for 2017-2018, which included school impact, cadet impact, and community impact. Completing at least twelve campus cleanups, organizing two teacher appreciations, and coordinating and conducting seven recruiting events during the school year are part of the school impact. The cadet impact includes increasing the number of cadets involved in extracurricular activities from 15 to 25 during the school year, having all cadets attain at least a 2.0 average and an average uniform grade of 80%. For the community impact, Ms. Rios said that the goal is for each cadet to attain at least twelve hours of community service, send 160 letters of support and ten care packages to deployed troops, and collect at least 100 pounds of canned food for WNC.

Cadet 2nd Lt Josie Owings highlighted some of the activities such as instructing elementary school students on the proper way to fold the US Flag, caroling at local nursing homes during the holidays, and the annual Veterans Day Luncheon. In addition to the other activities, cadets raise and lower the flag each day at the Tuscola campus and provide color guard service at all football and basketball games, as well as other special events.

Cadet 2nd Lt Jordon Smelley told the Board about some of the cadet activities which included a five day trip to Washington DC to explore air force bases and monuments. He said the most exciting event for the cadets was the Military Ball which is an upscale dance and toast to all the corps for hard work. Some of the extra curricular teams include the Color Guard, Drill Team, Marksmanship, Raider, Kitty Hawk Air Society, and Saber team. Cadet Smelley gave a brief explanation of each of the teams.

Cadet 2nd Lt Todd Webb told the Board that the Color Guard is the face of the NC-075. With twenty members, the color guard is a team that carries and protects our national colors, and performs at many events under the National Anthem and Pledge of Allegiance. He said the award winning drill team encourages cadets to practice leadership and following. They compete for trophies at several different locations.

Cadet First Sergeant Clay Payne said a new marksmanship team had been added to NC-075. This team gives the cadets the opportunity to practice and shoot air rifles in tournaments. This team teaches and trains accuracy, safety and most of all fun. The sabre team performs at weddings and homecomings.

Mayor Brown thanked the cadets for their participation and their instructors for mentoring these young people and applauded their potential for the future. Mayor Brown added that he sees the future of Haywood County, Waynesville and the United States in this room and that they are doing exactly what this country needs. He thanked Lt. Col. Sutton for his tutelage of the students and for their participation.

B. Grant Receipt from Haywood Healthcare Foundation for Base Camp on the Go Program – Tim Petrea

Program Supervisor Tim Petrea explained that he had completed a presentation for a grant from the Haywood Healthcare Foundation (HHF) entitled Base Camp on the Go and it had been accepted. The grant will be funded from the proceeds collected at the HHF annual Casino Night and Golf Gala.

He noted that the Base Camp on the Go Program is to be a mobile recreation opportunity to help facilitate healthy outdoor recreation opportunities with a focus on active lifestyle behaviors. The program will allow staff and local partners to have a roadmap for developing and supporting collaborative education and recreation programs into the future. Mr. Petrea added that the following goals were approved as a part of the program:

- Collaborate to build upon existing education and recreation program efforts to consistently provide outdoor education and recreation programming;
- Provide safe settings and opportunities for new outdoor learning and recreation with an emphasis on equitable programming, to ensure access and participation for all Haywood County families; and

- Work with local/regional partners to gain collaborative funding and innovative program development, helping to ensure long term sustainability of outdoor education and recreation programs within Haywood County.

The funds will be used to purchase a box truck to house the various activity equipment, and a full-time staff person's salary. The staffer will be responsible for the delivery of the program including performance, inventory, program development, administration and marketing. The Town of Waynesville will provide necessary insurance and maintenance for the vehicle and pay for the benefits package for the employee.

Mr. Petrea noted that he excited about the potential this program has to provide a recreational outreach year-round. Partners with this program include Haywood County Parks and Recreation, Haywood County Schools and various medical providers in the county.

Mayor Brown thanked Mr. Petrea for his presentation and wished him good luck in this endeavor.

C. CALL FOR PUBLIC HEARING

4. Call for Public Hearing to close an unused Right of Way off of Bridges Street – 847 North Main Street – (No PIN) – Elizabeth Teague

Development Services Director Elizabeth Teague explained that the Town had received a petition from Mr. Scott Oates, and Mr. and Mrs. Harry Fishback to close a portion of right-of-way perpendicular to Bridges Street and abutting their properties. Ms. Teague said the right-of-way connects to the parking lot owned by Mr. Oates at 847 North Main Street (Del Rays), and does not provide access to any other lots. Mr. Oates had originally approached the Town with concerns about trees in the area, and had asked permission to trim the trees for the safety of his property and the property of the Fishbacks.

Ms. Teague told the Board that staff could not find a record of where the right-of-way had ever been accepted by the Town as a street, or used for that purpose. She said the Town does not have an interest in the right-of-way, and staff recommends that the Town follow the statutory requirements for a street closure to allow conveyance to the adjacent property owners.

Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter to call for a Public Hearing to be held on Tuesday, March 13, at 6:30 PM, or as closely thereafter as possible, in the Board Room of Town Hall located at 9 South Main Street, Waynesville, to consider the request for permanently closing an unused off-shoot located off of Bridges Street, 847 North Main Street. The motion passed unanimously.

D. NEW BUSINESS

5. Professional Services Contract for Stewart, Inc. for update to Comprehensive Plan – Elizabeth Teague

Ms. Teague said that the Town had received six responses to the RFP that was issued on October 16, 2017. The Steering Committee elected to interview three of the six, and interviews were conducted on January 22, 2018. Members of the Steering Committee included Lorna Sterling, Austin Lee and staff members David Foster, Rhett Langston, and Ms. Teague. She said the group recommends that Stewart,

Inc., in partnership with J. M. Teague and Chipley Consulting, be selected as the team to assist with the Comprehensive Plan Update. Ms. Teague explained that the Stewart Team performed well on the interviews and also scored the highest in independent reviews of proposals by the Steering Committee.

Ms. Teague said Phase I of the contract will be for a fee not to exceed \$25,000.00 as was previously approved in this year's budget. Phase II will be determined as the process move forward, and is estimated to be in the range of \$50,000.00 to \$75,000.00, and will be requested in the budget for FY 18-19.

Alderman Jon Feichter made a motion, seconded by Alderman LeRoy Roberson to allow Town Staff and Manager to proceed with a professional services contract with Stewart, Inc. in accordance with the Scope of Work contract agreement. The motion passed unanimously.

6. Special Event Request - Amie Owens

Amie Owens, Assistant Town Manager, said that The Downtown Waynesville Association had submitted their listing of events for the 2018 year, and due to DWA Executive Director Buffy Phillips not being able to attend the meeting, she will be presenting the Special Events Request for Ms. Phillips. A committee made up of individuals from departments who may be impacted, have reviewed the requests and recommend approval of all the events listed.

Ms. Owens told the Board that the Folkmoot, Sarge's Dog Walk and Apple Harvest Festival special event applications have not been received; however, it is necessary to approve the street closures as part of the DWA request for scheduling purposes. She said that once the applications are received and reviewed, they will be brought back to the Board for approval.

Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter to approve the requested street closures and events in downtown Waynesville for the remainder of 2018, as sponsored by the Downtown Waynesville Association, as presented. The motion passed unanimously.

7. Board Appointment – Two Applicants – Danny Wingate, Alan Lang

The Board voted by ballot unanimously to appoint Mr. Danny Wingate to the ABC Board, effective immediately, and with a term ending June 30, 2019.

8. Authorization to Advertise Delinquent Tax Accounts in the Town of Waynesville for the Year Ending 2017 – James Robertson

James Robertson, Tax Collector made his annual request for authorization to advertise all 2017 delinquent property taxes in the local newspaper, The Mountaineer, as required by NCGS §105-369. These are taxes that were billed on property values as of January 1, 2017, which became due as of September 1, 2017 and delinquent as of January 6, 2018. After the approval of the Board, a target date of March 2, 2018 has tentatively been set for the delinquent ad. This date may change due to scheduling with the newspaper.

Alderman LeRoy Roberson made a motion, seconded by Alderman Gary Caldwell to authorize Staff to advertise all 2017 delinquent property taxes in The Mountaineer on or about March 2, 2018 as required by NCGS §105-369. The motion passed unanimously.

9. Conceptual Design for Frog Level Parking Lot – Preston Gregg

Town Engineer Preston Gregg, referred the Board to a map of the conceptual plan for the Frog Level Parking Lot. He said the plan includes the location of parking spaces, four decorative light fixtures which match the existing Frog Level fixtures, tree planting areas, and a decorative fence that separates the railroad bed from the lot. He explained to the Board that the new light fixtures will illuminate the back of the lot, and the fence will create a barrier between the tracks and the lot.

Mr. Gregg said the parking lot will dramatically change the image of Frog Level. The lighting and fence will make the area much safer. The only drawback to the layout is that it eliminates the parallel parking spaces that lay next to the tracks. The total cost of the improvements is \$84,700.00 and would require a budget amendment to complete in the current budget year.

Mr. Gregg indicated stated that the Town does not have an agreement to use the Clayton's lot which is across the street; however, the cost of paving has been included in the event that such an agreement with the Clayton's can be reached.

A motion was made by Alderman Gary Caldwell, seconded by Alderman LeRoy Roberson, to approve the Conceptual Design for the Frog Level Parking Lot. The motion passed unanimously.

Alderman Gary Caldwell made a motion, seconded by Alderman LeRoy Roberson, to approve Amendment No. 3 to the 2017-2018 Financial Operating Plan for Internal Service Funds and Amendment No. 6 to the 2017-2018 Budget Ordinance in the amount of \$84,700.00. The motion passed unanimously.

10. Electric Incentive Discussion – David Foster

Public Services Director David Foster gave a presentation about Electric Incentives for the Town of Waynesville. Mr. Foster explained to the Board that electric utilities offer incentives to encourage more efficient use of the sold electricity. He said that Duke Energy incentive credits were applied on the Town's electric program, but many of their residential and customer-based programs were not offered to Duke wholesale customers. Since Waynesville customers were not directly Duke customers, they didn't qualify for Duke incentives. Santee Cooper offers electric incentive programs for its own retail customers, but electric incentives were not included in Waynesville's wholesale electric contract, the incentives were not available to Santee Cooper wholesale customers.

Mr. Foster explained several incentive options to the Board including the Peak Partner Program, appliance rebate, and smart thermostat rebate, electric vehicle home charging station and water heater and heat pump rebates. He recommended a "toe in the water" start by trying a few low to no cost programs for a year or so. He added that once the pilot programs are established, the Town could start implementing more complex programs such as residential construction and building permit rebates, rebates for energy certifications, and energy audits.

Mayor Brown said this was a good start and requested that the Town do what it could to utilize energy efficiencies in its own operations including the use of LED lighting when possible.

E. COMMUNICATIONS FROM STAFF

11. Manager's Report

Manager Hites did not have anything to report

12. Attorney's Report

Town Attorney Bill Cannon did not have anything to report

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

G. CALL ON THE AUDIENCE

H. ADJOURN

With no further business, Alderman Gary Caldwell made a motion, seconded by Alderman LeRoy Roberson, to adjourn the meeting at 8:13 pm. The motion passed unanimously.

ATTEST

Gavin Brown, Mayor

Eddie Ward, Town Clerk

Rob Hites, Town Manager

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
SPECIAL MEETING - RETREAT
February 23, 2018

THE WAYNESVILLE BOARD OF ALDERMEN held its winter retreat on Friday February 23, 2018, at 8:30 a.m. at Public Services Training Room located at 129 Legion Drive, Waynesville, NC.

A. CALL TO ORDER

Mayor Gavin Brown called the meeting to order at 8:30 a.m. with the following members present:

Mayor Gavin Brown
Mayor Pro Tem Gary Caldwell
Alderman Julia Freeman
Alderman Jon Feichter
Alderman LeRoy Roberson

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Eddie Caldwell, Finance Director
Dean Trader, Assistant Finance Director
Elizabeth Teague, Development Services Director
David Foster, Public Services Director
Rhett Langston, Parks and Recreation Director
Bill Hollingsed, Chief of Police
Joey Webb, Fire Chief

The following media representatives were present:

Becky Johnson – The Mountaineer

1. Call to Order - Introductory Comments

Mayor Gavin Brown called the meeting to order at 8:30 a.m. and welcomed everyone.

Mayor Brown welcomed the Board Members and Department Heads. He told everyone that most of the discussions during the retreat would be concerning money, and going forward to the upcoming budget, the Board will have to make some monumental decisions concerning the financial operation of the Town. He reminded everyone not to lose sight of the fact that the goals and aspirations of the Board and citizens of the Town of Waynesville are most important.

2 Additions or Changes to the Agenda

There were no changes or additions to the agenda. Mayor Brown reminded the Board that if there is an item that requires a vote, the Board can vote on it in this meeting.

3. Mid Year Financial Update

Finance Director Eddie Caldwell presented a power point for the Mid Year Financial Update. Mr. Caldwell said that he had produced an income statement based on “check book accounting” which means that money can’t be spent unless the Town has it or expects to get it. He gave an overview of revenues and expenditures, and compared them with the last two years for the General Fund, Water Fund, Sewer Fund, Electric Fund, Asset Service Management, and Garage Operations. Mr. Caldwell said that overall the budget is what it is expected to be at this point in the year.

Mr. Caldwell provided the board with the Monthly Cash Balances from December 2015 through December 2017. There was discussion related to the proprietary funds’ balances. Mr. Caldwell explained that there is a need to keep this amount available for emergency replacement or purchase of items related to a catastrophic failure of any of the key infrastructure. Manager Hites will work with staff to determine the value of the Town’s infrastructure including cost of replacement and provide to the board so that they can be assured that the fund balances are adequate and not excessive.

Mr. Caldwell continued by reviewing the five-year revenue projections including some assumptions such as increases in employee salaries, increase in insurance rates and the decrease in Powell Bill funding. This information segued into the presentation by Mr. Hites related to the five year capital project plan and proposed targeted revenue additions.

4. Five Year Capital Project Plan – Targeted Revenue

Town Manager Rob Hites told the Board that this presentation was actually a continuation of last year’s retreat, in which the Board was presented with an analysis of how the Town’s financial position may appear over the next five years. He said the plan includes estimates of both revenue and expenditure growth. He said that General Fund Revenues are expected to yield \$1,901,650.00 over the next five years, and expenditures are expected to increase a total of \$1,407,257. There are three 3% General Fund Salary increases, and two 1.5% increases to amount to \$2,707,966 which includes FICA, retirement, etc. The Operational expenditures increase a total of \$2,282,700. The plan creates an increase in fund balance of \$890,393, and this would be used in year six through ten if the ad valorem tax base doesn’t improve. The overall result is that the Town is left with only \$92,150 to finance new General Fund Debt. Manager Hites said the Capital Improvement Plan has a total of \$20,247,200 in capital requests.

Manager Hites gave the Board a set of recommendations for targeted revenues to fund needed programs and free up the General Fund revenue to cover borrowing in the future.

- **Targeted Revenues**

The Town is financing several activities solely with General Fund revenue where many municipalities have augmented them with some fee based income. Manager Hites recommended that the Board study several targeted fees and determine if it makes sense to use fee based revenue to create cash flows to support capital projects.

- **Storm Water Revenue**

Manager Hites explained to the Board that the Town of Waynesville is considered a “Storm Water II” municipality, and many other towns in North Carolina adopt storm water fees to fund this program. He said the way this is done is that the Town will determine the average impervious service for a dwelling, driveway, and sidewalk and designate it as an Equivalent Residential Unit (ex. 2000.00 square feet). The surface of large parking areas will be measured, and the surface divided with the ERU to determine the fee for larger areas. Manager Hites said the most common monthly storm water fee is \$2.00 per dwelling, and be billed with the water, sewer, and electric bills. The Town may cap the storm water fee if they desire. The fee would be used to fund water related activities such as Haywood Waterways educational programs, street cleaning, leaf collection, creek rehabilitation and cleanup. This fee would supplement the General Fund with approximately \$227,540 per year.

Mayor Brown stated he could see no down side to charging storm water fees. Alderman Feichter said he appreciated the simplicity of the idea of charging per water meter basis, but he would like to see a way for the fees that are paid by the biggest users more equitable. Manager Hites said this could be done by a dual billing system, and gave the City of Asheville as an example. He said that for businesses that have several water meters, the storm water bill will be billed annually and is sent to the owner of the building on the tax bill.

Manager Hites and staff will bring several potential models for the storm water fee structure in the coming months and the board can determine which model or models will be used.

- **Recreation Fee Increase**

The Town collects \$703,770 in total fees from the Recreation Center and the annual budget is \$2,000,000. Manager Hites said the majority of the Recreation Center’s users do not reside inside the city limits. He said the Town had been very generous in permitting out of town residents to pay the same rates as in town residents. This practice has left the Town with no funds to use in leveraging borrowing for the new recreation Master Plan. Manager Hites recommended to the Board to consider one of two options:

1. A surcharge for out of town residents on all recreation activities so that they may pay their proportional share of future recreation improvements. This fee could raise \$178,324 annually.
2. Adopt an across the board increase of 25% in all recreation fees. This would raise approximately \$175,942 annually to fund capital projects.

There was much discussion among the Board Members concerning recreation fees, and the fact that Haywood County has not contributed to the recreation program since 2009. The consensus of the Board was to formally approach the Haywood County Commissioners and explain to them that in order to avoid a 33 percent increase for non County residents, the Town would ask the County to contribute to the recreation in the Town of Waynesville. Alderman Roberson asked Recreation Director Rhett Langston to gather information, and first hand experience concerning fees other towns the size of Waynesville charge for non residents.

- **Vehicle Fee**

Manager Hites said the General Fund taxes are paying 100% of the operation of the Police Department.

During six months of the year, The Town of Waynesville is like most tourist towns that experience up to a third more residents during six months of the year. This alone causes more vehicle incidents, calls for service and interactions for the Police Department. General Statutes permit a municipality to charge up to \$30.00 per vehicle for General Fund purposes and general street maintenance. Manager Hites recommended to the Board to adopt a \$5.00 “vehicle fee” to be added to the Department of Motor Vehicle bill to help augment the General Tax Funds used to operate the Police Department. This would raise \$47,045 per year.

Board members were in consensus that the vehicle fee was a good way to bring more revenue to the General fund.

- **Two Cent Ad Valorem Tax Increase in years 2018 and 2021**

The lack of growth in the tax base has placed the Town in a difficult position. Manager Hites recommended to the Board to use savings from debt payoff to fund governmental activities for the next five years rather than depending on increases in ad valorem taxes. A drawback is that the Town is left with no revenue to leverage debt. In order to provide cash flow to carry out even 50% of the capital projects, he recommends that the Board study the idea of increasing ad valorem taxes one cent per \$100.00 in 2018, and a second penny in 2021. At this time, the Town has approximately \$20,247,200 in capital requests in the Capital Improvement Plan. If the Board adopts the other proposed fees and a two cent tax increase, it will create \$772,014 to leverage \$9,013,310 in borrowing.

Manager Hites reminded the Board that these possible changes do not have to be implemented right away, but when there is only a million dollars of “borrowing” in the next five years, that will probably be used for replacing police cars and replacement of equipment. Before any expansion of the rec department, a decision will have to be made as how to raise several million dollars. The Town cannot spend any money from Capital Reserve for anything large until decisions are made.

Mayor Brown said this increase needed to be looked at realistically. He said if this tax increase comes to fruition, it needs to be stated to the public as a designated specific purpose. He said this is the most political charge that is imposed on citizens, and if it is decided to impose a tax increase, it needs to be done as soon as possible. He asked the Board for their thoughts on the tax increase.

Alderman Roberson said he feels it need to be seriously considered.

Alderman Caldwell stated he would need to know what the increase would be used for.

Alderman Freeman said it definitely needs to be considered, especially with the numbers that have been shown today financially.

Manager Hites asked the Board to study these recommendations for new fees and give feed back on the upcoming budget. He would like to schedule a meeting to review the Capital Improvements Plan and establish a nine million dollar target for the capital items with the highest priority.

Mayor Brown urged the Board to give serious thought to Manager Hite’s recommendations, because everything the Board decides affects the citizens of Waynesville.

5. **Staggered Terms**

Mayor Brown said the discussion of staggered terms for the Board of Aldermen had been discussed before. He said that if terms were staggered, there wasn't potential loss of the entire Board at one time. If terms are staggered, then there is an election every two years, and could be difficult to complete projects. He asked Manager Hites to give an overview of the process of a Charter Amendment that would change the election process from the current on to one that would operate on staggered terms.

Manager Hites explained that the Charter is the section of law adopted by the General Assembly that sets up a municipality governing structure. Every town Charter is different so one authority will not necessarily be the same as another. Since the Town of Waynesville's method of election is prescribed in the Charter, the Board must return to the Legislature for any changes. Mayor Brown said that generally legislative delegation will require a unanimous or near unanimous vote of the Board to introduce a bill to change the Town's Charter.

Alderman Caldwell stated that he is opposed to the idea of staggered terms. After doing research on past elections, he feels that if the terms are staggered there will be less turn out for the elections, and possibly less qualified people running. He added that there would be added cost for elections to be held every two years.

Alderman Roberson stated he is looking to the future where there could be a big turnover of the Board.

Mayor Brown gave statistics that 345 of the 553 cities in North Carolina have four year staggered terms, and 162 have two year terms, and only five that run on four year terms like the Town of Waynesville. He stated he would not recommend introducing this action if it does not have the full support of the Board.

Alderman Feichter said that he likes the fact that the Town's elections are not the same time as the presidential election.

6. **Special Appropriation Funding Limit**

Mayor Brown said this item had been discussed many times in the past. He said that during times when revenue for the Town was coming in at a higher rate, the Town was able to provide assistance to non-profits in the Town. When the economy slowed down, and the Town's revenues slowed down, other communities starting limiting their contributions to these entities, and the Town continued to fund projects. Mayor Brown said he felt that a limit or cap needs to be set on these special appropriations. He reminded the Board that there would always be special situations.

Alderman Roberson said he felt that the Town needs to "bite the bullet" and look closely at each appropriation, and limit the amounts or possibly eliminate them because the funds are not available. Another option would be a ten percent cut across the board for all appropriations. He said a policy should be in place for future Boards to follow when they are approached for special appropriations. One recommendation is that the total annual funding be limited to the equivalent of one cent on the tax rate.

Manager Hites suggested a point or priority system could be implemented so the Board could decide if the entity would be providing a governmental service. He added that the Board would implement the point system, not the staff. He added that the point system could be discussed at a regular meeting so it can be in place for the budget session.

Mayor Brown asked the Board that as they go through the Budget discussions and sessions, that they remind themselves of what has been discussed, and that it is implemented in order to prevent the future elimination of these appropriations all together.

7. Study of Air BNB Zoning

Development Services Director Elizabeth Teague said she had been tracking Air BNB's, and this practice of vacation rentals by owners has been steadily increasing in Waynesville. Ms. Teague said she had an informal discussion with members of the Planning Board. She said they felt that this practice was not really a problem yet in Waynesville. She said that because Waynesville did not have enough hotel rooms to support visitors to the Town, Air BNB's are providing a service to the Town. The problem is that traditional Bed and Breakfasts have to pay occupancy tax and follow all the health department rules where as Air BNB's do not follow the same rules. Ms. Teague said there needs to be a balance created to make sure both are on the same playing field. She said there were over a thousand vacation rentals in Waynesville and Haywood County. A lot of these homes are seasonal, with guests living five or six months of the year.

Town Attorney Bill Cannon said he had researched the topic, and he said it is the hottest topic within Homeowner Associations due to their covenants. He said there were some questions as to whether they can be outlawed according to the covenants. Some of homes belong to older people who have to have the extra income from renting their homes. Most of the complaints are traffic related, mostly due to the number of occupants in the rental. One of the things that Homeowner Associations are looking at is limiting the number of properties in any given period of time that would be available, and the number of occupants in a rental.

Mayor Brown said that most of Waynesville was not going to be subject to the strict Homeowners Association covenants that state you can't do daily rentals. Alderman Roberson said he would like to see a policy in place, and be prepared in the event that the question of these rentals is brought before the Board.

Ms. Teague said enforcement of the policy would be very difficult. She told the Board that she would like to conduct a study to understand what is happening with these rentals and to discuss whether this is a problem. Mayor Brown asked her to take up the matter with the Planning Board, and start thinking where the Town should be on this subject. Manager Hites added that at the same time the Town needs to look at a noise ordinance that would work better for the Town.

8. Additional comments by the Board

- **Recycling Discussion**

Alderman Feichter said that last year, Haywood County had offered a program where the Town could move from a blue bag recycling to a container based recycling. The Town of Maggie Valley took

advantage of the program, and Alderman Feichter would like to see Waynesville do the same. He said the current method of sanitation pickup creates a “messy look” look in certain neighborhoods within the Town. In addition, Alderman Feichter stated that the Sanitation Collector position in staffing is the most dangerous job in municipal government which involves heavy lifting and riding the back of a sanitation truck.

Alderman Feichter said that the Town could develop a set of specifications and bid the cans out. If cans are purchased in excess of 5,000, the approximate cost is \$75.00 each, which for the Town that would be about \$450,000.00. Hydraulic lifts for existing trucks would be purchased also, and the vendor would be responsible for putting them out. Alderman Feichter said that he would like for the Town to apply for the grant that other Western North Carolina municipalities have received to purchase the recycling bins.

Each household and business that use the current method of trash disposal, would be provided one can, and the old cans would be picked up by the crews on the day they pick up bulky items. Staff would roll out cans for persons with handicapped stickers before the truck arrives, and return it afterwards.

