



Town of Waynesville, NC

Board of Aldermen Regular Meeting

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

Date: **May 22, 2018**

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

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(828) 452-2491 eward@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gavin Brown

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

Motion: *To approve the minutes of the May 8, 2018 regular meeting as presented (or as corrected).*

B. PUBLIC HEARING

3. Public Hearing on a Text Amendment to the Land Development Standards LDS 2.5.3 Table of Permitted Uses, in regards to allowing multi-family within the Plott Creek- Neighborhood Residential (PC-NR) District.

- Elizabeth Teague, Development Services Director

Motion 1: *Motion to find that the proposed text amendment is consistent with the 2020 Land Development Plan.*

Motion 2: *Motion to adopt the text amendment to the Land Development standards as provided (or as amended) in the attached Ordinance.*

C. PRESENTATION

4. Capacity Use Study Draft

- McGill and Associates

D. CALL FOR PUBLIC HEARING

5. Call for Public Hearing for Amendment to Chapter 54, Article 1 on the Town Code, Motor Vehicle Taxes

- Manager Rob Hites

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

May 22, 2018

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Motion: To call for first public hearing to be held on Tuesday, June 12, 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 the adoption of a new ordinance amending Chapter 54, Article 1 and for the first reading of the proposed ordinance.

6. Call for Public Hearing to amend Chapter 14 Article IV Taxicabs

- Manager Rob Hites, Captain Brian Beck

Motion: To call for Public Hearing to be held on Tuesday June 12, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room at 9 South Main Street, Waynesville to consider the amendment of Chapter 14, Article IV Taxicabs.

7. Call for Public Hearing to consider Adoption of FY 2018-2019 Annual Budget

- Manager Rob Hites

Motion: To call for the public hearing to Tuesday, June 12, 2018 at 6:30 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, located at 9 S. Main Street, for the purpose of considering adoption of the Fiscal Year 2018-2019 Budget.

E. COMMUNICATIONS FROM STAFF

8. Manager's Report - Town Manager Rob Hites

9. Attorney's Report – Town Attorney Bill Cannon

F. COMMUNICATIONS FROM THE MAYOR AND BOARD

G. CALL ON THE AUDIENCE

H. ADJOURN



TOWN OF WAYNESVILLE

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CALENDAR May 22, 2018

2018	
Tuesday May 22 6:30 PM Town Hall Board Room	Board of Aldermen Meeting - Regular Session
Saturday May 26 7:00 PM	BLOCK PARTY - sponsored by Downtown Waynesville Association – partial street closure – Main Street
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
Sunday, June 3 5:00 - 7:00 PM HART Theater Greenspace	Waynesville Public Art Commission – Dog Show and Fundraiser
Tuesday, June 12 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Friday June 15 Historic Courthouse 6:00 PM	Walk to End Elder Abuse Sponsored by Mountain Projects
Tuesday June 26 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Friday June 29 th 6:30 – 9:00 PM Main Street	Mountain Street Dance Sponsored by Downtown Waynesville Association
Wednesday July 4 11:00 AM – 3:00 PM Main Street	Stars & Stripes Celebration Sponsored by Downtown Waynesville Association
Wednesday July 4	Independence Day Town Offices Closed
Friday July 6 5:00 – 9:00 PM	Art After Dark Main Street – sponsored by Downtown Waynesville Association
Tuesday July 10 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Friday July 13 6:30 – 9:00 PM Main Street	Mountain Street Dance Sponsored by Downtown Waynesville Association
Saturday July 21 10:00 AM - 11:00 AM	Folkmoor Parade Sponsored by Folkmoor

Main Street	
Friday July 20 - 29	Folkmoor USA International Festival – various venues and times in Haywood and surrounding counties
Saturday July 21 10:00 AM – 11:00 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
Friday July 27 6:30 – 9:00 PM Main Street	Mountain Street Dance Sponsored by Downtown Waynesville Association
Saturday July 28 10:00 – 5:00 PM Main Street	International Festival Day
Friday August 3 5:00 PM – 9:00 PM	Art after Dark Main Street – sponsored by the Downtown Waynesville Association
Saturday August 4th 9:00 AM – 12:00 PM Historic Courthouse	Sarge's 13 th Annual Downtown Dog Walk Sarge's Animal Rescue Foundation
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 Folk Festival Stuart Auditorium, Lake Junaluska
Monday September 3	Labor Day Town Offices Closed
Friday September 7 5:00 – 9:00 PM Main Street	Art after Dark Main Street – sponsored by the Downtown Waynesville Association
Tuesday September 11 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Saturday September 15 7:00 PM	BLOCK PARTY - sponsored by the Downtown Waynesville Association – partial street closure – Main Street
Tuesday September 25 6:30 PM Town Hall Board Room	Board of Aldermen Meeting – Regular Session
Friday September 28 Main Street 6:00 – 8:00 PM	Mountain Street Dance Sponsored by Downtown Waynesville Association
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
Friday November 30 5:00 PM Oak Park Inn	Community Christmas Tree Lighting Sponsored by Downtown Waynesville Association
Monday December 3 6:00 PM Main Street	Waynesville Christmas Parade
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 – June 2018

ABC Board	ABC Office – 52 Dayco Drive	June 19th 3 rd Tuesdays 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	June 5th 1 st Tuesdays 5:30 PM
Downtown Waynesville Association	UCB Board Room – 165 North Main	June 28th 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	June 6th 1 st Wednesdays 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	June 18th 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	June 12th 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	June 20th 3 rd Wednesdays 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	June 20th 3 rd Wednesdays 3:30 PM

BOARD/STAFF SCHEDULE

May 29 – June 1, 2018	Town Clerk	Vacation
June 18 – June 22, 2018	Town Manager	NCCMA Summer Conference

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
May 8, 2018

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, May 8, 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

The following Board Member was absent:

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
Captain Brian Beck
David Foster, Public Services Director
Daryl Hannah

The following media representatives were present:

Cory Valliancort, Smoky Mountain News

1. Calendar/Announcements

Mayor Brown welcomed everyone and reminded the Board of the following events on the calendar:

Thursday May 10: Annual Fashion Show – Sponsored by Reach of Haywood – Laurel Ridge Country Club – 11:30 am

Friday and Saturday May 11 & 12: Last Shot Fired Reenactment – Sponsored by Colonel William Holland Thomas Camp 10:00 am – 2:00 pm – Sulphur Springs Park; Memorial Service at Greenhill Cemetery May 12 at 1:00 pm

Saturday May 12: Whole Bloomin Thing – Sponsored by Fog Level Merchants Association – 9:00 am – 4:00 pm – Frog Level

Saturday May 19 – Quick Draw – Laurel Ridge Country Club

2. Adoption of Minutes

Alderman Gary Caldwell made a motion, seconded by Alderman Jon Feichter, to approve the minutes of the April 24, 2018 regular meeting as presented. The motion carried unanimously.

B. PRESENTATION

3. Big Brothers Big Sisters – Bowl for Kids Sake

Dave Gildersleeve from Big Brothers Big Sisters of Haywood County presented the trophy from the Bowl For Kids Sake event held in March to the team from the Town of Waynesville. The trophy had previously been held by the Haywood County Sheriff's Office. Team members were Amie Owens, Brittany Buchanan, Brian Beck, Chelle Baker and Dee Massey. Mr. Gildersleeve noted that the team had the overall highest score for two games and that Captain Beck had the highest overall total of participants. The trophy will remain with the Town of Waynesville until next year's event.

4. Proclamation – National Public Works Week May 21- May 27

Mayor Brown read a proclamation celebrating 2018 Public Works Week. Mayor Brown said he knew that the Public Services Department took great pride in their work and it shows in the recent projects in the Town that have been completed. Mr. David Foster, Public Services Director, told the Board that there would be an appreciation lunch for the Public Service employees and on June 1, local elementary students have been invited to the department for "show and tell" and include showing kids the equipment.

Mayor Brown congratulated Mr. David Foster and Mr. Daryl Hannah, Streets and Sanitation Superintendent, and the Public Services Department for their continued service to the community.

C. CALL FOR PUBLIC HEARING

5. Call for Public Hearing – Text Amendment to Land Development Standards 2.5.3 Table of Permitted Uses allowing Multi-family within the Plott Creek Neighborhood Residential District

Ms. Elizabeth Teague, Development Services Director, explained to the Board that the Town had received a Text Amendment to allow Multi-family within the PC-NR District. She said this application was part of a due diligence process for the purchase of property adjacent to the Hazelwood Elementary School. This proposal will go before the Town of Waynesville Planning Board at their May 21st meeting as well as a Public Hearing. She stated all notices and publications are being prepared at this time.

A motion was made by Alderman Julia Freeman, seconded by Alderman Jon Feichter, to call for a Public Hearing to be held on May 21, 2018 to consider a text amendment to permit multi-family dwellings within the PC-NR District per the Land Development Standards Section 2.5.3, Table of Permitted Uses. The motion passed unanimously.

D. NEW BUSINESS

6. Smoky Mountain Regional Hazard Mitigation Plan

Ms. Amie Owens, Assistant Town Manager, said The Smoky Mountain Regional Hazard Mitigation Plan has been prepared in coordination with FEMA Region IV and the North Carolina Division of Emergency Management (NCDDEM) to ensure that the Plan meets all applicable FEMA and state requirements for hazard mitigation plans. This plan is updated periodically.

All counties and municipalities who participate are required to review the plan and determine where certain areas for improvement are required and to ascertain whether or not there have been significant changes since its last revision. Beginning in February 2018, representatives from each municipality were provided copies of their respective county and municipality worksheets for review and revision.

Two meetings were held collectively to make the necessary changes and those changes were forwarded to the consultant for revision. The final draft of the plan was presented to the team on April 18th. Each governing board is requested to review and provide a resolution of approval for the plan as a whole. The signed resolution will be forwarded to the State and to FEMA.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman to approve the Resolution to Adopt the Smoky Mountain Regional Hazard Mitigation Plan Update, as presented.

7. Request approval to move forward with change to internet provider

Ms. Owens has been working with Kevin Eves from VC3 to review Internet service options comparing the current provider, Spirit, with options from Spectrum. The current service is 50Mb.

Months ago, Kevin requested paperwork from Spectrum to provide a quote for replacing the Spirit/ERC point to point connection to VC3's data center. On 4/11, Spectrum's newly assigned account representative, Cary Grooms, made contact and began to provide the information that we needed. Cary indicated that if the agreement is signed soon, they should be able to deliver service by July 1.

This offer is for \$950 + taxes and fees with a 36-month term with one-time installation costs of \$500. We would budget \$1,100 per month to include the universal line fees and taxes. The current monthly fee for Spirit Communications is \$1,968.84.

Changing to Spectrum will allow for easier monitoring of internet service as we have a local provider who could troubleshoot issues in Waynesville, as well as being able to inform us of any issues down the line.

The proposal includes the cost of \$450.00 each direction (to VC3 and back) as well as the one time set up fee of \$500.00. This is a fixed rate for the life of the Spectrum agreement of three (3) years. This agreement is with Spectrum and would remain in effect no matter the IT provider utilized.

Aldermen Jon Feichter said he felt like the change would save a considerable amount of money and the plan looked very good to him.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman to approve the change in internet providers from Spirit Communications to Spectrum. The motion passed unanimously.

F. COMMUNICATIONS FROM STAFF

8. Manager's Report – Town Manager Rob Hites

Manager Hites asked the Board what date would be convenient for them to meet to discuss the fiscal year 2018-2019 budget, and call for a Public Hearing on May 22. The Public Hearing would be held on June 12, 2018. The consensus of the Board was to hold the special meeting on Monday May 14, at 6:00 pm in the old board room located in the Municipal Building.

Manager Hites reported that the Frog Level Parking area had been paved. He noted that the light poles had been installed; however, there are no lights on them currently as when they were unpacked, it was discovered that the installation kits were not compatible with the poles. This will be remedied, but not before the Whole Bloomin' Thing Festival this weekend.

