



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: **March 27, 2018** Time: **6:30 p.m.**

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A. CALL TO ORDER - Mayor Gavin Brown

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

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

B. PRESENTATION

3. Mid-Year Report 28785/86 1% TDA Zip Code funding
 - Lynn Collins

C. CALL FOR PUBLIC HEARING

4. Manufactured Home Text Amendment
 - Byron Hickox, Land Development Administrator

Motion: To Call for a Public Hearing to be held on Tuesday April 10, 2018 at 6:30 p.m. or as closely thereafter as possible in the Board Room of Town Hall located at 9 South Main Street, Waynesville to consider a staff initiated text amendment to the Town of Waynesville Land Development Standards regarding Manufactured Housing on individual lots within the Dellwood Residential Medium Density District (D-RM), Section 2.5.3 Table of Permitted Uses.

5. Public Hearing and Consideration of a Resolution to close a portion of right-of-way of Railroad Street within PIN 8605-71-1498.
 - Elizabeth Teague, Development Services Director

Motion: To call for a Public Hearing to be held on Tuesday April 24, 2018 at 6:30 p.m. or as closely thereafter as possible in the Board Room of Town Hall located at 9 South Main Street, Waynesville to consider a Resolution to close a portion of right of way of Railroad Street within PIN 8605-71-1498.

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

March 27, 2018

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D. PUBLIC HEARING

6. Economic development incentives to attract a business in the “hospitality industry” in accordance with NCGS 158-7.1.

- Rob Hites, Town Manager

E. NEW BUSINESS

7. Greenway Grant Guidance

- Elizabeth Teague, Development Services Director

Motion: To direct staff to work with the Haywood Greenway Commission to make this application.

8. Amendment #7 to the 2017-2018 Budget Ordinance to start the “Base Camp on the Go” program

- Eddie Caldwell, Finance Director

Motion: To approve Amendment No. 7 to the 2017-2018 Budget Ordinance.

9. Special Events – May and July

- Amie Owens, Assistant Town Manager

Motion: To approve the special events permit applications and direct Town Manager to execute special events permits, as presented.

F. COMMUNICATIONS FROM STAFF

10. Manager’s Report - Town Manager Rob Hites

- Customer Service Policy

11. Attorney’s Report – Town Attorney Bill Cannon

G. COMMUNICATIONS FROM THE MAYOR AND BOARD

12. Animals at Festivals – Mayor Brown

H. CALL ON THE AUDIENCE

I. 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 27, 2018

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
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	Art after Dark Main Street – sponsored by the Downtown Waynesville Association

Main Street	
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
March 13, 2018

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, March 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

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owens, Assistant Town Manager
Elizabeth Teague, Development Services Director

The following media representatives were present:

There were no media representatives present

Mayor Gavin Brown welcomed everyone and wished Alderman Freeman Happy Birthday.

1. Calendar/Announcements

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

- Retirement Receptions of Town Employees:
 - Sgt. Keith Moore – Thurs. March 15 at 5:00 p.m. at Town Hall
 - Edwin Fish, Garage Manager – Fri. March 16 at 2:00 p.m. at the Public Services Building
- Art After Dark Smoky Style – Saturday March 17 - downtown
- Casino Night sponsored by the Haywood Healthcare Foundation – Saturday March 24 - proceeds benefit the “Base Camp on the Go” program
- Retirement reception for Canton Police Chief Bryan Whitner – Wednesday April 4 at 5:00 p.m. Canton Armory

2. Adoption of Minutes

Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman to approve the minutes of the February 13, 2018 regular meeting and the minutes of the February 23, 2018 special called meeting (Board Retreat) as presented. The motion carried unanimously.

Mayor Brown reminded the Board prior to the public hearings that the Town needed to name two individuals to the 1% Zip Code Subcommittee for 28785/28786. These individuals would need to be confirmed by the Board of County Commissioners. This request was brought up at the Board Retreat on February 23, 2018.

Mayor Brown explained that he had discussions with both Ms. Owens and Lynn Collins from the Haywood County TDA regarding potential Waynesville appointees to the 1% Zip Code Subcommittee. Carolyn Brunk, Owner/operator of the Oak Park Inn (accommodations) and Jose Gonzalez, Owner/operator of Main Street Mercantile (tourism related) and Ms. Owens as the municipal representative are recommended as the potential candidates for the subcommittee.

Alderman Julia Freeman made a motion, seconded by Alderman Jon Feichter to approve the nomination of Carolyn Brunk, Jose Gonzalez and Amie Owens as the Town's representatives to the TDA 1% zip code subcommittee. The motion carried unanimously.

B. PUBLIC HEARINGS

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

Development Services Director Elizabeth Teague noted that the Town had received a petition from adjacent property owners, the Oates and the Fishbacks, to close an un-named and un-opened right of way off of Bridges Street. Pursuant to State Statutes, the Board adopted a Resolution of Intent to Close the Right of Way on February 13, 2018 and has provided the requisite 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, but will retain the necessary utility easement for the electric light located at the end of the right of way.

Ms. Teague and staff recommend the closure in order to allow for conveyance to adjacent property owners. She added that this particular right of way does not serve a public purpose and the Town has not been maintaining it.

Town Attorney Bill Cannon explained that if anyone wished to speak on this issue that they should raise their hand, be recognized and approach the podium. Speakers should give their name and address for the record and limit comments to three minutes.

Town Attorney Cannon opened the public hearing at: 6:35 p.m.

No one addressed the Board

Town Attorney Cannon closed the public hearing at: 6:36 p.m.

Mayor Brown explained that the ownership of the right of way would go to both owners equally and that the Town would only reserve the utility right of way. Any discussion related to the conveyance of the right of way becomes a matter between the adjacent property owners.

Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman to approve the Resolution to Permanently Close an Unused Portion of Right of Way located off Bridges Street at 847 North Main Street, Waynesville, (NO PIN), as presented. The motion carried unanimously.

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

Section 2.4.2

Ms. Teague explained that the Town had 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 Commercial Industrial (CI) district and Mr. Eric Bean, who is working with Mr. Sorrells to develop a new parcel for industrial and manufacturing uses. The request is to reduce the dimensional setback requirement within the CI from 15' front and side yard to 10' or less. Ms. Teague noted that following discussion by the Planning Board that the recommended setback was reduced to 5'.

An additional request relates to the requirement that monopole towers be on lots of one acre or more. They are asking that this requirement be eliminated for towers in the CI district. The Planning Board approved this request unanimously.

Ms. Teague provided additional background about the first request noting from the staff report that 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. These areas are specifically designed to be flexible and provide for driveways and traffic flow.

She added that 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. For example: fire separation walls, sprinkler systems, or construction materials. Therefore, there is not a building or public safety reason for this setback.

Ms. Teague reminded members that the Town has limited industrial space: the Industrial Park off of Asheville Highway, the Giles property in Frog Level, and 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 as noted previously 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 additional buffer requirements 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.

Ms. Teague mentioned that the Planning Board had questioned why the setbacks had not been adjusted in the previous update to the LDS and it was thought to be an oversight and 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 and would make the setbacks more consistent with other districts; this would be a positive for future development in the CI district.

Section 3.10.4 (B) 2

Ms. Teague moved to the next amendment related to monopoles within the CI District. She highlighted that the current standard reads - *"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."

Ms. Teague explained that while it would make sense to have a large lot requirement for monopoles in some other districts, staff feels that monopole facilities should be integrated seamlessly 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, as with the setback requirements.

There has been much recent discussion of the importance of broadband and Wi-Fi 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. In fact, there are multiple pages of cell tower requirements relating to design, collocation and discontinuance. This text amendment request would be a minor change to the overall supplemental standards for Monopole Cell Towers and would only apply to the CI district.

Ms. Teague provided the following language for consideration - *"Monopole wireless communication towers may only be located on a lot of (1) acre in size, except within the CI district."*

Mayor Brown clarified that those existing monopoles would be grandfathered in. Ms. Teague confirmed. She noted that the developers did not want to change anything else, just have the opportunity to subdivide the property and allow for flexibility on the property.

Alderman Feichter questioned the previous rationale that resulted in a regulation that stated these towers can only be located on one acre lot. He indicated he was hesitant to throw out precedent. Why the one acre minimum? Ms. Teague replied that the one acre was most likely to have protective space possibly in mixed use areas. She noted that one of the concerns now is how to subdivide the land for maximum use. The developers cannot add to something considered a non-conformity. That one acre rule prevents them from developing the remainder of the site. In the CI district, the goal is to be able to use the land to the greatest extent possible.

Alderman Feichter explained that his concern had to do with scope creep and worried if the two other areas in Hazelwood and Frog Level would be susceptible to additional towers. Ms. Teague noted that a special use permit is required for monopole towers and since the majority of the CI areas are single owner properties, should not be a problem.

Mayor Brown added that the reasoning behind the one acre requirement was a fear that towers were going to crop up everywhere. This did not happen and now there are other ways to handle these towers. He noted that the FCC can preempt what we do zoning-wise and that this has not been an issue.

Ms. Teague reminded the board that they could accept or amend the Planning Board's recommendations. Alderman Feichter acknowledged he saw the logic, but had concerns if someone else were to come and ask for a smaller lot requirement in another district.

Town Attorney Cannon opened the public hearing at 7:03 p.m.

No one addressed the board

Town Attorney Cannon closed the public hearing at 7:04 p.m.

Mayor Brown reminded the Board that there were two motions required for these amendments.

Alderman Julia Freeman made a motion, seconded by Alderman Gary Caldwell to find that the text amendments were consistent with the 2020 Land Development Standards. The motion carried unanimously.

Alderman Jon Feichter made a motion, seconded by Alderman Julia Freeman to approve the presented text amendments to Sections 2.4.2 Table of Dimensional Standards and Section 3.10.4 Supplemental Standards related to Monopole Towers for the Commercial Industrial (CI) district. The motion carried unanimously.

C. NEW BUSINESS

5. Consideration and Guidance for Medford Grant Application

Ms. Teague explained that 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.

Ms. Teague noted that only one project could be submitted at this time. Staff would like Board guidance as to which one to pursue this year as both involve the same Town staff and would be matched by Town General Funds. The grant is due on March 14, 2018.

Ms. Teague provided the following summaries of the projects for Board consideration:

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.

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.

Discussion was held related to the projects.

Alderman Feichter inquired how the playground fit into the ultimate vision of the Recreation Master Plan for Chestnut Park. Ms. Teague noted that there was no definitive plan for what to do in Chestnut Park, but that there were several activities such as stream restoration, butterfly and bee gardens that were ongoing. Alderman Feichter also commented about the arboretum project, stating that he walked around the rec center frequently and the work that has been done is wonderful. He added that he was equally happy with both projects but if adding the playground in Chestnut Park now gets us closer to completion, then he would vote to move forward there.

Alderman Roberson asked about the potential utilization of the Chestnut Park playground and if there was adequate parking available. Ms. Teague explained that from a survey completed, there were youth in the area who would use the park and there is a parking area available.

Alderman Caldwell commented that he felt the Chestnut Park improvements needed to continue to prevent the park from returning to its previous look and provide new and safe places for children to play.

Alderman Freeman added that at this time, the Chestnut Park project is behind where the arboretum is from a project timeline. She noted that the Mayor had worked diligently to get Chestnut Park back in

the Town's inventory and commitments had been made to those citizens. Alderman Freeman concluded by stating that the arboretum project would not be forgotten or left out. The priority should be to move the Chestnut Park project forward at this time.

The Board agreed by consensus that the staff should submit the Chestnut Park project for this year's Medford Grant Application. No formal motion was completed.

D. CONTINUED BUSINESS

6. Personnel Policy Revision – Hiring of Family Members (Nepotism)

Amie Owens, Assistant Town Manager, presented revisions to the Nepotism policy at the Board Retreat. At that meeting, Town Attorney Cannon had proposed some grammatical changes and clarifications at that time. Since then, proposed changes were submitted. Ms. Owens explained that the term family member was changed for uniformity rather than using the term "relative" as it was not defined anywhere in the policy. There was clarification language added for the responsibilities of the Town Manager when a family member is being considered for employment and if an existing employee or employees find themselves in violation of the policy.