Manager Hites said that he did not know of another Town that uses the system of sanitation that the Town of Waynesville uses. He said that if this program is established, the entire Town will be more attractive within two years.

- **Underground Utility Location**

Alderman Feichter said that he appreciates the actions taken by previous Town Officials put forth, and now the Town is benefitting from those wise decisions. One of those decisions is the underground utility location on Main Street. He said that on the other hand, with all the progress that has taken place in Hazelwood, he would like to see it taken to a higher level by starting to think about beginning the process of burying the utility lines there. Alderman Caldwell reminded the Board that the power in Hazelwood is controlled by Duke Energy and it would be more difficult than if it was the Town of Waynesville power.

Manager Hites said many Towns across North Carolina are burying utility lines. He said that most of the lines that can be seen are AT&T lines, and it is an expensive project, but it can be done. Public Service Director David Foster explained the process in the upcoming Russ Avenue project. He said there had been discussions of cost for that area, and it would be cheaper for the process in Hazelwood.

- **Conversion to LED lighting**

Alderman Feichter asked if the lights in the street lamps were LED, and if all the street lamps in Town were being converted to LED when they were changed. David Foster said there were very few lights that did not have LED bulbs in them, and his department was trying to standardize all the lights with the exception of a few on Main Street that would not accept LED bulbs. All the lights that will be placed on Russ Avenue with the upgrade project will be LED lights.

Note: Alderman LeRoy Roberson excused himself from the Retreat because of Illness at 12:10 P.M.

9. **Revisiting of Policies:**

- **Naming Policy**

Assistant Manager Amie Owens said this item had been brought up in the past, and she presented a draft of the Facility Naming and Sponsorship Policy to the Board. She said there was a request from the Kiwanis Club to name the new inclusive playground the “Kiwanis Community Playground for Children with All Abilities”. This was because it was adjacent to the existing playground and they participated in the fund raising for these projects. Assistant Manager Owens said that when the Town looked at the break down of the payments of the playground most of the money came from a grant obtained by the Recreation Director Rhett Langston. Also it has been requested that the park on Craven Street be named the M. L. K. Park. There are some areas that have been named specifically for individuals in the past.

Assistant Manager Owens said this policy outlines some of the basic considerations that the Board needs to think about before allowing someone to put their name other than the Town of Waynesville.

Mayor Brown said this policy sets some standards to follow in naming parks, buildings, etc. and lets the public know that it isn’t a family or political process. He said he felt like this was a good place to start and see if this policy works for the Town of Waynesville.

Alderman Caldwell said he felt that if a sponsoring entity funded 50 percent or more of a project, it should be named after that entity.

Alderman Freeman said she felt the policy was well crafted.

A motion was made by Alderman Caldwell, seconded by Alderman Freeman to adopt the Town of Waynesville Facility Naming and Sponsorship Policy. The motion passed unanimously.

Assistant Manager Owens clarified that there would be a sponsor board that would have each sponsor listed on any project that is completed that utilized significant donations.

- **Animals at Festivals**

Mayor Brown said that in light of the fact that Alderman Roberson had to leave the meeting, and that Mayor Brown does not know how Alderman Roberson feels on this subject, he would like to postpone the discussion of Animals at Festivals until a later time.

- **Overtime for Special Events**

Assistant Manager Owens said that overtime for Police, Fire, and Public Services had been discussed at an earlier meeting, and was being monitored. The overtime pertained to special events that were being held in the Town that required these departments to work these events. She presented a draft policy for Value of In-Kind Services and what the Town is willing to do as true in-kind participation and try to offset some of the cost the Town is incurring due to these events.

Mayor Brown said he would like to delay the implementation of this policy because several of the agencies have already adopted their budgets for the year, and planned for these events. Because of these budgets, he said that January of next year would be a good time to implement the policy, and they would have a year to revamp the use of Waynesville's in-kind services.

- **Personnel Policy Review**

Assistant Manager Owens said the Town has had a Nepotism Policy in place since August 2016. She drew the Board's attention to the paragraph specifically prohibiting the employment of a person into any position who is relative of individuals employed in Finance or Administration. She said this policy was specific to the hiring process, not confidential information. Assistant Manager Owens said there was potential of overhearing confidential information in every department. She said the policy limits the hiring of relatives in the positions of Mayor, Mayor Pro Tem, Town Manager Assistant Town Manager, Town Attorney, Finance Director, Assistance Finance Director, and Human Resources. Exceptions include unpaid volunteers, individuals hired for temporary positions, and part time public safety employees. Any other exceptions to this policy shall be made only with the expressed and documented approval of the Town Manager.

Town Attorney Bill Cannon had several minor grammatical additions and corrections to the policy. The Board will review and vote on adoption at a regular board meeting.

Assistant Manager Owens brought before the Board the policy for the Recreation Center concerning family memberships as long as they were on the employees Town insurance. Currently the Town's insurance guidelines do not allow a spouse that has access their employer's insurance to be on the Town's insurance. She said the clarification would be that the family member could be on the employees insurance or tax return. She said that if an employee is part time, only the employee can have free access to the Recreation Center.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman to approve the clarification of spouse and family members being allowed free access to the Town of Waynesville Recreation Center. The motion passed unanimously.

Assistant Manager Owens said that with the restructuring of the TDA's 1 percent sub committees, there are no longer five members, but there are three. She said that as the municipal representative to the TDA, she is a member of the sub committee. She said that two additional members needed to be named to the sub committee, and one has to be involved in accommodations within the 28785 or 28786 zip codes, and the other has to be a manager or owner of a tourism related business. She added that these nominations needed to be in as soon as possible because they have to be approved by the County Commissioners.

- **Call for Public Hearing**

Elizabeth Teague asked the Board if they would call for a Public Hearing to be held on Tuesday March 13, 2018 for the purpose of considering text amendments to the Land Development Standards within the Commercial District – 1) the minimum setback requirements, Sections 2.4.2, and 2) the minimum lot size for a cell tower, Section 3.10.4. These text amendments have been approved by the Planning Board.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman, to call for a Public Hearing to be held on March 13, 2018 beginning at 6:30 pm or as closely as possible thereafter in the Town Hall Board Room located at 9 South Main Street, Waynesville for the purpose of considering text amendments to the Land Development Standards within the Commercial Industrial District- 1) the minimum setback requirements, Section 2.4.2, and 2) the minimum lot size for a cell tower, Section 3.10.4. The motion passed unanimously.

10. Closing Comments

Mayor Brown thanked the Board for their support over the past year, while he was ill, and for their understanding of his current situation. Mayor Brown went over the policy of selecting a Mayor in case of his absence in the future.

With no further business the Board adjourned at 1:12 PM.

ATTEST

Gavin Brown, Mayor

Eddie Ward, Town Clerk

Rob Hites, Town Manager

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 13, 2018

SUBJECT: Public Hearing and Consideration of a Resolution to close an un-named portion of right-of-way between 847 North Main Street and 47 Henson Drive.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: B3
Department: Administration and Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY:

The received a petition from adjacent property owners to close an un-named and un-opened portion of right of way off of Bridges Street (map attached). Pursuant to State Statutes the Board adopted a Resolution of Intent to Close the Right-of-Way on February 13, 2018 and has provided public notice. This area appears to be a street fragment from a platted subdivision that was never named or used. The Town does not have an interest in the right-of-way for public access and staff recommends closure in order to allow conveyance to adjacent property owners.

MOTION FOR CONSIDERATION:

1. Open/Close the Public Hearing
2. To adopt the attached Resolution to Close the Right-of-way.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Resolution to Close a Right-of-way
2. Site location map
3. Petition Materials submitted.
4. Notification Materials

MANAGER'S COMMENTS AND RECOMMENDATIONS:

☐ Proposed Closure

NOTICE OF
PUBLIC HEARING

**TO CONSIDER
CLOSING A RIGHT-OF-WAY
CONNECTED TO
BRIDGES STREET**

**MARCH 13, 2018 AT 6:30 PM
9 SOUTH MAIN STREET**

Bridges Street ROW



February 1, 2018

Right-of-Way Under Consideration for Closure Outlined in Blue

1,000
0 500 1,000
Feet

Nancy Hall Evans
110 Dabney Rd
Cary, NC 27511

Clifford Gould, LLC
393 Oregon Street
Cincinnati OH 45202

Harry D Fishback
Janice B Fishback
47 Henson Dr
Canton, NC 28716

Derek Scott Oates
Jennifer Fish Oates
238 Holton Ln
Canton, NC 28716

Steven J Szczepanski
Barbara L. Szczepanski
419 Woody Ln
Waynesville, NC 28786

William Thomas Norris
110 Dabney Rd
Cary, NC 27511

Sharon B. Massie
PO Box 1194
Waynesville, NC 28786

**A RESOLUTION ORDERING THE CLOSING AN UNNAMED RIGHT-OF-WAY
CONNECTING TO BRIDGES STREET; NO PIN NUMBER**

WHEREAS, the Town of Waynesville has received a signed petition to close an un-opened and un-named portion of right-of-way that is located between 847 North Main Street and 47 Henson Drive; and

WHEREAS, on the 13th of February, 2018, the Town of Waynesville Board of Aldermen adopted a Resolution of Intent to Close the right-of-way and ordered notifications to abutting property owners and the public of this petition and called for a public hearing to consider this action, pursuant to NCGS 160A-299; and

WHEREAS, the Town Clerk sent notice to all abutting property owners by certified mail advising them of the day, time and place of the public hearing, enclosing a copy of the Resolution of Intent, and advising them that the question as to closing that unnamed right-of-way on the property; and

WHEREAS, the Town posted adequate notices on the applicable right-of-way as required by N.C. G.S. 160A-299; and

WHEREAS, the Town Board gave full and complete consideration of the matter and granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said right of way in a public hearing held on this day, March 13, 2018;

WHEREAS, it now appears to the satisfaction of the Board of Aldermen of the Town of Waynesville that the closing of said right-of-way is not contrary to the public interest, and that no individual owning property, either abutting the right-of-way, or in the vicinity of the right-of-way, or in the subdivision in which the right-of-way is located, will, as a result of the closing be deprived of a reasonable means of ingress and egress to his or her property;

NOW, THEREFORE, subject to the reservation of easements to the Town of Waynesville for utility purposes as shown on map, the Board of Aldermen of the Town of Waynesville do hereby order this un-named right-of-way closed and that all right, title and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of N.C.G.S. 160A-299.

The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title for the width of the abutting land owned by them, to extend to the centerline of the herein closed right-of-way (alley)

(with provision for reservation of easements to the Town of Waynesville for utility purposes) in accordance with the provision of N.C.G.S. 160A-299.

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Haywood County, a certified copy of this Resolution and Order.

Upon motion duly made by Alderman _____ and duly seconded by Alderman _____, the above resolution is duly adopted by the Board of Aldermen of the Town of Waynesville on the 13th day of March, 2018, in the Town Hall.

Upon call for a vote, the following Aldermen voted in the affirmative:

and the following Aldermen voted in the negative:

This the 13th Day of March, 2018.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Eddie Ward, Town Clerk

**A RESOLUTION ORDERING THE CLOSING AN UNNAMED RIGHT-OF-WAY
CONNECTING TO BRIDGES STREET; NO PIN NUMBER**

WHEREAS, the Town of Waynesville has received a signed petition to close an un-opened and un-named portion of right-of-way that is located between 847 North Main Street and 47 Henson Drive; and

WHEREAS, on the 13th of February, 2018, the Town of Waynesville Board of Aldermen adopted a Resolution of Intent to Close the right-of-way and ordered notifications to abutting property owners and the public of this petition and called for a public hearing to consider this action, pursuant to NCGS 160A-299; and

WHEREAS, the Town Clerk sent notice to all abutting property owners by certified mail advising them of the day, time and place of the public hearing, enclosing a copy of the Resolution of Intent, and advising them that the question as to closing that unnamed right-of-way on the property; and

WHEREAS, the Town posted adequate notices on the applicable right-of-way as required by N.C. G.S. 160A-299; and

WHEREAS, the Town Board gave full and complete consideration of the matter and granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said right of way in a public hearing held on this day, March 13, 2018;

WHEREAS, it now appears to the satisfaction of the Board of Aldermen of the Town of Waynesville that the closing of said right-of-way is not contrary to the public interest, and that no individual owning property, either abutting the right-of-way, or in the vicinity of the right-of-way, or in the subdivision in which the right-of-way is located, will, as a result of the closing be deprived of a reasonable means of ingress and egress to his or her property;

NOW, THEREFORE, subject to the reservation of easements to the Town of Waynesville for utility purposes as shown on map, the Board of Aldermen of the Town of Waynesville do hereby order this un-named right-of-way closed and that all right, title and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of N.C.G.S. 160A-299.

The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title for the width of the abutting land owned by them, to extend to the centerline of the herein closed right-of-way (alley)

(with provision for reservation of easements to the Town of Waynesville for utility purposes) in accordance with the provision of N.C.G.S. 160A-299.

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Haywood County, a certified copy of this Resolution and Order.

Upon motion duly made by Alderman _____ and duly seconded by Alderman _____, the above resolution is duly adopted by the Board of Aldermen of the Town of Waynesville on the 13th day of March, 2018, in the Town Hall.

Upon call for a vote, the following Aldermen voted in the affirmative:

and the following Aldermen voted in the negative:

This the 13th Day of March, 2018.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Eddie Ward, Town Clerk



TOWN OF WAYNESVILLE, NORTH CAROLINA
STREET CLOSING REQUEST

Remit to the Town Clerk, 16 South Main Street, Waynesville, NC, 28786.

The procedure for street closing requests within the Town of Waynesville or its extra-territorial jurisdiction follows NCGS 160A-299, "Procedure for Permanently Closing Streets and Alleyways:"

- (1) When property owners propose to permanently close any street or public alley, they must petition the Board of Aldermen requesting that the described street or public alley be closed (petition attached). All property owners whose property abuts the street or right-of-way as shown in the county tax records must sign the petition. The Board of Aldermen may establish a fee to cover the Town's advertising and administrative costs.
- (2) The petition shall be submitted to the Town Clerk to be placed on the agenda at the next regular meeting of the Board of Aldermen to call for action to adopt a resolution declaring the Board's intent to close the street or alley and calling for a public hearing on the question.
- (3) A copy of the resolution shall be published once a week for four successive weeks prior to the hearing and a copy sent by registered or certified mail to all owners of property adjacent to the street or alley as shown on the county tax records. If the street or alley is under the authority of the State Department of Transportation, then a copy of the resolution shall also be mailed to the NCDOT. No street or alley under the control of NCDOT may be closed without NCDOT consent.
- (4) The Board of Aldermen shall then hold the public hearing and any person may be heard on the question, including Town planning, public safety, and public works staff. After the hearing, the Board may then vote to close the right of way if it is satisfied that the closing of the right-of-way is not contrary to the public interest, and that no property owner in the vicinity of the right-of-way or within the subdivision in which it is located would be deprived of reasonable means of ingress and egress to his or her property. The Town may reserve its right, title and interest in any utility improvement or easement within the street or alley being closed. Such reservation may also extend to private utilities.
- (5) A certified copy of the Order to close the right-of-way shall be filed with the register of deeds of Haywood County. Any person aggrieved of the closure, including the NCDOT, may appeal the order to the General Court within 30 days of adoption.
- (6) Upon closing a street or alley in accordance with NCGS 160A-299, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley that was closed. The division of land within the closed right-of-way may be altered by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each owner and signed by each property owner that has an ownership right in the closed right-of-way.

2/5/18

PETITION FOR STREET CLOSING REQUEST

We, the undersigned property owners of property located abutting a private street or alleyway known as AN UN-USED OFF-SHOOT OF BRIDGES STREET, located off of BRIDGES STREET, do hereby petition the Town of Waynesville Board of Aldermen to permanently close said street or alleyway.

NAME/SIGNATURE PROPERTY/MAILING ADDRESS

1. Derek Scott Outley DelRaysconsignment@gmail.com
847 N. Main st Waynesville 276-6225 cell
452-7100 work

2. Ray D Fishback Janice B. Fishback
47 Henson Dr, Waynesville, NC 28786

3. _____

4. _____

5. _____

6. _____

Attach additional sheets if necessary

Date Request Received at Town Hall: _____ By: _____

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 13, 2018

SUBJECT: Public Hearing and Consideration for a Text Amendment Request to amend the Land development Standards Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental standards related to Monopole Towers.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: B4
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: The Town received two text amendment requests from Mr. James Sorrells, owner of a lot in the Waynesville Industrial Park, known as 208 and 204 Industrial Park Drive, within the CI District and Mr. Eric Bean, who is working with Mr. Sorrells to develop a new parcel for industrial and manufacturing uses. They are asking to reduce the dimensional setback requirement within CI from 15' front and side yard or 10' or less. After discussion the Planning Board recommends that the setbacks be reduced to 5'. They are also asking that the requirement for Monopole Towers to be on lots of one acre or more, be eliminated for towers within the CI District. The Planning Board recommends approval of this request as well.

MOTION FOR CONSIDERATION:

1. Motion to find Text Amendment is Consistent with the 2020 Land Development Plan.
2. Motion to approve (or disapprove) the text amendment ordinance for the CI District.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

Staff Report
Application Materials
Draft Minutes of the Planning Board
Draft Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Text Amendment Requests
Ordinance Section: LDS 2.4.2 "Table of Dimensional Standards"
LDS 3.10.4
Applicant: Eric Bean and James Sorrells
Meeting Date: March 13, 2018: Board of Aldermen Regular Meeting

Background and Staff Recommendation:

Mr. James Sorrells, owner of a lot in the Waynesville Industrial Park, known as 208 and 204 Industrial Park Drive, within the Commercial-Industrial (CI) District and Mr. Eric Bean, who is working with Mr. Sorrells to develop a new parcel for industrial and manufacturing uses have applied for two text amendments impacting the Commercial-Industrial Districts. The first has to do with the setback dimensional standards of the CI District and the second has to do with the minimum lot size of Monopole Cell Towers. The applicants would like to maximize the footprint of their industrial space by reducing the required setbacks and reducing the lot minimum for Monopole Towers within the District.

A. Request for a reduction of Setback within the CI District.

In the Table of Dimensional Standards, the CI District Principle Setback is 15' in the front and side yard, and 10' at the rear. Accessory Structure setback is 5'. In other Districts, the setback is 0 to 10 feet and 5' for accessory structures. Setbacks internal to the CI District are therefore more restrictive than in other Commercial Districts. Unlike other commercial districts however, there is not an aesthetic or public interaction reason for these setbacks.

From a Building Code standpoint, distances between buildings must comply with State building and fire safety codes which are based on the type of construction and the use of the building. A 5' side yard setback would provide at least a 10' separation between any new construction and would be built to the specifications of the code as necessary for the use (ie. Fire separation walls, sprinkler systems, or construction materials). Therefore there is not a building or public safety reason for this setback.

The Town has limited industrial Space: the Industrial Park off of Asheville Highway, the Giles property in Frog Level, and the two industrial areas in Hazelwood, abutting the railroad track. Industrial development usually involves a mix of office, warehouse, manufacturing and outdoor storage activities, combined with truck traffic and employee parking needs which requires flexibility and maximum use of the limited space available.

Where a CI property abuts a property in a different zoning district, there are buffer requirements provided in Section 8.4 (below) that require setbacks of 25 to 40 feet with plantings exceeding the current 15' setbacks. This buffer requirement would apply to the perimeter of all CI Districts.

8.4.1 Required Buffer Yards.

A. Required Yards by District: The size of a *buffer* shall be determined both by the zoning district of the proposed development and by the adjacent zoning district(s). Buffer yards shall be required in accordance with the table below when any use is being established on a property that abuts an existing developed lot or less intense zoning district.

		Adjacent Zoning District					
		RL/RM	NR/UR	NC	BD	RC	CI
District of Proposed Development	RL/RM	X	X	X	X	A ¹	A ¹
	NR/UR ²	C	X	X	X	X	X
	NC ²	B	C	X	X	X	X
	BD	C	C	X	X	X	X
	RC	A	A	B	C	X	X
	CI	A	A	A	A	B	X
	¹ Only required where adjacent, more intense use is pre-existing and no equivalent <i>buffer</i> is provided on the adjacent property						X = No Buffer Required
	² Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes						

8.4.2 Buffer Yard Types.

A. Type A Buffer Yard	A Type A <i>buffer</i> yard is intended to provide a very dense all season sight barrier to significantly separate uses and zoning districts. It is intended to reduce intrusive lighting and noise from adjacent properties.			
	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
1. Option A	40 feet	4 Evergreen Trees 4 Canopy Trees 4 Understory Trees 48 Shrubs	Not Required	Completely opaque (i.e., having no horizontal openings from the ground to a height of 8 feet within two 2 years of planting)
2. Option B	25 feet	2 Evergreen Trees 1 Canopy Tree 1 Understory Tree 12 Shrubs	Wall or Berm	
3. Option C	10 feet	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 12 Shrubs	Wall	

So, why is there a more restrictive setback within the industrial district?

- Since the front and side yard setback requirements are within the CI District, new development or redevelopment would not impact any residential or other commercial use, but only other CI uses.
- Buffer requirements that would apply for any district perimeter or property boundary abutting another type of zoning district would exceed that side or front yard setback.
- Any new construction, re-development, or occupancy of a building will require compliance with State building codes regardless of zoning setback rules.
- The Town's industrial lands are limited and industrial areas need flexibility to accommodate various manufacturing, warehouse/storage, and other uses, or to maximize building square footage within a lot.

At their meeting in February, staff and the Planning Board supported a reduction in the setbacks and suggest that even a minimum of 5' would be sufficient and would be consistent with the setbacks of accessory structures as permitted now. A recommendation to change the setback minimums internal to the CI District would not change the buffer requirements.

B. Amend the Supplemental Use Standards for Monopoles within the CI District

There exists a Monopole facility on the site with a 100 x 100 foot lease. The applicants have subdivided a 1.29 square foot lot in order to create a new .69 sf lot for their proposed development next to the cell tower lease (also owned by Mr. Sorrells). The Supplemental Standards for Monopole facilities does not distinguish among zoning districts and states that (LDS Section 3.10.4 (B) 2.):

"Monopole wireless communication towers may only be located on a lot of (1) acre in size."

The applicants request that "the current lot size requirement be reduced in the CI zoning districts to the typical 100' x 100' land lease size. This would free up the adjacent property to be subdivided thus allowing for more building options in the remaining industrial park space."

While it would make sense to have a large lot requirements for monopoles in some other districts, staff feels that monopole facilities should be integrated into CI with minimal restrictions. An acre is a large area to take up within an industrial district. Other existing towers are on smaller lots (Mosaic Place is 0.5 Acres owned by the Town), or are incorporated into other development (EMS Building with tower is 3.92 acres). Staff would support a reduction in this provision for the CI, to allow for maximum use of acreage within CI Districts.

There has been much recent discussion of the importance of broadband and wifi service in Haywood County. The Town is participating in a regional study through the Land-of-Sky Regional Council to look at improving communications systems in WNC. Staff feels that land use regulations should accommodate communications facilities within its commercial districts for their economic impacts.

Additionally, there are other regulations provided in 3.10 that restrict cell towers and their location and design in other ways (below). This text amendment request would be a minor change to the overall supplemental standards for Monopole Cell Towers and would only apply to CI:

3.10.4 Monopole Wireless Communication Tower

A. General Requirements

1. All monopole communications towers must comply with FCC and FAA guidelines. The communications tower owner shall provide the town each year with a copy of any FCC and FAA licenses required.
2. Monopole communications towers may be considered either a principal or an accessory use. A different existing use or structure on the same lot shall not preclude the installation.

B. Location/Site Design

1. Monopole wireless communications towers may only be located above an elevation of three thousand five hundred (3,500) feet or on property owned by the Town of Waynesville or Haywood County.
2. Monopole wireless communications towers may only be located on a lot one (1) acre or greater in size.
3. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the land development district to the extent consistent with the function of the communications equipment. Monopole towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical.
4. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
5. Minimum yard requirements shall be in accordance with the yard requirements set forth in the development standards for the land development district in which the location of the tower is proposed, provided that all buffering requirements can be met. Additionally, monopole towers must set back from any property in a residentially zoned district a distance equivalent to the height of the tower being erected or one hundred (100) feet whichever is greater.
6. Monopole wireless communications towers shall be landscaped with a buffer of plant materials that effectively screens the view of tower compound from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
7. Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located within buildings, equipment shelters or cabinets shall be fenced, screened and landscaped to screen views from adjacent properties. Accessory equipment facilities located on the roof of buildings shall be enclosed so as to be shielded from view. Accessory equipment facilities may not be enclosed with exposed metal surfaces.
8. Security fencing, if used, shall be painted or coated with a non-reflective color.
9. Proposed ingress and egress to the tower shall produce the least disturbance for adjoining uses as is practicable.

C. Design of Tower

1. The use of colors and facility designs shall be compatible with the surroundings (buildings, vegetation, etc.) or the surroundings likely to exist in the area and should prevent the facility from dominating the area in which it is located.
2. The use of stealth design technology is required.
3. The maximum height allowed for a monopole tower is one hundred and eight (180) feet.

4. Macro facilities are the largest attached wireless communications facilities allowed on a monopole tower.
5. Antennas may not extend more than fifteen (15) feet above any monopole tower.
6. Towers shall not be artificially lit unless required by the FAA or other applicable authority. If lighting is required, the Board of Adjustment may review the available lighting alternatives and approve the design that will cause the least disturbance to surrounding views.
7. Security lighting for equipment shelters or cabinets and other on-ground accessory equipment is also permitted, as long as it is appropriately down-shielded to keep light within the boundaries of the site.
8. No equipment shall be operated so as to produce noise levels above forty-five (45) dB as measured from the nearest adjacent, residentially zoned property. Operation of a back-up power generator in the event of power failure, or the testing of a back-up generator between 8:00 a.m. and 9:00 p.m. are exempt from this standard.
9. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a telecommunications tower or attached antenna other than as required by FCC regulations regarding tower registration or other applicable law.