9. Attorney's Report – Bill Cannon

Attorney Bill Cannon had no comments.

G. COMMUNICATIONS FROM THE MAYOR AND BOARD

There were no comments

H. CALL ON THE AUDIENCE

Sarah Jane League, representing the Shelton House, addressed the board related to the special appropriations request submitted. She illustrated the benefits of having the historical site in town and highlighted the annual maintenance and operational costs. Ms. League expressed her appreciation for the support that had been provided by the Town and the Board in the past and requested their consideration for the future. The Shelton House request is for \$5,000 in utilities assistance and \$5,000 for capital/maintenance projects.

Mayor Brown thanked Ms. League for her comments and for her active participation with the organization.

I. CLOSED SESSION

10. Enter into closed session to discuss the following:

- a. Attorney/Client Privilege under NC General Statute 143-318.11(a) (3)
- b. Potential Land Acquisition – lease of property adjacent to 33 South Main Street under NC General Statute 143-318.11(a) (5)

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter to enter into closed session to discuss Attorney/Client Privilege under NC General Statute 143-318.11(a)(3), and Potential Land Acquisition – lease of property adjacent to 33 South Main Street under NC General Statute 143-318.11(a)(5) at 7:04 pm. The motion passed unanimously

The Board returned to open session at 8:04 p.m.

J. ADJOURN

There being no further business to discuss, the meeting was adjourned at 8:07 p.m. by consensus.

ATTEST:

Gavin Brown, Mayor

Amie Owens, Acting Town Clerk

Robert W. Hites, Jr., Town Manager

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 22, 2018

SUBJECT: Public Hearing and consideration of a text amendment to the Town of Waynesville Land Development Standards for the Plott Creek Neighborhood Residential District (PC-NR), Table of Permitted Uses, Section 2.5.3, to allow multi-family dwellings.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B3
Department: Development Services
Contact: Elizabeth Teague, Planning Director
Presenter: Elizabeth Teague, Planning Director

BRIEF SUMMARY: The Land Development Standards (LDS) zoning district category known as Neighborhood Residential (“NR”) encompasses 9 distinct districts, including Plott Creek-NR. This zoning category represents the medium to high density residential districts within the Town, with all of the NR districts having the same dimensional and density standards provided in Section 2.4.1. On the Table of Permitted Uses, Section 2.5.3, the NR Districts allow single family, two-family and Townhome dwellings, but only 7 of the 9 NR Districts allow “multi-family,” with the “P” being absent in the columns for Plott Creek –NR and Sulphur Springs--NR. The Town has received an application to include multi-family as a permitted use within the PC-NR District.

MOTION FOR CONSIDERATION:

1. Motion to find that the proposed text amendment is consistent with the 2020 Land Development Plan.
2. Motion to adopt the text amendment to the Land Development standards as provided (or as amended) in the attached Ordinance.

FUNDING SOURCE/IMPACT: N/A.

ATTACHMENTS:

1. Staff report and text revised from the November 6, 2017 Planning Board Meeting

MANAGER’S COMMENTS AND RECOMMENDATIONS: This text amendment creates a place for legal gaming machine businesses within the Town’s Permitted Uses Table within the Regional Center District.

Planning Board Staff Report

Subject: Text Amendment request to the Land Development Standards (LDS) to add "Dwelling-Multi-Family" as a Permitted Use (P) within PC-NR District.
Ordinance Section: Table of Permitted Uses, Section 2.5.3 of the Land Development Standards
Applicant: Triangle Real Estate of Gastonia / Southwood Realty
Meeting Date: May 21, 2018

Background:

The Land Development Standards (LDS) contain a zoning district category known as Neighborhood Residential ("NR") which encompasses 9 distinct districts. The applicants represent a development firm that would like to purchase a property within the Plott Creek-NR District in order to build a multi-family development of apartments.

This zoning category represents the medium to high density residential districts within the Town, with all of the NR districts having the same dimensional and density standards provided in Section 2.4.1. On the Table of Permitted Uses, Section 2.5.3, the NR Districts allow single family, two-family and Townhome dwellings, but only 7 of the 9 NR Districts allow "multi-family," with the "P" being absent in the columns for Plott Creek –NR and Sulphur Springs--NR. The Low-Density Residential Districts and the Howell Mill Road Medium Density District also exclude "multi-family" while allowing Townhomes. In an apparent contradiction, Section 5.3 Permitted Building Types and Frontages, the LDS allows both Townhouse and Apartment Buildings in all of the Town's Residential Districts. The 2020 Land Development Plan Future Land Use Map, adopted in 2002 designates the Plott Creek- NR area as medium to high density residential.

Underpinning this text amendment request are the questions: why are Townhomes and multi-family structures treated differently under the ordinance within zoning categories while density and dimensional requirements are the same? And, why is multi-family not included in the PC-NR and SS-NR Districts when these are part of the Town's medium to high density development areas? The Land Development Standards (LDS) make the following distinctions in Section 17.1 Definitions:

Dwelling-Multifamily A building or portion thereof containing three or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.

Dwelling-Townhome Three or more attached dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separated from any other unit by one (1) or more vertical common fire-resistant fire walls, and the land underneath each unit is titled to the unit.

These definitions refer to building style and structure, and the way in which property is subdivided to accommodate dwelling units. They do not distinguish between rental and non-rental - for example, someone could rent a townhome just as they could rent a condominium, apartment, duplex or single family dwelling. The definitions also do not relegate condominiums to one definition or the other – a condominium could be within a multi-family structure or a Townhome-type structure.

The Purpose Statement of the PC-NR District (LDS Section 2.3.3 (F) states:

While it is semi-rural currently, as the **Plott Creek Neighborhood District (PC-NR)** develops it should do so in a manner which complements its location near the Hazelwood Town Center, and the Hazelwood Elementary School which is within its boundaries. Infrastructure should be well connected and networked (including sidewalks, streets, water/sewer, etc.) and other infrastructure needs should be addressed (such as recreational opportunities) as the area develops. Special care should be taken to enhance the natural features of the area, such as the mountain slopes and the creek, so that they become an integral part of the community. Connections (roads, trails, etc.) to other districts, such as Hyatt Creek area and to the large mountain tracts at the end of Plott Creek, are also important and must be considered as the area develops.

Consistency with the 2020 Comprehensive Land Development Plan

In the Waynesville: Our Heritage, Our Future, 2020 Land Development Plan, which was adopted in 2002, a stated Land Use Goal is:

“Promote the orderly growth, development and enhanced land values of the Town of Waynesville by preserving and improving Waynesville’s existing neighborhoods, creating more attractive commercial centers, maintaining a strong downtown area, taking steps to reduce urban sprawl and protecting the natural beauty of the community.” (2020 LDP, p 4-2)

The future land use map identifies the Plott Creek NR District area within the “medium to high density” proposed land use area, in keeping with the objective to “limit “urban sprawl” through the establishment of a planned growth area for the Town of Waynesville.” This goal includes actions to establish an urban services area and to designate areas for concentrated growth (2020 LDP, p 4-3). The areas designated in the future land use plan map in this category are zoned Medium Density residential, Neighborhood Residential, Urban Residential, and Mixed-use.

Another goal of the Land Use Plan is to “provide an attractive range of housing opportunities and neighborhoods for all residents of Waynesville (LDP, p. 4-6) with objectives and actions to:

- Work with the development community to explore ways to make affordable housing construction more attractive to developers (cost lowering mechanisms, incentives, etc.)
- Use creative zoning to allow accessory dwellings, duplexes and other affordable housing alternatives.
- Rezone areas as indicated on the Land Use Map which allow for higher density residential development.
- Encourage a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives in addition to the traditional single- and multi-family dwelling options. (LDP, p. 4-7

This revision would add to the Permitted Uses Table a development option that creates an additional variety of housing and which promotes density within an area designated for growth. Therefore, staff submits that this text amendment is consistent with the Land Use Plan. Furthermore, the Town may also want to consider adding multi-family within the Sulphur Springs and Howell Mill Road Medium Density Districts as well in a separate action.

Staff Recommendation:

This text amendment would place a “P” within the Table of Permitted Uses in the PC-NR Column at the “multi-family” row, without changing any other requirements or density of the district. This would create a new housing opportunity in the form of allowing multi-family structures that could accommodate apartments or condominiums for new rental or ownership housing, which the Town of Waynesville needs. The Haywood County Housing Strategy, completed in 2017, indicated a high demand for rental housing, and recommended that the County prioritize the creation of rental units (<http://haywoodnc.net/downloads/commissioners/agmin2017/0807/a12%200807.pdf>):

A market analysis conducted in March 2017, determined the demand for rental units where tenants make 40%, 50% and 60% of Area Median Income (AMI) for the County.¹ The AMI for Haywood County was \$53,400 in 2016.

Income Level/Target Income Ranges	Demand (units)
40% AMI (\$13,540 to \$22,220)	766
50% AMI (\$16,630 to \$27,775)	652
60% AMI (\$20,400 to \$33,330)	495

The study further identified an optimal mix to meet demand.

Bedrooms	Optimal Mix
1	30%
2	50%
3	20%
4	0%
Total	100%

Recommendation 1.2: Prioritize the creation of rental units, especially studios, 1-bedroom and 2 bedroom units

The development of rental housing should be prioritized in order to increase the supply of housing that can be afforded at 80% of area median income (AMI) and below. In 2016 the AMI for Haywood County was \$53,400; this is adjusted according to household size. For a 4 person household 80% of AMI was \$42,700; for a 2 person household it was \$34,200. (In 2016 the AMI was \$53,400). The Haywood County Housing Assessment determined the demand for affordable housing was greatest among two person households headed by seniors or millennials. Multi-family developments, such as ‘patio homes’, are becoming increasingly popular options, especially among the demographic groups most in need of affordable housing in the county.

The PC-NR District is within a mile's range of the Hazelwood Central Business District and less than .5 of a mile to the Expressway. Beyond the district boundary is un-zoned areas of Haywood County wherein the Town urban service boundary and low-density zoning (Eagles Nest Residential Low Density) would further restrict. Staff recommends that this text amendment is both consistent with the land use plan and a good idea to create new and more flexible housing opportunities within the medium to high density zoning category and within the urban service boundary.

Attachments:

1. Application Materials
2. Notice, Information and Maps related to the request
3. The Table of Permitted Uses
4. Petitions/information requested to be forwarded to planning board



TOWN OF WAYNESVILLE
Development Services Department
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9 South Main Street
Waynesville, NC 28786
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www.waynesvillenc.gov

Application for Land Development Standards Text Amendment

Application is hereby made on April 24, 2018 to the Town of Waynesville for the following amendment:

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

Code of Ordinances, Appendix A - Land Development Standards, Chapter 2 District Provisions, Table of Permitted Uses 2.5.3

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

Triangle Real Estate of Gastonia / Southwood Realty respectfully requests to add "Dwelling-Multifamily" as a Permitted Use (P) in table 2.5.3 for Plott Creek - Neighborhood Residential (PC-NR) zoning

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

"Apartments" are already an approved building type in PC-NR zoning per 5.3 (appears to conflict with 2.5.3). "Dwelling-Multifamily" is allowed per table 2.5.3 in all Neighborhood Residential zoning designations with the exception of Plott Creek NR and SS-NR. See attached letter for additional information.

Applicant Contact Information

Name (Printed): William Ratchford, VP, Southwood Realty
Mailing Address: 165 South York Street, PO Box 4158, Gastonia, NC 28054
Phone(s): (704) 869-6024
Email: william.ratchford@southwoodrealty.com

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

4/26/18

Triangle Real Estate of Gastonia / Southwood Realty respectfully requests to add "Dwelling-Multifamily" as a Permitted Use (P) in table 2.5.3 for Plott Creek - Neighborhood Residential (PC-NR) zoning

"Apartments" are already an approved building type in PC-NR zoning per 5.3 (appears to conflict with 2.5.3). "Dwelling-Multifamily" is allowed per table 2.5.3 in all Neighborhood Residential zoning designations with the exceptions of Plott Creek NR and Sulphur Springs NR.