Alderman Julia Freeman made a motion, seconded by Alderman LeRoy Roberson to approve the revisions to personnel policy Section 4 Employment of Family Members (Nepotism) to be effective March 13, 2018, as presented. The motion carried unanimously.

E. COMMUNICATIONS FROM STAFF

7. Manager's Report

Customer Service Policy

Manager Hites provided the Board with copies of the proposed Customer Service Policy. He explained that due to the size of the policy, he wanted the Board to have it well in advance for review and voting at the March 27, 2018 regular meeting. Manager Hites indicated that the layout of the policy is such that when a citizen looks at it, they can see how it is cross referenced with state and federal regulations other best practices in the customer service. Manager Hites thanked staff for their input and added that this policy blends water, sewer and electric policy into one. Manager Hites encouraged the Board members to contact him with any questions.

Economic Incentives – Call for Public Hearing

Manager Hites explained that at the Fall 2017 retreat he talked about increased interest from developers and put forth a proposed incentives policy. He received a request on March 8, for incentives for a to-be-named project. Part of the requirement under North Carolina General Statute 158.7 is to hold a public hearing to set incentives that could be provided.

Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter to call for a public hearing to be held on Tuesday, March 27, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street to consider economic development incentives for a to-be-named project. The motion carried unanimously.

8. Attorney's Report

Town Attorney Bill Cannon noted that he had been contacted by the Mountaineer regarding the class action lawsuit that others have been participating in versus the drug manufacturers. He asked to Board their preference as to whether he should be reviewing and prepared to discuss at the next meeting.

Mayor Brown added that it is before the County at this time and his preference would be to wait and if the County moved forward, he may then lend his expertise but Waynesville would not take any lead on this.

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

Animals at Festivals

Mayor Brown reminded the Board that they did not vote on this issue at the retreat. He asked members to be prepared to discuss at the next regular meeting on March 27. This needs to be addressed prior to the festival season.

Foreclosure/Town Options

Alderman Caldwell mentioned that there was a home in town that was dilapidated and he asked about options for the property. Manager Hites will look at the liens and back taxes owed on the property and determine if any action could be taken regarding foreclosure.

G. CALL ON THE AUDIENCE

H. ADJOURN

With no further business, Alderman Gary Caldwell made a motion, seconded by Alderman Julia Freeman, to adjourn the meeting at 7:46 pm. The motion passed unanimously.

ATTEST

Gavin Brown, Mayor

Amanda W. Owens, Acting Town Clerk

Robert W. Hites, Jr., Town Manager

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 27, 2018**

SUBJECT: Mid-Year Report on the 28785/86 - 1% TDA Zip Code Funding

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B3
Department: Haywood County TDA
Contact: Lynn Collins
Presenter: Lynn Collins

BRIEF SUMMARY: The 28785/86 zip code area receives a portion of the 1% Occupancy Tax that is collected by the HCTDA. This funding is administered through a TDA grant process. Each zip code area has a 1% Subcommittee, comprised of tourism industry partners, that review the grant applications and make recommendations on funding. The recommendations are submitted to the TDA Board for approval. This report will highlight what is being funded through the 28785/86 1% funding and will show how collections compare to budgeted projections.

MOTION FOR CONSIDERATION: N/A

FUNDING SOURCE/IMPACT: The 1% TDA Zip Code funding from the Haywood County Occupancy Tax Collections is utilized to market Waynesville as a destination and provide funding for tourism related projects to enhance the visitor experience.

ATTACHMENTS:

HCTDA 1% Zip Code Report
1% Funded Projects for 2017/2018
4% Report
Historical 1% Report
1% Zip Code Funding Guidelines

MANAGER'S COMMENTS AND RECOMMENDATIONS: N/A - Presentation for Informational purposes only.

**2017/2018
1% NET OCCUPANCY TAX REPORT**

	ACTUAL 28716	PROJECTED 28716	ACTUAL 28716	ACTUAL 28721	PROJECTED 28721	ACTUAL 28721	ACTUAL 28745	PROJECTED 28745	ACTUAL 28745	ACTUAL 28751	PROJECTED 28751	ACTUAL 28751	ACTUAL 28785 & 28786	PROJECTED 28785 & 28786	ACTUAL 28785 & 28786
	CANTON	CANTON	CANTON	CLYDE	CLYDE	CLYDE	LAKE JUNALUSKA	LAKE JUNALUSKA	LAKE JUNALUSKA	MAGGIE VALLEY	MAGGIE VALLEY	MAGGIE VALLEY	WAYNESVILLE	WAYNESVILLE	WAYNESVILLE
	17/18	17/18	16/17	17/18	17/18	16/17	17/18	17/18	16/17	17/18	17/18	16/17	17/18	17/18	16/17
July 2017 Received September 2017	\$3,099	\$2,846	\$3,354	\$1,076	\$684	\$762	\$7,217	\$4,315	\$4,002	\$25,267	\$24,087	\$24,601	\$13,961	\$12,910	\$13,821
August 2017 Received October 2017	\$3,229	\$2,763	\$2,579	\$877	\$451	\$648	\$5,331	\$2,507	\$2,522	\$18,880	\$16,790	\$18,328	\$13,112	\$10,844	\$11,482
September 2017 Received November 2017	\$3,416	\$2,479	\$3,129	\$934	\$438	\$567	\$4,664	\$1,604	\$2,439	\$20,049	\$16,460	\$17,308	\$12,250	\$10,121	\$11,728
October 2017 Received December 2017	\$3,602	\$2,892	\$3,155	\$1,339	\$406	\$812	\$6,125	\$3,050	\$3,043	\$24,077	\$23,539	\$26,580	\$15,802	\$14,149	\$16,255
November 2017 Received January 2018	\$2,328	\$1,781	\$2,506	\$856	\$245	\$421	\$3,047	\$881	\$3,177	\$10,911	\$10,370	\$10,755	\$9,390	\$8,262	\$8,945
December 2017 Received February 2018	\$1,677	\$1,187	\$1,572	\$959	\$419	\$439	\$1,905	\$1,089	\$234	\$12,853	\$9,382	\$17,596	\$6,943	\$5,103	\$5,331
YTD	\$17,351	\$13,948	\$16,295	\$6,041	\$2,643	\$3,649	\$28,289	\$13,446	\$15,417	\$112,037	\$100,628	\$115,168	\$71,458	\$61,389	\$67,562
January 2018 Received March 2018		\$1,007	\$826		\$832	\$483		\$361	\$225		\$8,395	\$6,917		\$3,305	\$4,116
February 2018 Received April 2018		\$903	\$1,081		\$380	\$495		\$474	\$1,257		\$8,674	\$8,270		\$3,888	\$3,725
March 2018 Received May 2018		\$1,678	\$1,509		\$626	\$766		\$587	\$2,106		\$6,584	\$6,762		\$4,751	\$5,081
April 2018 Received June 2018		\$2,220	\$2,182		\$561	\$555		\$1,197	\$1,732		\$7,901	\$9,542		\$6,920	\$6,852
May 2018 Received July 2018		\$2,659	\$2,609		\$703	\$568		\$1,445	\$3,410		\$12,181	\$13,292		\$10,018	\$9,974
June 2018 Received August 2018		\$3,408	\$3,599		\$710	\$456		\$5,083	\$7,680		\$20,246	\$20,275		\$13,013	\$12,166
Total Received After Year End (Unavailable)		\$6,067	\$6,208		\$1,413	\$1,024		\$6,528	\$11,090		\$32,427	\$33,567		\$23,031	\$22,140
Total 17/18 Projections		\$25,823	\$28,101		\$6,455	\$6,972		\$22,593	\$31,827		\$164,609	\$180,226		\$103,284	109,476
TOTAL of 2018 1% Projections	\$322,764														
Comparison to Budget YTD	24%			129%			110%			11%				16%	
Comparison to December 2016	7%			118%			714%			-27%				30%	
YTD Comparison with FY 16/17	6%			166%			96%			-3%				6%	
% of YTD Collections	7%			3%			12%			48%				30%	

2017 - 2018
1% TDA Grant Projects for 28785/86
Funding July 1, 2017 through June 30, 2018

Lake Logan Multisport Festival	\$ 1,800
HART Theatre 17/18 Season Advertising	\$ 4,000
Haywood County Arts Council Dance Arts	\$ 5,000
Western Carolina Dog Fanciers Show	\$ 1,000
Arc of Haywood County Smoky Mountain 9-Ball Shootout	\$ 1,590
Smoky Mountain Folk Festival	\$ 1,000
Frog Level Merchants Assoc. Whole Bloomin' Thing	\$ 3,000
Waynesville Gallery Assoc. Art After Dark	\$ 5,000
Haywood Chamber of Commerce Melange of the Mountains	\$ 1,875
Haywood Chamber of Commerce Apple Festival	\$ 2,250
Haywood Chamber of Commerce Gateway to the Smokies Half Marathon	\$ 4,000
Waynesville Co-op Advertising	\$69,600
DWA Christmas Tree Lighting Ceremony	\$ 452
DWA A Night Before Christmas	\$ 2,000
DWA Appalachian Lifestyle Celebration	\$ 2,905
DWA Social Media Marketing	\$ 1,000
DWA Fall Décor for Downtown Waynesville	\$ 940
DWA Photography & Videography	\$ 1,200
DWA Street Dances	\$ 3,825
Lake Junaluska 2017 Independence Day Celebration	\$ 4,000
Lake Junaluska 2018 Independence Day Celebration	\$ 3,000
DWA Winter Smokies Style	\$ 4,000
DWA Website	\$ 3,432
Waynesville Public Art Commission Plott Hound Sculpture	\$ 5,000
Total Amount Awarded	\$131,869

**1% NET OCCUPANCY TAX
Report**

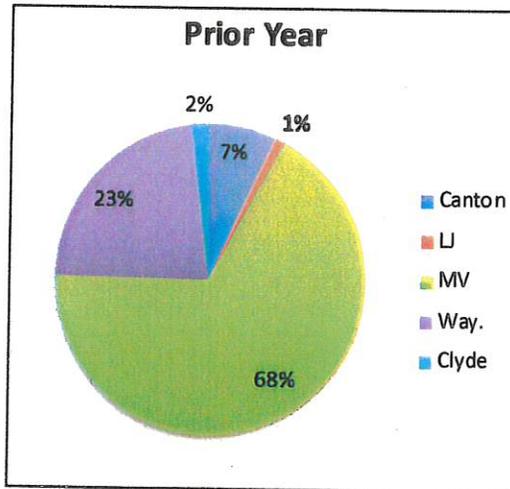
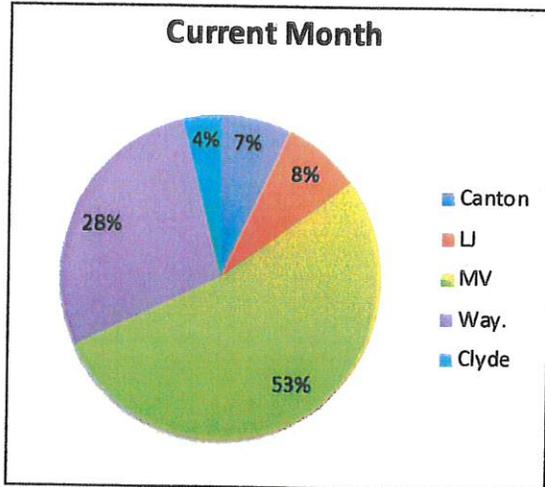
FISCAL YEAR	ACTUAL	ACTUAL	ACTUAL	ACTUAL	ACTUAL
	28716	28721	28745	28751	28785 & 28786
	CANTON	CLYDE	LAKE	MAGGIE	WAYNESVILLE
			JUNALUSKA	VALLEY	
FY 07-08 (6 months - Jan. thru June)	\$10,253	\$90	\$3,453	\$53,392	\$29,071
FY 08-09	\$20,358	\$461	\$9,336	\$138,066	\$68,078
FY 09-10	\$17,391	\$583	\$9,817	\$129,021	\$64,010
FY 10-11	\$18,140	\$614	\$9,567	\$122,955	\$70,936
FY 11-12	\$16,912	\$544	\$10,455	\$122,359	\$71,127
FY 12-13	\$18,329	\$831	\$10,934	\$133,011	\$77,681
FY 13-14	\$18,208	\$2,830	\$11,198	\$138,015	\$74,990
FY 14-15	\$22,555	\$2,509	\$10,218	\$151,185	\$79,106
FY 15-16	\$26,158	\$4,576	\$14,401	\$163,932	\$94,751
FY 16-17	\$28,101	\$6,972	\$31,837	\$180,226	\$109,476
FY 17-18 (thru Dec. 2017)	\$17,351	\$6,041	\$28,289	\$112,037	\$71,458
Total Receipts	\$213,756	\$26,051	\$149,505	\$1,444,199	\$ 810,684
Percentage of Total Collections	8%	1%	6%	54%	31%