D. Collocation

1. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can reasonably accommodate the applicant's proposed tower or antenna.
2. Applicants and permittees shall make a good faith effort to share wireless communications, structures, facilities and sites where reasonable and appropriate. Such good faith shall include sharing technical information and application information to evaluate the feasibility of collocation. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the town may require a third party technical study at the expense of either or both the applicant and permittee.

E. Discontinuance

1. Discontinued monopole communications towers shall be reported immediately by the service provider to the Administrator. Discontinued facilities shall be decommissioned and removed by the facility owner within six (6) months of the date it ceases to be operational or if the facility falls into disrepair. The Administrator may approve an extension of an additional six (6) months if good cause is demonstrated by the facility owner.
2. The provider erecting a mini monopole communications tower, must have a draft lease agreement with the landholder, or separate equivalent documentation, that specifies if the provider fails to remove the facility upon six (6) months of its discontinued use, the responsibility for removal falls upon the landholder.
3. A performance bond shall be filed for 1.25 times the estimated cost of removal of all towers and accessory equipment structures that are approved. The amount of the bond shall be determined by a removal company. For every year following approval, the bond shall increase by an inflation factor based upon the Consumer Price Index (CPI).

Staff and the Planning Board recommend a text amendment to Section LDS Section 3.10.4 (B) 2.) that removes the one acre requirement from this section for the CI District that reads:

"Monopole wireless communication towers may only be located on a lot of (1) acre in size, except within the CI District."

Consistency with the 2020 Comprehensive Land Development Plan

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, the stated Goal for Economic Vitality is:

"Maintain and strengthen a broad-based economy in Waynesville comprised of vibrant and expanding manufacturing, retail, agricultural, services governmental and construction sectors." (2020 LDP p. 4-19)

One objective under this goal includes:

"Designate and support the development of appropriate amounts of land to meet the needs of the different sectors of the economy." (2020 LDP 4-19.)

"Expand and upgrade the community's infrastructure systems and services with a focus on economic development impacts." (2020 LDP p. 4-20)

These revisions will create flexibility within the CI District and allow monopole cell towers to integrate within the Town's Most Commercial and Industrial Districts.

Recommended Motions

1. To find that the requested text amendments to reduce setbacks and eliminate the minimum lot size for monopole cell towers in the CI District is Consistent with the Comprehensive Land Use Plan.
2. To amend the LDS text so that minimum setback in the CI District setback be reduced from 15' to 5' (five feet) and the Supplemental Standard for a Monopole Cell Tower being located on a lot of an acre in size or greater exclude the CI District.



TOWN OF WAYNESVILLE Planning Board

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Chairman

Patrick McDowell (Chairman)

Planning Board Members

Danny Wingate (Vice)

Anthony Sutton

Marty Prevost

Robert Herrmann

Jason Rogers

H.P. Dykes, Jr.

Pratik Shah

Ginger Hain

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 February 19, 2018

THE WAYNESVILLE PLANNING BOARD held its regular meeting on February 19, 2018 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Vice Chairman Danny Wingate called the meeting to order at 5:30 p.m., and welcomed everyone.

The following members were present:

Danny Wingate (Vice Chairman)
Robert Herrmann
Jason Rogers
Bucky Dykes
Anthony Sutton
Ginger Hain
Pratik Shah

The following members were absent:

Patrick McDowell
Marty Prevost

The following staff members were present:

Elizabeth Teague, Development Services Director
Eddie Ward, Town Clerk
Byron Hickox, Land Use Administrator

2. Update on the Comprehensive Plan

Ms. Elizabeth Teague, Development Services Director, told the Board that the Town received six responses to the RFP that was issued on October 16, 2017. Of the six, the Steering Committee elected to interview three. Lorna Sterling and Austin Lee of the Steering Committee, along with staff members Rhett Langston, David Foster and Elizabeth Teague, held interviews with all three candidate firms on January 22. That group recommends that Stewart Inc., in partnership with JM Teague and Chipley Consulting be selected as the team to assist with the Comprehensive Plan Update. In addition to performing well on the interviews, the Stewart Team also scored the highest in independent reviews of proposals by Steering Committee Members. Ms. Teague said a kick off meeting will be held on March 8, 2018.

3. Adoption of Minutes

A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann, to approve the minutes of the December 18, 2017 board meeting as presented. The motion passed unanimously.

B. NEW BUSINESS

1. Public Hearing to consider two text amendment requests to the Town of Waynesville Land Development Standards

Vice Chairman Danny Wingate asked Ms. Teague to give background information about the two text amendment requests.

Ms. Teague said the Town had received the request from Mr. James Sorrells, owner of 208 and 204 Industrial Park located in the Commercial Industrial District, and Mr. Eric Bean who is working with Mr. Sorrells to develop a new parcel for industrial and manufacturing uses. Ms. Teague said that when they had approached the Town for development permits, it was discovered at that time that two regulations within the Land Development Standards restricted this development.

A. Request for a reduction of setback within the Commercial District

Ms. Teague explained to the board the in the Table of Dimensional Standards by Mixed Use/Non-Residential District, the Commercial Industrial Principle Setback is fifteen feet in the front and side yard, and ten feet at the rear. The Accessory Structure setback is five feet. In other districts, the setback is zero to ten feet, and five feet for accessory structures. This makes the setbacks in the Commercial Industrial District more restrictive than other Commercial Districts.

Ms. Teague said that from a building code and fire safety standpoint, there is no building or public safety reason for this setback; therefore it can be adjusted based on the type of construction and the use of any given building. Because there is limited industrial space, and because of the nature of industrial development, flexibility is important. She stated that new development or redevelopment would not impact any residential or other commercial use, only

other Commercial Industrial uses. Any new construction, redevelopment, or occupancy of a building will require compliance with state building codes regardless of setback. Setback requirements that would apply for any district perimeter or property boundary abutting another type of zoning district would exceed side or front yard setbacks.

Mr. Sorrells and Mr. Bean would like to maximize the footprint of their industrial space, but the setbacks in this district restrict their ability to do that. Ms. Teague stated that staff supports a reduction in the setbacks and suggests that a minimum of five feet would be sufficient and would be consistent with the setbacks of accessory structures as permitted now. Ms. Teague pointed out that such a change in the setbacks to the Commercial Industrial District would not change the buffer requirements.

B. Amend the Supplemental Use Standards for Monopoles within the Commercial District

Ms. Teague said Mr. Sorrells owns the property and there is a Monopole facility on the site with a 100 X 100 foot lease. The applicants have subdivided a 1.29 square foot lot in order to create a new .69 square foot lot for this development next to the cell tower lease (also owned by Mr. Sorrells). In the Supplemental Standards for Monopole facilities no distinction is made among zoning districts and states that (LDS Section 3.10.4 (B) 2.): “Monopole wireless communication towers may only be located on a lot of (1) acre in size”. Mr. Sorrells and Mr. Bean requests that the current lot size requirement be reduced in the Commercial Industrial District to the typical 100 X 100 land lease size. This would free up adjacent property to be subdivided, and this would allow for more building options in the remaining industrial park space. Ms. Teague added that staff did not know the reasoning behind the requirement of one acre, and would support a reduction in this provision for the Commercial Industrial Regional Center and the Business Districts, and bring the existing cell towers into conformity.

Vice Chairman Danny Wingate asked if anyone in the audience would like to speak.

Eric Bean

Mr. Bean stated that the property in question was a small lot, and he and Mr. Sorrells are proposing to put two buildings, and office building and warehouse, for their company on the lot. He said there had much planning to determine the layout of the trucks entering and leaving the area. Currently trucks have a hard time getting in and out of the parking lot because they cannot turn. Mr. Bean said this request is to have enough room to place the buildings, and possibly have the trucks back in and turn around in a loop and not cause congestion in other driveways. As far as the monopole being on a one acre, Mr. Bean said there is not much land left that could be used for development.

A motion was made by Board Member Anthony Sutton, seconded by Board Member Robert Herrmann, to find that the requested text amendment to reduce setbacks in the Commercial District is Consistent with the Comprehensive Land Use Plan. The motion passed unanimously.

A motion was made by Board Member Jason Rogers, seconded by Board Member Bucky Dykes, to recommend that the minimum setback in the Commercial Industrial District be reduced from fifteen feet to five feet. The motion passed unanimously.

James Sorrells

Mr. Sorrells stated that he is the owner of the property that is leased by American Tower for the cell tower on the property. He said he is the first individual to buy property and own a business in the Industrial Park.

A motion was made by Board Member Anthony Sutton, seconded by Bucky Dykes, to find the requested text amendment to exclude the Commercial Industrial District from the one acre requirement for a Monopole Tower is consistent with the Comprehensive Land Use Plan. The motion passed unanimously.

A motion was made by Board member Anthony Sutton, seconded by Board Member Ginger Hain, to recommend that the Supplemental Standard for a Monopole Cell Tower being located on a lot of an acre in size or greater exclude the Commercial Industrial District. The motion passed unanimously.

2. Staff request for Planning Board input into an interpretation, and a possible text amendment regarding Manufactured Housing within the Dellwood Residential Medium Density District, Section 2.5.3 Table of Permitted Uses

Mr. Byron Hickox, Land Use Administrator explained to the Board that the current Land Development Standards Table of Permitted Uses shows that Manufactured Housing (On Individual Lots) is permitted in the Dellwood Medium Density Residential District (D-RM) in designated locations and subject to additional standards. The zoning map, however, shows a mixed-use overlay in this district that does not seem to fit the normal pattern of development that would allow manufactured housing. The previous Land Development Standards permitted manufactured housing in designated locations, but the designated locations were significantly different from the current mixed-use overlay, which consists of a 1,000-foot wide corridor centered on Russ Avenue. Previously, manufactured housing was permitted in this district only on the west side of Russ Avenue further than 500 feet from Russ Avenue.

The Planning Board concluded that this original language should be incorporated into the current LDS and a motion was made to insert an additional standard designating that manufactured housing should be permitted in the D-RM District to the west of Russ Avenue and outside of the mixed-use overlay.

A motion was made by Board Member Jason Rogers, seconded by Board Member Anthony Sutton, to insert an additional standard designating the Manufactured housing should be permitted in the Dellwood Residential Medium Density District, Section 2.5.3 Table of Permitted Uses to the west of

Russ Avenue and outside of the mixed-use overlay. The motion passed unanimously.

C. PUBLIC COMMENT /CALL ON THE AUDIENCE

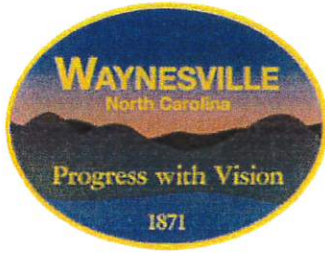
No one spoke

D. ADJOURN

With no further business, a motion was made by Board Member Ginger Hain, seconded by Board Member Anthony Sutton, to adjourn the meeting at 6:42 pm. The motion passed unanimously.

Eddie Ward, Town Clerk

Danny Wingate, Vice Chairman



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

Application for Land Development Standards Text Amendment

Application is hereby made on January 17th, 2018 to the Town of Waynesville for the following amendment:

Designate the specific section(s) of the Land Development Standards being requested for change:

2.4.2 "Side Set Back"

Description of the requested amendment, (attach additional sheets if necessary):

Reduce the existing 15^{ft} side set backs for commercial industrial to the original 10^{ft} set back requirements or less.

The reasons for the requested amendments, (attach additional sheets if necessary):

The current 15^{ft} side set back requirement greatly imposes building size restraints for the last few remaining lots within the Waynesville Industrial Park Complex.

Applicant Contact Information

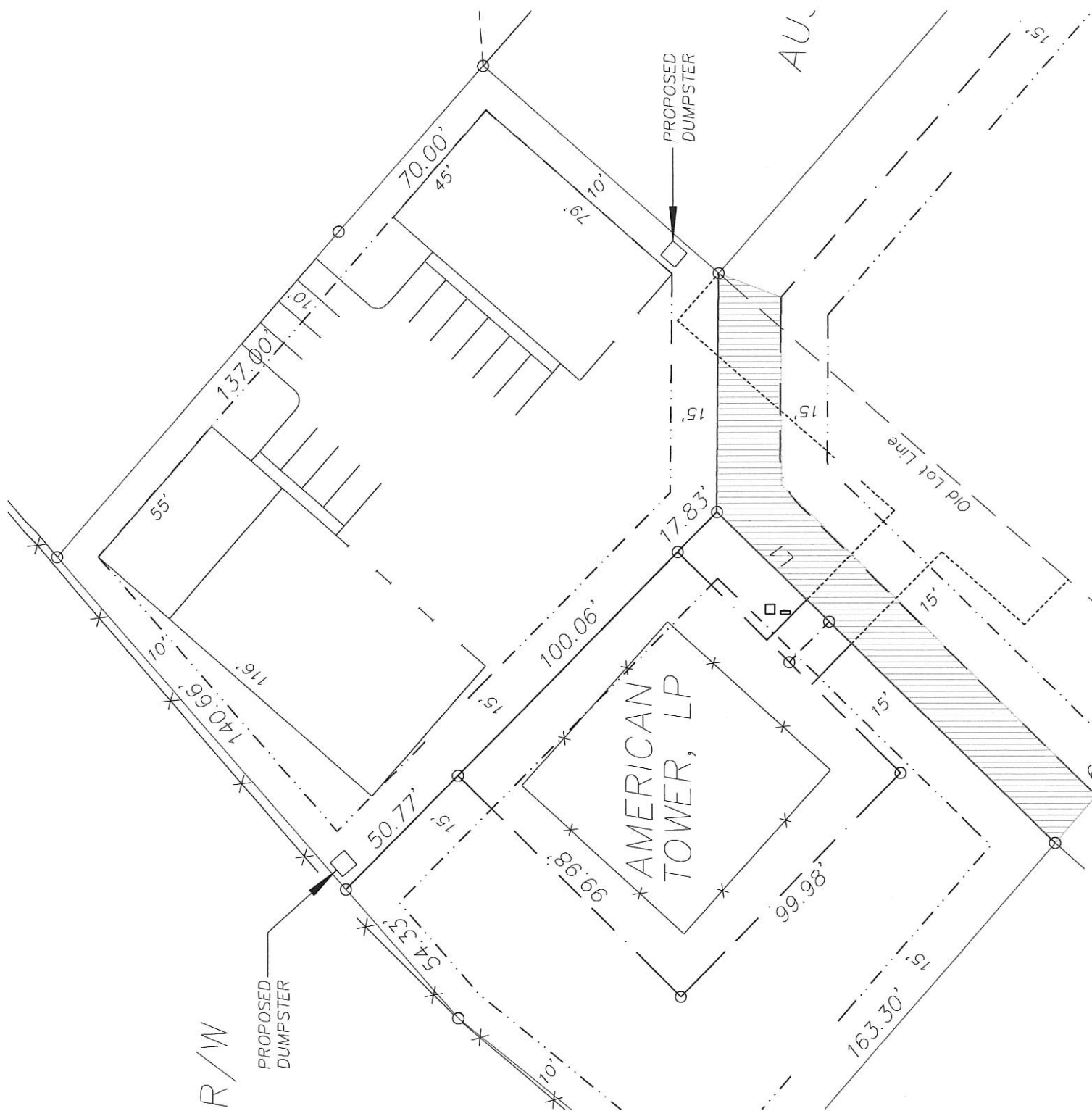
Name (Printed): Eric Bean

Mailing Address: 144 Industrial Park Dr Unit A4 Waynesville NC 28786

Phone(s): 828-506-0773

Email: eric@alpsystemsinc.com

Note: Text Amendment Requests require a fee of \$500.00. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street, Waynesville, NC 28786.



Wayneville Industrial Park Complex

Write a description for your map.

Legend

Feature 1

Proposed Build Site

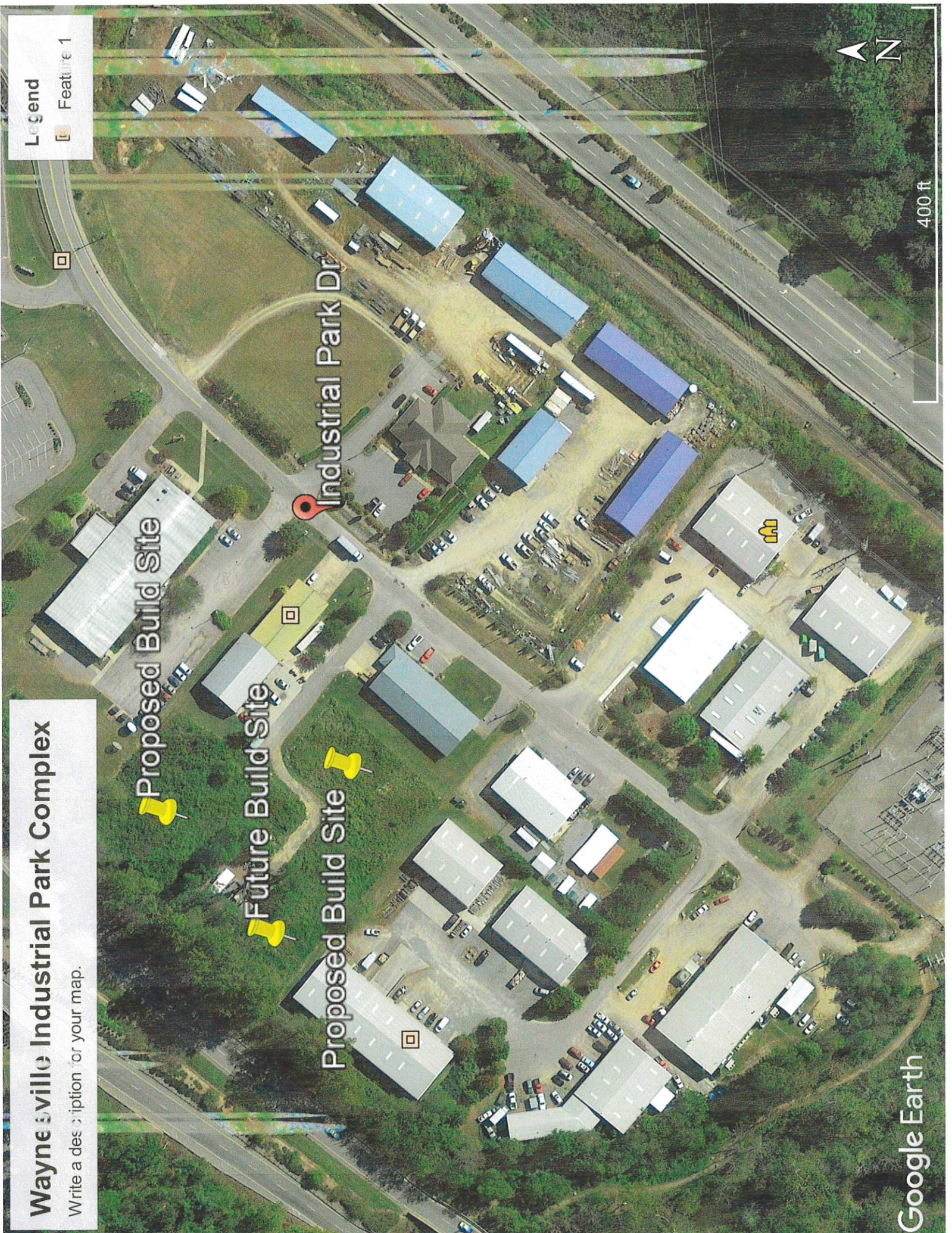
Future Build Site

Proposed Build Site

Industrial Park Dr

Google Earth

400 ft



Elizabeth Teague

From: Eric Bean <eric@alpsystemsinc.com>
Sent: Monday, February 12, 2018 5:13 PM
To: Elizabeth Teague
Subject: CI Zoning District / Cell Tower Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Elizabeth,

Please include the information provided in this email as an addition to the original text amendment submitted on January 17th.

Ordinance section 3.10.4 Paragraph B states that mono pole cell towers shall reside on 1 plus acre lots.

We would like to request that the current lot size requirement be reduced in the CI zoning districts to the typical 100' x 100' land lease size. This would free up the adjacent property to be subdivided thus allowing for more building options in the remaining industrial park space.

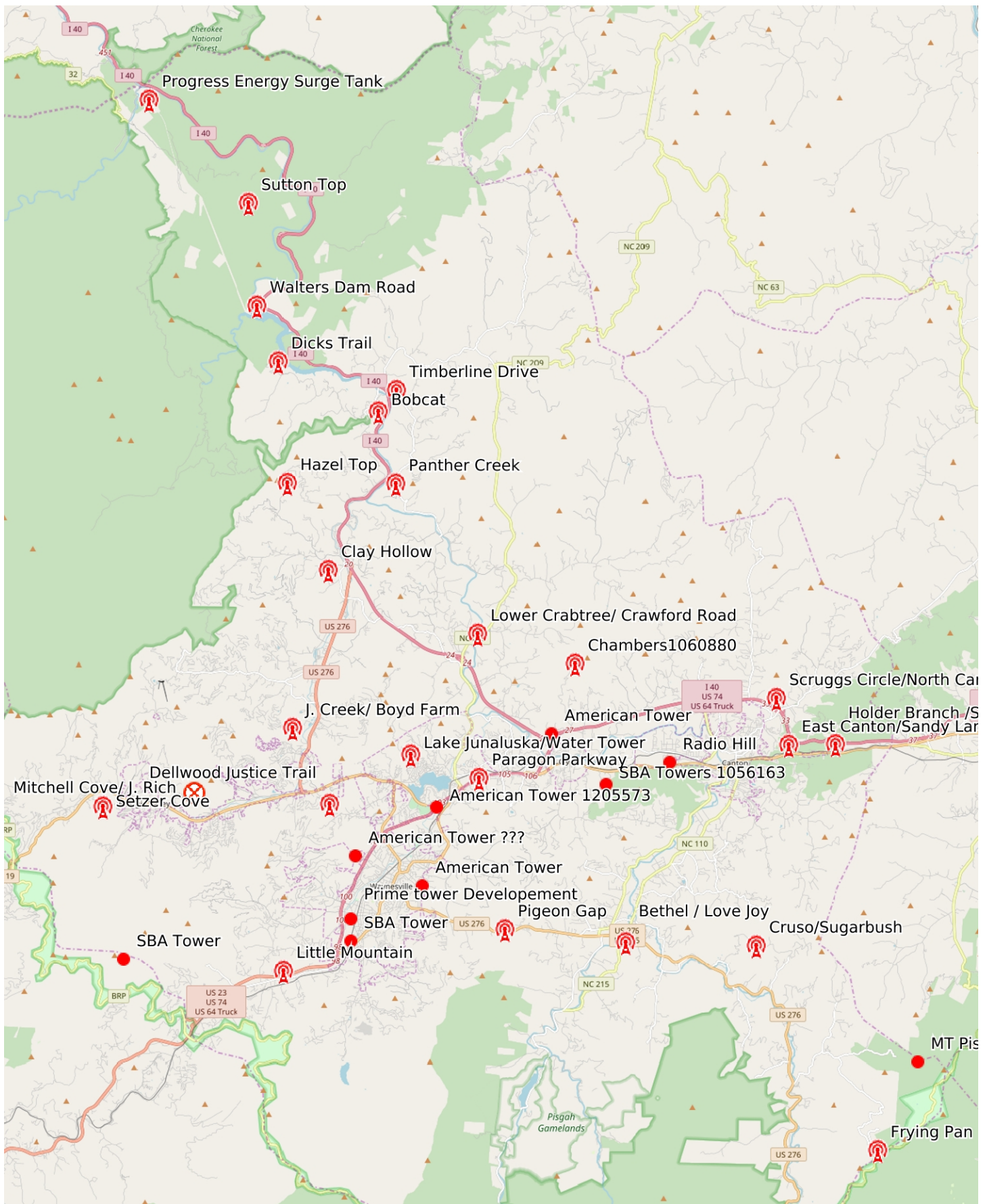
Best Regards,

Eric J. Bean
President
LPI Master Installer & Designer

ALP Systems Inc.
144 Industrial Park Dr. Unit A-4
Waynesville, NC 28786
800-603-2579 Office
828-506-0773 Cell
www.alpsystemsinc.com