Per Appendix A, 2.2, *"While it is semi-rural currently, as the Plott Creek Neighborhood District (PC-NR) develops it should do so in a manner which complements its location near the Hazelwood Town Center, and the Hazelwood Elementary School which is within its boundaries. Infrastructure should be well connected and networked (including sidewalks, streets, water/sewer, etc.)"*. Apartments in the PC-NR district will complement Hazelwood Town Center and Hazelwood Elementary School. Infrastructure including sidewalks, water and sewer will be extended as part of apartment projects. Apartment uses will also provide the transition between less dense residential areas surrounding the Town and commercial development of the Hazelwood Town Center.

Apartments in the PC-NR district can help achieve several objectives in the *Waynesville: Our Heritage, Our Future 2020 Land Development Plan*. *OBJECTIVE: Limit "urban sprawl" through the establishment of a planned growth area for the Town of Waynesville.* The Plott Creek NR zoning boundaries are within the Planned Growth Area as adopted as the Urban Service Area shown on Map 12 in the 2020 plan.

Allowing apartments in the PC-NR district also allow the possibility of market rate apartments or true "affordable housing". This also meets the following *OBJECTIVE: Encourage a variety of housing types for various income, age and ethnic groups throughout the planning area promoting housing alternatives in addition to the traditional single- and multi-family dwelling options.*



TOWN OF WAYNESVILLE

Development Services Department

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www.waynesvillenc.gov

May 2, 2018

Notice of Public Hearings for a text amendment to the Land Development Standards of the Town of Waynesville

You are receiving this notice because you are listed as an owner of property within the Plott Creek Neighborhood Residential (PC-NR) Zoning District, or you own property that is within 100 feet of the PC-NR Zoning District Boundary.

The Town of Waynesville has received a text amendment request to add "Dwelling-Multi-Family" as a Permitted Use (P) within the Table of Permitted Uses, Section 2.5.3 of the Land Development Standards within PC-NR District. Excerpts from the Land Development Standards and a map of the PC-NR District are provided for your information.

The Town **Planning Board** will hold a **public hearing** on the requested text amendment **May 21, 2018 at 5:30 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC. The Planning Board is a group of volunteer citizens who make recommendations on land use decisions to the Town's Board of Aldermen. The public is invited to provide their comments at Town Public Hearings and may be asked to limit comments to 3 minutes.

A second public hearing will take place at the **Board of Aldermen Meeting on May 22, at 6:30 pm**, also in the Town Board Room at 9 South Main Street. The Board of Aldermen as the elected governing board will determine any changes to the Town's Land Development Standards.

For more information please contact Elizabeth Teague, phone: (828) 456-2004, email: eteague@waynesvillenc.gov , mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Elizabeth Teague, AICP, CTP
Development Services Director

Cc: Eddie Ward, Town Clerk

Excerpts from the Town of Waynesville Land Development Standards:
https://library.municode.com/nc/waynesville/codes/code_of_ordinances

2.3.3 Neighborhood Residential Districts (NR) Purpose and Intent

(F) While it is semi-rural currently, as the **Plott Creek Neighborhood District (PC-NR)** develops it should do so in a manner which complements its location near the Hazelwood Town Center, and the Hazelwood Elementary School which is within its boundaries. Infrastructure should be well connected and networked (including sidewalks, streets, water/sewer, etc.) and other infrastructure needs should be addressed (such as recreational opportunities) as the area develops. Special care should be taken to enhance the natural features of the area, such as the mountain slopes and the creek, so that they become an integral part of the community. Connections (roads, trails, etc.) to other districts, such as Hyatt Creek area and to the large mountain tracts at the end of Plott Creek, are also important and must be considered as the area develops.

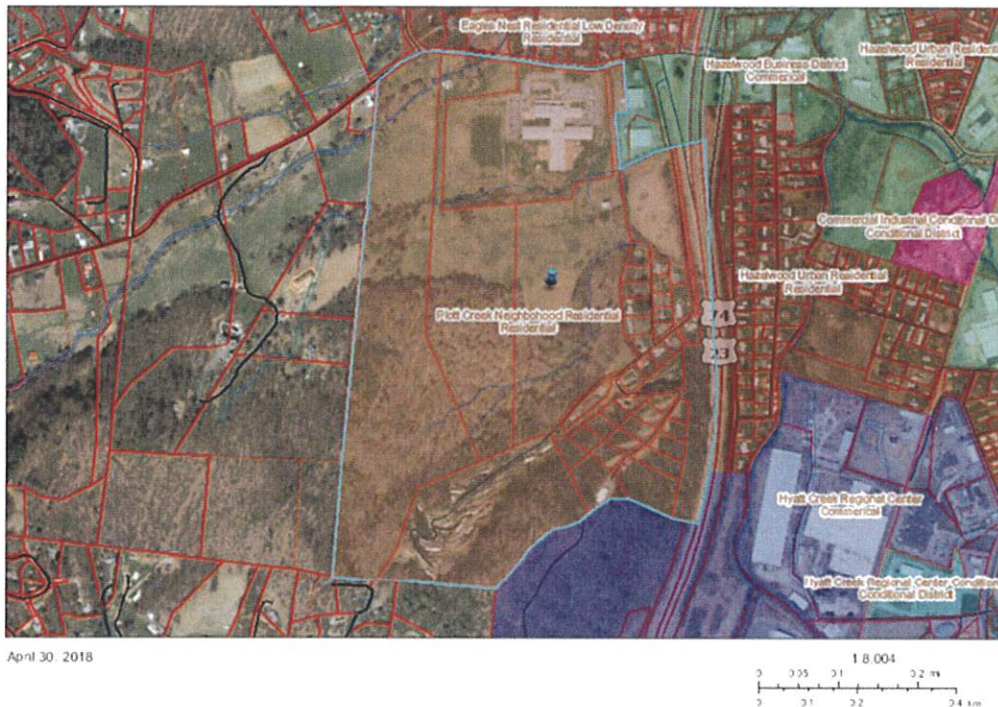
2.4.1 Table of Dimensional Standards by Residential District

Standard	Residential – Low Density (RL)	Residential – Med Density (RM)	Neighborhood Residential (NR)	Urban Residential (UR)
1. Applicable Districts	CC-RL, EN-RL, FC-RL, HT-RL	CP-RM, D-RM, HM-RM, SW-RM	AC-NR, LL-NR, MS-NR, N-NR, PS-NR, PC-NR , RC-NR, SS-NR, WS-NR	EW-UR, H-UR
2. Development Standards				
a. Density (max base)	6 units/acre	8 units/acre	10 units/acre	16 units/acre
b. Density (max with SUP)	12 units/acre	12 units/acre	16 units/acre	24 units/acre
c. Civic Space (min) per CH 7	10% - Open Space Only	10%	5%	5%
3. Lot Standards				
a. Lot Area –House	½ acre	¼ acre	1/6 acre	1/6 acre
b. Lot Area – All bldg types with rear vehicular access	Subject to density	Subject to density	Subject to density	Subject to density
c. Lot Width (min) - With rear vehicular access	60 ft n/a	50 ft 16 ft	50 ft 16 ft	50 ft 16 ft
d. Frontage at Front Setback	n/a	n/a	n/a	n/a
e. Pervious Surface (min)	20%	20%	10%	10%
4. Building Setback (min)				
a. Principal Front ¹	20 ft	10 ft	10 ft	10 ft
b. Street Side/Secondary Front ¹	20 ft	5 ft	5 ft	5 ft
c. Side (from adjacent lot)	10 ft	10 ft	10 ft	10 ft
d. Setback Between Bldgs	15 ft (10 ft)	6 ft	6 ft	6 ft
e. Rear	20 ft	6 ft	6 ft	6 ft
5. Accessory Structure Setback				
a. Side	5 ft	5 ft	5 ft	5 ft
b. Rear	5 ft	5 ft	5 ft	5 ft
c. Other Standards	See Section 4.6.3	See Section 4.6.3	See Section 4.6.3	See Section 4.6.3

¹ Where no right-of-way exists or if the right-of-way is only inclusive of the street pavement add 10 ft. See also 4.3.1.A.3.

² Customary storage as an accessory to residential use of the property

PC-NR District Boundary



2.5.3 Table of Permitted Uses (rev. 2012, 2016, 2017)

Residential Use Types in the Neighborhood Residential (NR) Districts

(Allen's Creek, Love Lane, Main Street, Nineveh, Pigeon Street, Plott Creek, Raccoon Creek, Sulphur Springs and Walnut Street Neighborhoods)

USE TYPES	Neighborhood Residential (NR)								
	AC-NR	LL-NR	MS-NR	N-NR	PS-NR	PC-NR	RC-NR	SS-NR	WS-NR
RESIDENTIAL									
Dwelling-Single Family	P	P	P	P	P	P	P	P	P
Dwelling-Two Family	P	P	P	P	P	P	P	P	P
Dwelling-Townhome	P	P	P	P	P	P	P	P	P
Dwelling-Multifamily	P	P	P	P	P	-	P	-	P
Dwelling-Accessory	PS	PS	PS	PS	PS	PS	PS	PS	PS
Family Care Home (6 or fewer residents)	PS	PS	PS	PS	PS	PS	PS	PS	PS
Halfway Houses	-	-	-	-	-	-	-	-	-
Home Occupation	PS	PS	PS	PS	PS	PS	PS	PS	PS
Live-Work Units	-	PL/PS	-	PL/PS	-	-	PL/PS	-	PL/PS
Manufactured Home Parks	SUP	-	-	-	-	-	-	-	-
Manufactured Housing	PS	-	-	PS	-	-	PS	-	-
Residential Care Facilities (More than 6 residents)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP

P Permitted

PC Permitted on corner lots only

PL Permitted in Designated Locations

PS Permitted subject to Additional Standards in Ch 3

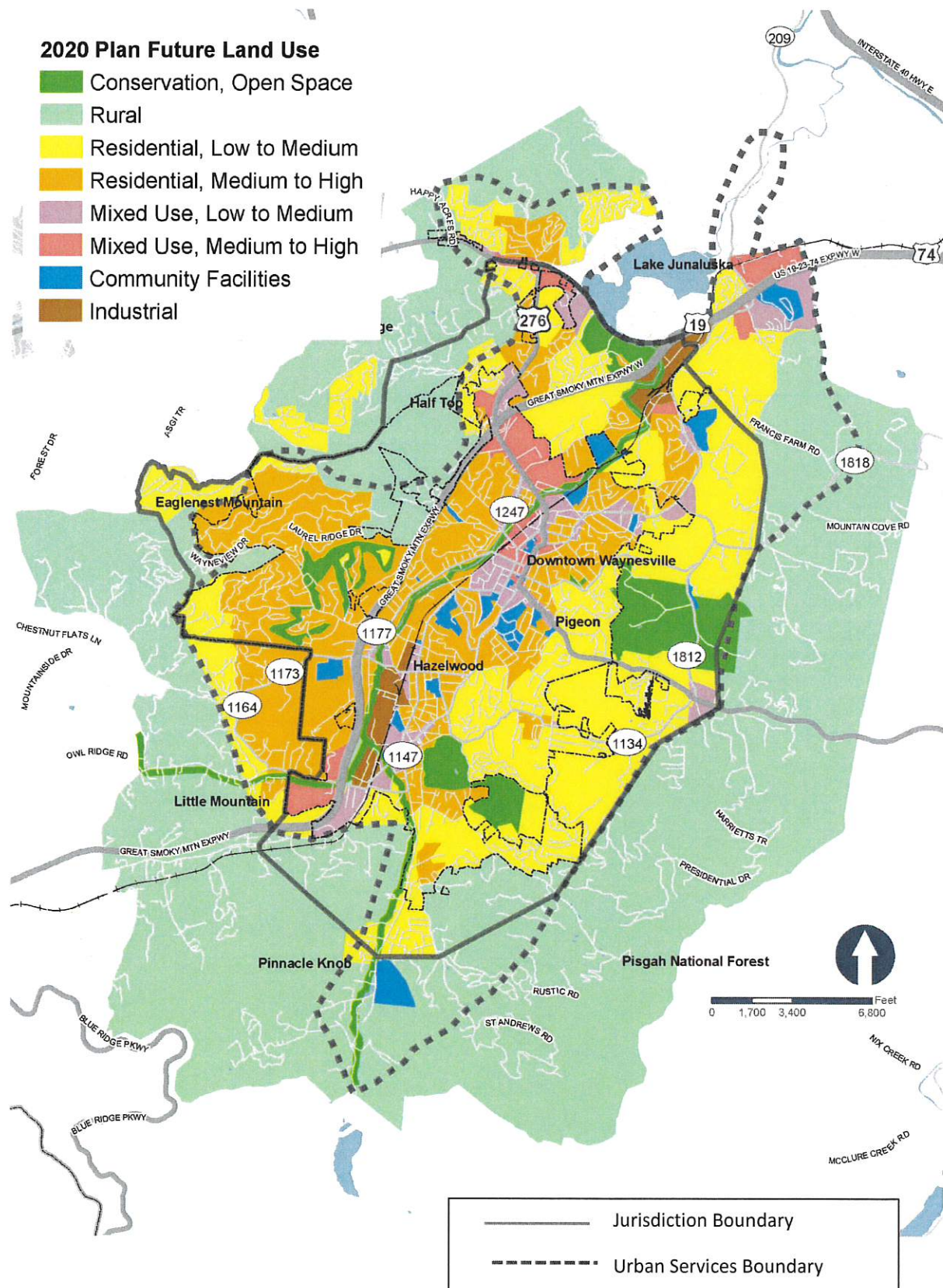
SUP Special Use Permit Required (See Ch 3 and Ch 15)

CD Conditional District (See Ch 3 and Ch 15)

[-] Not Permitted

Requested text amendment would add a "P" for "Permitted" at this location within the table. This action would add multi-family within the PC-NR District. Density, dimensional and other district requirements would remain the same.

Future Land Use Map from the Adopted 2020 Land Development Plan (adopted 2002).



Text Amendment would add a "p" for "permitted" into the Table of Permitted Uses within the Plott-Creek NR District for multi-family.

P	Permitted
P-C	Permitted on corner lots only
PL	Permitted in Designated Locations
P5	Permitted subject to Additional Standards in Ch 3
SUP	Special Use Permit Required (See Ch 3 and

P Permitted	PC Permitted on corner lots only	PL Permitted in Designated Locations	PS Permitted subject to Additional Standards in Ch 3	SUP Special Use Permit Required (See Ch 3 and
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Elizabeth Teague

From: Amie Owens
Sent: Friday, May 11, 2018 4:15 PM
To: Elizabeth Teague
Subject: FW: No to apartment complex

FYI

Amie Owens
Assistant Town Manager
aowens@waynesvillenc.gov

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

-----Original Message-----

From: Margaret [<mailto:mjgarvinrunner@aol.com>]
Sent: Friday, May 11, 2018 4:12 PM
To: Mayor & Board of Aldermen
Subject: No to apartment complex

Dear Mayor,

We greatly disapprove of a zoning change to allow the 200 unit apartment complex to be built in the Plott Creek area. As Laurel Ridge residents this would negatively affect our quality of life and property value, as well as change the natural beauty of the area. Please protect Waynesville's green spaces. That's why we recently moved here.

Thank you for your service to our community.

Sincerely,

Dr. Michael Garvin
Mrs. Margaret Garvin

Sent from my iPhone

Elizabeth Teague

From: Amie Owens
Sent: Thursday, April 26, 2018 3:02 PM
To: Elizabeth Teague
Subject: FW: Plott Creek Road Apartment Complex

FYI

Amie Owens
Assistant Town Manager
aowens@waynesvillenc.gov

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

From: Clay Hamby [<mailto:clayhamby@gmail.com>]
Sent: Thursday, April 26, 2018 2:28 PM
To: Mayor & Board of Aldermen
Subject: Plott Creek Road Apartment Complex

Ladies and gentlemen, I'm a resident of Waynesville and I'm writing to state my opposition to the development of an apartment complex on Plott Creek Road. My reasons for opposing this apartment complex are:

- 1) It's going to create a traffic nightmare. The heaviest traffic from the complex would be funneled right past the elementary school at times when the school traffic is busiest. Additionally, because Plott Creek Road offers only south/west bound access to 23/74, any traffic that doesn't go through the school area will be funneled onto Will Hyatt and Eagle Nest. Neither are set up to handle that kind of volume.
- 2) It is completely inconsistent with current and planned use of the land. The land on the west side of 23/74 currently varies between rural and very low density residential. All of the development in this area, whether based on subdivision, small neighborhoods or individual properties, has been consistent with such land use. Both the neighborhood residential zoning and planning objectives of the Plott Creek neighborhood district focus on maintaining such land use.
- 3) Ignoring the traffic-related problems, where are the power, water, sewer and other city services going to come from? They certainly aren't there now, and there is nothing in the city planning to provide that infrastructure or even assess the requirement and the impact.

This is a classic case of unplanned and uncontrolled sprawl. There is no doubt that there is a need for apartments, but Plott Creek Road isn't the place to put them. I'd also argue that a process that is primarily reactive to a developer is not the way to plan for and implement high density housing.

Thanks for taking the time to listen.

Clay Hamby
44 Eagle Gap Road

Petition

- Submitted 5/14/18 by Mary Muse
- 49 Signatures + 4 emails
- 20 + 4 emails Outside Town: ETJ
- 12 Also on FB petition

PETITION IN OPPOSITION

I/We the undersigned, do hereby petition the Town of Waynesville in opposition of the proposed Waynesville Land Development Plan that would allow construction of apartments in the Plott

Property Owners:

Signature of Property Owner	Date of Signature	Printed Name of Property Owner	Street Address of Property Owner
Ken Hargfeld	5/11/18	Ken Hargfeld	1228 Plott Creek Road
Jane Plott	5/11/18	Jane Plott	1399 Plott Creek Rd
Linda Plott	5/11/18	Linda Plott	1366 Plott Creek Road
Kathryn Haggatt	5/11/18	Kathryn Haggatt	239 Wren Hill
Clarence Dickson	5/11/18	Clarence Dickson	1154 Plott Creek Rd.
Sybil Mann	5/11/18	Sybil Mann	1154 Plott Creek Rd.
Jeffrey Smithers	5/11/18	Jeffrey Smithers	1094 Plott Creek Rd.
Charles G. Zimmerman	5/12/18	Charles G. Zimmerman	311 Locust Dr.
Barbara Zimmerman	5/12/18	Barbara Zimmerman	"
Judy Ballinger	5/12/18	Judy Ballinger	290 Locust Dr.
Vaughn Rhinehart	5/12/18	Vaughn Rhinehart	315 Locust Dr.

9 - inside PC-NR or
2 - outside

PETITION IN OPPOSITION

I/We the undersigned, do hereby petition the Town of Waynesville in opposition of the proposed text amendment of the Waynesville Land Development Plan that would allow construction of apartments in the Plott Creek Community.

Property Owners:

Signature of Property Owner	Date of Signature	Printed Name of Property Owner	Street Address of Property Owner	Parcel Identification No. ("PIN")
Stephanie Buttain	5-12-18	Stephanie Buttain	96 Phineas St Waynesville, NC	8605-52-9244
Jane Bowman	5-12-18	JANE BOWMAN	260 Abbott Ave Waynesville, NC	8605-62-0138
Henry Jones	5-12-18	Henry Jones Jr	29 Brookside Ct. Way, NC	8605-63-0800
Ima Jones	5-12-18	Ima J. Jones	" "	8605-63-0800
Randall Jones	5-12-18	Randall Jones	1000 Plott Creek Rd.	8605-53-8668
RK Cloer	5/12/2018	RK Cloer	42 Brookside Ct	8605-63-0935
Mary Creasman	5/12/2018	Mary Creasman	44 Brookside Ct.	8605-63-1925
Brenda Haney	5/12/18	Brenda Haney	67 Brookside Ct.	8605-53-9826
Ronald Lance	5/12/18	Ronald Lance	72 Brookside Ct	8605-53-9955
REVINNE 05/17/2018	05/17/2018	JACK JONES	43 Brookside Ct	8605-53-7799
SUZANNE JONES	SUZANNE JONES	Suzanne Jones	43 Brookside Ct.	8605-53-7799

PETITION IN OPPOSITION

I/We the undersigned, do hereby petition the Town of Waynesville in opposition of the proposed text amendment of the Waynesville Land Development Plan that would allow construction of apartments in the Plott Creek Community.

Property Owners:

Signature of Property Owner	Date of Signature	Printed Name of Property Owner	Street Address of Property Owner	Parcel Identification No. ("PIN")
<i>Ruth McCall</i>	5/12/18	Ruth McCall	112 Brookside Ct	8605-53-6856
<i>Buster Price</i>	5-12-18	Buster Price	108 Brookside Ct	8605-53-7906
<i>Ne & H Price</i>	5-12-18	Ne & H Price	108 Brookside Ct	8605-53-7906
<i>Ashley White</i>	5-12-18	Ashley White	391 Locust Dr.	8605-51-8640
<i>Patsy P. Souterland</i>	5-12-18	Patsy P. Souterland	86 Brookside Ct	8605-53-8995
<i>Ed Phillips</i>	5-12-18	Ed Phillips	86 Brookside Ct	8605-53-8995
<i>Iris Phillips</i>	5-12-18	Iris Phillips	86 Brookside Ct	8605-53-8995
<i>Eric Morrison</i>	5/12/18	Eric Morrison	12 Sandtrap Rd	8605-44-2019 8605-44-1288
<i>Arika Morrison</i>	5/12/18	Arika Morrison	12 Sandtrap Rd	8605-44-2019