**Haywood County Tourism Development Authority
Occupancy Tax Distribution Information
December 2017**

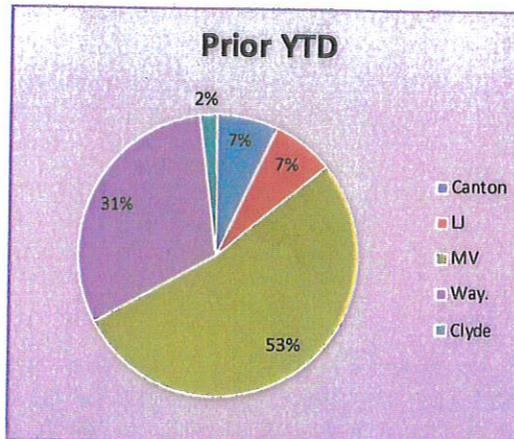
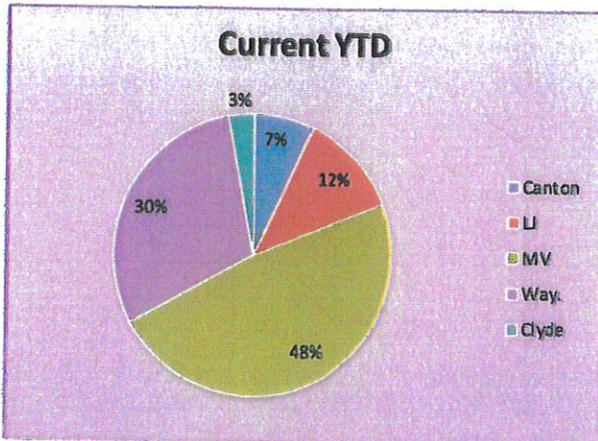
Active Account Performance			Variance
	Dec. 2016	Dec. 2017	
Canton	32	36	13%
Clyde	20	18	-10%
Lake Junaluska	13	15	15%
Maggie Valley	175	184	5%
Waynesville	100	118	18%
Total	340	371	9%

Distribution Comparison		Distribution Information	
Total Distribution 3%	\$72,776.78	Remittance Type	Distribution
Distribution Previous Year	\$70,086.27	Taxes Remitted for Period 4%	\$98,015.87
Difference	\$2,690.51	Penalties	\$426.86
Variance	4%	Sub Total	\$98,442.73
		Fee to County	(\$984.43)
		Total Distribution 4%	\$97,458.30

GROSS ROOM NIGHT SALES BREAKDOWN



GROSS ROOM NIGHT SALES YTD BREAKDOWN

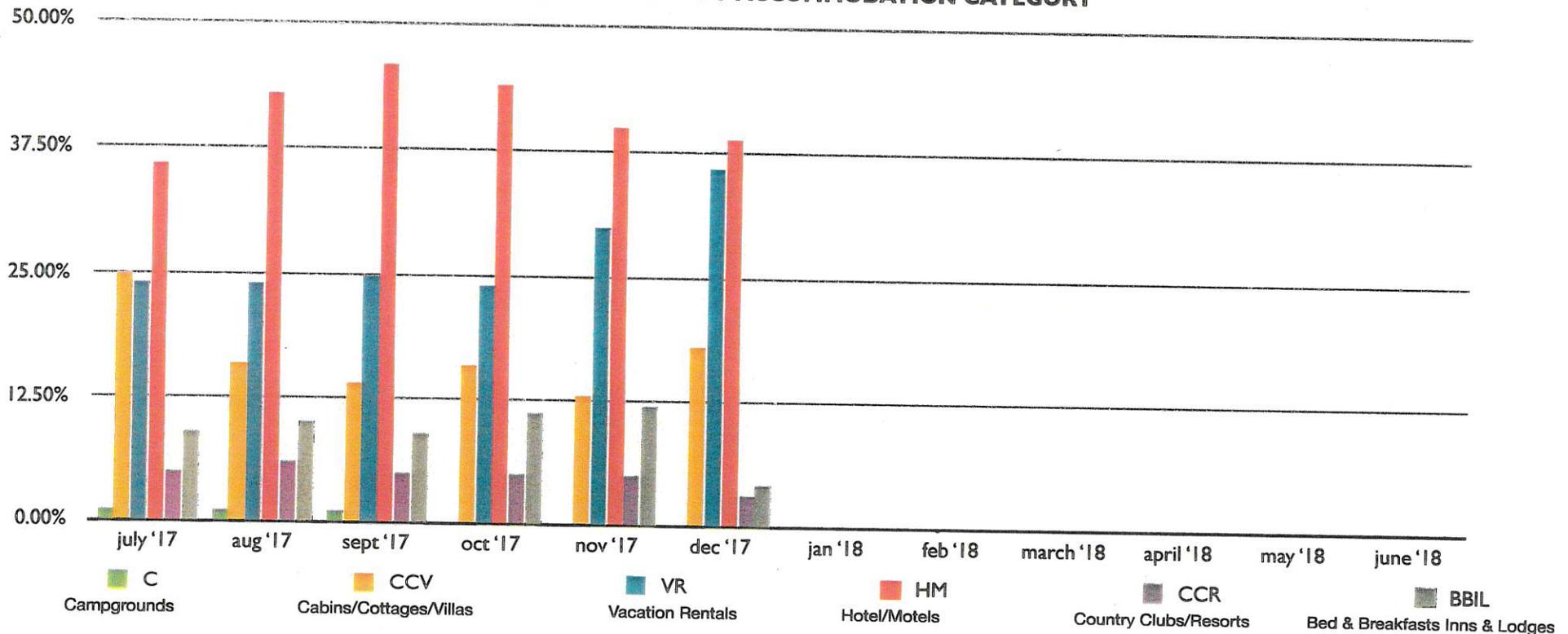


17/18 OCCUPANCY TAX BY CATEGORY

OCCUPANCY TAX JULY 2017 - JUNE 2018

TYPE	JULY '17	AUG '17	SEPT '17	OCT '17	NOV '17	DEC '17	JAN '18	FEB '18	MARCH '18	APRIL '18	MAY '18	JUNE '18
C	1.00%	1.00%	1.00%	0.00%	0.00%	0.00%						
CCV	25.00%	16.00%	14.00%	16.00%	13.00%	18.00%						
VR	24.00%	24.00%	25.00%	24.00%	30.00%	36.00%						
HM	36.00%	43.00%	46.00%	44.00%	40.00%	39.00%						
CCR	5.00%	6.00%	5.00%	5.00%	5.00%	3.00%						
BBIL	9.00%	10.00%	9.00%	11.00%	12.00%	4.00%						

OCCUPANCY TAX BY ACCOMMODATION CATEGORY





2018/2019 Haywood County Tourism Development Authority Partnership Funding 1% Guidelines

The timeframe for the use of the 1% awards is July 1, 2018 through June 30, 2019.

Introduction

Haywood County collects a 4% Occupancy Tax on paid overnight accommodations in the County. This tax is levied on customers of hotels, motels, condominiums, cottages, cabins, villas and single family home rentals that rent accommodations of less than 90 days in duration. Of the 4%, 3% of the taxes collected go directly to the Haywood County Tourism Development Authority for the purpose of marketing and enhancing the county as a destination and the remaining 1% goes back to the zip code area where it was collected. The 1% funds are administered through a partnership funding program designed to market and promote the zip code area and to fund non-event projects that will increase the use of lodging facilities by attracting visitors and business travelers.

The Haywood County Tourism Development Authority has developed guidelines to assist with the facilitation of the partnership funding program. 1% Zip Code Subcommittees have been appointed by the Haywood County Board of Commissioners for the purpose of accepting and reviewing the 1% applications and then making recommendations for funding allocations. The recommendations will be forwarded to the Haywood County Tourism Development Authority Board of Directors for consideration of allocation. **The HCTDA Board has final approval of the funding allocations for the 1% partnership awards.**

Mission

The mission of the Haywood County 1% Zip Code Funding is to encourage creation and/or expansion of programs and special events that will showcase Haywood County's unique offerings and will attract visitors from outside a fifty (50) mile radius to generate overnight stays and create economic/destination impact for the zip code.

ELIGIBILITY

Who is Eligible to Apply:

- Not-for-profit organizations, museums, attractions or other tourism entities seeking to produce and promote a well-defined tourism-oriented festival, event or project that caters to visitors and produces economic/destination impact as well as creating sustainability. Copies of IRS Determination letters and liability insurance will need to be included in the applications.
- For-profit organizations seeking to produce and promote a well-defined tourism-oriented festival, event or project that caters to visitors and produces economic/destination impact as well as creating sustainability. **For-profit organizations must match award dollar for dollar.**

Categories of Eligible Funding:

- Promotional
- Tourism Related

Eligible Use of Promotional Funds

HCTDA Partnership Funds **MAY** be used for:

Tourism marketing & sales initiatives
Marketing Research
Feasibility Studies
Meeting & event incentives
Fam visits for media, AAA, influencers
Brand identity development
Co-op Advertising & Marketing
Production of video, photography, graphic design
Participation in sales or media missions
Development of media kits
Festival & event promotion
Entertainment

Ineligible Use of Promotional Funds

HCTDA Partnership Funds **MAY NOT** be used for:

Administrative costs, including salaries
Scholarships, plaques, prize money, trophies or certificates
Promotional items (being sold or given away) including apparel, tote bags, etc.
Sales tax
Ongoing business operational expenses such as menus, signage
Memberships
Wristbands/tickets

Eligible Use of Tourism Related Funds

HCTDA Partnership Funds **MAY** be used for:

- Beautification & community gateway initiatives
- Placemaking projects, such as outdoor sculpture/art projects
- Parks & Rec projects
- Trail & Greenway Development
- Master Plans
- Event Security
- Tent/Stage Rental
- Event Signage
- Lighting & Audio

Ineligible Use of Tourism Related Funds

HCTDA Partnership Funds **MAY NOT** be used for:

- Mortgage payments
- Porta Johns
- Facility Maintenance
- Tangible Property
- Activities which do not enhance; advertise or promote Haywood County as a destination

Awards will be based on and are limited to:

- Enhancement of the destination experience
- Potential to attract new overnight visitors
- Projects planned during off-peak times (November - April) and mid-week will receive higher priority and consideration.
- Multiple day or first time events/projects will be given preference.
- Sustainability
- Events are expected to be self-supporting after four years.
- Current long-term funded events should expect to have funding reduced by 25% annually. The exception to this would be for the event to make substantial changes/additions to qualify for extended funding.

There is no guarantee that all applicants will be awarded funding. Funding may be awarded for less than the amount requested or not at all. Limited funds may not allow all projects to receive funding. Preference will be given to the projects that best demonstrate the criteria. Final decisions regarding awarding or not awarding grants are at the sole discretion of the HCTDA Board of Directors.

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PROGRAM GUIDELINES

- Incomplete applications without the required documentation will not be considered.
- In the event that a request is turned down, the organization will not be permitted to ask the TDA to reconsider its decision.
- All material submitted as part of an application will be a matter of public record, subject to Chapter 132. G.S. 132-1 of NC laws.
- Each organization receiving funding must designate a project coordinator. He or she will work with the TDA to ensure that all assistance and resources made available to the funding recipients are implemented.
- A final report is due within 60 days of the close of the project and it must accompany the Request for Reimbursement/Payment Form.