**Professional Lightning Protection, Grounding,
Surge Protection & Engineering Services**



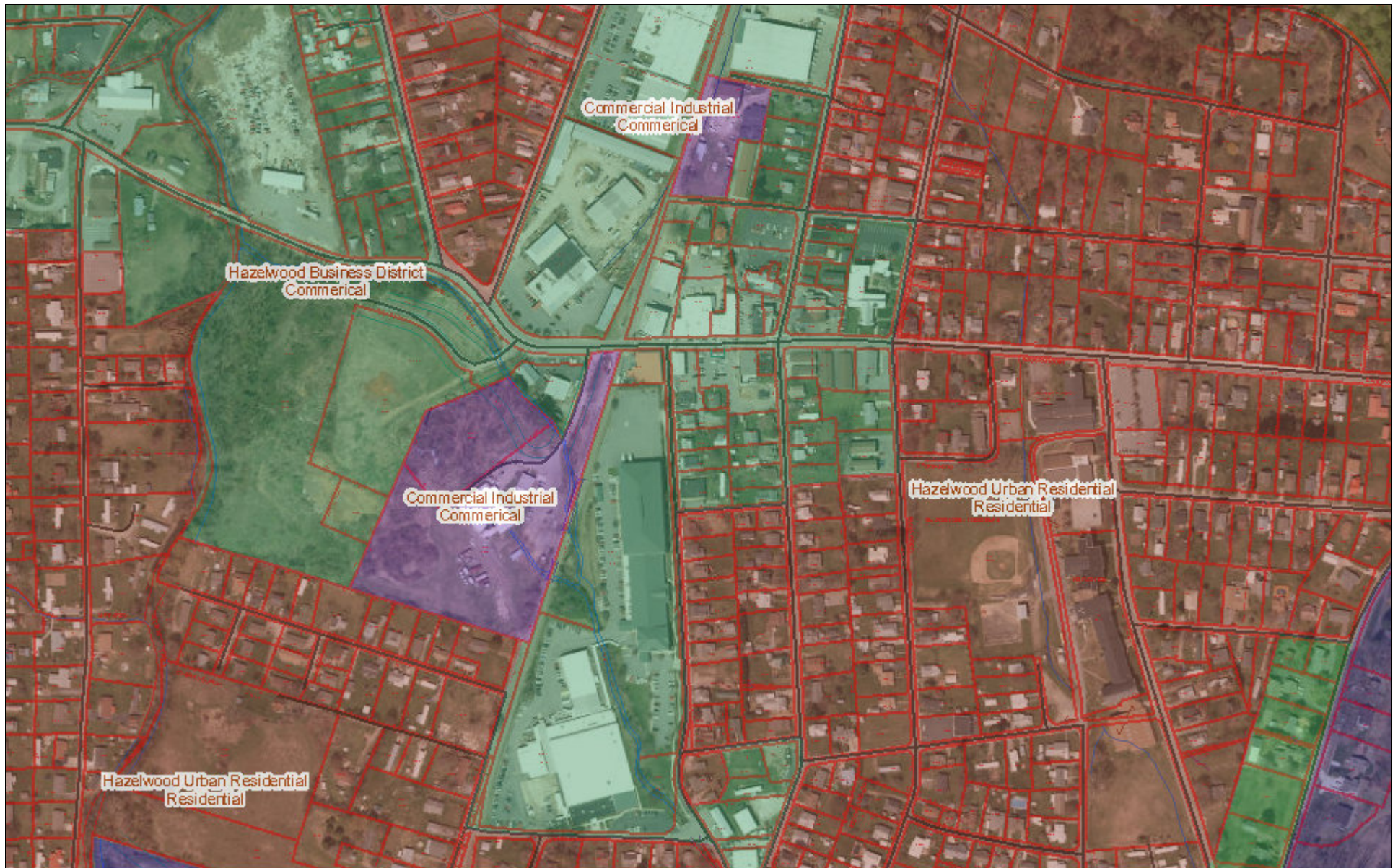


Haywood County Cell Tower
WGS84
USNG Zone 17SLV
SARTopo

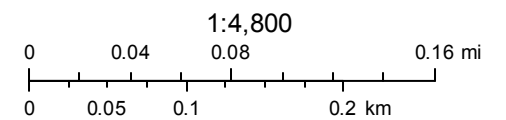
Scale 1:204112 1 inch = 3.2 miles



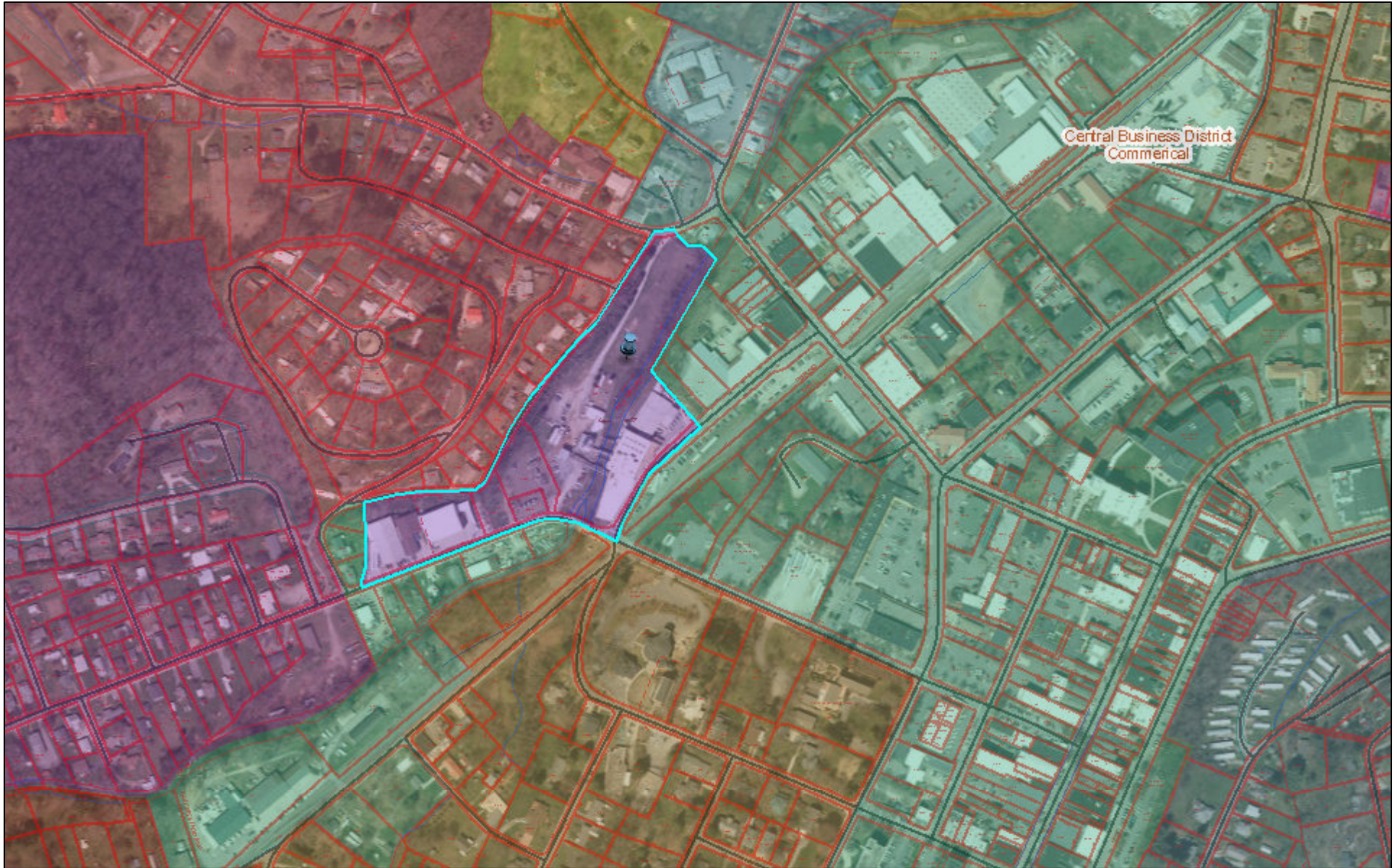
CI Districts Hazelwood



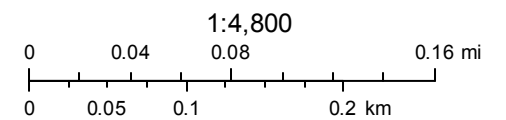
February 14, 2018



Haywood County



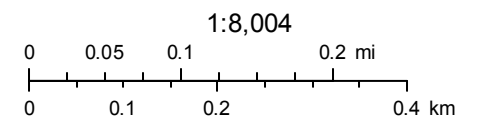
February 14, 2018



CI District



February 14, 2018



ORDINANCE NO. O-02-18

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

WHEREAS, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Planning Board has held a public hearing, reviewed the proposed ordinance and found it is consistent with The Town of Waynesville 2020 Land Development Plan and has voted to recommend adoption by the Board of Aldermen;

WHEREAS, the Board of Aldermen find the proposed text amendment consistent with the Town's 2020 Land Development Plan because the stated Goal for Economic Vitality is:

"Maintain and strengthen a broad-based economy in Waynesville comprised of vibrant and expanding manufacturing, retail, agricultural, services governmental and construction sectors." (2020 LDP p. 4-19), and

One objective under this goal includes:

"Designate and support the development of appropriate amounts of land to meet the needs of the different sectors of the economy." (2020 LDP 4-19).

"Expand and upgrade the community's infrastructure systems and services with a focus on economic development impacts." (2020 LDP p. 4-20)

WHEREAS, after notice duly given, a public hearing was held on this date of March 13, 2018;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON MARCH 13, 2018, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

Section One:

Amend LDS Section 2.4.2 "Table of Dimensional Standards," regulations governing the front, side and rear setback standards of the Commercial Industrial column, to read 5' instead of 15'.

Section Two:

Amend LDS Section 3.10.4 Monopole Wireless Communication Tower, Subsection A. Location/Site Design, sub-paragraph 2 as follows (in red italics):

"Monopole wireless communications towers may only be located on a lot one (1) acre or greater in size, *except within the CI District.*"

ADOPTED this Thirteenth Day of March, 2018.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Bill Cannon, Town Attorney

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 13, 2018

SUBJECT: Consideration and Guidance for Medford Grant Applications.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C1
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: The Fund for Haywood County, managed by the WNC Community Foundation, will award up to \$14,150 in grants from the Mib and Phil Medford Endowment Fund. The Medford Fund grants are *“for beautification, streetscape improvements and other public amenities within the city limits of the Town of Waynesville, North Carolina or its defined extra-territorial jurisdictions for the purpose of enhancing economic prosperity, a healthy community and the arts for public enjoyment. Grants should support specific projects, initiatives or efforts rather than provide general operating support.”* The Town has two very good projects that staff is interested in pursuing for funding: a playground installation in Chestnut Park; and Phase II of the Arboretum initiative. Staff would like Board guidance as to which one you would like us to pursue this year (both involve the same Town staff and would be matched by Town General Funds). Depending on Aldermen priorities, staff could carry forward with one this year, and then pursue the other later. The Medford Grant Coordinator has extended the application deadline for Board feedback, but asks that the Town confirm the priority application by Wednesday, March 14.

MOTION FOR CONSIDERATION:

1. To direct staff on this year’s Medford Grant Application.

FUNDING SOURCE/IMPACT: Grants will require up to \$3,000 in local match from the General Fund and in-kind support from the Town’s Outdoor Facilities Division.

ATTACHMENTS: Grant Project descriptions.

MANAGER’S COMMENTS AND RECOMMENDATIONS:

The Medford Grant Application summaries.

1. The purchase of **playground equipment for Chestnut Park** continues incremental Park improvements based on neighborhood requests identified in a 2016 community meeting to turn the park into a neighborhood resource and destination, and pursuant to the 2017 Parks and Recreation Master Plan to improve Neighborhood Parks. The Town utilized \$11,840 of Medford Grant funds in 2016-17 to demolish an older picnic shelter, refurbish an existing one, install a pollinator garden and park sign, and to purchase park furnishings including picnic tables, grills, and benches. The Town is working with Haywood Waterways to complete a stream bank restoration project on the park property, including design and permitting and construction will begin this spring. The playground equipment would be purchased with grant funds and be installed with in-kind services from the Town near the picnic furnishings to provide children a place to play and further enhance the park.
2. The Town **Arboretum Project** is a public-private initiative which was approved by the Board of Aldermen in May, 2016 and was developed in collaboration with members of Mountain View Garden Club, a local non-profit, and the Town of Waynesville. The club provided seed money which the Town matched with in-kind labor, materials, and equipment. The initial activity, "Phase One," created the Serenity Garden which was completed in the spring of 2017. The grant will provide funding for Phase Two which will accomplish further landscape work and initiate educational and public relations outreach, including: completion of the 43 acre tree inventory within Vance Street and Recreation Parks, installation of species signage, production of print material about the garden system, a kiosk display, media articles and a marketing presentation for the public. Previous hands-on work will continue by enhancing and maintaining the quality of the existing garden and adding a form of bird attraction. By undertaking this developmental approach it is believed that the Town of Waynesville Arboretum will systematically evolve into a significant asset within the community.

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 13, 2018**

SUBJECT: Personnel Policy Revision – Hiring of Relatives (Nepotism)

AGENDA INFORMATION:

Agenda Location: Continued Business
Item Number: D6
Department: Administrative Services
Contact: Amie Owens, Assistant Town Manager
Presenter: Amie Owens, Assistant Town Manager

BRIEF SUMMARY: The Town has had a Nepotism policy in place since August 2015. Since that time, there have been small tweaks made to allow for ease in administration of the policy and to try and lessen the impact of any perceived issues with the policy.

As there are certain key positions that are afforded the designation as officers of the organization and those who handle individual personnel and payroll information, the proposed policy modifications include listing those individuals related to their function rather than the entirety of the departments where they work. These are the only individuals who would be precluded from having related individuals employed by the Town of Waynesville while they are in such positions; with the exception of temporary employment as outlined in the policy.

Another clarifier is for those employees who may at some point be related to an elected official. The Town Manager will review the job function of an individual who is related to an elected official to determine if there is any conflict of interest prior to requesting a resignation from an existing employee.

Following the Board Retreat, there were some language revisions required at the request of the Town Attorney; those changes are incorporated into the policy.

MOTION FOR CONSIDERATION: To approve the revisions to Section 4 Employment of Relatives (Nepotism) policy, to be effective immediately, as presented.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

- Revised policy – tracked and clean

MANAGER’S COMMENTS AND RECOMMENDATIONS: Recommend approval of the policy - noting that as a policy, revisions may be made periodically based on changes in personnel law and Board direction.

Section 4 Employment of Relatives (Nepotism) (Amended Board of Aldermen 03-13-2018)

Overview:

It is the policy of the Town that persons considered for employment or promotion shall be evaluated on the basis of individual merit, including qualifications, experience and training, without reference to considerations of race, gender, color, religion, disability, age, sexual orientation, national origin, or any other factors not involving personal professional qualifications and performance. Notwithstanding this policy, the Town retains the right to refuse to appoint a person to any position wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale or involves a potential conflict of interest. The purpose of this Nepotism Policy is to prevent improper favoritism in employment based upon family or personal relationships within the Town.

Objectives:

- To promote fairness in employment, supervision, discipline, transfer, promotion, salary administration and other human resource management considerations.
- To prevent improper favoritism, real or perceived conflicts of interest, or undue influence based upon family or personal relationship.
- To enhance the overall internal control system and reduce the probability of placing public assets in jeopardy.

Policy:

A relative may not occupy a position which has influence over another related family member's employment, transfer or promotion, salary administration, or other human resource management consideration, including any position having responsibility for the direct supervision of the other related person.

If relatives are considered for employment, transfer, or promotion by the Town, it is necessary for Human Resources Manager to certify that such action will not result in one family member supervising another member of the family, or in any other violation of this section.

Relatives of current employees (permanent or temporary) may not be employed within the same department, except as provided by exception below. A person related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person.

Definitions:

"Family member" is defined as one of the following: relationships by blood or legal adoption—parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece and first cousin; and relationships by marriage—husband, wife (as defined by state law), step-parent, step-child,

brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above, and co-habiting couples or significant others.

In addition, the Town also prohibits the employment of a person into any position who is a relative of individuals holding the following positions: Mayor, Mayor Pro Tem, Alderman, Town Manager, ~~or Assistant Town Manager~~, Town Attorney ~~or any individual employed in the Finance, Director or Human Resources or Administrative Services Departments;~~ with the exception noted below related to a limited duty assignment.

Existing Employees:

If an existing employee of the Town becomes subject to this policy as a result of the election of a relative, the Town Manager will assess whether or because not there would be any conflict of changes interest prior to requesting the resignation of an existing employee. Changes in marital, domestic partner/cohabitant or relationship status, will result in one of the related persons ~~must resign~~ resigning his/her position within 180 days. Every effort will be made to accommodate the displaced employee with a transfer to another position within the Town for which he/she is qualified, if such a position becomes available during the 180 day period. If the change in relationship status also results in a direct supervisory relationship between two relatives, the Town Manager shall arrange for an alternate supervisory relationship for the duration of the 180-day period, after consultation with the employees' Department Director or Human Resources.

It shall be each employee's affirmative duty to immediately disclose any circumstances which may constitute a violation of this policy. Failure to do so will result in disciplinary action.

Any employees who may be related to any elected official prior to the approval of this revised policy would be considered grandfathered in and not subject to Town Manager assessment related to conflicts for as long as such employee is employed by the Town.

Exception: Unpaid volunteers and individuals hired for temporary positions, with duration of 100 days or less within any one-year period, e.g. student internships or limited professional consulting relationships, are exempt from this section. Also exempt are part-time public safety employees in fire and police, who generally are full-time employees of other agencies, and who occasionally and voluntarily provide supplemental staffing in the form of off-duty or overtime routine staffing or special event coverage or response to emergency calls for service. Any other exceptions to this policy shall be made only with the expressed and documented approval of the Town Manager.

Section 4 Employment of Relatives (Nepotism) (Amended Board of Aldermen 03-13-2018)

Overview:

It is the policy of the Town that persons considered for employment or promotion shall be evaluated on the basis of individual merit, including qualifications, experience and training, without reference to considerations of race, gender, color, religion, disability, age, sexual orientation, national origin, or any other factors not involving personal professional qualifications and performance. Notwithstanding this policy, the Town retains the right to refuse to appoint a person to any position wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale or involves a potential conflict of interest. The purpose of this Nepotism Policy is to prevent improper favoritism in employment based upon family or personal relationships within the Town.

Objectives:

- To promote fairness in employment, supervision, discipline, transfer, promotion, salary administration and other human resource management considerations.
- To prevent improper favoritism, real or perceived conflicts of interest, or undue influence based upon family or personal relationship.
- To enhance the overall internal control system and reduce the probability of placing public assets in jeopardy.

Policy:

A relative may not occupy a position which has influence over another related family member's employment, transfer or promotion, salary administration, or other human resource management consideration, including any position having responsibility for the direct supervision of the other related person.

If relatives are considered for employment, transfer, or promotion by the Town, it is necessary for Human Resources Manager to certify that such action will not result in one family member supervising another member of the family, or in any other violation of this section.

Relatives of current employees (permanent or temporary) may not be employed within the same department, except as provided by exception below. A person related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person.

Definitions:

"Family member" is defined as one of the following: relationships by blood or legal adoption—parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece and first cousin; and relationships by marriage—husband, wife (as defined by state law), step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-

brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above, and co-habiting couples or significant others.

In addition, the Town also prohibits the employment of a person into any position who is a relative of individuals holding the following positions: Mayor, Mayor Pro Tem, Alderman, Town Manager, Assistant Town Manager, Town Attorney, Finance Director or Human Resources; with the exception noted below related to a limited duty assignment.

Existing Employees:

If an existing employee of the Town becomes subject to this policy as a result of the election of a relative, the Town Manager will assess whether or not there would be any conflict of interest prior to requesting the resignation of an existing employee. Changes in marital, domestic partner/cohabitant or relationship status will result in one of the related persons resigning his/her position within 180 days. Every effort will be made to accommodate the displaced employee with a transfer to another position within the Town for which he/she is qualified, if such a position becomes available during the 180 day period. If the change in relationship status also results in a direct supervisory relationship between two relatives, the Town Manager shall arrange for an alternate supervisory relationship for the duration of the 180-day period, after consultation with the employees' Department Director or Human Resources.

It shall be each employee's affirmative duty to immediately disclose any circumstances which may constitute a violation of this policy. Failure to do so will result in disciplinary action.

Any employees who may be related to any elected official prior to the approval of this revised policy would be considered grandfathered in and not subject to Town Manager assessment related to conflicts for as long as such employee is employed by the Town.

Exception: Unpaid volunteers and individuals hired for temporary positions, with duration of 100 days or less within any one-year period, e.g. student internships or limited professional consulting relationships, are exempt from this section. Also exempt are part-time public safety employees in fire and police, who generally are full-time employees of other agencies, and who occasionally and voluntarily provide supplemental staffing in the form of off-duty or overtime routine staffing or special event coverage or response to emergency calls for service. Any other exceptions to this policy shall be made only with the expressed and documented approval of the Town Manager.

**TOWN OF
WAYNESVILLE
NORTH CAROLINA**

**CUSTOMER SERVICE
POLICIES & PROCEDURES**



March 13, 2018

**TOWN OF WAYNESVILLE
CUSTOMER SERVICE POLICIES & PROCEDURES
TABLE OF CONTENTS**

ARTICLE 1- GENERAL

- 1.1 PREFACE**
- 1.2 POLICY STATEMENT**
- 1.3 AUTHORITY**
- 1.4 SCOPE**
- 1.5 DEFINITIONS USED IN THIS POLICY**
- 1.6 APPLICATION OF THIS POLICY**
- 1.7 CONFLICT**
- 1.8 WAIVER AND RELEASE OF PRIVATE UTILITY INFORMATION**

ARTICLE 2- RIGHTS AND RESPONSIBILITIES

- 2.1 CUSTOMER RESPONSIBILITIES**
- 2.2 TOWN RESPONSIBILITY**
- 2.3 TOWN'S RIGHTS**

ARTICLE 3- ESTABLISHING SERVICE

- 3.1 OFFICE AND SERVICE HOURS**
- 3.2 REQUESTS FOR SERVICE**
- 3.3 CONNECTION SCHEDULING**
- 3.4 PRIOR DEBTS**
- 3.5 CUSTOMER DEPOSITS**
- 3.6 REFUNDING OF DEPOSITS**
- 3.7 ELECTRIC, WATER AND SEWER RATES**
- 3.8 TAXES**
- 3.9 BILLING CYCLE INFORMATION**
- 3.10 BILLING ADJUSTMENTS**
- 3.11 LEAKS AND WATERLINE BREAKS - ADJUSTMENTS**
- 3.12 DROP BOX FOR PAYING AFTER HOURS**
- 3.13 EXTENSIONS OF TIME FOR PAYMENT OF BILLS**
- 3.14 THE TOWN'S RESPONSE TO RETURNED CHECKS**
- 3.15 FILLING SWIMMING POOLS**
- 3.16 IDENTITY VERIFICATION**

ARTICLE 4- SERVICE OPTIONS

- 4.1 OPTIONS IN SERVICE**
- 4.2 DIFFICULTY IN PAYING BILL**
- 4.3 OPTIONS IN BILLING PAYMENTS**
- 4.4 BANK DRAFTS PLAN**

4.5 LIFE SUPPORT

ARTICLE 5- DISCONTINUING SERVICE

- 5.1 TRANSFER OF SERVICE**
- 5.2 CLOSING A UTILITY ACCOUNT**
- 5.3 FORCED CLOSING OF A UTILITY ACCOUNT**
- 5.4 TERMINATION OF SERVICE**
- 5.5 CUSTOMER'S RIGHTS PRIOR TO DISCONTINUANCE OF SERVICE**
- 5.6 CUSTOMER'S RIGHTS REGARDING DISCONNECTION**
- 5.7 INVOLUNTARY DISCONTINUANCE OF SERVICE**
- 5.8 ALLOCATION OF PAYMENTS**
- 5.9 DISCONNECTION OF PRIOR DEBTS**
- 5.10 DISCONNECTION DURING EXTREME WEATHER**
- 5.11 RECONNECTION**

ARTICLE 6 - ELECTRIC CONSTRUCTION AND M E T E R I N G GUIDELINES

- 6.1 STANDARD SUPPLY VOLTAGES**
- 6.2 CUSTOMER DELIVERY POINTS**
- 6.3 RELOCATION OF FACILITIES**
- 6.4 EXTRA FACILITIES**
- 6.5 MINIMUM WIRING REQUIREMENTS**
- 6.6 THREE-PHASE SERVICE**
- 6.7 LOCATION OF METER (MOBILE HOME)**
- 6.8 METERING**
- 6.9 METER READING**
- 6.10 LINE EXTENSIONS**
- 6.11 OVERHEAD LINE EXTENSIONS**
- 6.12 TEMPORARY SERVICE**
- 6.13 UNDERGROUND LINE EXTENSION**
- 6.14 OTHER REQUIREMENTS APPLICABLE TO ANY UNDERGROUND LINE EXTENSION**
- 6.15 PAYMENTS/CONTRIBUTION IN AID OF CONSTRUCTION**
- 6.16 RIGHT OF WAY AND EASEMENTS**
- 6.17 DISCLAIMER**
- 6.18 SAMPLE UTILITY DEED BETWEEN MARRIED INDIVIDUALS AND THE TOWN**

ARTICLE 7- ELECTRICAL EQUIPMENT

- 7.1 OPTIONS FOR ENERGY EFFICIENCY**
- 7.2 POWER QUALITY ENHANCEMENTS**
- 7.3 SERVICE INTERRUPTIONS**
- 7.4 DOOR HANGER FOR OUTAGE NOTIFICATION**
- 7.5 CUSTOMER-OWNED EQUIPMENT**
- 7.6 PROPERTY OWNED BY THE TOWN**
- 7.7 THE TOWN'S RESPONSE TO A CUSTOMER CUTTING ON/OFF UTILITY SERVICE**

- 7.8 THE TOWN'S RESPONSE TO METER AND
LOAD MANAGEMENT SWITCH TAMPERING**
- 7.9 INSPECTIONS**

**ARTICLE 8- WATER AND SEWER CONSTRUCTION AND METERING
GUIDELINES**

- 8.1 GENERAL RULES**
- 8.2 SERVICE REGULATIONS**
- 8.3 WAYNESVILLE PUBLIC SERVICES DEPARTMENT AND
CUSTOMER RESPONSIBILITIES**
- 8.4 SERVICE CONNECTION TO THE WATER AND
SEWER SYSTEM**

**ARTICLE 9- FEDERAL FAIR CREDIT REPORTING ACT (FCRA) & FAIR AND
ACCURATE CREDIT TRANSACTIONS ACT OF 2003 (FACT ACT)**

- 9.1 GENERAL RULES**

ARTICLE 10-OTHER FORMS & ATTACHMENTS

- 10.1 LANDLORD ADDENDUM TO CONTRACT FOR UTILITY
SERVICE**
- 10.2 ACCEPTALBE FORMS OF IDENTIFICATION**
- 10.3 WAIVER & RELEASE OF PRIVATE UTILITY INFORMATION**
- 10.4 CONTRACT FOR UTILITY SERVICES- INCLUDING IDENTITY
THEFT ATTACHMENT & MULTIPLE PROPERTY FORM (IF
APPLICABLE)**
- 10.5 PAYMENT EXTENSION CONTRACT & CONFESSION OF
JUDGEMENT**
- 10.6 IDENTITY VERIFICATION FORM & INSTRUCTIONS**

ARTICLE 1 - GENERAL

1.1. PREFACE

This policy shall be and is collectively referred to and cited as "Guidelines to Customer Service Procedures of Waynesville, North Carolina."