9 in Waynesville (Am)
7 in PCNR

Plott Creek { E.T.J }
Water Rocks 2

PETITION IN OPPOSITION

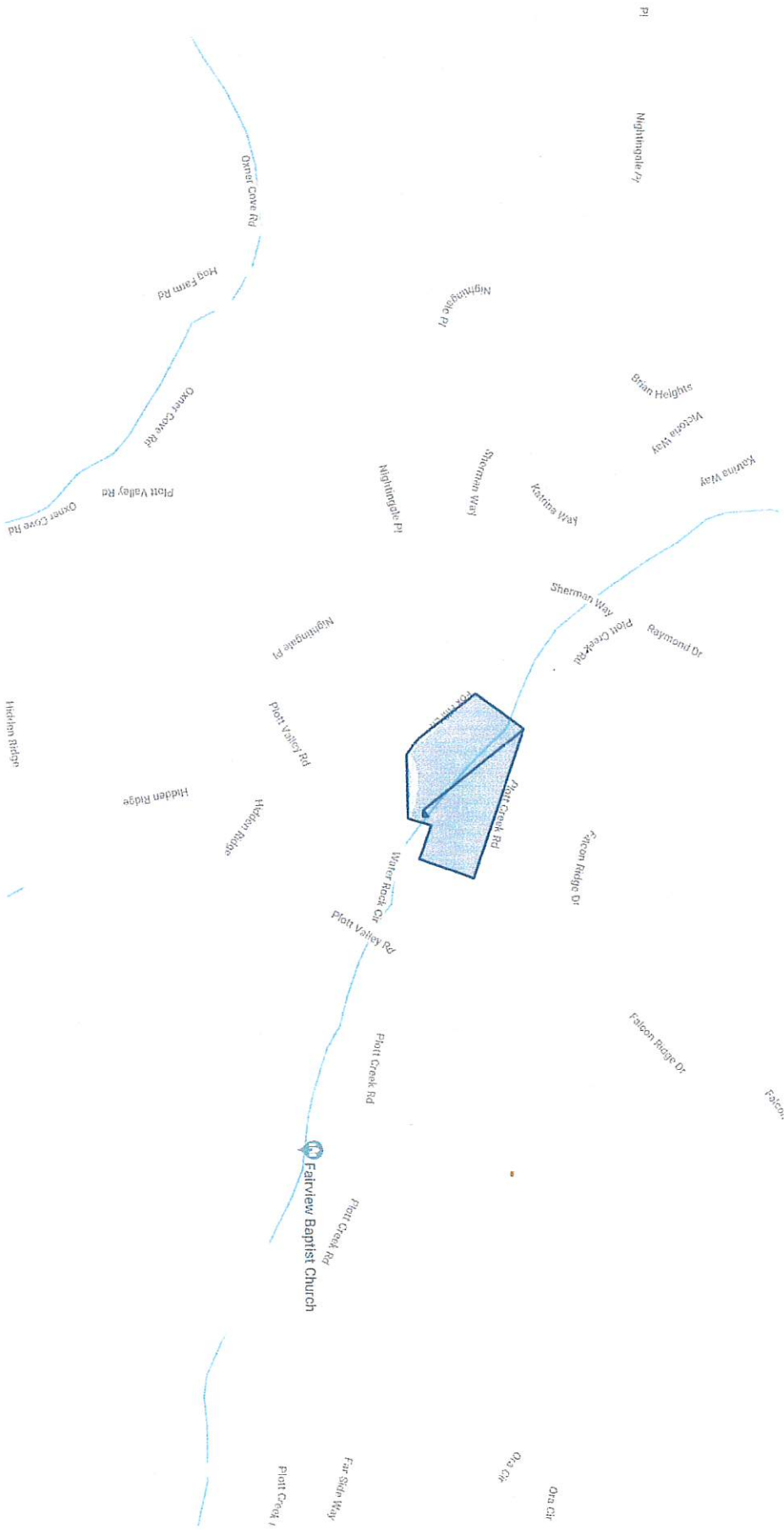
I/We the undersigned, do hereby petition the Town of Waynesville in opposition of the proposed text amendment of the Waynesville Land Development Plan that would allow construction of apartments in the Plott Creek Community.

Property Owners:

Signature of Property Owner	Date of Signature	Printed Name of Property Owner	Street Address of Property Owner	Parcel Identification No. ("PIN")
Mary K Thomas	5/11/18	Mary K Thomas	152 Sherman Way ²⁸⁷⁸⁶	7695-62-6657
Regina K Gann	5/11/18	Regina K Gann	31 Sherman Way	7695-62-9687
Jimmy L. Gann	5/11/18	Jimmy L. Gann	81 Sherman Way	7695-62-9687
Walter Howard	5/11/18	WALTER HOWARD	114 Victoria Way	7695-63-6331
Patricia K Stone	5.12.18	Patricia K Stone	152 Sherman way	7695-63-5552
PAT Inglis	5-13-18	PAT Inglis	13 Katina Way	7695-62-6657
Philip Inglis	5-13-18	Philip Inglis	13 Katina way	7695-63-6031

7 - All Outside Town's E.T.J

[illegible]



tbrothers

From: Brad B <bradbro1@charter.net>
Sent: Thursday, May 10, 2018 8:29 AM
To: Teresa
Subject: FW: Proposed Apartment Complex on Plott Creek

From: John E. Frazier <jfrazier@fraziereng.com>
Sent: Monday, April 30, 2018 7:42 AM
To: Brad B <bradbro1@charter.net>
Subject: RE: Proposed Apartment Complex on Plott Creek

Against it
Impacts traffic

I can't believe the Town Council would approve a rezoning here

JF

From: Brad B <bradbro1@charter.net>
Sent: Sunday, April 29, 2018 9:43 PM
To: Brad B <bradbro1@charter.net>
Subject: Proposed Apartment Complex on Plott Creek

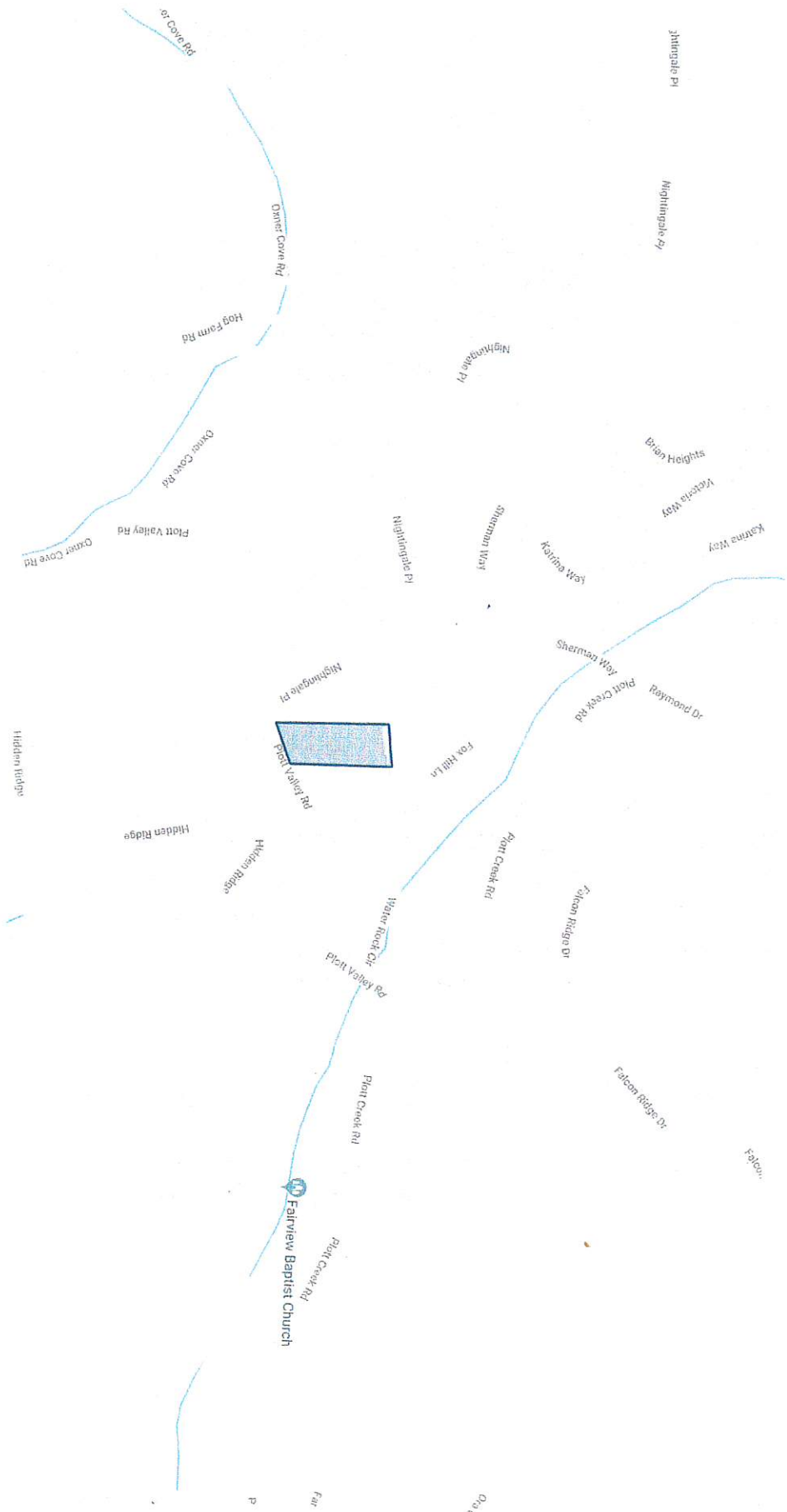
Just saw this, guys. Teresa and I are not ecstatic about this proposal. I plan on opposing this and am wondering what you all's opinion of this is. Besides the probable increased traffic, it will decrease the ascetics of the first part of our drive home. Don't think it will decrease the property values, since we're not next door to it, but I'm certainly not a real estate guru. If you also are not happy with this proposal, please let me know (and any thoughts too). If you're for it, let me know that too.

https://www.themountaineer.com/news/proposed-apartment-complex-draws-ire-of-plott-creek-community/article_a933faf8-4965-11e8-9734-bf3f5e63d96e.html

If I get a chance to say a few words or submit paperwork stating our opposition, I will do so. If the majority of you are okay with it, I'll let it drop.

Thanks,
Brad

John E. Frazier &
Terrie Lynn Frazier
4007 N. Harbour City Blvd
#205
Melbourne, FL 32935
Own: 260 Plott Valley Road
Waynesville, NC 28786
Water Rock Estates I
PIN: 7695-72-3124



tbrothers

From: Brad B <bradbro1@charter.net>
Sent: Saturday, May 12, 2018 2:30 PM
To: Teresa
Subject: FW: Proposed Apartment Complex on Plott Creek, Bill Cook

From: william cooke <wcooke01@gmail.com>
Sent: Saturday, May 12, 2018 1:05 PM
To: Brad B <bradbro1@charter.net>
Subject: Re: Proposed Apartment Complex on Plott Creek

I am very much opposed to such a building at that location. With the close proximity of the existing school the increase in traffic from an apartment bldg. would be horrendous .

Sincerely,

William N Cooke
191 Water Rock Circle
Waynesville N.C.

PIN 7695-62-9467

On May 12, 2018, at 12:40 PM, Brad B <bradbro1@charter.net> wrote:

Bill,

This will be on the corner of Will Hyatt and Plott Creek. It's supposed to be 200 apartments.

Are you for or against this proposal?

Thanks,
Brad

tbrothers

From: Leigh Ansley <lansley3@comcast.net>
Sent: Saturday, May 12, 2018 12:09 PM
To: tbrothers
Subject: Re: Potential New Multi-family Apartment Complex on Plot tCreek Road

Hello Teresa

I oppose the apartment complex, mainly due to potential increased traffic. Plott Creek Road is certainly not designed for that many cars. I did go online and signed the petition against it also.

I hope you and Brad are well and hopefully we will see you very soon.

Thanks for all you both do for Water Rock and Waynesville.

Hugs

Leigh Ansley

191 Water Rock Circle

PIN: 7695-62-9467

Sent from my iPad

On May 12, 2018, at 11:16 AM, tbrothers <tbrothers612@charter.net> wrote:

Hey Leigh.

We are contacting Water Rock Estates homeowners to see if they oppose or support the apartment complex that is being proposed for the property at Plott Creek Road and Will Hyatt Road.

If you oppose this project, would you please send me an e-mail that I can attach to the homeowners petition that is being requested by Mr. Morgan's land use attorney, who has been hired to fight this rezoning. The petition needs to be filed on Monday, so if you could let me know quickly, I'd appreciate it.

Teresa

From: tbrothers <tbrothers612@charter.net>
Sent: Tuesday, May 8, 2018 11:20 AM
To: 'barbro11@aol.com' <barbro11@aol.com>; Ron and Cynthia Morris (cynnmtns4@gmail.com) <cynnmtns4@gmail.com>; 'jrcartrevino@bellsouth.net' <jrcartrevino@bellsouth.net>; 'jfrazier@fraziereng.com' <jfrazier@fraziereng.com>; 'Leigh Ansley' <lansley3@comcast.net>; 'KATHY McKEON' <hunters821@yahoo.com>; 'viper76@ix.netcom.com' <viper76@ix.netcom.com>
Cc: 'bradbro1@charter.net' <bradbro1@charter.net>
Subject: Potential New Multi-family Apartment Complex on Plot tCreek Road

Hello Water Rock Estates Neighbors.





FACEBOOK PETITION
- Submitted 5/14/18 by
Alan Schork
- 376 Signatures
- 117 Not in Waynesville
- 0 Addresses to verify
location.