*The period of service for all submitted invoices & backup must fall within July 1, 2018 - June, 30 2019.

APPLICATION PROCESS

- Attendance at the Partnership Workshop **is mandatory** for all requesting agencies.
- The online application is available at: www.HaywoodTDA.com/partnership-funding
- **Please send all applications to HCDTA c/o Laurie Muñoz at: laurie@visitncsmokies.com**
- All requests for fiscal year 2018/2019 funding must be submitted online no later than 5:00pm, March 23rd, 2018. Failure to meet the deadline will result in the application **not** being considered for funding.
- Applications will be reviewed and discussed by the 1% Zip Code Subcommittees who will provide funding recommendations for consideration to the HCTDA Board at their May meeting.
- The decision of the HCTDA Board will be final.
- The HCTDA Executive Director will notify you in writing within one week of the HCTDA Board's decision on funding awards.

Grant Requirements

If the event/project receives funding from the HCTDA, we are a sponsor.

- *Funding awarded for advertising & promotion must be used outside of a 50-mile radius of Haywood County (see included map).*
- Organizations receiving 1% HCTDA funding for any project, must have a reciprocal link on the **Event page** of the **project** website to visitncsmokies.com. The title of the link must say **"Plan Your Trip"**. The consumer must be able to reach visitncsmokies.com in one click. **This**

stipulation is applicable for all funding and must be visible. A link to the project/event website home page must also be provided in order for the HCTDA staff to perform random verification checks for a functioning visitncsmokies.com link on the project/event website.

Those who fail to use the website as instructed will lose approved funding.

Payment Procedures

The organization must submit its payment request within 60 days of the ending project date noted on the application. The exception to this rule is if a project takes place in May or June the deadline for submitting a payment request is June 30, 2018. The payment request must reflect what you applied for on your application submission.

The payment request must be complete and include the following:

Completed Payment Request Form (payment will not be processed without this form)

- All applicable invoices
- Tear sheet for print ads - must be the actual page from the publication, not a copy
- Screen shot of online ad - do not send randomly, send together with payment request.
- **A link to the project/event website home page for HCTDA staff to perform random verification of functioning visitncsmokies.com link to “plan your trip” on project/event website.**
- Copy of television or radio ad or affidavit of script
- Photo of billboard
- Actual poster, flyer or brochure
- If you have oversized items (i.e., signs, banners) please provide a photo of the item
- **All co-op projects must use the co-op home page and must use the co-op logo:**
- **Maggie Valley must use visitncsmokies.com/maggie-valley;**
- **Waynesville must use visitncsmokies.com/waynesville;**

*Invoice should reflect what was applied for in the project budget.

Payment request must be submitted to:

Laurie Muñoz
Haywood County TDA
1110 Soco Road
Maggie Valley, NC 28751



**Haywood County Tourism Development Authority
1% Partnership Funding Program
Application**

July 1, 2018 – June 30, 2019

28716

28721

28745

28751

28785/86

_____ For Profit Organization

_____ Not For Profit Organization

- 1) Name of Project: _____
- 2) Name of Applicant Organization: _____
- 3) Project Date(s): _____
- 4) Location of Project: _____
- 5) Project Manager: _____
- 6) Mailing Address: _____
- 7) City: _____ State: _____ Zip: _____
- 8) Telephone #: _____ Fax #: _____
- 9) Email: _____
- 10) Federal Tax ID #: _____
- 11) Event Liability Insurance (if applicable): _____ Yes _____ No
- 12) Name of Carrier: _____
- 13) Project Description: _____

- 14) Describe the anticipated benefits to be gained from this project: _____

15) If this is a recurring project, what's new about this project, or what are you doing different?: _____

17) Describe how the project increases awareness of, or enhances Haywood County as a destination:

19) Describe how the effectiveness of the project will be evaluated: _____

20) Total TDA Dollars Requested: _____ Total Amount of Match: _____

21) Have you received TDA funding in the past? _____ Yes _____ No

22) Has your organization been awarded funding in the past that was partially spent or not used at all?: _____ Yes _____ No

APPLICANT:

I, hereby, certify that I have been provided a copy of the Guidelines of the HCTDA 1% Partnership Funding Program. I agree to comply with the policies therein as a condition of receiving funds from the Haywood County Tourism Development Authority. Failure to submit the Final Project Report within 60 days of the end of the project will result in disqualification for future disbursements.

Name: _____

Organization: _____

Signature of Organization's CEO: _____

Date: _____



2018 - 2019

HCTDA 1% Partnership Funding Project Budget

(Must be submitted with application)

Project Name: _____

Project Line Items Must list all items included in the complete budget for the project	Total Budget For each Line Item	Requested TDA Grant Funding Promotional	Requested TDA Grant Funding Tourism Related	Organization Match (if applicable)
TOTAL				



**HCTDA 1% Partnership Funding
REQUEST FOR PAYMENT FORM**
July 1, 2018 – June 30, 2019

NOTE: Please provide one original copy of this form and all supporting documentation. Incomplete requests will cause a delay in the payment process. A completed Final Evaluation Report must be submitted with the final payment request.

PROJECT NAME: _____

ORGANIZATION: _____

AUTHORIZED CONTACT: _____ PHONE : _____

MAKE CHECK PAYABLE TO: _____

ITEMS/VENDOR	AMOUNT REQUESTED
TOTAL AMOUNT REQUESTED	\$

NOTE: Furnishing false information may constitute a violation of applicable State and Federal laws.
CERTIFICATION OF FINANCIAL OFFICER: I certify that the above data is correct based on this organization's official accounting system and records, consistently applied and maintained, and that the costs shown have been made for the purpose of, and in accordance with the terms of the HCTDA Partnership Funding application. The funds requested are for payment of actual costs made during this time period.

Signature: _____ Title: _____

Printed Name: _____ Date: _____



**HCTDA 1% Partnership Funding
EVENT Final Evaluation Report
July 1, 2018 – June 30, 2019**

Applicant Name: _____

Name of Project: _____

Date(s) of Project: _____ Amount Awarded: \$ _____

Project Manager: _____

Address: _____

Phone: _____

E-mail: _____

1. Please provide a narrative in which you evaluate the results of the project.

2. Provide a summary of media exposure received as well as examples of promotional materials (if applicable).

3. Provide estimate of the following and explain how you arrived at these figures:

Number of out-of-town overnight visitors _____

Number of day-trippers _____

Number of local participants _____

Number of Room Nights _____

I certify that the above information is true and accurate to the best of my knowledge.

Project Manager: _____

Organization: _____

Date: _____

Failure to submit the Final Evaluation Report within 60 days of the end of the project will result in disqualification for future funding.

**HCTDA 1% and 3% Funding
Evaluation Score Sheet**

	A	B	C
1	Project Name:	Zip Code:	
2			
3			
4	Criteria	Points Available	Points Scored
5			
6	Return on Investment	20	
7	Sustainability	15	
8	Non-Peak Time Impact	15	
9	Destination Brand Positioning (Marketing)	10	
10	Motivator of New or Incremental Visits	10	
11	County-Wide Impact	10	
12	Duration of Impact	10	
13	Realistic Plan for Evaluation	10	
14			
15	TOTAL	100	
16			
17			
18			
19	Signature:	Date:	

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 27, 2018

SUBJECT: Call for Public Hearing and Consideration for a staff-initiated Text Amendment Request to amend the Land Development Standards Section 3.2.6(A) – Supplemental Standards for Manufactured Homes on Individual Lots.

AGENDA INFORMATION:

Agenda Location: Call for Public Hearing
Item Number: C4
Department: Development Services
Contact: Byron Hickox, Land Development Administrator
Presenter: Byron Hickox, Land Development Administrator

BRIEF SUMMARY: Planning staff received a request to place a manufactured home on a lot just off Mauney Cove Road in the Dellwood Residential Medium Density District (D-RM). The Table of Permitted Uses called for supplemental standards to apply and indicated that manufactured homes on individual lots were only permitted in this district at designated locations. While a mixed-use overlay exists in this district, it seemed to have been designed to encourage non-residential development along Russ Avenue, and did not logically apply to a location restriction for manufactured housing. The drafting of a text amendment to clarify this location restriction was recommended by the Planning Board. This amendment was presented to the Planning Board and was unanimously approved at the March 19, 2018 meeting.

MOTION FOR CONSIDERATION:

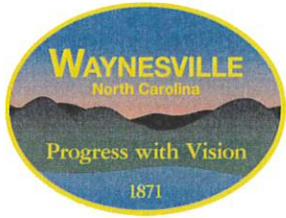
1. Motion to find Text Amendment is Consistent with the 2020 Land Development Plan.
2. Motion to approve (or disapprove) the text amendment for Land Development Standards Section 3.2.6(A).

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

Staff Report
Draft Minutes of the Planning Board Meeting

MANAGER'S COMMENTS AND RECOMMENDATIONS:



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, an office building and warehouse, for their company on the lot. He said there had been 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

DRAFT

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 27, 2018

SUBJECT: Public Hearing and Consideration of a Resolution to close a portion of right-of-way of Railroad Street within PIN 8605-71-1498.

AGENDA INFORMATION:

Agenda Location: Call for Public Hearing
Item Number: C5
Department: Administration and Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY:

The Town received a petition from a representative of Southern Concrete, the adjacent property owners to close a portion of the Railroad Street right of way (map attached). Pursuant to State Statutes the Board must adopt a Resolution of Intent to Close the Right-of-Way in order to provide public notice. 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 the adjacent property owner.

MOTION FOR CONSIDERATION:

1. To adopt the attached Resolution of Intent to Close the Right-of-way.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. Resolution to Close a Right-of-way
2. Petition Materials submitted.
3. Location Map

MANAGER'S COMMENTS AND RECOMMENDATIONS:

**A RESOLUTION OF INTENT TO CLOSE THAT PORTION OF RAILROAD STREET
RIGHT-OF-WAY ADJACENT TO PIN 8605-71-1498**

WHEREAS, the Town of Waynesville received a request from an authorized representative the property owner of 120 Railroad Street, PIN 8605-71-1498 to abandon an adjacent portion of right-of-way; and

WHEREAS, investigation has determined that this request is only for that portion of right-of-way that abuts PIN 8605-71-1498 on three sides and will not impact the use of the roadway as it exists now, nor impede the ability of Town emergency response of access to property, nor impact any other adjacent property or utility right; and

WHEREAS, in accordance with N.C.G.S § 160A-299, the Town of Waynesville Board of Aldermen must adopt a resolution of intent to close any right-of-way in order to notify abutting property owners and the public of this petition and to call for a public hearing to consider this action; and

WHEREAS, the Town must send notice to all abutting property owners by registered or 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 of the question as to closing the right-of-way within the property; and

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

WHEREAS, on the day of 27th day of March, 2018 the Board of Aldermen of the Town of Waynesville set a public hearing to consider closure of this portion of the Railroad Street right-of-way; and

NOW, THEREFORE, the Board of Aldermen of the Town of Waynesville do adopt this Resolution of Intent to Close this portion of right-of-way and in so doing, direct Town staff to mail notices, post the property, and advertise a public hearing to consider the matter, and to schedule this public hearing for April 24, 2018. After such hearing the Board may consider taking action to close said portion right-of-way and authorize the Mayor and the Town Clerk to execute any 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 right of way in accordance with the provision of N.C.G.S. 160A-299.

This, the 27th Day of March, 2018.

TOWN OF WAYNESVILLE

Attest:

Gavin A. Brown, Mayor

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.

PETITION FOR STREET CLOSING REQUEST

We, the undersigned property owners of property located abutting a private street or alleyway known as RAILROAD STREET @ 120 RAILROAD ST, located off of (RN 8605-71-1498), do hereby petition the Town of Waynesville Board of Aldermen to permanently close said street or alleyway.