1.2. POLICY STATEMENT

The Town of Waynesville treats its citizens in a fair and indiscriminate manner, while recognizing the distinct needs and requirements of each customer. To provide uniformity of service, the Town Board adopted this customer service policy. This most recently adopted edition of the Customer Rules and Regulations policy serve as the Town's policy and is a reasonable response to customer needs while meeting the requirements of good business practices for the Town.

The Town Manager is the final authority on this policy.

The Town's electrical operations also intend to adhere to all rules and regulations of the American National Standards Institute (ANSI) and the Institute of Electrical and Electronic Engineers (IEEE) entitled the "National Electrical Safety Code (NESC)" as amended. Further, all operations are prefaced upon safety for customers and coworkers alike. Safety guidelines are detailed in the American Public Power Association (APPA) safety manual as amended.

The Town of Waynesville's Utility departments, where applicable, must comply with:

- N.C. Department of Labor (OSHA)
- N.C. State Building Code (Plumbing)
- N.C. Department of Health and Natural Resources
- N.C. Department of Transportation
- Environmental Protection Agency
- Town of Waynesville Code of Ordinances

The Town of Waynesville's Utility departments, where applicable, may voluntarily comply with:

- American Water Works Association
- Water Pollution Control Association

The North Carolina General Statutes apply to all Waynesville Services where applicable.

1.3. AUTHORITY (*North Carolina General Statute 160A-312 through 160A-328*)

These policies are approved by the Town Board. The Town Board may revise the fee schedules, rates and other specific policies from time to time. Information in this policy may be replaced by a later edition or amendment.

The Public Services Director's responsibilities include metering, operation and control of Town utility lines and utility property. They oversee the enforcement of quality for construction, maintenance, and for improvements of the utility system.

The Revenue Collection Manager is authorized to hear customer grievances; and resolve customer issues within the boundaries of the Customer Service Policy. Every Customer has the right to appeal the Revenue Collection Manager's decision to the Finance Director. If necessary, the customer may appeal the Finance Director's decision to the Town Manager, as the Town Manager is the final authority on this policy.

The North Carolina General Statutes included in this document are binding for municipalities that own and operate utility distribution systems. The North Carolina Utilities Commission Guidelines do not apply municipalities. The Public Services Regulatory Policies Act (PURPA) provisions included are mandatory.

1.4. SCOPE

1. This policy is not meant to be all-inclusive but offers direction and guidance for the Town Manager and employees of the Town.
2. This policy has been adopted by the Town Board for all customers of the Town.
3. The intent of this policy is to provide the customer, the electrical and building trades, and the employees of the Town a helpful guide with uniform procedures for providing utility service. The Town desires to treat its citizens in a fair and indiscriminate manner while recognizing that each customer has distinct needs and requirements.
4. Employees of the Town have been empowered and well-trained to use this policy to deliver high quality service to customers. Employees are expected to deal with each decision with empathy and understanding, listening carefully to the needs and requirements of individual customers.
5. This policy is not meant as a substitute for personal initiative on the part of employees. It will serve as a guide for reasonable response to customer needs while meeting the requirements of good business practices on the part of the Town.

1.5. DEFINITIONS USED IN THIS POLICY

1. **TOWN BOARD** - Those officials elected to represent the citizens of the Town as their Governing body.
2. **TOWN** - The Town of Waynesville, its elected officials and its employees.
3. **EMPLOYEES** - The employee of the Town.
4. **UTILITY** - The Town of Waynesville Public Services (stormwater, electric, water and sewer), unless a specific utility is singled out in this policy.

1.6. APPLICATION OF THIS POLICY

1. This policy applies to every customer or applicant for utility service. Copies of this policy are available at the Town's offices and on the Town's website, www.waynesvillenc.gov.

2. This policy may be revised, amended, supplemented or otherwise changed from time to time by action of the Town Board. Customers are encouraged to seek answers to any questions by calling the Finance Department at (828)-452-3588.
3. The Town is not responsible for any damage caused by turning on utility services.

1.7. CONFLICT

Provisions of a special contract or tariff between the Town and a customer will take precedence over these policies if these policies are waived in writing, or in case of a conflict between the specific contract and these general policies.

1.8. WAIVER AND RELEASE OF PRIVATE UTILITY INFORMATION

Information on a customer's private utility account is not a public record under North Carolina General Statute section 132-1.1. A customer may complete a Waiver and Release of Private Utility Information which allows customer's account information released to someone other than the account holder. A notary certification may be required if there is a question regarding identity. A sample waiver is reproduced at the end of this document Article 10.3.

ARTICLE 2 - RIGHTS AND RESPONSIBILITIES

2.1 Customer Responsibility *(North Carolina Services Commission Guidelines Article 3, R8-9)*

1. Requirement for service:
 - Provide proof of land ownership.
 - Provide proof of 12 consecutive months of good payment history with another utility.
Payment history should be within 24 months preceding date of application.
 - Provide a 24 month consecutive payment history for commercial accounts.
 - Pay cash deposit.
2. Allow utility department personnel access to property to set up and maintain service.
3. Pay bills by the Due Date shown on each monthly bill.
4. Notify the Customer Services of another person a customer would like to receive any notice of service interruption for non-payment of bills.
5. Notify the Customer Services if there is someone in the household who is either chronically or seriously ill, handicapped or on a life support system.
Also inform Customer Services when life support system is no longer needed. Refer to Life Support Policy for more information on this issue.
6. Notify Customer Services of questions or complaints about service.
7. Be aware of Town-owned property at the customer's home/business and safeguard it.
8. Install, maintain and repair the electrical, water, and sewer lines in the home/business.
9. The Town provides utility service for the sole use and convenience of the premises under contract. The customer will ensure that utility service is not given or resold to a neighbor or tenant. Violation of this policy is cause for immediate disconnection of the customer's service following due process (notification).

Customer Rights (*North Carolina Services Commission Guidelines, Article 2, R8-6; Article 10, R8-51. Public Utility Regulatory Policies Act: Title I, Section 115*)

1. A customer has a right to request his deposit be refunded if he pays bills promptly for one year, or discontinues service from the Town provided that all of the customer's utility accounts are current.
2. If the customer is notified of an impending disconnection for non-payment, he may discuss installment payments designed to pay the account in full, but such shall be subject to an agreement with the Town's Revenue Collections Manager, at the discretion of the Town.
3. The customer or an agent approved by the customer according to section 1.8 has a right to request, free of charge, historic billing and usage information. If a utility department employee cannot find any reason for usage changes, the customer may request an electric meter test. A fee will be charged if an electric meter test shows that the meter reading within + or - 2%. The customer has a right to results of this test.

If a customer requests a test of their water meter by Waynesville Water Resources Department a test fee shall be charged in advance for this service. Water meters are subject to tolerance of plus or minus 2.5 percent. If the meter is inaccurate, the fee collected will be credited to the customer's account and the meter will be replaced at no cost to the customer.

4. The customer has a right to request a review of any complaint according to the grievance procedure.

2.2. TOWN RESPONSIBILITY (*North Carolina Statute 160A-314. North Carolina Services Commission Guidelines, Article 1: R8-1 through R8-4; Article 2: R8-5 through R8-7*)

1. Refund the customer's deposit if conditions are met.
2. Give notice, through the billing process, at least 10 days before service is interrupted for failure to pay. The notice will explain the reason for disconnection, the date when service will be disconnected and explain how the customer can avoid service interruption. The notice will respect a customer's right to privacy regarding publication of debt.
3. Avoid disconnection for non-payment during extreme weather conditions. (See Section 5.10, *Disconnection During Extreme Weather*.)
4. Avoid disconnection for non-payment after 4 p.m. on a Friday, on a weekend or on a Town holiday. All other business days are subject to disconnections. (See Section 5.7, *Involuntary Discontinuance of Service*.)
5. Provide and explain rate schedules, how meters are read, and other additional, reasonable information.
6. Respond to questions or complaints from customers. The Town may not agree with the complaint but pledges prompt courteous and complete answers.
7. Provide historic billing and usage information when requested by the customer.
8. Provide conservation information.

2.3. TOWN'S RIGHTS

1. To access the Town's equipment and utility facilities.
2. To receive prompt notice of changes in address, status of utility service, or problems with utility service.
3. To receive timely payment for services delivered to a home/business.
4. The appropriate department of the Town shall take action in court or as otherwise permitted by law regarding equipment tampering or financial delinquencies.

ARTICLE 3 – ESTABLISHING SERVICE

3.1. OFFICE AND SERVICE HOURS

1. The Town's Customer Service Office is located in Hazelwood at 280 Georgia Avenue. Office hours are 8:30 a.m. to 5 p.m. Monday through Friday. Routine and regular service work will be performed from 7:00 a.m. to 4:00 p.m. Monday through Friday, except for Town holidays. Service work for unusual conditions may be arranged at other times upon request.
2. Emergency restoration work is performed 24 hours a day, seven days a week. Please call: Police Communications at (828) 456-5363 for emergency service. Please refrain from dialing 911.
3. Service connections will be made on a first come first serve basis and same day service is not guaranteed. *Same day service is not available for meter sets.*

3.2. REQUEST FOR SERVICE

1. Original application for service: Any customer requesting services must complete an application/ agreement for services. A sample application and contract is contained at the end of this document in Article 10.4. The customer will show:
 - a photo identification, Federal Tax ID number in the case of a business account, rental receipt, and sign the application. A deed or contract for sale may be required to confirm ownership.

The Town recognizes a joint application for utility service which allows two parties to be responsible for the account. In case of default both account -holders shall be liable for the debt.
2. **Accounting Information Changes:** Any changes of account information, mailing address, account name, etc. should be made in writing by the account-holder to prevent mistakes.
3. **Commercial and Industrial Accounts:** Accounts established for non-residential service will require a Federal Tax ID number and a signature by a duly authorized representative of a business entity. For a business not operated by a recognized legal entity the account will be listed in the name of a responsible person (owner, manager, etc.). That person accepts the personal responsibility for payment of the account. Applicant must provide a

Certificate of Compliance available from the Town Development Services Department, located at 9 South Main St. (downtown) Waynesville.

4. **Service Requests for All Services:** Any request for utility service, or a request to add another service connection by a customer will be handled as a request for all services applicable to the location. Applications and fees are shown in the Fees, Rates and Charges Schedule.
5. **Place of application:** Customers may request utility service at the Town or at other locations that may be designated by the Town Board for customer convenience. If a customer wants to obtain service prior to arrival in the Town, the Town may provide service and mail a written contract to the customer. Mailed information should include acknowledgment of the establishment of service and an application/agreement for services for the customer to sign. The customer should also be notified of any required deposit and fees and shall pay those fees prior to connection.
6. **Connection Requests:** The Town will strive to meet customers' needs for connection of service however same day service may not be possible due to the staff work load.
7. **Customers' request for policies:** Customers may obtain a copy of the Town's policies on the Town's website. www.Waynesvillenc.gov. Customers may also request a verbal explanation of the Town's policies.
8. **Service requests for new construction:** The customer will need to meet the requirements explained in Article 6 of this Policy.
9. **Utility tips:** Answers to questions about services and conservation tips may be found on our website at www.waynesvillenc.gov.

3.3. CONNECTION SCHEDULING

Connection to the Town's utility system is available during normal business hours. **See Adopted Fee, Rate and Charges Schedule.**

3.4. PRIOR DEBTS

The Town may refuse to furnish new service to an applicant who is indebted to the Town for service previously furnished until all indebtedness has been satisfied. The Town may also refuse to furnish service to any other member of the applicant's household if any of the following apply: (G.S. 160A-314)

- a) The customer and the person were members' of the same household at a different location when the unpaid balance for service was incurred;
- b) The person was a member of the customer's current household when the service was established, and the person had an unpaid balance for service at that time; or
- c) The person is or becomes responsible for the bill for the service to the customer.

Amounts owing from delinquent accounts may be added to the balance of the new account and a pay plan set up for the customer if the customer qualifies by having less than 2 delinquent accounts. A residential customer with 2 or more delinquent accounts will be required to satisfy the balance before new service is approved.

For bankruptcy information, see Article 5, *Involuntary Discontinuance of Service*.

3.5. CUSTOMER DEPOSITS

1. **Need for a Deposit:** The Town employees are charged with the responsibility of prudent management of the Town's finances. A deposit for utility services is collected as security so that all bills will be paid in full by their due date. Employees realize that most customers pay their bills in full and on time, however we seek to protect the good-paying customers from the detriment of uncollectible accounts by other customers. Ideally, only those customers who "earn" the right to pay a deposit would be required to secure their accounts. Since the Town's employees cannot know in advance which customers will pay promptly and which ones will not, reasonable and uniformly applied deposits may be necessary. A service security deposit will be collected before any service is connected when the Town's employees determine that a deposit may be needed to assure payment of the customer bill. Options to the customer deposit also have been created.
2. **Determining the Deposit:** In determining the need for a security deposit, Town employees will give careful consideration to these factors:
 - Customer's ownership of the premises to be served.
 - Type of service requested.
 - Risk involved in a new business enterprise.
 - History of the involved premises.
 - Utility credit rating of the customer with the Town or another utility.
 - History of connects, disconnects and reconnects at the involved premises or for the involved customer (for residential customers, a 12-month history of service with the Town utility is required. A 24-month history is required for commercial customers.)
 - Any other factor which bears on the customer's financial responsibility.
3. **Residential Customer Deposit Alternatives:** Any person who must pay a deposit for residential utility service may:
 - A. Pay initial cash deposit. (**Town Fees, Rates and Charges Schedule**).
 - B. Supply a letter of credit history demonstrating good credit with another utility.
4. **Non-Residential Customer Deposit Alternatives:** Any person who must pay a deposit for non-residential utility service may:
 - A. Pay initial cash deposit. (Based on the Fee Schedule adopted as part of the annual budget.)
5. Provide a letter of credit history with the account in the name of the owner of a sole proprietorship. The letter of credit history must be from another utility showing good credit. **Future deposits:** Any customer whose service is involuntarily terminated for non-payment, meter tampering, returned checks, returned bank items or other reasons will be required to pay a deposit, or an additional deposit, as specified in the above paragraphs, prior to reconnection of service. This includes all customer accounts. The future deposit may be at a higher level based upon experience with the account.
6. **NOTE TO ALL CUSTOMERS:** Contact with a customer Service employee prior to disconnection is always preferable to making arrangements after service is involuntarily interrupted. Payment options may be available prior to disconnection which will save the customer from additional higher deposit amounts and additional fees.

DEFINITION OF GOOD CREDIT:

Good credit can be defined as no more than 2 delinquencies, no bad checks/returned bank items and no disconnections in the most recent 12-month period for residential customers

and a 24-month period for commercial customers.

7. **Deposit Required – Identity Verification**

If a customer chooses to not provide their social security number, an Identity Verification form will be required (Article 3.16). A deposit in the amount of 2 times what is listed in the Town's adopted fees and charges will be required to secure utility services with the Town.

3.6. REFUNDING OF DEPOSITS

1. **Prompt refund:** A deposit will be refunded promptly and automatically when service is voluntarily discontinued and bills are paid. All outstanding amounts on the final bill will be deducted from the deposit amount.
2. **Residential and business accounts:** The Town will refund the customer's deposit when that customer exhibits good credit. The customer must request this refund when good credit has been established.
 1. **Account in arrears:** The deposit will not be refunded if the customer has another account with a past due balance. The remaining credit on the account will be transferred to another account with a balance.

3.7 ELECTRIC, WATER AND SEWER RATES

(North Carolina General Statute's 160A-314 (A), 160A-323.

Rate Schedules:

1. The Town offers different categories of rates for its utility services depending on the customer's needs. The staff will help determine the proper rate schedule to meet the customer's needs. Complete rate schedules are available to customers upon request. Reference the Town's Fees, Rates, and Charges Schedule.
2. **Establishing rates:** The Town's rates are set by its local governing body and are designed to be fair, reasonable, just, uniform and nondiscriminatory. Setting rates locally, offers rate regulation that is responsive to the customers of the system.
3. **Choice:** The rates are determined by the customer's consumption and in the case of electricity the type of service needed by the customer.
4. **New customers:** New and potential business customers are encouraged to provide the Town public services department with the distinct service needs of their facility. The Town may require special conditions and contracts for utility services based upon necessary investment in the utility systems.
5. **Competitive rates:** The Town's goal is to provide the best possible utility service to all customers at rates which are competitive with other utility providers.

3.8. TAXES

Billings of the Town will include all applicable taxes, listed as a separate line item on the bill, where applicable.

3.9.BILLING CYCLE INFORMATION *(North Carolina Services Commission Guidelines: R12-9)*

Billing Information: What is the Billing Cycle?

1. Bills are generally mailed out daily.
2. A bill is past due if not paid by 5 p.m. on the 25th day from the bill date.
3. A second notice will not be mailed since the past due date is referenced on the original bill.
4. Service is scheduled to be discontinued if payment is not received by 5 p.m. on the 36th day from the bill date. A reconnection fee and past due balance must be paid in full before service is reconnected.
5. An additional fee will be charged to all customers who request service to be reconnected after 4 p.m. No service will be reconnected between the hours of 9 p.m. and 8 a.m. The fee must be paid by 12 noon the following day to retain service.
6. A charge, as outlined in the Fees, Rates & Charges Schedule, will be imposed against any customer who reconnects his own meter. Such a reconnection is a violation of State Law.
7. Customers who think a bill is in error or otherwise have reason to protest termination of utility service may contact the Customer Services and schedule an informal hearing at the Finance Department at 280 Georgia Avenue between 8:30 a.m. and 5:00 p.m., Monday through Friday except on Town holidays or telephone (828)-452-3588.

3.10. BILLING ADJUSTMENTS

If the Town has overcharged or undercharged a customer for utility service, the Town will correct the error subject to the following procedures:

1. If the customer has been overcharged, the Town will refund the excess amount without interest to the customer by crediting the customer's account. If the time period of the mistake can be determined, the Town shall credit the account for that entire interval, up to three years maximum. If the time period of the overcharges cannot be determined at the sole discretion of the Town, the Town shall refund the excess amount charged without interest for the previous 12 months. If the exact amount of excess charges cannot be determined, the Town shall estimate the amount due. (The estimate shall be determined at the sole discretion of the Town.) If an overcharged customer owes a past due balance to the Town, the Town may deduct that past due amount from any refund or credit due the customer. If an overcharged customer owes the Town on another utility account, the Town will apply the credit to that past due account.
2. If the Town has undercharged a customer for utility services, the Town will collect the amount due in installments over the same amount of time as the undercharge. The Town will limit its collection period to the 12 months before the undercharge was discovered, EXCEPT as provided in section 4 below. If the period of time over which the undercharge occurred cannot be determined, the Town will estimate the amount due. (The estimate shall be determined at the sole discretion of the Town.) No penalties or interest will apply to the undercharged billing adjustments, except as explained in section 4 below. In rare cases, if the Town cannot determine the amount that should be billed the Town reserves the right to not backbill a customer for undercharges. This exception to the normal procedure must be approved by the Revenue Collection Manager or the Finance Director.
3. If an undercharge has occurred because of meter tampering, the Town may ask for the overdue amount in a lump sum.
4. If a customer admits that any undercharges occurred as a result of the actions of the customer, the Town shall, in its sole discretion, collect the lesser of 1) three years of undercharges or 2) the length of time the customer has maintained the utility account
5. If the customer has made a connection to the system that was not approved by the Town and/or if the connection fees were not paid, the Town will charge the customer the prevailing connection fee as listed in the Town's current fee schedule. The charge for

connection fees shall be in ADDITION to and billing for undercharges. Also refer to Article 8.1 of this policy for charges associated with unauthorized work on the Town's system.

6. The statute of limitations to bring contract claims is three years (*G.S.1-52(1)*).

3.11. LEAKS AND WATER LINE BREAKS - ADJUSTMENTS

In the case of a proven leak on the customer's plumbing *which measures at least 100%* above the average bill measured over the preceding six (6) months (or the months for which the account has been open if less than six (6) months).

Customers may apply for adjustments to the sewer portion of their utility bill if they discover a leak on their side of the water meter, they engage a licensed plumber to repair the leak and the plumber certifies that the leak has been repaired and the water did not enter the sewer system. The Town staff will calculate the average monthly sewer consumption by using six (6) months of consumption history. They will subtract the reading where the leak occurred from the average to determine the quantity of the leak. The customer will be credited for the flow that did not enter the sewer system.

3.12. DROP BOX FOR PAYING AFTER HOURS

For customer convenience, a drop box is located at the Town Hall at 16 South Main Street and at the Finance Department located at 280 Georgia Avenue in Hazelwood. A check and billing stub may be deposited in the box. For added security, please do not deposit cash in the after hours depository.

Payments put in the box after 2 PM. will be considered next-day payments.

3.13. EXTENSIONS OF TIME FOR PAYMENT OF BILLS

1. *Customer Request:* All requests must be made by the person (or their authorized, legal representative) in whose name the account is opened.
2. *In Person:* The customer requesting the extension must come into the Customer Services and sign a Payment Extension Contract (Section 3.14) as to when payment is expected for agreements that are greater than one month.
3. *Limit:* No-extensions will be given on the first bill. Payment Extension Contracts should normally not exceed two months. Payment Extension Contracts that exceed six months must be approved by the Finance Director. If the Payment Extension Contract has been successfully completed, according to its terms, another Payment Extension Contract may be granted if all previous Payment Extension Contracts were honored. A customer should have no more than two Payment Extension Contracts in a twelve month period. *Payment Extension Contracts are intended to aid the customer in catching up their bill, not to allow the customer to only pay a small amount while the bill continues to increase to an amount that the customer will never be able to pay.*
4. *Agreement:* If payment of any *Payment Extension Contract* is not made by the specified time, service will be disconnected without further notice and all amounts due to the Town will be due and payable before reconnection.
5. *Who qualifies for a Payment Extension Contract:* Each customer's history will be reviewed to determine if a Payment Extension Contract is warranted.

6. *Late Fees:* Payment Extension Contracts do not eliminate the late fee that will be charged on all unpaid balances. A late fee will apply if payment is not paid by the 26th day from the bill date.

3.14. Optional customer assistance: Customers being assisted by the Haywood County Department of Social Services and local crisis intervention center may be exceptions to this policy.

3.15. THE TOWN'S RESPONSE TO RETURNED CHECKS

1. Services are subject to disconnection for returned checks.
2. A service charge, as established by the Town Board, is added for each returned check, plus a security deposit will be required up to the current rate.
3. When a check is returned by our bank, the customer will be notified in writing.
4. Customer is required to pay the amount of check plus service charges and any deposit required within 10 days from date the customer is notified of a returned check or other payment instrument. When the Town is notified of a returned check or bank item the customer will be notified in writing and given twenty four (24) hours to make appropriate payment. No partial payments will be accepted. If customer fails to respond within ten (10) days, service will be disconnected and an administrative charge will be added. To be reconnected, all charges must be paid in full by cash or money order. No checks will be accepted for a returned check.
5. If the Town receives two returned checks from one customer within sixty (60) days, the customer will be put on cash only status for a period of one year. The customer may request a review of their account at the end of twelve months, if no delinquencies or disconnections occurred within that time period, the customer may be removed from cash only status.

3.16. FILLING SWIMMING POOLS

1. Customer may hire a tanker to haul water from a Town approved connection. Please refer to Town's Fees, Rates & Charges Schedule for water tanker rates.

Residential customer fills pool through their existing water meters: The cost of filling the pool will be at the residential rate as reflected in the Town's Fees, Rates & Charges Schedule. In the case where pools are not connected to the Town's waste water system sewer charges will be determined by reading the meter before and after the pool is filled. Usage that is above the average will not be charged to the sewer account. In cases where the pool is connected to the sewer system, waste water fees will be charged.

2. If the Town has implemented Mandatory Water Restrictions, filling of pools will be limited when restriction rise above 10%.

3.17. IDENTITY VERIFICATION

1. The Town requests an applicant's social security number and date of birth for verification of identity, to perform a credit check and the number may also be used to collect any debt owed to the Town. There is no statutory or other authority requiring a customer to give their social security number, but if the customer elects not to disclose that information, then the customer will need to complete [the ID Verification Form](#). The form must be completed and notarized in order to ensure service is not disconnected. The form may be found in Article 10 of this document.