SAVE PLOTT CREEK: Stop development of the 200-unit, three-story apartment complex at Plott Creek Road and Will Hyatt Lane

<https://www.thepetitionsite.com/408/564/465/deny-zoning-amendment-and-stop-development-of-the-200-unit-apartment-complex-along-plott-creek-road/>

Author: Save Plott Creek neighborhood organization

Recipient: Residents within a 2-mile radius of Plott Creek Road and Will Hyatt Lane in the Town of Waynesville and Haywood County, NC

Petition:

A Charlotte, NC real estate developer is seeking an amendment to the Town of Waynesville zoning ordinance which would permit development of a **200-unit, three-story apartment complex** on property located on Plott Creek Road at Will Hyatt Lane. The height, mass and scale of this proposed project is unlike anything else nearby. The subject property has historically been used as farm land and the area is dotted with single-family residential homesteads. Much of the property lies in the 100-year floodplain of Plott Creek, a spring-fed mountain stream which originates nearby in the Plott Balsam Range of the Southern Appalachian Mountains and is home to several species of wild trout. This development would add **over 750 new residents and more than 350 cars** to this low-density rural and picturesque area, significantly overburdening its existing two-lane roadways and the nearby Hazelwood Elementary School, which is already at capacity. A **dangerous precedent would be set** by allowing development of apartments in this location, especially considering that the Haywood County line is just west of the property, and Haywood County has no zoning ordinance to prevent future developmental sprawl. The potential for environmental damage in Plott Creek, part of the Richland Creek/Pigeon River Watershed, is unknown but considered significant. Existing flooding problems along Plott Creek will also be exacerbated by the project.

In summary, development of a project like this in this location will be devastating to the character of this area, **changing it forever. WE NEED YOUR SUPPORT! SIGN THE PETITION TODAY!**

	Name	From	Comments
1.	Alan Schork	Waynesville, NC	
2.	Sherrie Schork	Waynesville, NC	The development does not fit the character of this area; it's proximity to the elementary school could pose a danger to the children; the road it's built on can't accommodate the traffic this would generate; and it's built across Plott Creek causing potential issues for an important water source in this area.
3.	Olga Mas	Miami, FL	
4.	Helen Chakraborty	Waynesville,, NC	
5.	Bill Gutknecht	Waynesville, NC	This area is not designed to handle that much traffic also concerned that it's next to an elementary school
6.	Ann Hanusik	Waynesville, NC	
7.	Helena khoshnevis	West palm beach, FL	
8.	Bryan Binney	Waynesville, NC	It will create way too much traffic on the narrow 2 lane road not to mention the havoc it will create during school drop off and pick up at Hazelwood Elem.
9.	Nancy Barclay	Waynesville, NC	
10.	Michael Hanusik	Waynesville, NC	I live here and the impact to the actual Plott Creek, the school next to the property impact, flood impact, traffic impact , and the massive number of people increase is not being considered by Waynesville City council or Haywood County Lelected officials is very cpcnerning and eye awakening.
11.	Naomi Gargano	Waynesville, NC	
12.	David Stiles	Waynesville, NC	The roads cannot handle the traffic that will come with these apartments. The additional traffic may present a safety issue for the adjoining elementary school.
13.	Bill Davison	Waynesville, NC	
14.	Anita Daniels	Jupiter, FL	
15.	Becky Mills	Waynesville, NC	
16.	Pamela Hall	San Antonio, TX	I recently purchased a home in Plott Creek.
17.	Karl Van Kaupp	Waynesville, NC	An apartment complex on Plott Creek will put a severe strain on the resources of the area. Schools are already at capacity. Roads are inadequate for what would be 200 additional families crowned into an area of single family homes.
18.	Michael Johnston	Waynesville, NC	Will put way too much traffic on plott creek
19.	Kim Olive	Waynesville, NC	Way too much traffic on our road and clogging elementary school area

	Name	From	Comments
20.	JOAN Barris	Waynesville, NC	This project is destructive to our community at multiple levels.
21.	Sam Alavi	West Palm Beach, FL	
22.	glenn witte	Waynesville, NC	This development negates our reason for moving to Waynesville. The traffic is already bad during school drop off and pick up. This will only enhance the problem.
23.	Yalier Farinas	Waynesville, NC	
24.	James Hall	Waynesville, NC	We spent years searching for the right house in the right area. A 200-unit apartment complex was NOT on our list of what we were looking for. It would not "fit" the location or the community.
25.	Eric Rutherford	Waynesville, NC	There is already a problem with the school traffic at drop off and pickup times. This will only make things worse. This proposed development will not preserve the town's unique natural and historic resources and environmental quality of the town.
26.	Mary Rutherford	Waynesville, NC	As part of the Richland Creek/Pigeon River Watershed, any mishandling of the delicate eco-system in ANY area of Plott Creek will have a negative impact downstream. There are unique species of wild trout in Plott Creek that will no doubt be effected, not to mention the added pollution the residents of a 200-Unit Apartment Complex will have upon it. Let's do everything we can to save this beautiful and historically rich farming area of Waynesville and our beloved Plott Creek.
27.	Denise Butler	Waynesville, NC	This type development is completely out of character to the Plott Creek area. The sheer mass of this project will ruin the tranquility of this serene valley. Current school traffic already poses a problem for travel on Plott Creek Road and Will Hyatt.
28.	cass gillespie	mountainhome, AR	people cant leave anything alone anymore ,prolly end up killing all the aquatic wildlife in the creek
29.	Robert Vanness	Waynesville, NC	This is a narrow country road leading to my house, not appropriate for this amount of traffic.
30.	Doug Shock	Waynesville, NC	This is environmentally, ecologically, and social unacceptable. Being next door to an excellent elementary school is not were a large apartment complex should be built.
31.	Mary Mesterharm	Waynesville, NC	
32.	Lynn Rutherford	Jonesboro, GA	The roadway in front of the school is used as a que area after school is out so parents can pick up their kids. I can't imagine the traffic nightmare this will create.
33.	Elizabeth Hall	San Antonio, TX	

	Name	From	Comments
34.	Al Mankowski	Waynesville, NC	Multi-story units would be out of character with the scenic nature of the Plott Creek area. Also, the high population density would put a strain on the local roads and the neighboring elementary School.
35.	Craig Hall	San Antonio, TX	The surrounding environment, waterways, and roads cannot sustain this type of development. This is a low-density, rural area. The two-lane road is already at full capacity. I do not want this development adjacent to my surrounding property.
36.	Elizabeth Garlington	Waynesville, NC	
37.	David Hegerich	Waynesville, NC	This would be an eyesore that would appear completely out of place. It will cause traffic problems, risk environmental harm and degrade a residential area. The out of town developers will be the only ones who benefit. Growth is great but this is stupid. There are plenty of places that are closer to commercial areas that need new construction and revitalization rather than disrupting a quiet residential area
38.	Emily Bartenbach	Smyran, GA	My parents live there and it would be awful for the environment and city of waynesville.
39.	John Ayer	Waynesville, NC	I'm a property owner on Plott Creek. This would decrease property values, add traffic problems to a narrow two lane road and add safety issues for our children at Hazelwood Elementary School. Also, this would create environmental damage to Plott Creek.
40.	Lynn Mooney	WAYNESVILLE, NC	I live on Plott Creek and feel this would be adding too much traffic to a rural area and have an environmental impact on the creek too.
41.	Deborah Lagos	Waynesville, NC	Plott Creek Road is not able to handle the traffic this would generate. It is already dangerous because some vehicles travel too fast on the narrow, curving road.
42.	Beth Ballentine	Mountain Brook, AL	I have a home in the Villages of Plott Creek & the new development would RUIN our part of WNC! PLEASE DO NOT BUILD IT!!!
43.	Lisa Hesth	Waynesville, NC	Because I think it will change the charm of our lovely community.
44.	Kevin FitzGerald	Waynesville, NC	Entertaining a "text amendment" aka zoning change to permit a development of this size and scope at this location is totally inappropriate for a whole host of reasons. We must not allow this to happen.
45.	Jeannie Ayer	Waynesville, NC	Tremendous safety issues for the elementary students .
46.	Teresa VanLandingham	Cairo, GA	Because I have a vacation home at 65 Fortune view in the Villages of Plott Creek that may one day be my full time residence. I do not want the beauty and tranquility of the area taken away because of one man/companiy's desire to make money by destroying what draws people to Haywood Co.
47.	Darlene yates	Canton, NC	

	Name	From	Comments
48.	BEVERLY BARBOUR	Waynesville, NC	should not have this next to the elementary school! too much traffic now on Plott Creek Road specially at school opening and closing times. Possible damage to Plott Creek. Does not fit with neighborhood at all!
49.	Grace Forga	Waynesville, NC	This development will be extremely detrimental to the residents of the area. There arent enough resources to support such an influx of people to this area. The environmental affect will be disastrous.
50.	Kathy Lynette Trainor	Waynesville, NC	
51.	Michele Baxley	Canton, NC	Conservation of the land and the possibiltyof damage to the creek. Not to mention overcrowding
52.	Georgie Gondron	Waynesville, NC	The proposed development should not be located adjacent to an elementary school, where it would add significantly to the existing traffic congestion between Sulphur Springs Road and Will Hyatt Road. Safety during morning and afternoon delivery or pickup of children, together with emergency access concerns, argue against it. The development would also be totally out of character with the rural nature of the area. One need only drive by the proposed site to see that it does not belong there. Jon B.
53.	DANIEL MACINTOSH	WAYNESVILLE, NC	
54.	Jon Barbour	Waynesville, NC	
55.	Kerry Bartman	Waynesville, NC	
56.	Marilyn Babela	New Smyrna Bch, FL	We are surrounded by Gods beautiful creation that continues to be destroyed by progress ... I love Haywood because it isn't a big city.
57.	Leslie Brooks	Waynesville, NC	
58.	Blake Ballentine	Waynesville, NC	
59.	Andrew Sutton	Waynesville, NC	
60.	Mary Miller	Brevard, NC	
61.	Katie Swanger	Maggie Valley, NC	
62.	Rachel McFarland	Waynesville, NC	
63.	Trevor Garrick	Waynesville, NC	We own property on Plott Creek. The negative impact of such a large development to this rural residential area seems excessive. Not only is an apartment complex out of character for the area of single family homes, the proximity <i>(continues on next page)</i>
64.	Karen Keller	DeLand, FL	

	Name	From	Comments
64.	Karen Keller	DeLand, FL	<i>(continued from previous page)</i> to the elementary school & overburdening the local two lane road along with the potential environmental damage seems unwise.
65.	Sara Snyder	Balsam, NC	The Cherokee people stewarded and lived in balance with these lands for thousands of years. The people who live here now have an obligation to continue to care for our waterways and lands. This project would alter the character and ecosystems of our beautiful region. It would be a visual and ecological blight and should not proceed.
66.	Mary Thomas	Waynesville, NC	Safety concerns for Hazelwood Elementary (increased traffic, especially during AM), environmental fears (storm water runoff, disruption to trout stream), quality of life (footprint of a 3-floor apartment complex w/parking lot on 10+ acres). Developer indicates the building site will use 40% of the 41-acre lot.
67.	Paige Aguilar	Waynesville, NC	
68.	Frances Owl-Smith	Bryson City, NC	Save the beauty of this farm land. Stop population increase in the area.
69.	Jim Gann	Waynesville, NC	Traffic and environmental issues
70.	carol hall	waynesville, NC	
72.	Dawn Davidson	Hartselle, AL	I have a home in Villages of Plott Creek and I am concerned about the increased traffic on a two lane curvy rd.
73.	Bruce Yarrington	Waynesville, NC	This proposed 200+ apartment complex will create a motor vehicle traffic congestion on Plott Creek Rd as well as Will Hyatt and other ancillary roadways connected to Plott Creek Rd. Plott Creek Rd is already congested due to the residential development in the Villages of Plott Creek, Water Rock and Falcon Ridge. I invested my hard earned retirement money into building a beautiful "one family" home in the Falcon Ridge development in 2001 and realize that this proposed apartment complex can and will decrease my property value. The greater Plott Creek rural area is full of well above average priced single family homes that generate a huge amount of property taxes used for funding Haywood County's needs. I am totally against this proposed apartment complex development.
74.	Jacob Brooks	Waynesville, NC	I used to live where this monstrosity would be being built. This is not the place for such a development. It is a peaceful and respected part of our Community that has a history to go along with it. Building something like said would be not only a horrible location causing more traffic and less farmland for our locals. But would also raise crime and other illegal activities. Even just raising problems in an undeserving area for such hardworking people, who have purchased there land for peace and quiet also tranquility. I would have to say <i>(continues on next page)</i>