NAME/SIGNATURE PROPERTY/MAILING ADDRESS

1. Jason Arme SOUTHERN CONCRETE MATERIALS INC.
PO BOX 5395, ASHEVILLE, NC 28813

2. _____

3. _____

4. _____

5. _____

6. _____

Attach additional sheets if necessary

Date Request Received at Town Hall: 3/21/18 By: [Signature]

Publish: Friday, March 16, 2018 and Friday, March 23, 2018

**TOWN OF WAYNESVILLE
NOTICE OF PUBLIC HEARING**

Pursuant to the provisions of N.C.G.S 158-7.1 notice is hereby given that at the regularly scheduled meeting of the Waynesville Board of Aldermen on March 27, 2018 at 6:30 pm in the Town Hall Board Room located at 9 S. Main Street, the Board of Aldermen shall conduct a public hearing and shall consider making an economic incentive to a new business related to the hospitality industry.

The project involves the construction of improvements amounting to up to \$9.1 million in 2018-19. The project anticipates adding fifteen full time positions.

The economic incentive shall be based upon the Town making an appropriation in a range of \$110,497 to \$220,995 based on a combination of the percentage of taxable investment and tax value of improvements over a five year period.

Interested persons are encouraged to attend and be heard. For more information please contact Rob Hites, Town Manager at 828.452.2491 or via email at rhites@waynesvillenc.gov .

s/Amie Owens

By: Amie Owens, Assistant Town Manager

Publish: Friday, March 16, 2018 and Friday, March 23, 2018

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s/Amie Owens

By: Amie Owens, Assistant Town Manager

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 27, 2018

SUBJECT: Consideration for Tourism Development Authority Application by the Haywood County Greenways Council.

AGENDA INFORMATION:

Agenda Location: NEW BUSINESS
Item Number: E7
Department: Development Services
Contact: Elizabeth Teague, Development Services Director
Presenter: Elizabeth Teague, Development Services Director

BRIEF SUMMARY: The Haywood County Greenways Council would like to apply for a 3% TDA Grant to use as match for MPO Planning Funds to develop a Haywood County Greenway Master Plan. Plan will include an evaluation of alignment and feasibility of connections to the Buncombe County Greenway Master Plan and to the Great Smoky Mountains National Park, Cherokee and Jackson counties. This project was presented at the January 22 Haywood COG Meeting and received unanimous support.

MOTION FOR CONSIDERATION:

1. To direct staff to work with the Haywood Greenway Commission to make this application.

FUNDING SOURCE/IMPACT: Grants will require a local match from the County and Haywood Municipalities. \$2,000 in local match for Waynesville is being requested.

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS:

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 27, 2018

SUBJECT: Amendment #7 to the 2017-2018 Budget Ordinance

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: E8
Department: Recreation Department
Contact: Eddie Caldwell, Finance Director / Rob Hites, Town Manager /
Tim Petrea, Program Supervisor
Presenter: Eddie Caldwell, Finance Director / Rob Hites, Town Manager

BRIEF SUMMARY:

The proposed amendment is needed to start the “Base Camp on the Go” program in in the fourth quarter of the FYE 2017-2018 budget.

Revenues:

Donation / Grant from Haywood Health Care Foundation	\$50,160
Expected higher Membership revenues than budgeted	\$ 4,820
Total Revenues	\$54,980

Expenditures:

Parks & Recreation Department’s fourth quarter expenditures

Wages	\$ 9,160
Fringe benefits	\$ 4,820
Capital Outlay (Vehicle and wrap)	\$41,000
Total Expenditures	\$54,980

MOTIONS FOR CONSIDERATION: To approve Amendment No. 7 to the 2017-2018 Budget Ordinance.

FUNDING SOURCE/IMPACT:

The Haywood Healthcare Foundation will fund the wages and capital outlay costs and the expected higher than budgeted membership fees will fund the fringe benefits.

ATTACHMENTS:

- Amendment No. 7 to the 2017-2018 Budget Ordinance
- Haywood Healthcare Foundation funding approval letter.

MANAGER’S COMMENTS AND RECOMMENDATIONS: Approve as presented.

Amendment No. 7 to The 2017-2018 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2017-2018 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2017-2018 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Restricted Intergovernmental Revenues		
Miscellaneous Revenues	103350-463129	\$50,160
Sales and Services		
Memberships	103600-456000	4,820
Total General Fund revenue increase		<u>\$54,980</u>

(Funding for the new recreation program “Base Camp on the Go” estimated expenditures for April 1, 2018 thru June 30, 2018.)

Increase the following appropriations:

Parks & Recreation Department		
Wages	106120-511210	\$9,160
FICA	106120-511810	700
Retirement	106120-511820	700
401 (k)	106120-511825	460
Health Insurance	106120-511830	2,130
Life Insurance	106120-511832	30
Dental Insurance	106120-511833	60
HRA Reimbursements	106120-511840	490
Workers’ Compensation	106120-511860	250
Vehicles	106120-545400	41,000

(Estimated wages (\$9,160), fringe benefits (\$4,820), vehicle (\$35,000) and wrap (\$6,000) for the “Base Camp on the Go” program for April 1, thru June 30, 2018.)

Total General Fund appropriation increase	<u>\$54,980</u>
---	-----------------

Adopted this 27th day of March 2018.

Town of Waynesville

Gavin A Brown
Mayor

Attest:

Eddie Ward
Town Clerk

Approved As To Form:

William E Cannon Jr
Town Attorney



New Directions for a Healthier Haywood County

Executive Board

Chris Williams, *Chair*
Diana Laursen, *Vice-Chair*
Jonathan Key, *Treasurer*
Teresa Liner, *Secretary*

Board of Trustees

Susan Breese
Meesha Gwan-Nulla, M.D.
Bill Hollingsed
Samuel Hyde
Dan Matthews
Deener Matthews
Carmine Rocco
Otis Sizemore
Scott Skibo, M.D.
Fred Waring

Lifetime Trustees

Phyllis Prevost
Charles Thomas II, M.D.

Foundation Executive Director

Susan Anderson

Foundation Administrator

Marge Stiles

February 8, 2018

Amie Owens, Assistant Town Manager
Town of Waynesville
16 S. Main Street
Waynesville, NC 28786

Dear Amie,

Thank you for the presentation made by the Waynesville Recreation Center at the January 30, 2017 Haywood Healthcare Foundation Board meeting.

We are pleased to inform you that the Foundation Board of Trustees has approved "Base Camp on the Go" as the 2018 Initiative. Proceeds from the 2018 Casino Night and 2018 Golf & Gala will go towards the "Base Camp on the Go".

Please let us know if you plan to attend the meeting at 452-8343.

Sincerely,

Susan R. Anderson, Exec. Director
Haywood Healthcare Foundation

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 27, 2018**

SUBJECT: Special Events – May and July

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: E9
Department: Administrative Services
Contact: Amie Owens, Assistant Town Manager
Presenter: Amie Owens, Assistant Town Manager

BRIEF SUMMARY:

Requests were received for four (4) upcoming events in the Town of Waynesville. The Special Events Committee has reviewed the applications, discussed any concerns noted and spoken with event organizers to seek out solutions.

Gateway to the Smokies Half Marathon – Saturday, May 5 - this is a returning event. Extensive discussion has occurred between Police, Fire and Administration related to the need for assistance for such a large event. The Sheriff's Department, NC Highway Patrol, Civilian Police Volunteers and Chamber volunteers will all be utilized to ensure proper coverage of the 93 intersections along the race course. This is a half marathon as well as a four-mile run. Representatives from the Police Department are included in the Chamber's planning meetings for this event.

Whole Bloomin' Thing Festival – Saturday, May 12 – This is an annual event in Frog Level. There were no concerns noted by the Committee and the Police will provide extra patrol for the evening immediately prior (Friday, May 11) and are paid by the Frog Level Merchant's Association for such.

Folkmoot Parade of Nations – Saturday, July 21 – This is an annual event in conjunction with the opening of the Folkmoot International Festival. There were no concerns noted by the Committee and Police, Fire and Civilian Volunteers will work the event with assistance by Public Services in placement of the appropriate barriers along the parade route.

Folkmoot International Day – Saturday, July 28 - This is an annual event. There were no concerns noted by the Committee and Police, Fire and Civilian Volunteers will work the event with assistance by Public Services in placement of the appropriate barriers on Main Street and the cross streets. Set up and blocking of the street will be done Friday, July 27th beginning at 9:00 p.m.

MOTION: *To approve the special events permit applications and direct Town Manager to execute special events permits, as presented.*

FUNDING SOURCE/IMPACT: There are direct costs to the Town associated with these events, other than labor costs.

ATTACHMENTS:

- Special Events Application – Gateway to the Smokies Half Marathon
- Special Events Application – Whole Bloomin’ Thing Festival
- Special Events Application – Folkmoot Parade
- Special Events Application – Folkmoot International Day

MANAGER’S COMMENTS AND RECOMMENDATIONS: Recommend approval of these events as presented.



Application for Special Events Permit

I. General Information

EVENT NAME: Gateway to the Smokies Half Marathon and 4-Miler

EVENT DATE(S): Saturday, May ⁵ 6, 2018

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

LOCATION: Start Line- Downtown Waynesville-(Corner of Main and Depot), Finish Line Charles Street (Finish Line awards will be in the Haywood Builders Parking Lot)

IF THIS EVENT IS A PARADE OR ROAD RACE: Road Race- See Map Attached

SET-UP TIME (START/END): 6:00

EVENT HOURS: Race begins at 7:30 am and will end approximately 12:00

DISMANTLE HOURS (START/END): Dismantle on Main Street will begin immediately after the last runner crosses the start line- The Finish Line will be on ~~Highway~~ Boundary at Haywood Builders

ESTIMATED ATTENDANCE: 200 +

BASIS ON WHICH THIS ESTIMATE IS MADE: 2017 Attendance

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Haywood Chamber of Commerce

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

APPLICANT NAME: CeCe Hipps TITLE: President

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

PHONE: 828-456-3021 FAX#: _____ EMAIL: chipp@haywoodchamber.com

ON-SITE CONTACT: CeCe Hipps TITLE: President

ADDRESS: 28 Walnut Street, Waynesville, NC

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

NO
(staggered start)

III. Brief Description of Event

The Gateway to the Smokies Half Marathon and the new 4-miler will take place at 7:30am on May 5, 2018, in beautiful downtown Waynesville. The race will begin at the corner of Main and Depot, out to rural Plott Creek and finally to Frog Level finish. The 4 miler will separate from the half marathon runners and wind through neighborhoods and finish at Haywood Builders on Pigeon Street.

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

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event. Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

- 1. Main Street until last runner is off Main Street
- 2. Charles Street until last runner crosses finish line
- 3.

V. Event Details

YES NO

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

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

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

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

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

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

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

Will there be any tents or canopies in the proposed event site? Please provide the following information:
4-5 at Haywood Builder
Approx. Number of Tents: s Will any tent exceed 400 sq. feet in area? NO YES

Does the event involve the use of pyrotechnics? Explain _____

Will you provide portable toilets for the general public attending your event? IF SO, how many and where will they be located? 2-3 In front of Courthouse

Will you require electrical hookup for the event? Generators? Yes (to inflate arch) _____

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

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

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

Will signs and/or banners be displayed as part of the event? If "YES" have you applied for a sign permit? NO

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

VI. Additional Questions

How will parking be accommodated for this event?

Runners will be instructed to park in the parking garage

Notes:

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

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

Trash cans and liners will be available. Trash will be removed per Town of Waynesville Instructions.

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

Return to:

Arlene Owens, Assistant Town Manager
Town of Waynesville
16 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 452-2941
Fax No.: (828) 456-2000
Email/Address: aowens@waynesvillenc.gov

VIII. Special Information for Applicants

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

Description of Gateway to the Smokies

Outstanding scenery and spectacular recreational opportunities make the Gateway to the Smokies Half Marathon and 4 mile run two of the most popular running events west of Asheville, NC. Located in picturesque Waynesville, NC, the challenging and family friendly event winds runners through Waynesville and its neighborhoods before heading out along Plott Creek and then finishing back downtown. Downtown Waynesville is 2,752 feet above sea level and is located in a valley surrounded by 6,000-foot mountain peaks.