ARTICLE 4 – SERVICE OPTIONS

4.1. OPTIONS IN SERVICE

24-Hour Emergency Service: Employees of the Town are on 24-hour call for emergency service. Please call (828)-456-5363.

After Outage Callbacks: If the customer calls the Town to report a service outage at their home or business, an employee may call back and confirm restoration. Just leave a number when reporting the outage.

4.2. DIFFICULTY IN PAYING BILL

1. The following organizations may be able to offer assistance to customers who are having difficulty paying their bill:

Social Services
157 Paragon Parkway, #300
Clyde, NC 28721
(828) 452-6620

Salvation Army
290 Pigeon Street
Waynesville, NC 28786
(828) 456-7111

2. We encourage each customer to seek assistance with paying their utility bills prior to disconnection.

4.3. OPTIONS IN BILLING PAYMENTS

To serve the needs of customers, the Town offers options to bill payments. They are described in the following pages.

- Bank Draft
- Life Support

4.4. BANK DRAFTS PLAN

Bank drafts offer customers the option of having their bank accounts drafted on a set date of the month. This relieves the customer from having the possibility of lost or late payments and saves a trip to the municipal building or the cost of an envelope and stamp.

The draft date will be the due date of the utility bill. This will allow the customer time to verify or question his bill.

The customer should supply the Town with a VOIDED check. This gives us the necessary account number, routing number, etc. for the purpose of drafting.

Only customers with no previous history of returned bank drafts will be eligible for this program. Any draft returned by the bank because of insufficient funds or a closed account will be treated as a returned check, and the customer will be released from the bank draft program.

4.5. LIFE SUPPORT

1. The customer has the responsibility to notify the Town of Waynesville if there is someone in the customer's household who is on a life support system.
2. The customer must provide a letter or certification from a doctor or hospital advising of the above condition. These letters will be reviewed to verify the validity of the document each year by a designated employee. The Customer must make contact with the Town of Waynesville, regarding their life support status, yearly to keep the Customer's account updated. The burden of proof for life support status remains with the Customer.
3. The customer has the responsibility to carefully handle the customer's account so that service will not be interrupted for failure to pay. Customer will pay associated bills, fees, and other charges as billed; a life support designation will not waive the Customer's responsibility to pay for services. With the life support designation, the Town will make a good faith effort to make contact with the customer or member of the customer's household before service is terminated.
4. The Town of Waynesville will exercise its good faith efforts in keeping the electricity and water flowing to a life support patient. However, due to conditions beyond the control of the Town of Waynesville and its employees (storm damage, loss of generation, etc.), electric power or water cannot be guaranteed 100 percent of the time. Each customer listed on the Life Support program should have a back-up plan for movement of the life support patient if the Town of Waynesville is unable to restore power or water in a length of time which is acceptable or critical to the patient's well-being. The Town is not responsible for providing portable power generators or temporary housing to customers who are on the Life Support list.

ARTICLE 5 - DISCONTINUING SERVICE

5.1. TRANSFER OF SERVICE

Customers may transfer service from one location to another as long as any bills are not past due. The remaining amount owed and any fees from a previous service may be transferred to the new account.

If the customer has an account that is past due, he will have to pay that amount before the account can be transferred. Previous deposits may be applied to any amount past due, and a new deposit may be required to set up the new account.

5.2. CLOSING A UTILITY ACCOUNT

After an account has been closed by either customer request or demand of the Town, all funds (Including deposits, refunds, load management credits, and overcharge credits) will be applied first against amounts owed the Town on the closed account. Remaining funds will then be used against any amounts owed on any other accounts the customer may have with the Town. When those accounts have been cleared, a check for the remaining money will be issued to the customer for any net credit.

5.3. FORCED CLOSING OF A UTILITY ACCOUNT

One week after termination of utility service, the account will be closed. All fees and credits are added to the balance and a "final" bill will be issued to the customer. Any balance owed to the

Town will remain open until the balance is paid.

All legal means of collection for an account in arrears will be taken regardless, even if the account is not in "closed" status.

5.4. TERMINATION OF SERVICE (*North Carolina Services Commission Guidelines, Article 4: R8-21, Public Utility Regulatory Policies Act: Title I, Section 122*)

1. **Requesting Discontinuance of Service:** Any customer requesting discontinuance of service will inform the Customer Services of the location, date service is to be disconnected and the forwarding mailing address for the final bill.
2. **Disconnection Scheduling:** Disconnection from the Town's utility system will be performed on the next working day following the written request.
3. **Final Bill:** A customer's final bill will be mailed in a timely manner to encourage collection and customer understanding.

5.5. CUSTOMER'S RIGHTS PRIOR TO DISCONTINUANCE OF SERVICE

1. **Hearing:** The Town will discontinue utility service for non-payment of bill only after notice has been given. The customer has the opportunity to be heard on disputed bills.

Any customer desiring a hearing may contact the Revenue Collection Manager or a designee at the Finance Department at 280 Georgia Avenue, Hazelwood, or by telephone (828) 452-3588. Hearings may be scheduled between 9 a.m. and 4 p.m., Monday through Friday except on Town holidays. The complaint may be presented orally or in writing. The customer may be represented by any person of their choosing.

The customer will be notified in a timely manner of the results of any investigation regarding a hearing.

If an appeal is denied during the hearing process, and the original cutoff date is past, the cutoff will be scheduled for the next business day after the petitioner is informed that the appeal has been denied. Cutoff day will exclude Friday, Town holidays or the business day before a holiday.

5.6. CUSTOMER'S RIGHTS REGARDING DISCONNECTION

1. If a customer disputes the accuracy of a bill, that customer has a right to a hearing as detailed on the previous page.
2. Customers are entitled to receive second notice on an overdue utility bill. This notice will be stated on the next current billing. This notice must be given 10 calendar days prior to cut off.

5.7. INVOLUNTARY DISCONTINUANCE OF SERVICE (*North Carolina Statute 160a-314 (B), North Carolina Services Commission Guidelines R8-20, Public Utility Regulatory Policies Act: Title I, Section 115.*)

1. The Town may discontinue utility service for any one of the following reasons:
 - A. Failure of the customer to pay bills for utility service as required in the Billing Information Section of this policy.
 - B. Failure of the customer to pay deposits as required or to increase deposits as

required in Section 3, *Establishing Service*, of this policy.

- C. Upon discovery of meter tampering including by-passing the meter or altering its function. See Town's Fees, Rates and Charges Schedule for charges.
 - D. Failure of the customer to permit Town employees access to their meters at all reasonable hours. Locked gates, loose dogs, parking cars over meters, etc., are violations of Town policy.
 - E. Use of power for unlawful reasons.
 - F. Discovery of a condition which is determined to be hazardous or unsafe.
 - G. Upon notice of an appeal that has been denied.
2. A notice for termination must include a clear explanation of the reasons for the termination, a statement that cutoff is imminent and the date it will occur, a statement advising the customer of the availability of an administrative hearing with the right to contest the bill and the termination, the name, position, title, address, phone number, and office hours of the person or persons to contact regarding the payment, the hearing and the dispute.
3. Federal bankruptcy law directly affects the ability of a Town to terminate utility service. A key factor here is whether the termination, when done in compliance with the Town's own policies and procedures (e.g., notice of termination), was completed before or after the filing of the bankruptcy proceeding.
- A. Termination Before Bankruptcy. Utility service may be terminated at any time prior to the filing of a bankruptcy petition in the event of default (e.g., nonpayment) by the customer. In such event, the Town need not reconnect the service unless within twenty (20) days after the bankruptcy filing the customer or his trustee shall provide the Town with adequate assurance of payment (a deposit or other security) for services provided after the bankruptcy filing.
 - B. Termination After Bankruptcy. Utility service may not be altered, refused or disconnected based solely on the bankruptcy filing or on the customer's failure to pay for pre-bankruptcy service. However, the Town has the right to demand assurance of payment (a deposit or other security) for future service after the bankruptcy. The bankrupt customer or his trustee has twenty (20) days after the bankruptcy filing to provide such assurance. During that period the Town must continue to provide service to the customer. If this adequate assurance is not provided within the twenty (20) day time frame, then the service can be discontinued by the Town.
4. Any pre-petition security deposit held for the debtor's account by the Town as of the date of the filing of the bankruptcy will be used to offset the pre-petition debt.
5. The Town will take extra measures to insure that handicapped, elderly or seriously ill customers receive their bills, have them explained to them, and are notified of any problems with payment.

5.8. ALLOCATION OF PAYMENTS (NC160A-314(B))

The law requires a Town to define its disconnect method as to whether it applies to one or all services. The Town may also define by ordinance the disposition of partial payments. It is acceptable for a Town to allocate partial payments to water or sewer before electric bills, as long as the customer gets notice when they sign up and the policy is administered consistently.

The Town of Waynesville's disconnection method applies to all Town services. Partial

payments will be allocated as follows: 1) Environmental, 2) Stormwater, 3) Wastewater, 4) Water 5) and Electric.

5.9. DISCONNECTION OF PRIOR DEBTS

The Town can disconnect customers with prior debts only if:

- The current services are in the name of the customer(s) with the prior debt.
- The customer has been delinquent for 10 days and the Town has notified the customer of their intent to disconnect and has given the customer reasonable time to respond.

5.10. DISCONNECTION DURING EXTREME WEATHER *(North Carolina Services Commission Guideline R12-11)*

The Town will not exercise its right to disconnect service for non-payment of any bill when the safety and well-being of a customer may be at stake. For that reason, disconnections for non-payment may not be conducted on any extremely cold winter day or extremely hot summer day.

POLICY: The Town may choose not to disconnect water and electric utility services if temperatures are projected to remain below 32 degrees Fahrenheit for the entire day. During periods of intense heat, the Town may choose not to disconnect electric utility services if the heat index is projected to exceed 100 degrees. Water utility service disconnections will continue unless the heat, humidity and other environmental factors become so extreme that the Finance Director determines that there is a need to postpone disconnections for a short period until the acute conditions subside.

The Town will use the next day's forecast as a benchmark to determine the cutoff schedule. The Town will access the official National Weather Service site to obtain weather information and will maintain daily temperature and heat index records.

The heat index is a measure of temperature and humidity.

If a customer's bill remains unpaid on the next business day, the disconnection for non-payment may then occur. This delay in disconnection for non-payment will not preclude the Town from disconnection at a future date and does not change the customer's liability for payment of all bills and fees.

The customer is encouraged to contact the Town in advance of disconnection to make payment arrangements, especially where winter day hardships can occur.

5.11. RECONNECTION *(North Carolina General Statute 160A-314 (B). North Carolina Services Commission Guidelines: R12-3, R12-9.)*

When it becomes necessary for the Town to discontinue services for any of the reasons listed in Section 5, *Discontinuing Services*, service will be restored after payment of (1) all past due bills due the Town, (2) any deposit as required, (3) any material and labor cost incurred by the Town, according to the current Fees, Rates and Charges Schedule, Section 8, and (4) all fees and charges required by this policy.

After-hours reconnection may be available if the customer agrees, in writing, to pay the past due amount and any additional fees by 12 noon on the next business day. The on-call staff member shall be responsible for having the customer sign the "reconnection agreement".

ARTICLE 6 – ELECTRIC CONSTRUCTION AND METERING GUIDELINES

6.1. STANDARD SUPPLY VOLTAGES (*North Carolina Services Commission Guidelines, Article 4: R8 -14, R8-16, R8-18*)

1. One system of alternating current, 60 hertz, is supplied throughout the Town's electric system.
2. The voltage, number of phases, and type of meter which will be supplied depends upon the character, size and location of the load to be served and upon the Town's available facilities. Customers are encouraged to consult with the Town utility department before purchasing equipment.
3. The standard secondary voltages are:
(Samples)
Single phase, 3-wire, 120/240 volts
Three-phase, 120/208 volts
Three-phase, 240 volts Three-phase,
277/480 volts
The Town adopts the American National Standard Utility Voltages C84.1-1982.

6.2. CUSTOMER DELIVERY POINTS

1. It is the customer's responsibility to provide a location for service connection (delivery

point).

2. The Town must be granted an easement of its selection and the right of continuous access to its facilities for the purpose of installation, maintenance and meter reading. The Town also will have the right to secure and lock its facilities to prevent interference by any unauthorized parties, including the customer or his employees.
3. The Town will need space for the installation of wiring, poles, guys, anchors, transformers, fences and other apparatus used in furnishing electricity to the customer. The customer may be asked to provide an appropriate security fence enclosure for the equipment. Sometimes the only space available is indoors where the customer will have to dedicate space. Inside a building, the customer will have to bear the expense of constructing the space to meet electrical, fire, explosion and ventilation code requirements. Sometimes the customer will have to construct special floors, hallways, and elevators to accommodate the moving of electrical equipment. The space dedicated to the Town should be able to be secured by the Town to prevent access by the customer or general public. Transformer noise levels should be taken into consideration. On occasion, the customer may want to provide a delivery point that is not the Town's least-cost approach. The Town may provide the delivery point where the customer requests, if the customer supports the extra expense with a contribution in aid of construction.
4. The customer and the Town must work together to make decisions on what facilities each will supply.
 - a. In establishing service connections, customers must assist the Town in meeting all local building codes, the National Electrical Safety Code and Waynesville's Electric Distribution Standards. Safe working clearances, personal safety clearances, and safe construction clearances are of special concern.
 - b. The Town will provide, own, and maintain the meter, meter base and other metering facilities. The customer will be asked to install the meter base since this is often the point of connection to the customer's wiring. Also, the customer must provide a suitable location for the meter. The Town may ask the customer to provide a one-inch conduit from a transformer pad to the meter location.
 - c. The customer will provide overhead riser, weatherhead and conductor to meet building codes and the National Electric Safety Code. The Town will provide the underground conduit riser to the meter base. The Town will be responsible for making all overhead weatherhead connections and disconnections.
 - d. The Town will provide any instrument transformer enclosures. The customer will provide any necessary weatherproof troughs for wiring connections and be responsible for providing the connectors and making the connections in a trough. The Town may meter the primary side of the delivery point transformer when metering the secondary side is not feasible. The Town will provide, install, own and maintain all primary metering.
 - e. When the delivery point for all commercial and industrial customers is to be located on the customer's property and a pad mounted transformer is required, the customer will be responsible for providing a reinforced concrete transformer pad according to the Town's electric distribution standards. The customer also will be responsible for providing all conduit turnouts to access the pad. When the transformer pad is the point of delivery, the customer will provide and install secondary conduit and conductors. The Town will provide the connectors and make all connections.
 - f. **Overhead Installations.** The customer will be responsible for providing and securing a right of way for the least cost installation of the Town's poles, down guys

and aerial conductors. The Town will provide tree clearing of the right of way. The customer may be asked to clear any other obstacles in the right of way. If the customer requests location of the Town's facility at a site other than the least-cost facility, the customer will be asked to reimburse the Town with a contribution in aid of construction.

- g. **Underground Installations.** The customer will be responsible for providing a cleared and finished grade within six inches of final grade condition. The customer must provide the specific location of all property lines before construction can begin. The Town may not be able to provide underground conductors where severe obstacles exist. Where the Town encounters obstacles that necessitate construction beyond normal trenching (such as creeks, rock blasting, gullies, walls and other conflicting services), the customer will be asked to support the extra expense with a contribution in aid of construction. The Town may agree to share its trench with other services provided that the customer and other services make suitable arrangements to meet the Town's construction schedule and safety requirements and agree to finish and tamp the trench to within 95 percent of the AASHTO T-99 testing methods.

- 5. The customer must inform the Town as to the type of voltage and level of service desired. The Town will require all commercial and or industrial customers to provide information concerning total connected load, cycling loads, motor starting loads and future loads. Commercial and/or industrial customers must complete a Load Survey Form to be reviewed by the electric department prior to work commencing. The Town will inform the customer of any service limitations. Only certain voltage classes may be available and across-the-line starting of certain size motors may be limited. Restrictions on certain types of electrical loads may be necessary if the load produces

spurious noise, ferroresonance or other sinewave abnormalities on the electric system. The Town establishes a 60-cycle frequency electric system. Equipment which operates at other than 60 cycles will not work properly on the Town system.

- 6. The Town will inform the customer of the maximum level of available fault current that the customer's equipment might experience. Likewise, the customer must inform the Town of the installation of any fault current (short-circuit current) contribution from customer-owned motors and facilities.

6.3. RELOCATION OF FACILITIES

The Town may consider a customer's request to relocate the Town's facilities. However, the customer will be asked to bear the expense of the relocation with a contribution in aid of construction under the following terms:

- a. The additional annual revenue provided to the Town resulting from the relocation is equal to at least 20% of the total cost of relocation. The contribution in aid of construction will be that amount required along with the additional annual revenue to recover the expense. (i.e., if cost of relocation is \$100,000 and the additional annual revenue is equal to \$19,000, then the contribution in aid of construction is \$5,000.)
- b. For any other relocation of overhead or underground facilities, the contribution in aid of construction will be determined by calculating the total installed cost of the new facility plus removal costs, less any salvage value.

6.4. EXTRA FACILITIES

1. Electric service for each customer will normally be supplied to a single delivery point for each customer. A single delivery point may also be used to supply a customer at premises that are separated (e.g., streets, alleys), if a Town, at its discretion, deems a single delivery point safe and otherwise appropriate.
2. Any time a customer requests the Town provide facilities that are not normally required in the least-cost method of establishing electric service; the Town may ask the customer to cover the cost of those additions by way of an extra facilities charge. The extra facilities charge will be billed upon completion of installation and will be payable upon receipt. (For example: more than one delivery point on a contiguous piece of property, more than one service voltage at a delivery point, extra transformer capacity for across-the-line starting of motors, backup or redundant delivery systems, extra metering features, special poles, switch devices, decorative fences, etc.)
3. Determination of Extra Facilities. An extra facilities charge will be added to a customer's monthly billing. The charge will be the difference between the requested installation costs, minus the standard delivery installation cost. The installed cost of the extra facilities will be the cost of materials used, including spare equipment, if any, plus applicable labor, transportation, stores, engineering and general expense, all estimated if not known.
4. If a customer has multiple delivery points, extra facilities charges will be calculated based upon the hypothetical cost to meet the customer's electrical needs at one delivery point and at one voltage versus the extra cost in meeting the customer's needs at multiple delivery points or multiple voltages.
5. The Town may refuse requests for extra facilities if, on its determination, the requested facilities are not feasible, or may adversely affect the Town's cost or the reliability of the electric system.

6.5. MINIMUM WIRING REQUIREMENTS

The customer must meet all federal, state and local requirements for wiring including National Electrical Safety Code, other codes and safety standards, prior to connection to the Town's utility system. A certificate of occupancy will be required before service is begun.

Temporary service on a premise may be available provided the service is for a fixed time period and approved by the appropriate office of inspections.

6.6. THREE-PHASE SERVICE

1. Three-phase service (at standard Town voltages) may be extended to establishments, provided that revenues from the load are sufficient to justify the additional investment. Otherwise, a contribution in aid of construction may be required to cover the costs anticipated to be unrecoverable. (i.e., 20% of the total construction cost.) Three-phase service requiring the construction of additional transmission or distribution facilities may be extended when it is economically feasible to the Town.
2. Applicants for three-phase service may need to execute a written contract before the service will be extended.

6.7. When three-phase service is provided to any customer, the customer must be responsible for protecting his equipment from loss of phase (single-phasing) or phase unbalance.

6.8. LOCATION OF METER (MOBILE HOME)

The customer will meet with a representative of the Town to spot a potential location for their meter. The meter must be outside the building, and accessible to the Town's employees.

6.9. METERING (*North Carolina General Statute 143-151.42. North Carolina Services Commission Guidelines Article 3: R8-9 through R8-14; Article 4: R8-21. Public Utility Regulatory Policies Act: Title I, Section 113,115*)

1. Meters which measure utility service are highly accurate instruments of measurement with expected life spans that exceed 40 years. In very few circumstances these meters may measure incorrectly. Customer Service Representatives would prefer to assist each customer in determining extraordinary usage, but will test any meter upon request in accordance with the meter testing policy Section 2 Customer's Rights. A customer requesting a meter test should contact Customer Services in the Finance Department located at 280 Georgia Avenue in Hazelwood (828)-452-3588.
2. **Electric Meters:** An electric meter will be tested at the request of the customer and charged a fee established in the Fees, Rates and Charges section of the Annual Budget. If the test shows that the meter was inaccurate (plus or minus 2 percent) the customer will be refunded the testing fee and the meter will be replaced.
3. **Master Metering:** All residential electrical services in a Town must be individually metered.
Master metering of electric service is prohibited or restricted under the provisions of the federal Public Services Regulatory Policies Act of 1978.

6.10. METER READING

1. The Town's meters will be read by Town employees, according to the Town's schedule. Reading dates will vary slightly from month-to-month due to weekends, Town holidays, weather conditions, and other factors. Monthly billing periods will be assumed to be 30 days.
2. The Town's meter readers use modern meter reading equipment and techniques. If meter reading corrections are necessary, the Town will promptly make them. A credit due a customer from a meter reading error will be posted to the customer's account or a check may be written to the customer, if requested.

6.11. LINE EXTENSIONS (*North Carolina General Statute 160A-331 and 160A-332; North Carolina Services Commission Guidelines Article 4: R8-24*)

The Town strives to design, install, operate and maintain the electric distribution system in compliance with good engineering and operating practices which are economically feasible for the Town.

If the Town's preferred method of service is not acceptable, the customer may pay a non-refundable contribution for the extra cost of providing and maintaining service by an acceptable alternate method. The cost to the customer will be for any amount that exceeds the cost of the

Town's initial, preferred method.

The customer's preferred method will need to meet the qualifications of good engineering and operating practices.

6.12. OVERHEAD LINE EXTENSIONS (*North Carolina General Statute 160A-333*)

Application for electric service will be classified into one of the following defined classifications, and overhead service will be extended accordingly:

Permanent Establishments

1. Permanent/non-seasonal residences:

This classification includes permanent non-seasonal residences, including mobile homes, apartments, and condominiums which are of a permanent nature and which require electric service on a regular basis.

Single-phase electric service facilities will be extended to establishments of this classification at any premises within the service area of the Town upon request of the owner or occupant. No contribution in aid of construction will be required if the Town's standards for extending service are met.

2. Mobile Homes:

Mobile homes will be considered a permanent residence, and service will be extended provided that:

- a. The mobile home is on a permanent foundation with the wheels and axles removed; AND
- b. The applicant for service can provide evidence of ownership of the property on which the mobile home is located; AND
- c. The applicant for service can provide evidence of ownership of the home; AND
- d. The home is to be used as a permanent dwelling by the applicant for service rather than a weekend or summer cottage type dwelling, OR
- e. The home is located in mobile home park served with permanent water and sewer facilities and approved by the zoning authority in which it is located.

3. Permanent establishments other than residences:

This classification includes schools, public buildings, churches, commercial and industrial establishments, controlled environment livestock and poultry housing, or any other establishments determined by the Town to be of a permanent nature, requiring electric service on a continuous basis.

Single-phase electric service facilities will be extended to establishments of this classification at any premises within the service area of the Town upon request by the owner or occupant. No contribution in aid of construction will be required if the Town's standards for extending service are met.

6.13. TEMPORARY SERVICE (*North Carolina General Statute 160A-333*)

1. **Temporary Construction Service.** Temporary single-phase service, 120/240 volts, may be furnished for construction purposes relating to establishing permanent service in accordance with the following:

- a. The customer requesting temporary service must provide a suitable pole and approved meter loop installed at an agreed upon location.
- b. Temporary service must be located at a site convenient to existing facilities (i.e.,

equal to or less than 100 feet), or the cost to install and remove facilities may be charged.

- c. Upon payment of a temporary service fee. (**See Town Fees, Rates and Charges Schedule**)
- d. Must be inspected prior to connection.

2. **Other Transient Temporary Service**

Temporary service will be furnished for service of short duration or transient nature (fairs, carnivals, special events) in accordance with the existing rate schedules of the Town, except that the customer needs to pay in advance the total estimated cost of installation and removal of the service facilities, less salvage value of the material used or the temporary construction cost, whichever is greater. An advance deposit of the full amount of the estimated bill for service may be required. (**See Town Fees, Rates and Charges Schedule**)

3. **Recreational, Weekend, or Seasonal Residential Developments**

At the request of an owner or developer, overhead distribution primary will be installed upon payment to the Town of a contribution in aid of construction to recover.

4. **Other Temporary Services**

This classification includes barns, grain bins, water pumps, camp houses, and individual seasonal residences, residences of a non-permanent nature and mobile homes and other similar services that are considered to be of incidental nature. Single-phase electric service facilities will be extended to establishments of this classification at any location within the service area of the Town upon request by the owner or occupant as follows:

If the establishment is within 100 feet of an existing primary overhead line, no contribution in aid of construction will be required.

6.14. UNDERGROUND LINE EXTENSION

The Town will extend underground service, upon request, to its customers. When determining underground service, contribution in aid of construction credit may be given for developments in which the installations of underground services are, in the opinion of the Town, more feasible to install than overhead services.

Residential Service

1. **Service to New Developments**

At the request of an owner or developer, the Town may install underground distribution facilities for service to single residences, apartment houses and condominiums, and in new developments where there is no existing overhead primary service, upon the following terms and conditions:

A contribution in aid of construction fee per foot of service lateral may be required of the owner or developer. Incidental loads such as water pumps, swimming pools, club houses, etc., will be considered as individual services. However, the total cost of a special three-phase service to any incidental loads will be charged.

(Refer to *Customer Delivery Points* of this section for information about delivery points that are not the least-cost approach.)