	Name	From	Comments
74.	Jacob Brooks	Waynesville, NC	<i>(continued from previous page)</i> this is just a Horrible idea all around. Good luck desecrating on this land if said happens. Some of the passionate yet unfriendly locals may not take kindly to such.
75.	E.J. Massie	Waynesville, NC	
76.	Andy Berger	Boca Raton, FL	
77.	Linda Williams	Waynesville, NC	I am planning on building a house at this address. This is not the place for an apartment complex to overload the roads and school system.
78.	Emily Davis	Waynesville, NC	We have an awesome watershed and do not need construction to mess with our water supply.
79.	Julia Plott	Waynesville, NC	
80.	Ken Hollifield	Waynesville, NC	This a nice community which we all enjoy.one, the road will not be able to handle another influx of heavy traffic, we have a school that is already at capacity.the seller of this property,lives in waynesville but not near the property.he has told that townhouses would be built but when the truth came out it is apartments. Basically, the residents of Plott creek does not want or need this eye-sore built in our community
81.	Kelly McCarter	Waynesville, NC	
82.	Alex Coimbre	Waynesville, NC	This development would ruin the character of the area to say nothing of the congestion it would add to an area that could not possibly handle the potential volume of traffic and new residents. Why don't the developers bring this to downtown? That's where the density is needed! Do not ruin these pastoral views; there are so few left. The potential development does not even look like anything unique to the area. More cookie-cutter development. Reject!
83.	Lori Lunsford	Waynesville, NC	No to the 200 unit apt complex ! Love my quiet neighborhood , already traffic issues by Hazelwood Elementary School , this will be a disaster . Not environmentally friendly either !
84.	Carlos Coimbre	Juana Díaz PR, Puerto Rico	
85.	Teresa McMurray	Saluda, NC	
86.	Elizabeth Knight	North Potomac, MD	We need to keep some areas as undeveloped. There is abundant wildlife in the area and they need their homes.
88.	Katie Ray	Waynesville, NC	
89.	Jenna Crain	Candler, NC	
90.	Jacqueline Ambrose	Waynesville, NC	This project is way to dense for the site and will overburden the road and infrastructure. It will radically change the semi rural area
91.	Sherry Blehm	Waynesville, NC	

	Name	From	Comments
92.	Holly Parton	Waynesville, NC	I have lived in Waynesville my whole life. Waynesville needs affordable housing and these are definitely not affordable for Haywood County residents. We don't need huge apartments to come in on Plott Creek right beside an elementary school.
93.	Reina Steele	Waynesville, NC	I travel Will Hyatt Road and Plott Creek Road frequently. At present, I avoid that area during morning drop off and afternoon pickup from Hazelwood Elementary. I cannot imagine what 200-300 more vehicles would do to that area. While rural it is also busy enough. The Will Hyatt/Plott Creek Road intersection is configured in such a way that visibility is limited. I'm also concerned that Hazelwood Elementary would be unable to handle this population boom. I've been an active volunteer with HCS and can speak from experience regarding overcrowded classrooms and the shortage of truly qualified educators. Please consider all of these factors and keep this development away from this area. Thank you.
94.	Denise Pressley	Waynesville, NC	To close to an elementary school, less farmland for our locals, and Plott Valley holds a lot of history and building such a structure on that site would take away from the history. It would also increase traffic, and possibly more crime, which we dont need.
95.	Edward Grumka	Waynesville, NC	Waynesville is quaint, country living. If you want it to start looking like NJ (my home state), you've forgotten the face of your father,
96.	Amber Rhinehart	Waynesville, NC	I grew up on this land, plan to retire next to it, and own other property on Plott Creek. A large development would be completely out of place here, necessitate further road widening in a constrained area that already has a stalled effort to widen the bridge to accomodate school traffic, and increase runoff into a creek that overflowed just a few hundred yards away in recent years.
97.	Greg Pressley	Waynesville, NC	
98.	Bill Plott	Springfield, VA	
99.	K McCarter	Waynesville, NC	This is a beautiful rural area and needs to be preserved. Why not try to redevelop a run down area to beautify and make useful?
100.	Virginia Patten	Lake Junaluska, NC	
101.	Melba Hudson	Waynesville, NC	
102.	Dwayne Hooks	Waynesville, NC	As a resident of Haywood County, I would be directly impacted. This project would negatively affect the environment and cause detriment to Plott Creek. A multi-family housing 3-story building doesn't belong on Plott Creek/Will Hyatt.
103.	Jimmy Massey	Waynesville, NC	Ruined such a beautiful part of our community! [?][?]
104.	Joseph Ashe	Waynesville, NC	

	Name	From	Comments
105.	Wendy Leopard	Waynesville, NC	Our beautiful mountains are being destroyed by people with huge houses and making land and housing costs rise. Plott Creek is a beautiful place is doesn't need an apartment complex to bring more traffic to our road and drugs to our community. This is beautiful pasture land that doesn't need to be destroyed by an apartment complex.
106.	Sarah Sanford	Waynesville, NC	
107.	Debbie Muse Long	Waynesville, NC	
108.	Laila Oswald	Waynesville, NC	Nice upscale area, farmlands worried about traffic over population affecting our lands and streams
109.	Lee Chavers	Waynesville, NC	I live very near this area and absolutely do not want this development in our quiet, rural area. It would ruin our little community.
110.	Julie Lanier	Waynesville, Viet Nam	
111.	Carol Rowan	North Potomac, MD	I know the area, and such a project would decimate it. There are far better options available to the developers.
112.	Morgan Henry	Waynesville, NC	
113.	Emily Hyatt Weaver	Corpus Christi, TX	NOT the place for such a complex.
114.	Gallegos Melissa	Rincon, GA	
115.	Tresa Mathis	Waynesville, NC	
116.	Ed New	Waynesville, NC	I live in close proximity to the property. The design of the buildings shows them being built in the flood zone. I think it will also have negative impact on the elementary school.
117.	Georgia Reeves	Waynesville, NC	
118.	Joel Mahle	Waynesville, NC	
119.	Tasha Duvall	Waynesville, NC	We moved to Plott Creek to get away from so many people we were living around in our previous neighborhood.
120.	Kate Price	Waynesville, NC	
121.	Dawn Gudger	Waynesville, NC	This is a rural area with historic roots. The land as well as the mountain views should not be disturbed.
122.	Don f Wallace	Waynesville, NC	They will have wider streets and more stop lights. What will stop them building more on the addition property.
123.	Jill McClure	Waynesville, NC	
124.	Ann Dennett	Waynesville, NC	Don't need bid developers here. We don't want to get ruined like Asheville
125.	Travis Thompson	Longs, SC	Lived there for 10 years. It is being terribly over developed
126.	Michael Leatherwood	Waynesville, NC	Th

	Name	From	Comments
127.	Barbara Wilkes	Savannah, GA	I will be returning to live in Waynesville and I know this area well. Friends have lived in that area a long time. This would not be a good place for such a large development.
128.	David Brewer	Waynesville, NC	
129.	Pamela Cornell	Shallotte, NC	
130.	MK Eddleman	Waynesville, NC	
131.	Kelli Ray	Waynesville, NC	
132.	Elizabeth Schultz	Waynesville, NC	
133.	Carolyn Plott	Waynesville, NC	It will spoil our little town, it is growing too fast I am against this development. This type of development would be detrimental to the entire Plott Creek community and the agricultural and environmental integrity of this historic area. This type of development will in no way enhance or improve Haywood County or Waynesville. If the town's goal is to attract businesses and to improve the local economy, it is counterproductive to destroy viable property such as Plott Creek. There are other locations that would not have as much impact on the environmental surroundings and the community as a whole.
134.	Darren Hall	Waynesville, NC	This puts too much traffic in an already congested area not to mention it will change the dynamics of our quaint town. You start building apartments like this and it brings all kinds of unwanted attention to our area.
135.	Rachal Chohonis	Maggie Valley, NC	
136.	Cynthia Bowen	Waynesville, NC	
137.	Renee Albert	Waynesville, NC	The current zoning for Waynesville does not allow for a development like this on Plott Creek. It would be dishonest and disappointing for the rules to change in the middle of the game just so some people could make a few bucks! Keep Plott Creek beautiful!
138.	Carly Greene	Waynesville, NC	
139.	Sherri Milner	Waynesville, NC	This is a beautiful area! Let's keep it that way! I am concerned about the changes this project will bring to future development of the Plott Creek area, the traffic on Plott Creek Road and lack of turn lane at the school, and the serious runoff of this project (and others) on the waters of Plott Creek. There is a reason that this Plott Creek District was originally zoned as not suitable for multiple family <i>(continues on next page)</i>
140.	Tracey Elliott	Clyde, NC	
141.	Amanda Butler	Waynesville, NC	
142.	Paige Price	Waynesville, NC	
143.	Elisia Smith	Waynesville, NC	
144.	Melissa Rogers	Cape Coral, FL	
145.	Carrie Ross	Cape Coral, FL	
146.	Lelia Kirkman	Waynesville, NC	

	Name	From	Comments
146.	Lelia Kirkman	Waynesville, NC	<i>(continued from previous page)</i> housing and that such is not compatible with the single family houses in the area.
147.	Heather Davis	Clyde, NC	
148.	NICOLE ROSS	Waynesville, NC	I'm not against development but I am against hasty development that ruins our mountains and pays no respect to the community surrounding it. If we are to remain a safe and sustainable community, we must not allow overdevelopment like this.
149.	Lindsay Wolf	Aurota, CO	
150.	Osama Hafez	Waynesville, NC	
151.	Abra Brooks	Waynesville, NC	We have enough popuplation in Waynesville, why accomodate more?
152.	Vickie Caldwell	Clyde, NC	I grew up in the area
153.	Mary Derks	Cullowhee, NC	
154.	Lisa Grasty	clyde, NC	
155.	Donna Yarbrough	Waynesville, NC	Take it to Asheville! It's already ruined!
156.	Leah Edwards	Asheville, NC	
157.	Freida Hamilton	Waynesville, NC	
158.	Cheyenne Steele	Waynesville, NC	Unless they are building it for low income families I don't want it being built it's time people start caring and building stuff here for the locals not the people who move here from Florida during the summer and move back in the winter.
159.	Stephanie Messer	Waynesville, NC	
160.	Valerie Webb	Fort myers, FL	We should preserve our beautiful nature, there others seas to develop on.
161.	David Hyatt	Waynesville, NC	
162.	Erica Reece	Clyde, NC	
163.	Edward Puhlman	Highland Beach, FL	We need trees and open space not more concrete! [?][?]
164.	Kelsey Baker	Fort Myers, FL	We need to remember we are not only living beings here and need to share the beauty and protect our wildlife.
165.	Frank Rutherford	Jonesboro, GA	building apartments in this area would diminish the adjoining neighborhoods
166.	Randi Gail	Waynesville, NC	Waynesville is a beautiful little mtn town with such beautiful nature all around. We need to preserve the land and the habitat for all the animals living in this area.
168.	Amy Shahparast	Clyde, NC	
169.	Cody Hilliard	Waynesville, NC	
170.	Sandra Beck	Maggie Valley, NC	