Runners taking part in the race will follow a well-marked route through tree lined streets, small farms, country churches and historical homes. The starting line for both races begins in historical, award winning downtown Waynesville lined with small quaint shops, breweries and restaurants. The finish line is only a few blocks away where cold beverages, micro beer, food, awards and music await to celebrate with you.

Runners and nature lovers alike should arrive a day early to relax and explore breweries, wine cellars, restaurants, shopping and music of all kinds.

Race Weather and Climate

The average low temperature is 47 degrees and average high is 73 degrees, with a rainfall amount average of 4.33 during the month of May.

COURSE INFORMATION, SAFETY, AND PARKING

Both races will start on Main Street and finish a few blocks away on Commerce Street. The Half Marathon and 4 mile race course provides amazing scenery of the mountains in western NC Mountains and the course winds through the countryside.

You can view the maps and turn by turn directions:

Half Marathon Map
Half Marathon Video
4 Mile Map
4 Mile Video

Water Stations

There are five water stations on the course. The water stations will be set up at mile marker 1.5, 4, 5.3, 8.5, and 11 . Oranges, Gatorade, and water will be available at every station. GU will be available at Mile Marker 8, and port-a-johns will be near those stations as well. Four Mile runners will use the same water stations as the Half Marathon runners.

COURSE SAFETY AND FIRST AID

The Half Marathon and 4 Mile Run is an OPEN course which is well-marked, with safety officers at every major intersection. Please remain in the right lane for the duration of the course. Do not switch lanes, run or walk in the middle of the road. The course will close at 12:00 noon and no support will be available. If you have not finished the race by 12:00 noon you must move over to the sidewalk.

Basic first aid kits will be available at each aid station and at the Finish Line. If you need medical assistance while on the course, seek one of our many volunteers or water station attendants who, if necessary will contact the EMS crews that will be assisting us. If you are at the main event area, a first aid station is located at the information booth.

RESULTS

Results are available in real time as you cross the finish line. Timing is provided by Start2 Finish.

PICTURES

Photographers will be available along the course and finish line. Also please grab your friends and pose for a picture at our photo spot by the finish line before and after you run.

PARKING

Several public parking options are available near the race area.

PACKET PICK UP

Friday, May 4, from 12-6pm at the Haywood Chamber of Commerce located at 28 Walnut Street, Waynesville, NC 28786. You can park along Walnut Street or drive around the back of our building and

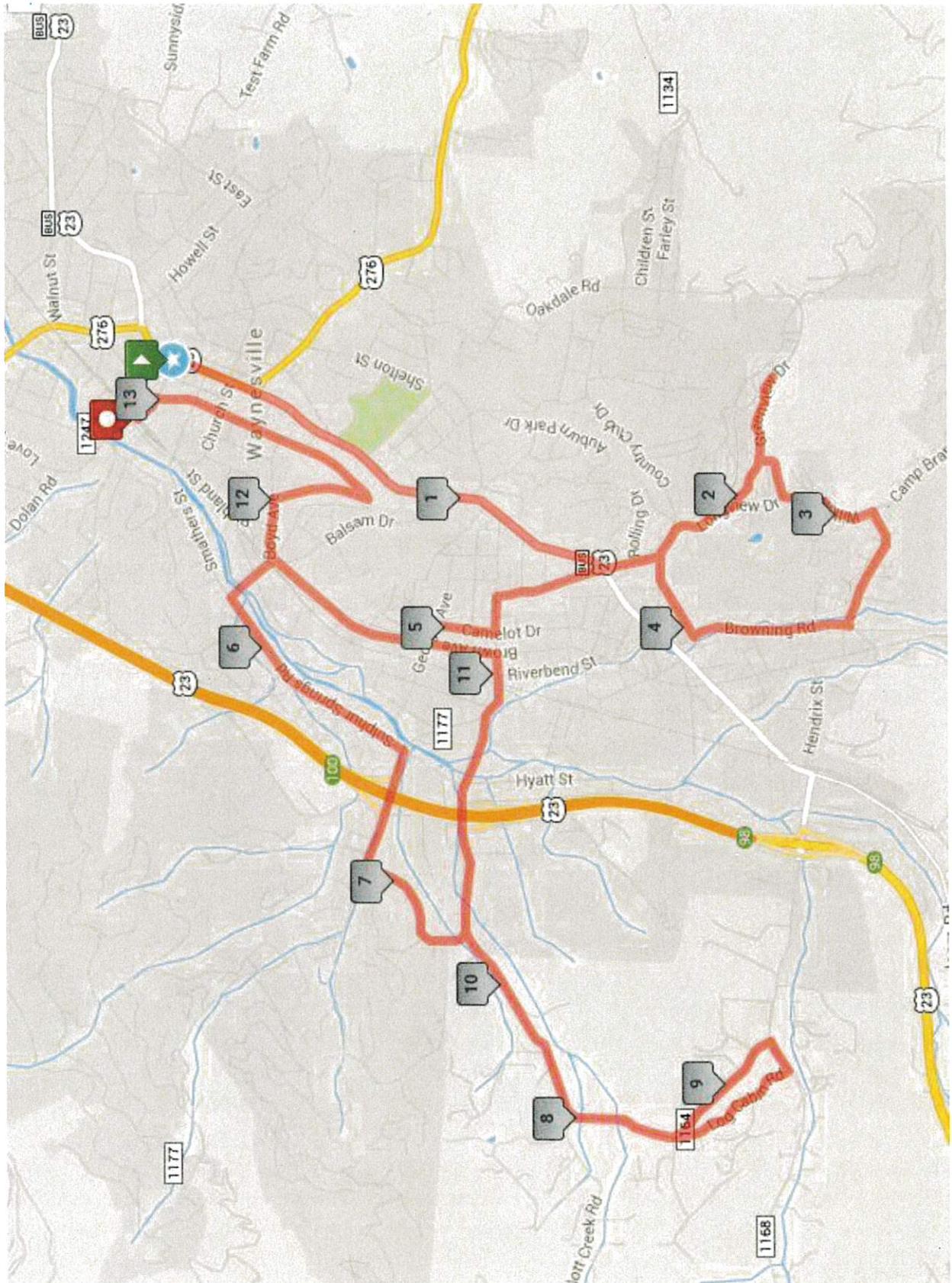
park. Arrive early to get your T-shirt and swag bag. T-shirts are guaranteed for all registrations through March 31st; otherwise first come-first served.

Saturday, May 5th 6:00 am to 7:00 am at the start line on Main Street.

The Half Marathon begins at 7:30 am, participants will be led by the Waynesville Police pace car.
The 4 Mile Run begins at 8:00 am.

Gear Bags/Check and Pick Up

Gear check will be at the start line and pick up at information tent in the event area at the finish line.





Gateway to the Smokies Half Marathon Turn-by-Turn Directions

From Start Head southwest on N Main St
Turn left on Country Club Dr
Turn left to stay on Country Club Dr
Head east on Country Club Dr toward Longview Dr
Turn Slight right onto Longview Dr
Turn left onto Greenview Dr
Head northwest on Greenview Dr until turnaround
Turn left onto Longview Dr
Head south on Longview Dr toward Willow Rd
Turn right onto Willow Rd
Turn right onto Camp Branch Rd
Turn right onto Browning Rd
Slight right onto Ninevah Rd
Turn left onto Country Club Dr
Continue onto Virginia Ave
Turn left on Hazelwood Ave
Turn right onto Brown Ave
Turn left onto Boyd Ave
Turn left onto Sulphur Springs Rd
Turn right onto Eagles Nest Rd
Turn left onto Will Hyatt Rd
Turn right onto Plott Creek Rd
Slight left onto Green Valley Rd
Slight left to stay on Green Valley Rd
Turn right onto Hyatt Creek Rd
Turn right onto Log Cabin Rd
Continue (left) onto Green Valley Rd
Continue (right) onto Plott Creek Rd
Head east on Plott Creek Rd
Continue straight onto Hazelwood Ave toward Brown Ave
Turn left onto Brown Ave
Stay right onto Boyd Ave
Head east on Boyd Ave toward Bryson St
Turn right onto Bryson St
Turn left onto Joy Lane towards South Haywood Street
Stay straight onto South Haywood Street towards Miller
Stay straight onto North Haywood Street
Turn Left onto Depot
Turn left on Commerce Street to finish

January 17, 2018

Mayor Gavin Brown
Board of Aldermen
Town of Waynesville
16 South Main Street



Re: Street Closure Request, The 2018 "Whole Bloomin" Thing Spring Festival

Dear Sirs and Madam:

The Frog Level Merchants' Association is once again planning for their spring "Whole Bloomin' Thing Spring Festival" in Frog Level. This year's event will be held on Saturday, May 12th, 2018 from 9am until 4pm. A call for vendors went out approximately two weeks ago. We anticipate over seventy five plus vendors will be juried for the event.

The festival is in its fifteenth year and continues to grow. Although police offices do an excellent job in managing both pedestrian and vehicular traffic, we feel compelled to request the following:

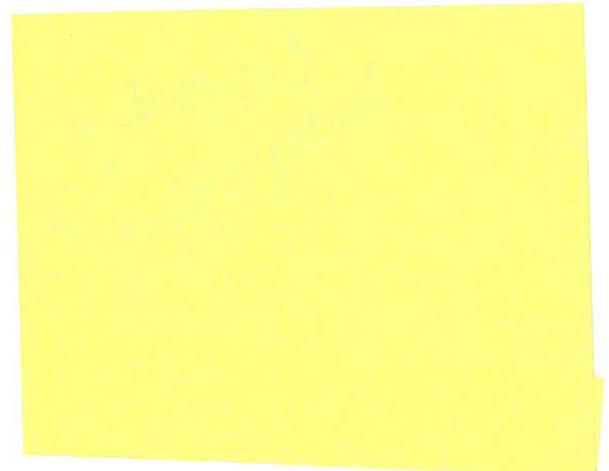
- A. The closure of Commerce Street from Panacea to the traffic light on Depot Street from 5:30am until 5:30pm and
- B. A detour of traffic around the festival by closing Depot Street from the railroad track to Water Street from 5:30am until 5:30pm (Both Water Street and Boundary Street would be open for traffic).
- C. We would like to request Mayor Gavin Brown to open the ceremony at 8:45am.

The depot area continues to benefit from the restoration of structures and the increase in commercial traffic. With the growth of the "Whole Bloomin' Thing Spring Festival", we feel we must insure the safety of pedestrians and motorists. Therefore, we respectfully request you grant the requested street closings.

Thank you for your continued support of Frog Level property owners and merchants.

Very truly yours,

Historic Frog Level Merchants' Association, Inc.
Festival Committee





Application for Special Events Permit

I. General Information

EVENT NAME: The Whole Bloomin Thing Festival

EVENT DATE(S): May 12th, 2018 Saturday prior to Mother's Day Each year
 Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: Frog Level – Commerce and Depot

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

SET-UP TIME (START/END): 530am set up / Clean-up 430 pm

EVENT HOURS: 9 to 4pm

DISMANTLE HOURS (START/END): 530 am / 400 pm

ESTIMATED ATTENDANCE: 4k+

BASIS ON WHICH THIS ESTIMATE IS MADE: Previous Festival

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Frog Level Merchants Association

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

APPLICANT NAME: Jim Pierce

ADDRESS: 425 Big Stomp Road, Waynesville, NC 28786

PHONE: 734-9777 FAX#: _____ EMAIL: Jpierce777@bellsouth.net

ON-SITE CONTACT: Joy Simmons

ADDRESS: P.O. Box 1575 Waynesville, NC 28786

PHONE #: 336-529-5191 CELL PHONE #: _____ EMAIL: joy.b.simmons@outlook.com

III. Brief Description of Event

Event is for Local Growers, Artisan, Wood Workers, Crafters and Local Businesses.