2. **Areas With Existing Overhead Primary**

At the request of an owner or developer, the Town may furnish and install underground primary and service laterals in areas already being serviced with existing overhead primary service when the owner or developer agrees to pay a contribution in aid of construction fee.

The conversion of overhead to underground will be at the discretion of the Town's Public Services Director.

3. Conversion of Service Drops

At the request of an owner, the Town may replace existing overhead service drops with underground service, upon the following terms and conditions:

- a. The owner may be required to pay a non-refundable charge to remove the existing overhead service.
- b. In addition to the removal charge, the owner may be required to pay an installation charge, as in paragraph 2 above.
- c. It is the customer's responsibility to accommodate the underground service drop.
- d. Where the Town's existing overhead facilities are no longer adequate, new underground service may be installed at no cost to the customer.

4. Recreational, Weekend, or Seasonal Residential Developments

(Same as overhead but a contribution in aid to construction may be required.)

- a. The Town may furnish and install the transformers, transformer enclosure, primary cable and terminators, primary bus, connectors (including those for secondary), and metering.
- b. The owner or developer should provide and install all duct and cable for secondary service from the secondary terminals of the transformers or CT cabinet to the service entrance equipment. The owner or developer may be required to provide and/or install the transformer pad, the duct for the primary cable from the pad to the origin of the underground run, and a conduit from the pad to the nearest location appropriate for the installation of a meter. The owner or developer may be responsible for providing and installing cable terminations and splicing in troughs, current transformer cabinets, transformer pads or other junctions.
- c. All work by both parties will be performed in accordance with specifications of the Town.

6.15. OTHER REQUIREMENTS APPLICABLE TO ANY UNDERGROUND LINE EXTENSION

1. Where, due to rock conditions in the soil, the trenching work cannot be accomplished by use of standard trenching machines, any excess cost caused by these conditions shall be charged by the Town to the owner or developer. Where there are other unusual conditions, such as high water table, which require installation procedures not normally used, the excess cost of those procedures may be charged to the owner or developer.
2. The owner or developer shall reimburse the Town for the cost of installing and removing any temporary overhead facilities requested by him.
3. The cost of cutting through and replacing pavement within the development shall be at the owner/ developer's expense.
4. The owner or developer will furnish, without cost to the Town, necessary easements and rights-of-way and will be required to initially cut and clear those easements. The owner or developer will be required to have the rights-of-way and all streets, alleys, sidewalks and driveway entrances graded to final grade, and will have lot lines established, before construction of the electrical distribution system begins.
5. The type of construction and the location of the facilities will be at the option of the Town. If the owner or developer desires changes in either location or type of construction, the

installations will be made only when the owner or developer pays the Town the estimated additional cost incurred.

6. The Town will have the option of placing transformers above ground, on pads of its specification or design, or underground in enclosures of its specifications or design. The Town will determine the practicality of placement.
7. Shrubs and trees requiring protection during the installation of the underground service will be the responsibility of the owner or developer, and the owner or developer will hold the Town and its sub-contractors harmless against any claims for damage. It will be the responsibility of the owner or developer to re-seed and/or maintain the trench cover.
8. In areas where the work is the Town's responsibility, the Town will take responsibility for re-seeding with common varieties and strawing a grassy area.

6.16. PAYMENTS/CONTRIBUTION IN AID OF CONSTRUCTION

1. All payments for any new installations will be made prior to the beginning of construction by Town personnel.
2. Contributions in aid of construction to be paid by any customer will be calculated based upon the historical cost of materials, historical cost of labor, overhead, vehicle expenses, engineering, administration, and 15 percent contingency.

3. In the event that all or a portion of a temporary line extension requiring contribution in aid of construction is utilized in providing service to a permanent establishment, a refund may be made, providing the permanent establishment is served and the refund applied for within a period of five years from the date of the original extension agreement.

6.17. RIGHT OF WAY AND EASEMENTS

1. Customers shall provide a right of way suitable for the Town to construct, inspect, operate, maintain, repair, and reconstruct utility facilities and improvements, including, but not limited to, electrical, water, sewer, storm sewer and greenway facilities and improvements. In addition, for the purpose of constructing, inspecting, enlarging, operating, maintaining, repairing and reconstructing its facilities, the Town's easement provide the staff with the right of ingress to and egress from the public right of way over the property of the customer adjacent to the easement in such manner as shall occasion the least practicable damages and inconvenience to the customer. That right of way must be dedicated and recorded with the appropriate register of deeds. The right of way may be by utility easements, a recorded final plat, a blanket easement deed, or a dedicated easement deed. The Town's easements will, whenever practicable, be located fifteen (15) feet on either side of the facility.
2. When the Town must cross property other than that owned by the customer in order to provide it service, the Town will administer the acquisition of the right of way. The customer receiving the service will be responsible for all expenses necessary to obtain the right of way. **Should the Town not be able to successfully negotiate acquisition of a right of way in order to provide utility service to a landlocked property it shall inform the customer that it will have to resort to condemnation whose cost shall be borne by the customer.**
3. Right-of-way easements must contain accurate legal descriptions of the property concerned and must be executed by all the owners in question.

6.18. DISCLAIMER

This document has been prepared as an example of a simple utility easement deed. It does not include many provisions that are common to easement deeds of this type and it must be tailored to the specific facts, circumstances and desires of the Town. It is not intended for use in any specific circumstance nor as specific legal advice and the Town's legal counsel should be consulted concerning its modification and use.

6.19. SAMPLE UTILITY DEED BETWEEN UTILITY CUSTOMERS AND THE TOWN

PREPARED BY: _____

NORTH CAROLINA
COUNTY

THIS UTILITY EASEMENT DEED, made this _____ day of _____, 2____, by and between the Town of Waynesville _____ and _____ whose mailing address is _____, (herein referred to as the "Grantor") and the Town of Waynesville, a North Carolina municipal corporation whose mailing address is 16 South Main Street, Waynesville, NC (the "Grantee"). The designations Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.

Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee the perpetual right, privilege and easement to construct, inspect, operate, maintain, repair, and reconstruct utility facilities and improvements, including, but not limited to, _____ facilities and improvements (collectively, the "Facilities"). Grantee shall have the right to assign or transfer without limitation, all or any part of the rights, privilege and easement granted herein. The easement extends over, under, upon and across certain land of Grantor situate in Waynesville, Haywood County, North Carolina, said easement being more particularly described on EXHIBIT A attached hereto and by this reference incorporated herein.

All Facilities placed over, under, upon and across said easement shall be and remain the property of Grantee. Grantee shall have the right to inspect, remove, repair, improve and relocate its Facilities and to make such changes and additions to its Facilities located within the easement as Grantee from time to time may deem advisable.

Grantee shall at all times have the right to keep the entire area of perpetual easement clear of all buildings or structures, trees, shrubs, bushes, stumps, roots, undergrowth, or other vegetation as will in its judgment interfere with the proper use and function of its Facilities; provided, however, that Grantor may use said easement for any purpose not inconsistent with the rights herein acquired by Grantee.

Grantee shall also have a temporary construction easement 10 feet in width on each side of the perpetual easement described on EXHIBIT A. The temporary construction easement shall terminate upon completion of the improvements and facilities authorized to be located in the easement area.

For the purpose of constructing, inspecting, enlarging, operating, maintaining, repairing and reconstructing its Facilities, Grantee shall have the right of ingress to and egress from the easement over the property of Grantor adjacent to the easement in such manner as shall occasion the least practicable damages and inconvenience to Grantor. Grantee shall be liable for any damages resulting from its exercise of the right of ingress and egress.

The cash consideration paid by Grantee and accepted by Grantor is in full and total payment for the easement, for all trees, undergrowth, improvements or other obstructions, natural or manmade within the perpetual easement that have been or will be removed or damaged, the construction easement and for all other rights and privileges hereinabove set forth.

Grantee shall repair any damage to fences and other improvements inside the area of the easement that are not inconsistent with the rights herein acquired by Grantee and shall be liable for any damage to crops, trees or improvements outside the easement when any of the above damage results from the inspection, maintenance or improvement of its Facilities.

TO HAVE AND TO HOLD the said rights and easements together with all privileges and appurtenances thereunto belonging for the use and purposes aforesaid, perpetually unto Grantee for the aforesaid purposes.

And Grantor covenants with Grantee, that Grantor is seized of the above described easements, rights, and privileges; that Grantee shall have quiet and peaceable possession, use and enjoyment of the above-described easements, rights and privileges, that Grantor has the right to convey the same and will defend such possession, use and enjoyment against the lawful claims of all persons whomsoever; and that Grantor shall execute such further assurances thereof as may be required.

IN WITNESS WHEREOF, the undersigned have executed this instrument under seal by adopting the word "SEAL" beside his/her name as his/her seal, to be effective the day and year first above written.

_____ (SEAL)

_____ (SEAL)

ARTICLE 7 – ELECTRICAL EQUIPMENT

7.1. OPTIONS FOR ENERGY EFFICIENCY (*North Carolina Services Commission Guideline Article 10: R8-47*)

The Town wishes to provide all of the electric energy customers need, but no more than is necessary. For those reasons, the Town makes available energy efficiency options for its customers.

1. **Security Lighting:** Outdoor lighting contributes to a safe nighttime environment in the Town. Town employees can explain how each customer can benefit.

7.2. POWER QUALITY ENHANCEMENTS

1. **Uninterruptible Power Supply Systems:** Customers with personal computers may want to prevent data loss caused by momentary interruptions of power.
2. **Surge Protection Systems:** Customers may want to prevent expensive damage to sensitive equipment caused by lightning, storms and other power surges.
3. **Power Conditioning:** Businesses can benefit from clean power ideas. Dirty power is electricity which fluctuates, spikes and surges because of the normal operation of computers and machinery inside a business.

7.3. SERVICE INTERRUPTIONS (*North Carolina General Statute 160A-334. North Carolina Services Commission Guidelines, Article 7: R8-40*)

1. The Town will make a good faith effort to provide continuous and uninterrupted electric service, but cannot be liable for loss or damage (direct, consequential or otherwise) caused by any failure to supply electricity or by an interruption.
2. If the customer notifies the Town of an outage condition, the Town's employees will make a good faith effort to restore power.
3. Prolonged service interruptions due to maintenance and construction may sometimes be necessary. In some instances, where safety is a concern, the customer may be required to have premises inspected by local authorities.

7.4. DOOR HANGER FOR OUTAGE NOTIFICATION

Customer's Mailing Label

Your area will experience a brief electricity outage from _____

To _____

The Town's electrical crews will be in the area during this time working to make your service better. Sometimes it is necessary to interrupt electrical service to perform maintenance work or make improvements. If you have any questions regarding this notice please contact us at (828)-456-3706.

The Town apologizes for any temporary inconvenience this outage may cause you and assure you your service will be restored as soon as possible.

7.5. CUSTOMER-OWNED EQUIPMENT

1. **Electric Motors:** The Town should always be consulted on motor installations. The maximum permissible size depends upon the customer's location on the distribution system and the capacity of the circuit. All motors should be installed with devices which protect against overload or short circuit or loss of a phase.
2. **Emergency Generators:** Where auxiliary or standby emergency generator service is installed by the customer, and approved (by the Town), a double throw switch must be used to prevent possible feedback into the main power line as referenced in the National Electrical Safety Code. Parallel operation of the customer's generator will not be allowed except where expressly granted by written contract, and where approved suitable automatic protective equipment and appropriate metering devices are used.
3. **Power Quality:** Customers who intend to use equipment that may generate noise, harmonics or surge transience on the Town's distribution system must supply the Town with information regarding the electrical characteristics of the equipment. Customers who create noise, harmonics or surge transience on the Town's distribution system will be responsible, at their expense, for the filtering and elimination of these problems under American National Standards Institute and Institute of Electrical and Electronics Engineers guidelines.
4. **Protective Devices:** All protective devices will be installed at the customer's expense.
5. **Power Factor Corrections:** Of interest mostly to business customers, the maintenance of a high power factor is of primary importance to the economic operation and maintenance of the distribution system. Under-loaded motors contribute largely to the creation of low power factors unfavorable to the Town and the customer. Where the overall power factor of the customer's load is less than 85 percent lagging, the Town shall require the customer to install, at customer expense, equipment to correct the power factor. The Town reserves the right to measure power factor at any time. Town engineers can help a customer identify power factor correction solutions.

7.6. PROPERTY OWNED BY THE TOWN

1. All meters and other equipment furnished by the Town will be and shall remain the sole property of the Town. Damages to this equipment which arise from neglect on the part of the customer will be the financial responsibility of the customer.

2. For the safety of the employees who work on the electric poles, no customer, citizen, person or organization will install or attach any wire, sign, security light, camera system, basketball goal or other material to any Town owned pole without express written consent of the public services director. Anyone wishing to install equipment on an electric pole must sign a pole attachment agreement and be charge the rate established in the Town's Schedule of Rates, Fees and Charges.

7.7. THE TOWN'S RESPONSE TO A CUSTOMER CUTTING ON/OFF UTILITY SERVICE (*North Carolina General Statute 14-151.1 and 14-159.1*)

1. It is unlawful for anyone other than a Town's employee or its agent to cut on or off utility service. The Town reserves the right to seek a warrant for customers who carry out such an act.
2. If a meter seal is found to be broken or removed, the Town shall investigate to determine if tampering has occurred and then reseal the meter. The customer shall be notified and charged tampering fees. (See Town Fees, Rates and Charges Schedule)

7.8. THE TOWN'S RESPONSE TO METER AND LOAD MANAGEMENT SWITCH TAMPERING

1. Tampering with a meter or bypassing a meter is the same as stealing. The aggressive enforcement of this policy is required by the large majority of good paying customers who would be financially burdened with paying for the stolen services. The Town will call for the prosecution of cases of meter tampering, electric or water theft and fraud to the fullest extent of the law.
2. Load management devices are considered by this policy to be the same as meters. Any damage to these devices will be paid by the customer.
3. Any customer may contest these additional service charges by calling upon the Customer Services (Designated Representative for the Town) for a hearing. A hearing will be scheduled before the Customer Service Representative at any time between the hours of 8 a.m. and 5 p.m. on Monday through Friday except on holidays.

**Tampering with electric meters is
prohibited by North Carolina General
Statutes 14-159.1 and North Carolina
General Statutes 14-151.1.**

7.9. INSPECTIONS

1. Any electric account that has been in a vacant or inactive status for one (1) year or longer, shall require an electrical inspection by the Town's inspection division before the power will be restored. The Town of Waynesville reserves the right to request an electrical inspection on any electric account that has been vacant or inactive for less than one year if the Town of Waynesville feels any safety issues are in question.

2. Any electric account that has been de-energized, due to unsafe conditions, shall require an electrical inspection by the Town's inspection division before power will be restored.

7.10. DISCOVERY OF SUB-METER

If the Town discovers a meter service point that is already metered in another location at the same service address, a refund may be due if the Town has been charging for usage at both meters. If the Town confirms that the sub-meter was being metered at another meter point, then the Finance Director may approve a credit for the time period that the customer has been over billed. If the time period of the mistake can be determined, the Town shall credit the account for that entire interval, per finance director approval.

ARTICLE 8 – WATER AND SEWER CONSTRUCTION AND METERING GUIDELINES

8.1. GENERAL RULES

- a. **Location.** No water or sewer facilities shall be installed under the provisions outlined herein and accepted for ownership and maintenance by the Water Resource Department except those in a dedicated public right-of-way or dedicated public easement. Such easements shall, whenever practicable extend fifteen (15) feet on either side of the facility.
- b. **Ownership.** All water and sewer facilities and appurtenances when installed or accepted by the Waynesville Public Services Department, shall become and remain the property of the Town of Waynesville; and no person, by payment of a charge or fee, or by any construction of facilities accepted by the Waynesville Public Services Department, may acquire any interest or right in any of these facilities, or any portion thereof, other than the privilege of having their property connected thereto and service in accordance with these regulations.
- c. **Unauthorized Work on System.** No unauthorized person shall tamper with, work on, or in any way alter or damage any Town of Waynesville water or sewer facility. This shall include the removing of manhole lids, the opening or closing of valves, turning on or off of hydrants, or causing any water, not legally paid for, to flow from the system. No person except authorized employees or agents of the Waynesville Public Services Department shall cut into or make any connection to the system. The offending person or persons shall pay all costs attributable to such tampering, as well as being subjected to all penalties as prescribed by the North Carolina General Statutes 14-159.1 and the Town of Waynesville's current fee schedule. For full explanation of Town fees, refer to the Town of Waynesville's current Adopted Fees, Rates and Charges Schedule.

- d. **Right to Not Allow Service.** The payment of any costs or fees, submitting of any petitions, or any other act requesting water or sewer service, does not guarantee that such service shall be forthcoming. The Waynesville Public Services Department shall have the right to refuse to extend service upon any reasonable grounds, and specifically for any use detrimental to the water or sewer systems, non-payment of required fees, or if, in the sole opinion of the Waynesville Public Services Department, it is not economically feasible.
- e. **Maintenance by Customer.**
 - 1. **Water.** The customer shall be responsible for the maintenance of all plumbing, from the meter service connection into and including the plumbing which serves the structure; and the Waynesville Public Services Department shall have the right to discontinue service to any property that does not maintain the plumbing or abide by the North Carolina Plumbing Code. Should the customer require water at a pressure different from that supplied by the Waynesville Public Services Department, it shall be the customer's responsibility to install the necessary approved device(s) to make the adjustment.
 - 2. **Sewer.** The customer shall be responsible for the maintenance of all plumbing, from the sewer lateral connection at the right of way into and including the plumbing which serves the structure; and the Waynesville Public Services Department shall have the right to discontinue service to any property that does not maintain the plumbing or abide by the North Carolina Plumbing Code. Further, should a customer require sewer service in which the dwelling floor level is below the elevation of the upstream manhole, a backwater valve will be required in accordance with the North Carolina Plumbing Code. In the event a customer requires sewer service in which the dwelling floor level is below the gravity flow level of the collection main, the customer shall be responsible for installing any necessary approved device(s) to pump wastewater to the collection main in accordance with the North Carolina Plumbing Code. It shall be the customer's responsibility to bare any expense associated with the purchase, operation or maintenance of these devices.
- f. **Liability of Waynesville Public Services Department.** The Waynesville Public Services Department shall not be liable to consumers, owners or any person for the failure to furnish service for any purpose or under any conditions, or for any damage that may result from the interruption of service from the Waynesville Water or Sewer Systems, even though notice of the interruption of service had not been given. It should be understood that every possible effort shall be made to notify the customer of any interruption of service prior to commencement of any work. All applications, agreements or contracts for service from the Waynesville Water and Sewer Systems are expressly made subject to these provisions.
- g. **Meters.** All meters shall be owned by the Waynesville Public Services Department, whether purchased or furnished by the Waynesville Public Services Department or others. The Waynesville Public Services Department reserves the right to remove the seal and interfere with the meter for causes deemed justifiable by the Waynesville Public Services Department.
- h. **By-Pass.** No by-pass around any meter shall be installed unless determined by the Waynesville Public Services Department to be necessary. Where such devices exist, the use of same shall be regulated by the Waynesville Public Services Department. Any unauthorized by-pass may result in removal of the meter as well as all other penalties, civil

or criminal, provided by law.

- i. **Cross-Connections.** Cross-connections are expressly prohibited, and may result in removal of the meter supplying such connection as well as all other penalties, civil or criminal, provided by law, (i.e. example of this is the inter-connection of a well water supply with a potable public water supply). Upon discovery of a cross-connection on any property being furnished water through the Waynesville Public Services Department water system, the owner of the property will be notified that the cross-connection must be discontinued immediately. A failure to remove or correct the cross-connection will result in the removal of the meter. A removed meter will not be reinstalled without payment of the standard reconnection fee as established by the Utility Billing and Collection Policy. Reconnection shall be made only after the minimum requirements and/or penalties have been met in accordance with the Backflow Prevention and Cross-Connection Control Ordinance.
- j. **Inspection of Plumbing.** The Waynesville Public Services Department reserves the right to inspect any and all of the plumbing on a customer's property. In the event plumbing problems are found which are determined to be detrimental to the Water and Sewer Systems, the customer shall be given written notice by certified mail. Upon receipt of the certified mailing, the customer shall have 45 calendar days to make all necessary repairs to the plumbing problems. It shall be the customer's responsibility to notify the Waynesville Public Services Department of these corrections having been completed within that 45 calendar days. In the event the repairs are not made within the allotted time, the Waynesville Public Services Department reserves the right to discontinue service.
- k. **Trespassing.** It shall be unlawful for any person to enter upon, walk, ride, bathe, swim, boat, skate, hunt, fish or trespass in any manner upon any portion of any pond, reservoir, watershed, land or building owned, leased or controlled by the Town of Waynesville, unless specific exceptions are made in writing by the Waynesville Public Services Department.
- l. **Easements or Rights of Way.**
 - 1. All mains must be within maintained road rights of way or dedicated easements.
 - 2. Shall be for construction, maintenance and operation in, upon and through said premises a utility main(s) (water, sewer or otherwise), with all necessary pipes and/or appurtenances, together with the right at all times of ingress, egress and regress thereon, and the right of entry upon said premises for the purpose of inspecting said main(s), making repairs or alterations thereon, and/or clearing obstructions that may, in the opinion of the Waynesville Public Services Department, endanger or interfere with the proper maintenance and operation of the same.

8.2. SERVICE REGULATIONS

Application for Service.

- a. Service rates shall be based upon the land use, whether conforming or non-conforming. If residence is established, the service shall be billed at the residential rate.
- b. If sewer service is desired by an applicant where water service is also available, the applicant shall be required to make connection to both water and sewer, for the control and billing purposes of sewer discharges.

Minimum Service Charge.

- a. The minimum service charge will apply only to those customers who have made application for service, paid required fees and had the meter set, as provided in the Town of Waynesville Fees and Charges, Water and Sewer Rates and Connection Fees schedule. Charges shall be made for each service installed regardless of location or duration of service.
- b. The minimum service charge shall apply to all connections.
- c. Charges for flat rate sewer service will commence thirty (30) days after installation and connection is ready for use, regardless of whether service is actually used at that time.
- d. Charges for metered service(s) will commence thirty (30) days after installation of the meter, regardless of whether service is actually used at that time.

Water for Sale to Other Public Services.

Water may be sold to non-Town water systems under the following conditions:

- a. Water will be sold only to systems permitted by the State of North Carolina or regulated by the North Carolina Utilities Commission;
- b. The utility desiring service must agree to pay all applicable cost for the installation of a meter and backflow prevention as specified by the Waynesville Backflow Prevention and Cross- Connection Control Ordinance.

Meter Reading and Determination of Charges.

- a. Meters will be read and bills rendered in accordance with the Billing Policy of the Town of Waynesville. However, the Town of Waynesville reserves the right to vary this schedule if necessary or desirable.
- b. Where there are multiple dwelling units on one lot, unless separate meters are installed for individual dwelling units, the property owner or landlord shall be responsible for the bill for meters jointly used by one or more tenants.
- c. Readings from different meters will not be combined into one account for billing.
- d. A charge shall be made for all water passing through the customer's meter.
- e. Bills for water or sewer service shall be calculated in accordance with the rate schedule in effect at the time of billing.

Meter Testing.

If the customer believes that a water meter on their premises is not registering their water consumption accurately, they may request a test of the meter by the Waynesville Public Services Department. Charges shall be collected in advance for this service pursuant to the Town of Waynesville Fees and Charges, Meter Testing Fee. If it is determined that the meter is

inaccurate, not meeting the standard accuracy $\pm 2.5\%$, the fee collected will be credited to the customer's account and the meter will be replaced at no cost to the customer. If the meter is found to register in the standard range of accuracy the customer charge will be retained.

Calculation of Bill Where Equipment Fails.

- a. If the seal of the meter is broken by other than Waynesville Public Services Department agents or in the event that the meter fails to register the accurate use of water, the customer shall be charged or credited the amount computed using the following formula for the period in which the meter failed to register accurately:
 1. The customer shall be charged or credited the current rate based on the average water consumption for the previous six (6) months of occupancy. If the customer has not held the service for six (6) months the Town may use less than six (6) months or credit the account when a new average is determined after the meter has been repaired or replaced.
- b. In the case of a proven leak on the customer's plumbing which measures 100% above average consumption, the customer shall be charged the amount computed using the following formula:
 1. The customer shall be charged the consumption based upon the reading of water that passes through the meter.
 2. Adjustments on sewer accounts will only be allowed once proof is provided, by a written statement from the customer with attached plumbing bill or material receipt, that the leak did not enter the sewer collection system. Credit on sewer charges will be made by determining the average water consumption for the past six (6) months and subtracting the meter reading for the period during which the leak was occurring. The difference in the two readings will be credited to the sewer account. Average consumption may be made for less than six (6) months when the customer has occupied the premises less six months.

Prohibited Activities.

No unauthorized person may:

- a. Supply or sell water from the Waynesville Public Services Department System to other persons or carry away water from any hydrants or other such public outlet without specific authorization from the Waynesville Public Services Department.
- b. Manipulate, tamper with, or harm in any manner whatsoever any water line, sewer line, main, or appurtenance or any other part of the water or sewer system, including, but not limited to, any testing or inspection device used to measure the character or concentration of wastes discharged into the sanitary sewer system.
- c. Tamper with the water meter so as to alter the true reading for the amount of water consumed.
- d. Attach or cause to be attached any connection to the water line before the water meter.

Tampering with water/sewer meters is prohibited

by North Carolina General Statutes 14-159.1 and
North Carolina General Statutes 14-151.1.

8.3. WAYNESVILLE PUBLIC SERVICES DEPARTMENT AND CUSTOMER RESPONSIBILITIES

Waynesville Public Services Department's Responsibility and Liability.

The Waynesville Public Services Department shall:

- a. Maintain the water and sewer mains within the Waynesville Public Services Department's rights of way and easements.
- b. Reserve the right to refuse service if there is a cross connection to a private water supply, no backflow protection, or no sewer clean out.
- c. Assume liability for damage only if such damage results directly from the Waynesville Public Services Department's activities.
- d. Assume no liability for damage done by or resulting from any defects in the piping, fixtures, or appliances on the customer's premises.
- e. Assume no liability for the negligence of third parties.
- f. Assume no liability for flood, drought, accident, act of God, or any other unavoidable cause.
- g. Provide service to the customer, if service is available and economically feasible and the customer has made application and paid connection fees.
- h. Have no intent to work upon private property, except on occasions where customers request the Waynesville Public Services Department to assist with repairs which resulted from the Waynesville Public Services Department's activities. The customer shall release the Waynesville Public Services Department from any and all liability for such work by signing consent to work form. It should be understood that the customer may be responsible for all costs associated with this repair.
- i. In the event the customer or plumber should request assistance by the Waynesville Public Services Department in the location of services, the individual making such requests shall be responsible for all cost incurred by the Waynesville Public Services Department. Assistance shall be based upon the availability of Waynesville Public Services Department personnel.

Customer's Responsibilities.

The customer shall:

- a. Guarantee protection for Waynesville Public Services Department facilities or equipment located on the customer's property.
- b. Pay the cost of relocating Waynesville Public Services Department owned facilities and equipment if done at the customer's request.
- c. Be responsible to the Waynesville Public Services Department for damage to Waynesville Public Services Department property that is caused by the customer. The customer will be billed for repairing or replacing such property.
- d. Water.
 - 1. Maintain the water piping systems on their property from the meter up to and including the structure at their expense in a safe and efficient manner.
 - 2. Maintain the water piping systems in accordance with general standards referred to in Section 1-2 General Rules, paragraph (e).
 - 3. Protect the public water system from backflow in accordance with standards referenced in Article VI, Backflow Prevention and Cross-Connection Control Ordinance.
- e. Sewer.
 - 1. Maintain the sewer piping service from the Town right of way up to and including the structure at their expense in a safe and efficient manner. Should it become necessary for the street portion of the lateral to be replaced, the Town shall conduct a service line investigation by either or both television monitoring or excavation. If the investigation proves that the service failure is due to faulty material or improper installation on the service line from the right of way to the customer's premises the Town shall require the repair or replacement of said line in accordance with the NC Plumbing Code. The customer shall be responsible for all labor, material and equipment charges for repair or replacement of said line. In accordance with the NC Plumbing Code the customer shall install a cleanout on the right of way when replacing the service line.
 - 2. Maintain the sewer piping systems in accordance with general standards referred to in Section 1-2 General Rules, paragraph (e).
 - 3. Install a sewer clean-out at the property line in the event there is are frequent sewer blockages on the service within the roadway right-of-way due to the activity of the customer. The cleanout shall be installed by a plumber in compliance with Waynesville Public Services Department specifications.

8.4. SERVICE CONNECTION TO THE WATER AND SEWER SYSTEM

Connection Required.

Water and sewer connections are required in accordance with Section 6.11.3 and Section 6.11.4 of the Waynesville Land Development Standards. Public Water and Sanitary Sewer will be required when either is available with the following distances:

One dwelling unit- 200 ft.

Two dwelling units- 400 ft.

Three dwelling units-600 ft.

Four dwelling units-800 ft.

Five or more dwelling units- 1000 ft.

Plumbing Permit for Construction.

No person may connect or be connected to the water or sewer system of the Waynesville Public Services Department until a plumbing permit for such a connection has been issued.

Application for Plumbing Permit.

Every application for a plumbing permit shall be obtained through the Waynesville Building Inspection Division.

Construction of Connections.

- a. When an application for service has been made to the Waynesville Public Services Department for a connection to existing water or sewer lines, the Waynesville Public Services Department, either with the use of Waynesville Public Services Department forces or by contract, shall do the excavating, install the pipe, make the connection (tap-on) to the main, installing meter or cleanout, fill the excavation, and replace the surface of the street.
- b. The customer may request the location where the service may be placed on their premises; however, the final decision for service placement lies with the Waynesville Public Services Department.
- c. When the service is to be placed on the customer's premises, the customer shall provide a suitable location for placing the service, unobstructed and accessible at all times to the Waynesville Public Services Department and Town's meter readers including proof of dedication of a right-of-way prior to installation of the service.
- d. The customer's piping and appurtenances shall be installed at the customer's expense in accordance with all applicable building and plumbing codes and Waynesville Public Services Department's regulations and in full compliance with the sanitary regulations of the NC Department of Health Services.
- e. Piping on the customer's premises shall be so arranged that the connections are conveniently located with respect to the Waynesville Public Services Department's mains.

Separate Connections Required for Each Lot.

- a. For the purpose of this section, "lot" shall mean a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed, deed of trust or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title.

- b. There shall be for every lot to which water or sewer service is available:
 - 1. A separate connection to the water main of the Waynesville Public Services Department and a separate service pipe, tap and meter for each structure as defined by land use.
 - 2. A separate connection to the sewer main of the Waynesville Public Services Department and a separate sewer clean-out at the right-of-way (unit number must comply with Latest Revision of North Carolina State Plumbing Code).
- c. Customers are eligible for irrigation meters used exclusively for irrigation where there is no return of water to any sewage system. The use of this service for anything other than irrigation is a direct violation of this policy. Such irrigation meters shall comply with the NC Plumbing code including the use of a backflow preventer.
- d. If a second meter service is required for residential, commercial or industrial use other than for irrigation, the charges in the Waynesville Fees and Charges, Water and Sewer Connection Charges, shall apply. There will be no reduction in cost for secondary services. Some examples are apartments, condominiums, commercial or industrial processed water.

Time and Material Service Estimates.

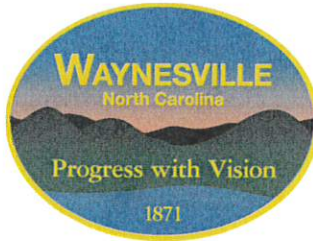
All fees for service shall be applicable to those listed in the Waynesville Fees and Charges, Water and Sewer Connection Charges. Application fees for service up to and including two inches for water and four inches for sewer shall be as listed in the Water and Sewer Connection Charges. For services greater than two inches for water or four inches for sewer, the customer shall provide two (2) copies of all design data, which shall include, but is not limited to, service size, location and any additional utility conflicts. The design must be provided for approval by the Waynesville Town Engineer. Charges for services greater than two inches for water or four inches for sewer shall be in one of the two following categories:

- a. If the connection is made by an approved licensed utility contractor to the main owned by the Town of Waynesville, the connection may be made only after applicable tap fees and Capacity Use fees have been paid. Once these fees have been paid and service connection approved by the Waynesville Public Services Department, any and all work shall be done under the direct inspection of the Waynesville Public Services Department. All connection requirements shall be in accordance with the standards of this policy and specifications of the Waynesville Public Services Department.
- b. If the customer requests the Town to make this connection, the customer shall be responsible for paying the applicable tap fees and Capacity Use Fees in advance, and then be responsible for paying for all time and materials required for the connection. Estimates for time and material shall be provided upon customer request. After design approval, an estimate for time and material for the service installation shall be provided to the customer within ten (10) working days from receipt.

Ownership of Services.

All meters, meter boxes, service laterals, pipes and other equipment furnished and used by the Waynesville Public Services Department or its contractors in installing any water or sewer connections shall be and remain the property of the Waynesville Public Services Department.

Gavin Brown, Mayor
Gary Caldwell, Mayor Pro Tem
Jon Feichter, Alderman
Julia Freeman, Alderman
LeRoy Roberson, Alderman



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

Landlord Addendum to Contract for Utility Service

The undersigned Affiant, being first duly sworn, deposes and says:

1. The undersigned Affiant is the landlord (owner, manager, rental agent or other responsible party) for a dwelling or rental units designated as _____ and owned by _____

(Name of Apartment Complex, if applicable)

(Legal Name of Corporate Entity, if applicable)

Said dwelling/rental units are located at _____
(Physical Address)

2. Affiant leased a dwelling or rental unit within the above-mentioned complex identified as _____ to _____ beginning on _____

(Address of Rental Unit in Question)

(Tenant(s)/Must correspond to name of current utilities account holder)

(Date/Start of Tenancy)

for an original period of _____ and then terminating or transferring to a periodic tenancy.
(Months)

3. The above-named tenant(s) have permanently vacated and/or abandoned the dwelling or rental unit prior to the expiration of said tenancy and/or in violation of the conditions of the lease agreement.

4. As a result of tenant permanently vacating and/or abandoning the dwelling/rental unit, Affiant requests that utility service be placed in Affiant's name and hereby affirms that Affiant will be responsible for and will pay for utilities service at said dwelling/rental unit until service is established in a new tenant's name.

Bills for service are to be addressed as follows:

(Name and Address)

5. Affiant guarantees payment for utility service and related fees from the date service is established in its name until service is established in a new tenant's name.

6. Affiant guarantees payment for utility service and related fees in accordance with the rates and regulations in effect at the time of delivery and in accordance with the conditions of the Contract for Utility Service.

7. Affiant agrees to indemnify the Town of Waynesville, the maximum extent allowed by law for any claims that may arise from or related to utilities service being placed in Affiant's name pursuant to the Contract for Utility Service and this Addendum.

Signature of Property Owner or Authorized Agent

Printed Name of Property Owner or Authorized Agent

Date

SUBSCRIBED and SWORN to before me this

_____ day of _____, 20____.

(Official Seal)

Notary Public

My commission expires _____, 20____.

10.1 ACCEPTABLE FORMS OF IDENTIFICATION POLICY

Purpose: The Town of Waynesville has developed this policy to prevent identity theft, while balancing the desire to process utility applications in an efficient and effective manner.

Procedures: Valid identification shall mean that the identification provided is not expired, not altered in any way, and genuinely represents the person who provided the identification.

In response to the growing forms of valid identification presented to the Customer Services of the Town of Waynesville for applying or transferring service, the following guidelines may be used by staff to determine proper identification.

1. Acceptable forms of valid identification
 - a. Driver's Licenses
 - b. International Driver's Licenses
 - c. United States Passports
 - d. Non Driver Identification Cards (N.C. & Other States)
 - e. Federal Identification Card – Military ID's & Veteran ID's
 - f. Permanent Resident Card
 - g. Resident Alien Card
2. Unacceptable forms of valid identification
 - a. Voter Cards
 - b. Consulate Cards
 - c. Employment Badges, College Badges
 - d. Foreign Passports
 - e. Individual Tax Identification Numbers, & W2's
 - f. Birth Certificates & Marriage Certificates
 - g. Bank Statements & Utility Statements
3. Valid identification for a business
 - a. Tax Identification Numbers
 - b. Certified Articles of Incorporation
 - c. Items listed in item 1 above if applicable

All exceptions to policy must be approved by the Revenue Collection Manager or a designee.

10.2 WAIVER & RELEASE OF PRIVATE UTILITY INFORMATION

Information on customer's private utility account information is not a public record under North Carolina General Statute §132-1.1

I waive my right to privacy in my utility account # _____ serving _____
_____ only to the extent described below:
(address)

The Town of Waynesville, its agents and employees, are permitted to release information on the utility described above only to _____,
_____, _____
(name) (address) (phone)

Customer(s) will hold the Town of Waynesville harmless from any damages arising out of the release of this information. Customer(s), for themselves and their heirs, assigns, successors, representatives, agents and attorneys, hereby irrevocably and unconditionally RELEASES, ACQUITS AND FOREVER DISCHARGES TOWN, its officers, elected officials, employees, agents and representatives, and the heirs, successors and assigns of all such persons or entities and all persons acting by, through, under or in concert with any of them, or any of them (hereinafter "Releases"), from any and all charges, complaints, claims (whether in law or equity or whether under statutory or common law of the United States or any state thereof), liabilities, controversies, actions, causes of action, suits, judgments, demands, costs, losses, debts, interest, damages (of any kind whether actual, punitive, compensatory, double, treble or nominal), and expenses (including attorney's fees and costs actually incurred), which the Customer(s) or any of their heirs, representatives or assigns now have, or which may later appear or accrue, for any losses, injuries or damage, whether anticipated or unanticipated, resulting from, arising out of or connected directly or indirectly with any action or omission of the Releases arising out of any transactions with Customer(s) or their agents, employees, or contractors concerning the waiver and release of utility information described herein. Customer(s) hereby covenant and agree that they will not initiate any lawsuit or proceeding against any of the Releases with respect to any of these released claims and agrees to indemnify the Releases from any expense, cost or damage incurred in connection with any action initiated by any party in violation of the covenants contained in this paragraph. Customer(s) hereby agree to indemnify and hold harmless the Releases from any and all claims described above which may be filed by third parties.

Customer(s) warrant that they have had ample time to consider this Waiver and Release of Private Utility Information, they understand its provisions, and represent that they enter into this Release voluntarily.

THE UNDERSIGNED CUSTOMER(S) HAVE READ THE FOREGOING WAIVER AND RELEASE OF PRIVATE UTILITY INFORMATION AND REPRESENT THAT THEY FULLY UNDERSTAND IT AND INTEND TO BE BOUND BY IT UNTIL WITHDRAWN IN WRITING.

Date

(Signature of Utility Account Holder)

Town Witness

(Signature of Utility Account Holder)

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

I, _____, a notary public in and for said county and state, do hereby certify that _____, personally appeared before me this day and acknowledged the voluntary execution of the foregoing agreement.

WITNESS my hand and notarial seal, this _____ day of _____, 20 ____.

My commission expires: _____

Notary Public

(SEAL)

I hereby cancel the Waiver written above effective on the date written below.

Date

(Signature of Utility Account Holder)

(Signature of Utility Account Holder)

**10.3 CONTRACT FOR UTILITY SERVICES-INCLUDING IDENTITY THEFT
ATTACHMENT & MULTIPLE PROPERTY (IF APPLICABLE)**

(Account number if applicable)

(Write "landlord" here if landlord application)

Return to:

PIN:

**CONTRACT FOR UTILITY SERVICES
(for use where existing lines adjoin the property)**

THIS Agreement made the date last below written between the Town of Waynesville, a N.C. Municipal Corporation ("Town") and

(Name or Names of Customers)

referenced jointly and severally below as Customer.

Customer desires to obtain connections to stormwater and [initial services desired]:

- () water
- () sewer
- () electric
- () temporary water, and/or
- () temporary electrical

in accordance with all applicable law, regulation, or ordinances at:

☐

PLEASE CHECK THIS BOX IF APPLYING FOR MULTIPLE ADDRESSES. LIST FIRST ADDRESS BELOW AND THEN PLACE MULTIPLE ADDRESSES ON PAGE 6 AND SUBSEQUENT PAGES.

(Insert complete address, including apartment, lot or unit identifier; E-mail address)

(Insert mailing address)

Home: _____ Business: _____
(Insert phone numbers)

(If customer is a tenant, insert owner's mailing address, phone number(s); E-mail address)

for [initial all applicable] () residential* () commercial* () industrial* () irrigation* purposes. Customer warrants that Customer has examined the above property and service lines to the above property are already in place.

* Customer shall complete required back-flow protection survey and install device required before connection.

Upon the payment of the charges set forth below and subject to verification of the availability of each of the services requested, the Town of Waynesville will provide connection to the utility or services initialed above. If sewer service is desired where water service is also available (see section 6.11.3 and 6.11.4 of the Town's "Land Development Standards", Customer agrees to apply for both water and sewer services.

The Town, in consideration of the payment below, will provide:

- 1) **only** a single connection to each utility initialed on this form,
- 2) installation of the lateral from each utility initialed on this form to
 - a) the edge of the street right-of-way, or
 - b) behind the curb line, or
 - c) at the edge of a utility easement (whichever is applicable), and
- 3) installation of the water, sewer, and/or electric meter(s).

Customer shall be responsible for installation and maintenance of any potable water lines and appurtenances as needed or required on the customers side of the water meter. Customer shall be responsible for installation and maintenance of any sewer lines and appurtenances as needed or required on the customer's side of the sewer clean-out at or closest to the public right-of-way. Customer shall be responsible for installation and maintenance of any electric wiring and appurtenances as needed or required on the customers side of the electric meter. Sewer connections shall not be permitted on interceptor line mains unless Customer has access to an existing manhole.

Customer agrees to pay in advance, before any utility connection(s) is/are made or meter set, the sum of \$ _____ for a _____ inch sewer connection and \$ _____ for a _____ inch water connection and \$ _____ for Capacity Use Fees that may be applicable.

The Town may charge Capacity Use Fees in accordance with the Schedule of Fees and Charges adopted with the Annual Budget. Such fees shall be paid before any work is commenced by either private contractors or Town forces.

() all work was completed by the developer of the property in accordance with standards set by the Town Engineer.

() other agreements have been made. (Attach contract.)

The Customer agrees to be guided by the Town's Customer Service Policy and Land Development Standards when applying to have accounts established for the above connections and be bound by the terms of Policy.

I, Customer, do hereby affirm that I have read this contract and do hereby apply for utility service(s) to be provided at the location above. I agree to be responsible for the costs of any and all utility service(s) rendered and any damage to the property of Town to or from the above location. I further agree to abide by all law, ordinance, and/or regulation (including, but not limited to Town of Waynesville Code of Ordinances, the Town's Land Development Standards and the Town's Customer Service Policy, the NC Plumbing and Building Code and standards established by the Town of Waynesville Engineer. *I warrant that all information furnished for the purpose of obtaining utility service(s) is true and complete and I agree to abide by the terms and conditions set forth above.*

This the ____ day of _____, 2____

USE BLACK INK ONLY

PERSONS APPLYING FOR SERVICE

_____ (Signature)

_____ (Signature)

CORPORATION, PARTNERSHIP, OWNER

_____ (Name)

BY _____
(Officer)

ATTEST: _____ (Signature)

Secretary
(Corporate Seal)
TOWN OF WAYNESVILLE, NORTH CAROLINA

BY _____ (Agent)

Attachment A

As per the Identity Theft Protection Act, it is unlawful to place certain identifiable information on documentation that may be placed on public record.

Below is a list of required information that is pertinent to establishing your utility account with Town of Waynesville. This information is considered by Town of Waynesville to be *Confidential*. If your account is delinquent, Pages 1 & 2 will be placed on public record for purposes of collecting a debt.

Address of Property: _____, _____, NC _____

NAME: _____ [Customer No.1]

Social Security Number: _____ [Customer No.1]

Birth date: ____/____/____ [Customer No.1]

Drivers License Number: _____ State Issued: _____ [Customer No.1]

NAME: _____ [Customer No.2]

Social Security Number: _____ [Customer No.2]

Birth date: ____/____/____ [Customer No.2]

Drivers License Number: _____ State Issued: _____ [Customer No.3]

Name of Company: _____

State Incorporated: _____

Federal ID No.: _____

IDENTITY THEFT PROTECTION ACT

NCGS §132-1.10(d):

No person preparing or filing a document to be recorded or filed in the official records of the register of deeds, the Department of the Secretary of State, or of the courts that may include any person's social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords in that document, unless otherwise expressly required by law or court order, adopted by the State Registrar on records of vital events, or redacted... Any person who violated this subsection shall be guilty of an infraction, punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation.

The entire Identity Theft Protection Act can be found at <http://www.ncga.state.nc.us/gascripts/statutes/statutes.asp>

MULTIPLE PROPERTIES PAGE (LANDLORD/ OWNER ONLY)

(Insert complete address, including apartment, lot or unit identifier; E-mail address)

- ☐ water
- ☐ sewer
- ☐ electric
- ☐ temporary water, and/or
- ☐ temporary electrical

(Insert complete address, including apartment, lot or unit identifier; E-mail address)

- ☐ water
- ☐ sewer
- ☐ electric
- ☐ temporary water, and/or
- ☐ temporary electrical

(Insert complete address, including apartment, lot or unit identifier; E-mail address)

- ☐ water
- ☐ sewer
- ☐ electric
- ☐ temporary water, and/or
- ☐ temporary electrical

(Insert complete address, including apartment, lot or unit identifier; E-mail address)

- ☐ water
- ☐ sewer
- ☐ electric
- ☐ temporary water, and/or
- ☐ temporary electrical

10.5. STATE of North Carolina PAYMENT EXTENSION CONTRACT
HAYWOOD COUNTY
TOWN of WAYNESVILLE

This Agreement made the date last shown below between the TOWN OF
WAYNESVILLE and

_____ (Name of Customer)

At _____ (mailing address) for

delinquent payments in the total amount of \$ _____ on utility services
received by the customer at

_____ (service address) (including county parcel identification number) (account number)

Whereas, _____ (reason for
extension); and

Whereas, customer is willing and able to make payment of \$ _____ each () week ()
month on the _____ day of the () week () month toward the past due delinquent
amount ending on the _____ (date past due amount will be fully paid).

NOW THEREFORE, the Town and Customer agree as follows:

1. Customer will make the payment toward the past due amount set forth above.
2. Customer will make all future utility payments to the Town of Waynesville
as they become due.
3. Customer agrees that if all payments under this agreement and all future utility
payments due to the Town are not paid when due, utility services will be
disconnected.
4. Further, Customer agrees that if ALL payments under this agreement and all
subsequent utility payments due to the Town are NOT made when due,
either:
 - (a.) Customer agrees that, as the owner of the real property being served with
services at the above address, this contract may be filed with the Haywood County
Registry as a lien on my real property.
 - () (b.) Customer has attached a confession of judgment that is incorporated
herein. Customer agrees that the confession of judgment attached may be filed
with the Haywood County Clerk of Court as a judgment for the full
delinquent amount

(EITHER a or b ABOVE MUST BE CHECKED AND ATTACHMENT SUBMITTED)

5. In consideration of the above promises and commitments of the Customer, the Town of Waynesville agrees to continue service of services so long as Customer complies with the promises and commitments.

SO AGREED THIS THE _____ DAY of _____, 20____.

_____ (customer)

_____ (customer)

TOWN OF WAYNESVILLE

by _____

STATE OF NORTH CAROLINA)	IN THE GENERAL COURT OF
)	JUSTICE
HAYWOOD COUNTY)	DISTRICT COURT DIVISION
)	FILE NO.:
TOWN OF WAYNESVILLE,)	
Prospective Plaintiff,)	
)	
-vs-)	<u>CONFESSION OF JUDGMENT</u>
)	
_____)	
Prospective Defendant(s).)	
_____)	

NOW COME the Prospective Defendant and Customer to confess judgment in the above-entitled action as set forth below:

1. Prospective Plaintiff (Plaintiff) is a N.C. municipal corporation located within Haywood County, North Carolina, and as such has furnished utility services to the Customer below in return for his promise to pay for the services when due in accordance with the laws of North Carolina.

2. Prospective Defendant _____ and Customer _____ is a citizen of _____, Haywood County North Carolina, and resides at _____.

3. Defendant and Customer entered into a Contract to secure payment after the payments due became delinquent.

4. The Defendant and Customer has now determined that he may be adjudged liable in the amounts set forth below, and has elected to enter this Confession of Judgment.

5. Defendant shall pay to Plaintiff the sum of \$ _____.

This the ____ day of _____, 20 ____

Defendant and Customer

Sworn and subscribed before me, _____, Notary Public
of Haywood County on this the _____ day of __, 20__

Notary Public
My commission expires:

10.6 IDENTITY VERIFICATION FORM & INSTRUCTIONS

Town of Waynesville, N.C.

IDENTITY VERIFICATION FORM INSTRUCTIONS

Instructions for the applicant:

1. Complete all fields in Section I.
2. Present yourself to a Notary.
3. Have the notary complete Section II.
4. If the notary stamp is in ink, fax the form to Waynesville Customer Service
_____. If the notary stamp is in ink, the form may also be scanned and emailed to
@Waynesvillenc.gov.
5. The completed form may be hand delivered to 280 Georgia Avenue in Hazelwood,
Town of Waynesville Customer Service or dropped in the Town's drop box located
on South Main Street in front of Town Hall.
6. The completed form may also be mailed to:
Town of Waynesville Customer Service
PO Box 100
Waynesville, NC 28786
7. Please direct all questions to Town of Waynesville Customer Service (828)-452-3588.

Note: The notarized form with all fields completed must be received by the Town of Waynesville Customer Service division within ten business days or the account is subject to disconnection. The notary seal must be visible. Please keep a copy for your records.

Town of Waynesville, N.C.

IDENTITY VERIFICATION FORM

Upon request, by the Town of Waynesville, this form must be completed to validate the identity of the individual establishing or maintaining a utility account with the Town of Waynesville.

SECTION I

In compliance with my application for utility service with the Town of Waynesville, or continuation of service:

I, _____, the utility service applicant and undersigned, do hereby state and declare the following:

This affidavit concerns utility service at the following service location:

Address: _____

Town, State, Zip: _____

Phone #: _____

Email Address: _____

I understand that knowingly making any false or fraudulent statement or representation may constitute a violation of federal, state, or local criminal statutes, and my result in imposition of a fine or imprisonment or both.

Applicant Signature & Date: _____

SECTION II

NOTARY

State & County: _____

I do hereby certify that _____ (applicant) personally appeared before me this day and is known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

WITNESS my hand and official seal this _____ day of _____ in the year _____

_____. My Commission expires: _____

Notary Printed Name: _____

Notary Signature: _____