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

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

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

1. Depot Street. Beginning at railroad track and ending at Richland Creek
2. Commerce Street. Beginning at Depot and ending at Miller Street
3. Will use the sidewalk from railroad track up to Haywood Street to include Haywood Plaza in festival

V. Event Details

YES NO

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

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

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

Will there be musical entertainment at your event? IF "YES" provide the following information:
Number of Stages: 1 Number of Band(s): 3+ Amplification? Yes

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

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

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

Will there be any tents or canopies in the proposed event site? Please provide the following information:
Approx. Number of Tents: 125 + Will any tent exceed 400 sq. feet in area? NO YES

Does the event involve the use of pyrotechnics? Explain _____
Will you provide portable toilets for the general public attending your event? IF SO, how many and where will they be located? 1 women, 1 men, 1 handicap, 1 hand wash station located beside open door. 1 men, 1 women Haywood Square beside cleaners building.

Will you require electrical hookup for the event? Generators? Yes

Will you require access to water for the event? Explain Watering plants. Some use for food vendors

Will admission fees be charged to attend this event? If "YES", provide the amount(s) of all tickets. _____
Will fees be charged to vendors to participate in this event? If "YES", please provide the amount(s). Food Vendors \$75.00, Crafters \$65.00, Non Profit \$50.00 10 x 10 canopy space

Will signs and/or banners be displayed as part of the event? If "YES" have you applied for a sign permit? Only sign we use is No Parking and No Dogs _____

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

VI. Additional Questions

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

Public parking garage on Branner Ave. Haywood Builders, Public parking beside Armory.

Notes:

1. Parking and buildings involved may be examined for ADA compliance.

2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

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

Will have staffing to check and remove trash cans on street. After festival, town will pick up trash. Food vendors are required to have trash cans available.

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

Return to:
Amie Owens, Assistant Town Manager
Town of Waynesville
16 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 452-2491
Fax No. : (828) 456-2000
Email Address: aowens@waynesvillenc.gov

VIII. Special Information for Applicants

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

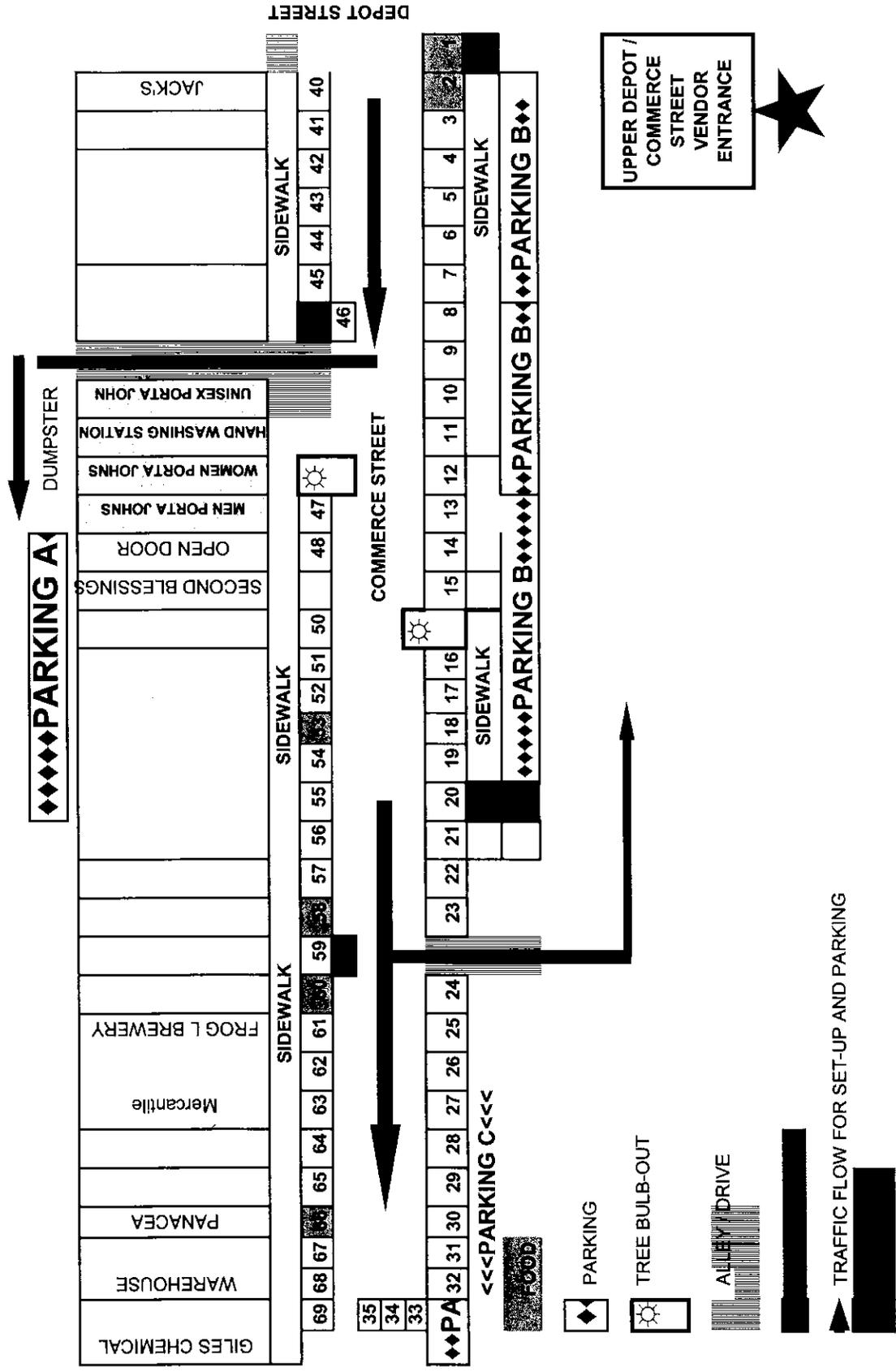
FOR INTERNAL USE ONLY

Applicant Name: _____

Applicant Address: _____

Applicant Phone: _____

FESTIVAL MAP : 13Th Annual "Whole Bloomin' Thing" Spring Festival



UPPER DEPOT /
COMMERCE
STREET
VENDOR
ENTRANCE



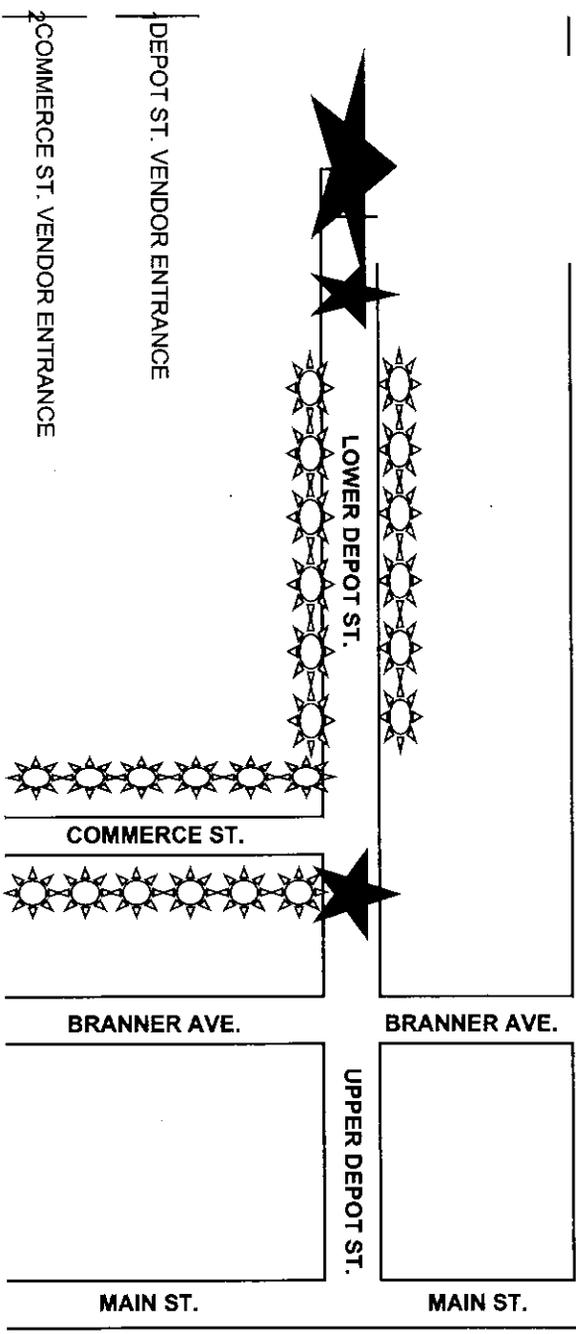
FESTIVAL MAP : 13Th Annual "Whole Bloomin' Thing" Spring Festival

MAP IS NOT TO SCALE

Directions: From Highway 23/74, take Exit 102 to Russ Avenue. For Depot Street vendors, turn right at the second stoplight - in front of Burger King - onto Dellwood Road. Follow Dellwood as it curves left onto Depot Street. For Commerce Street vendors, from Russ Avenue, turn right at the 5th stoplight onto Branner Avenue. Take your second right onto Depot Street.

EXIT 102

RUSS AVE.





Application for Special Events Permit

I. General Information

EVENT NAME: FOLKMOOT PARADE

EVENT DATE(S): SATURDAY, JULY 21, 2018

Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-6363 for more information.

LOCATION: MAIN STREET

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

SET-UP TIME (START/END): 9:45 AM - 11:45 AM

EVENT HOURS: 10:00 - 11:00 AM

DISMANTLE HOURS (START/END): _____

ESTIMATED ATTENDANCE: 5,000

BASIS ON WHICH THIS ESTIMATE IS MADE: HISTORY

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. WILL PROVIDE 30 DAYS OUT
Please attach proof of insurance (or applicable rider).

Dee

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: FOLKMOOT

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

APPLICANT NAME: ANGELINE SCHWAB TITLE: EX. DIRECTOR

ADDRESS: 112 VIRGINIA AVE CITY: WAYNES STATE: NC ZIP: 28786

PHONE: 452-2997 FAX#: _____ EMAIL: ANGIE@

ON-SITE CONTACT: ELIZABETH BURSON TITLE: PROGRAM COORDINATOR

ADDRESS: SAME AS ABOVE

PHONE #: 400-6015 CELL PHONE #: _____ EMAIL: _____

PLEASE SEND PERMIT TO:

FOLKMOOT
 ATTN: LAURA SHEPHERD
 PO BOX 658
 WAYNESVILLE, NC 28786
 452-2997 EX. 101 OR LAURA@FOLKMOOT.ORG

III. Brief Description of Event

PARADE BEGINS AT 10AM FROM ACADEMY ST. / S. MAIN ST. AND PROCEEDS DOWN MAIN ST. TO OPENING CEREMONY ON COURTHOUSE LAWN. BARRICADES TO BE PLACED AT START OF PARADE AT THE FOLLOWING:
 EAST ST. & WALL ST. * DEPOT ST. & MONTGOMERY
 CHURCH ST. & MONTGOMERY ST. * N. MAIN ST. AT THE NORTH EDGE OF COURTHOUSE
 RIBBON ST & WALL ST. LAWN

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

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

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

1. CLOSURE OF ACADEMY ST. AT 9:00 AM FOR PARADE SETUP.
- 2.
- 3.

V. Event Details

YES NO

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

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

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

Will there be musical entertainment at your event? IF "YES" provide the following information:
 Number of Stages: _____ Number of Band(s): _____ Amplification? _____

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.
 Do you plan to use an existing occupied building? Address _____

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

Will there be any tents or canopies in the proposed event site? Please provide the following information:
 Approx. Number of Tents: _____ Will any tent exceed 400 sq. feet in area? NO YES

Does the event involve the use of pyrotechnics? Explain _____

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

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

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

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

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

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

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

VI. Additional Questions

How will parking be accommodated for this event? OFF STREET PARKING (NOT MAIN) AND PARKING GARAGE

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

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

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

Return to:
Amie Owens, Assistant Town Manager
Town of Waynesville
16 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 452-2491
Fax No. : (828) 456-2000
Email Address: awovens@waynesvillenc.gov

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:
Application and fee received
Application approved
Application denied



Application for Special Events Permit

I. General Information

EVENT NAME: FOLKMOOT INTERNATIONAL DAY *July*

EVENT DATE(S): SATURDAY, JULY 28, 2018

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

LOCATION: WAYNESVILLE MAIN ST. FROM FIRST BAPTIST TO THE FEDERAL COURTHOUSE

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

SET-UP TIME (START/END): MARK STREET FOR VENDORS FRIDAY, JULY 27 AFTER 9 PM - SATURDAY 6:00 AM - 9:30 AM VENDORS 10-5 PM

EVENT HOURS: 10-5 PM

DISMANTLE HOURS (START/END): 5-7 PM

ESTIMATED ATTENDANCE: 25,000

BASIS ON WHICH THIS ESTIMATE IS MADE: PAST YEARS COUNT

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

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: FOLKMOOT

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

APPLICANT NAME: ANGELINE SCWAB TITLE: EX. DIRECTOR

ADDRESS: 112 VIRGINIA CITY: WAYNE STATE: NC ZIP: 28786

PHONE: 452-2997 FAX#: _____ EMAIL: ANGIE@FOLKMOOT.ORG

ON-SITE CONTACT: LAURA SHEPHERD TITLE: SPECIAL EVENTS

ADDRESS: PO BOX 658 WAYNESVILLE, NC. 28786

PHONE #: 452-2997 CELL PHONE #: 266-6634 EMAIL: LAURA@FOLKMOOT.ORG

III. Brief Description of Event

AN ALL DAY FESTIVAL CELEBRATING CULTURAL HERITAGE OF THE WORLD.

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

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event. Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

- 1. SEE ATTACHED
2.
3.

V. Event Details

Form with checkboxes and handwritten answers: YES/NO columns, questions about alcoholic beverages, food, musical entertainment, tents, and other event details. Includes handwritten notes like 'BEER TENTS - MAP WILL BE PROVIDED' and '30 DAYS OUT'.

VI. Additional Questions

How will parking be accommodated for this event? PARKING GARAGE

ALL OFF MAIN ST. MILLER, MONTGOMERY

Notes:

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

How will trash be contained and removed during and after the event? 5-7 WORKERS TO EMPTY TRASH FROM 8:30-7 PM

Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing)
Return to:
Amie Owens, Assistant Town Manager
Town of Waynesville
16 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 452-2491
Fax No.: (828) 456-2000
Email Address: gowens@waynesvillenc.gov

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- * You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
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- * The Town has an ordinance prohibiting the use of tobacco and e-cigarettes in the business districts and all parks of the Town. The Applicant is to communicate this information to all vendors and participants. Permanent signs are in place in these districts and parks.
- * The Town has an ordinance against animals at festivals except for service animals. The Applicant is expected to communicate this information to all vendors and participants.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately police street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY
Application and fee received:
Application approved:
Application denied:

January 12, 2018

Town of Waynesville Application for Special Events Permit
FOLKMOOT Application Attachment

Street Closings-

Same as 2017

Tents- Based on 2017, we may have only one beer tent this year

100 Vendor Tents

2- 20 X 40'

1- 20 X 60'

2- 20 X 30"

2- Stage Tents

Portable Toilets-

Town Hall- 4 Regular and 1 Hand Washing

United Bank- 5 Regular

Wall Street- 2 Regular

Justice Building- 3 Regular, 1 Handicapped, 1 Hand Wash

Laura Shepherd

Special Event Coordinator

laura@folk moot.org

Memorandum

To: Mayor and Board of Aldermen

From: Rob Hites

Date: 3/20/18

Subject: Comments on draft Customer Service Policy

The Town staff has been using Electri-Cities model Customer Service Policy as its guide for many years. While electri-cities are not subject to regulation by the NC Utilities Commission the Electri-Cities staff drafted the model Policy to closely follow those of the investor owned utilities (Duke and CP&L). While we have been administratively using the policy it better for the Town to have the Board review and adopt one for the record.

I used Concord's version of Electri-Cities model policy as a template for our own. They have added water, sewer and utility extension policies to the electric policies and added cross references of the policies to those of the NC General Statutes, NC Utilities Commission Guidelines and FERC (Federal Energy Regulatory Commission). Customers may review this policy and see where it is similar to State and Federal law and regulation.

I worked with James Robertson, Jeff Stines, David Foster and Preston Gregg to integrate our local practices into the policy. Our policy varies from Concord's mainly in the schedule we read meters, the method that we recommend to deal with adjustments to meter readings and our utility extension practices. You will find that the overwhelming majority of our practices fall within the guidelines of the NC Utilities Commission and NC General Statutes.

I am going to list the most frequently used sections of the policy for your quick review. It's very tedious to go through the whole policy.

Application for Service

- Must be made in writing
- Deposit of \$170 (\$120 with oil or propane heat) must be provided for residential and \$200 for Commercial Customers. \$40 deposit for water and sewer only.
- Town will accept a letter of good credit from another utility in lieu of a deposit.

(Good credit is defined as having no more than two delinquent payments and no returned checks over twelve month period.)

- If customer establishes good credit over the next twelve months they may get their deposit refunding by the Town.

Billing Cycle

- Customer has 25 days to pay bill. It is "Past Due" after 25 days.
- Service is discontinued by the 36th day if not paid. A late payment fee equaling 1% of bill will be assessed on that date regardless of whether it is physically disconnected.
- An additional fee of \$25 will be assessed if the meter is cut off and has to be reconnected.

Page 2.

Comments on draft Customer Service Policy

- An additional fee will be assessed if the meter has to be cut back on after 4:00 pm to cover cost of staff overtime.
- Reconnections will not be made between 9:00 pm and 8:00 am to protect the safety of the employee.
- Past due bills must be paid in full by 12:00 noon on the next business day following reconnection.
- Disconnections will not take place if the weather forecast for the next day indicates that the daily temperature will not exceed 32 degrees for a twenty four hour period.
- Customers that dispute their utility bills may request an informal hearing at the Hazelwood Office.

Adjustments to Utility Bills

Overcharge-

- If the Town finds it has overcharged a customer they will credit the customer's account with the amount of the overcharge. If the Town can determine the length of time the overcharge has taken place the account may be credited up to three years of charges.

Undercharge –

- The Town will collect the amount due in monthly installments up to twelve months unless the customer caused the undercharge by tampering with the service in which case the Town will collect undercharge and any meter tampering fees as a condition of not discontinuing the service

Leaks-

- If a leak results in a bill exceeding 100% of the average monthly charge adjustments will be made to the sewer portion of the bill once a plumber certifies that the leak has been repaired and the water did not enter the sewer system to be treated. Leaks on the water bill will not be adjusted.

Extensions to Utility Bills

- Requests must be made in person
- No extensions shall be granted on the first bill
- Extensions should not normally exceed two months
- Extensions that do exceed two months must be approved by the Finance Director
- One extension must be paid in full before being granted a second extension.
- Extension agreements do not eliminate late fees on accounts.

Returned Checks

- Utility service is subject to disconnection if check is returned
- Customer shall be notified if check is returned by financial institution
- Customer has ten days to make payment after being notified the check has been returned before service is disconnected.
- Customer must pay all charges and fees in order to avert disconnection
- Customer may not pay the account that is subject to discontinuation due to a bad check with another check.
- If a customer passes two bad checks they will be placed on a cash payment basis.

Filling Swimming Pools

- Customer may hire tankers to fill pool as long as the tanker is filled from a metered hydrant and the water paid in advance.
- Residential pools may be filled from water hoses and be exempted from paying sewer charges if the pool is not connected to the sewer system. The customer must notify the Town and have the meter read before and after the pool is filled.
- Customers shall be charged both water and sewer when a pool is connected to the Town's sewer system.

Life Support

- Town will take extra care when dealing with customers who register for "Life Support".
- Customer is responsible for providing a letter from a health care professional requesting that the Town place them on the "Life Support List".
- While Town will take extra care to notify and work with customers on "Life Support" the designation does not relieve the customer of their responsibility to pay their bill.
- Customers on the "Life Support List" are not guaranteed a source of utilities by the Town. Events that are beyond the Town's control such as storm damage, loss of a power source and water leaks may create situations where the customer may be without utilities. Customers and their caregivers should develop contingency plans to deal with such emergencies when they occur.

**TOWN OF
WAYNESVILLE
NORTH CAROLINA**

**CUSTOMER SERVICE
POLICIES & PROCEDURES**



March 13, 2018

**TOWN OF WAYNESVILLE
CUSTOMER SERVICE POLICIES & PROCEDURES
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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 (NEESC)" 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 _____, 20____, 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 +/- 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 fee 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 _____

(Address of Rental Unit in Question)

to _____ beginning on _____

(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: _____

Sec. 6-6. - Animals ~~prohibited~~ at street fairs, festivals or parades.

~~(a) — Pursuant to section 91-01 of the Haywood County Code of Ordinances definition of restraint, which requires animal owners to ensure animals are:~~

- ~~1. Controlled by means of a chain, leash, or other like device; and~~
- ~~2. To be under the physical control of the owner or animal handler and is obedient to that person's commands;~~

~~Animals under restraint will be allowed at street fairs, festivals and parades on leashes six (6) feet in length or less, or if carried by their owners.~~

~~(a) *Prohibited.* It shall be unlawful for any person that owns or possesses any animal, including dogs or cats, to possess, lead, keep, run or:~~

- ~~i. To allow such animal to run at large within 150 feet of any street fair, festival or parade sanctioned or permitted by the town.~~
- ~~ii. (b) — Exceptions. The prohibition of subsection (a) of this section shall not apply to guide dogs or other guide animals for disabled persons under the control of such person. The prohibition of subsection (a) of this Animals designated under section 91-01 of the Haywood County Code and defined by G.S. § 67-4.1(a) (1) and (2), subject to the exceptions of G.S. § 67-4.1(b) as "fierce, dangerous, or vicious" are not permitted within the boundaries of the festival.~~

~~(b) *Exceptions.* This section shall not apply to licensed or permitted kennels or to animals legitimately a part of a parade, sanctioned street fair or festival, animals in a petting zoo or animal rides if the otherwise prohibited animals are part of an authorized exhibit, activity or display.~~

~~(c) *Approval.* For the purposes of this section, a sanctioned or permitted street fair, festival or parade is an event approved or permitted by the ~~board~~Board of ~~aldermen~~Aldermen by ~~resolution~~action taken and recorded in the official minutes of the Board of Aldermen. The geographical limitations of the street fair, festival or parade shall be delineated by the ~~resolution~~approval or permitting of the event.~~

~~(d) *Violations.* Violations of subsection (a) of this section shall be misdemeanors, punishable upon conviction in accordance with section 1-8.~~

~~(Ord. No. 12-02, 7-23-2002)~~

Sec. 6-6. - Animals at street fairs, festivals or parades.

Pursuant to section 91-01 of the Haywood County Code of Ordinances definition of restraint, which requires animal owners to ensure animals are:

1. Controlled by means of a chain, leash, or other like device; and
2. To be under the physical control of the owner or animal handler and is obedient to that person's commands;

Animals under restraint will be allowed at street fairs, festivals and parades on leashes six (6) feet in length or less, or if carried by their owners.

(a) *Prohibited.* It shall be unlawful for any person that owns or possesses any animal, including dogs or cats:

- i. To allow such animal to run at large within 150 feet of any street fair, festival or parade sanctioned or permitted by the town.
- ii. Animals designated under section 91-01 of the Haywood County Code and defined by G.S. § 67-4.1(a) (1) and (2), subject to the exceptions of G.S. § 67-4.1(b) as "fierce, dangerous, or vicious" are not permitted within the boundaries of the festival.

(b) *Exceptions.* This section shall not apply to licensed or permitted kennels or to animals legitimately a part of a parade, sanctioned street fair or festival, animals in a petting zoo or animal rides if the otherwise prohibited animals are part of an authorized exhibit, activity or display.

(c) *Approval.* For the purposes of this section, a sanctioned or permitted street fair, festival or parade is an event approved or permitted by the Board of Aldermen by action taken and recorded in the official minutes of the Board of Aldermen. The geographical limitations of the street fair, festival or parade shall be delineated by the approval or permitting of the event.

(d) *Violations.* Violations of subsection (a) of this section shall be misdemeanors, punishable upon conviction in accordance with section 1-8.