	Name	From	Comments
171.	Ray Moody	Waynesville, NC	This proposed development would significantly change the entire Plott Creek community and put a huge stress on the road, water, and sewer systems, not to mention the elementary school.
172.	Jessica James	Fort Myers, FL	
173.	Nora Dickson	Waynesville, NC	
174.	Heather DeNinno	Waynesville, NC	It's a beautiful area and we need to sell the houses on the market now before destroying more of our beautiful Mountain View's.
175.	Chuck Dickson	Waynesville, NC	Rezoning the Plott Creek district to allow multifamily use will permit apartments anywhere, not just on the proposed site. Also, the site still has room for an additional 200 apartments besides the 200 that are already planned.
176.	Deb McNamara	Shelby, NC	This land is historic.....leave it be....
177.	Felicia Mull	Waynesville, NC	
178.	Angela Hines	Waynesville, NC	I feel that if you want big city buildings you need to stay in the city. We like our mountains to stay mountains and not congested with city life.
179.	Lindsey Pressley	Waynesville, NC	
180.	Allyson Ferry	Fort Myers, FL	
181.	Stephanie Murray	Youngsville, NC	
182.	Trenton New	Waynesville, NC	I live there and it's beautiful
183.	Nichole Rheiner	Fort Myers, FL	
184.	Suzanne Gernandt	Waynesville, NC	
185.	Brenda Lawrence	Waynesville, NC	
186.	Norma Rea	Maggie valley, NC	To congested for muti family
187.	Jane Doug M. Hyatt	Waynesville, NC	There are numerous reasons for land owners to oppose this multi apartment complex. 1. Land owners do not need or want such increased population for that particular land area. 2. There is no interchange on the interstate to allow traffic flow toward Asheville. 3..The Plott Creek Road is too narrow to accommodate the increase in apartment traffic. 4.Utility lines in this area are overloaded already. 5. The area floods now and sewage lines will not hold increased capacity. Tax payers do not want to fund increased utility taxes. 6.I am surprised that this particular flat area is not considered or declared "wetlands " by government maps. 7. Such high density development will decrease property values of all land owners on both Plott Creek and Will Hyatt Roads. The school has increased traffic on the roads now. 8.Golfers have difficulty crossing Eagles Nest Road in a cart. Traffic has increased on Eagles Nest Road these last years to the point that walking along the road is unsafe. No sidewalks are available. Most importantly, apartment (continues on next page)

	Name	From	Comments
187.	Jane Doug M. Hyatt	Waynesville, NC	<i>(continued from previous page)</i> complexes eventually cycle into undesirable abscesses that are not needed for this perfectly beautiful area. Please do not support this blight on our community. My hope is that our town will find a more suitable location for an apartment complex. I hope our community is not harmed by a huge apartment complex.
188.	Ruth Plott	Waynesville, NC	
189.	Utpal Chakraborty	Waynesville, NC	To protect and preserve the natural beauty of the Plott Creek Road community, and keep man-made pollution to a minimum.
190.	Patty Edwards	Waynesville, NC	Developing a large apartment complex on Plott Creek Road will negatively change the community.
191.	Susan Folds	Waynesville, NC	
193.	Brad and Teresa Brothers	Waynesville, NC	Highly concerned about increased traffic, water pollution of Plott Creek which flows into Richland Creek and decreased beauty of the area.
194.	Jim Biggerstaff	Waynesville, NC	
195.	Tara Scarborough	Waynesville, NC	Whereas, I am not against apartments, I would like to protect the pristine. This area should not become a precedent for urban sprawl.
196.	S Karppinen	Clyde, NC	This changes the peaceful environment of this community and the added traffic will create a need for road changes.
197.	Christy Kent	Colorado Springs, CO	
198.	Deborah Massaro	Lehigh Acres, FL	Preserve nature
199.	Rodger Jones	Maggie Valley, NC	Too many people and limited resources.
200.	Andrew Horton	Waynesville, NC	Plott Creek is a beautiful area and a quiet country road. It is also the historical site where the Plott family developed the Plott Hound. Which is the North Carolina state dog.
201.	Paula Ledford	Webster, NC	This is a beautiful, quite area. Don't screw it up.
202.	heidi heil	waynesville, NC	
203.	Amber R	Waynesville, NC	We flat out DO NOT NEED THIS out here!
204.	Christina Greene	Waynesville, NC	
205.	Lynn Delp	Canton, NC	
206.	Shari Baucom	Maggie Valleiy, NC	
207.	Steven Sheehan	Waynesville, NC	It's putting to much strain on the infrastructure with all the tourists and people moving here.
208.	Lucinda Ramsey	Waynesville, NC	
209.	Katherine Mills	Waynesville, NC	
210.	Portia McJunkin	Saluda, NC	

	Name	From	Comments
211.	Carol Rooney	Maggie Valley, NC	This will put a strain on resources, traffic and pollution. We need limits on uncontrolled growth and development. Put it in Waynesville.
212.	Kristin Baisden	Waynesville, NC	
213.	Linda Shriner	Maggie valley, NC	
214.	Taylor McMahan	Waynesville, NC	
215.	Ashley White	Waynesville, NC	I live close to this piece of property and they don't belong in this area. Will be to close to the school and road is only two lane and congested already. Find somewhere else for your complex.
217.	Kalee Golden	Waynesville, NC	
218.	Karin Ferguson	Waynesville, NC	
219.	Lee Davis	Waynesville, NC	
220.	Sherrie Griffith	Maggie Valley, NC	
221.	Kathleen & John McKeon	Waynesville, NC	We moved out here to retire for the peace and beauty of the land. This project would take away the peace and security of our area.
222.	Jim Ray	Waynesville, NC	The current zoning allows reasonable development to this area. The amendment would allow a much greater density than the infrastructure can support.
223.	Carolyn Pope	Waynesville, NC	Potential TRAFFIC and congestion around school area. It's already a challenge.
224.	Tina Hendricks	Canton, NC	
225.	Sam Dickson	Waynesville, NC	
226.	Heather Reeves	Waynesville, NC	The roadways here could not support the amount of traffic that would come from this plus with it being close to the school it would make the class rooms too big with them already closing one school.
227.	Kendra Messer	Clyde, NC	
228.	David Logeman	Waynesville, NC	
229.	Shawn J	WAYNESVILLE, NC	We do not need this in our area.
230.	Shannon Horton	Waynesville, NC	
231.	Konni Terrell	Waynesville, NC	
232.	Jacob Mills	Waynesville, NC	
234.	Allena Heath	Waynesville, NC	
235.	Amy Davis	Waynesville, NC	Road is not efficient for the added traffic and school safety
236.	Bonnie Grumka	Waynesville, NC	
237.	Laura Willis	Waynesville, NC	This area is not appropriate for this project. The road is not sufficient. The area is a peaceful, quiet part of Waynesville. It would also impact traffic around the elementary school which is already significant.

	Name	From	Comments
238.	Lisanne Lombardo	Candler, NC	It is too big. A small, nicely integrated set of townhomes that blend well with the surroundings would be better. Maybe 10 -20 units. This is greed, pure and simple.
239.	Barbara Childers	Balsam, NC	This is a beautiful area, please do not destroy it with a apartment complex!! Leave it alone!!
240.	John Eroh	Waynesville, NC	It would change the character of Plott Creek. There are other places in Waynesville where it would fit in better.
241.	Melinda Davis	Clyde, NC	To protect the integrity of our small town community.
242.	Jerri-Anne McDermith	Maggie Valley, NC	Preserving integrity if rural Mountain streams
243.	Terri Rosene	Waynesville, NC	
244.	Courtney McClure	Clyde, NC	
245.	Lisa Overhultz	Waynesville, NC	I love the charm and small town feeling of this area. I DO NOT want it to resemble Asheville in ANY way.
246.	Kim Shelton	Swannanoa, NC	
247.	Ashkea Henry	Waynesville, NC	This will cause even more traffic in our small roads and near the school!
248.	Robert Cogburn	Cleveland, NC	Preservation of North Carolina's wild areas needs to be given more importance!
249.	Dominique Raber	waynesville, NC	
250.	Aimee Ezell	Waynesville, NC	
251.	Tim Price	Waynesville, NC	This is where I was rasied up as a little kid and I don't think it should be touched to pretty of a creek.
252.	Claudine Bradley	Waynesville, NC	Preserving our open land
253.	Mark TIMMINGTON	Maggie Valley, NC	Does nt below in this area.
254.	April Lyda	Waynesville, NC	This area is gorgeous and in my opinion is not the appropriate spot for a housing development or apartment complex.
255.	Carl Summy	Clyde, NC	We need to keep some of the charm of Haywood County. Once it is gone, it's gone forever.....
256.	Nikki Luther	Canton, NC	The land is too beautiful to be distorted by that big of a building. The whole area is not right for an apartment complex. Move it else where.
257.	Natalie M	Waynesville, NC	While we are in need of more housing (affordable) in Waynesville, this is not the area for it.
258.	Erich Overhultz	Waynesville, NC	We retired here to the area last year for the peace, quiet, natural beauty, and relative lack of traffic. This project is incompatible with the serenity of the area. We don't want Waynesville to become like the place we moved from. I also don't want this to turn into a bedroom community for Asheville.
259.	Ashley Welch	Waynesville, NC	

	Name	From	Comments
260.	Brianna Green	Waynesville, NC	
261.	Sandra Irvine	Waynesville, NC	
262.	Jessica Forbes LeFiles	Balsam, NC	
263.	Ruth Jordan	Waynesville, NC	Plott Creek is a beautiful road full of wildlife, a creek that runs for miles, farm land, and lots of greenery in trees, bushes, grass, etc. Its a quiet rural road not meant for lots of traffic. Significant amounts of construction/infrastructure would change the landscape, the habitat, potentially watershed, and the native ecology forever. Please resist the urge to approve this 200 hundred 3 story apartment building in this location.
264.	Armando Basulto	Waynesville, NC	Stop rampant development! "To those devoid of imagination a blank place on the map is a useless waste; to others, the most valuable part." - Aldo Leopold
265.	Cindy Jackson	Maggie Valley, NC	We need to preserve the beauty and the water in the area.
266.	Angie Hamiel	Waynesville, NC	This will lead to traffic congestion and overcrowding of Hazelwood Elementary. It will also negatively impact the beautiful environment of Plott Creek. Additional apartments could be built. Not a good idea! This is our community. Let's save it!
267.	Diana Calderon	Waynesville, NC	
268.	kylie conard	waynesville, NC	
269.	Amanda Gentry	Waynesville, NC	Not what the community needs . Will make for more traffic that the roads cant hold. Already have trouble with school traffic.. not a good fit to the community
270.	Donna Greenberg	Waynesville, NC	
271.	Jason Milton	Waynesville, NC	
272.	Tara Brant	Decatur, GA	
273.	William West	Waynesville, NC	Traffic and values
274.	Jenna Lear	Waynesville, NC	
275.	Will Franklin	Canton, NC	I like where I live and don't like seeing people build there big houses on these mountains
276.	Sophi Jackson	Clyde, NC	
277.	Jesse Mease	Waynesville, NC	Please stop this!!! Haywood county is already being over developed. Keep our small town small !!! This is how we like it. I'd you don't like that then move to the city and leave us alone !!!
278.	Joseph Wenzel	LAKE ELMO, MN	
279.	Adam Greenberg	waynesville, NC	This is type of development belongs in a city center.
280.	Stacey Harbaugh	Waynesville, NC	
281.	rachel arrington	Waynesville, NC	

	Name	From	Comments
282.	Galvin Combre	Fredericksburg, VA	Because at the rate development is going worldwide we will completely succeed in destroying our wildness. How many more houses, fast foods, shopping malls, highways, gas stations, cars, etc. do we need? When "enough is enough"? Save this pristine piece of land and preserve it for future generations to enjoy. No to more development! No to the continuous destruction of our open areas! No to big money!
283.	David Blanton	Waynesville, NC	It's to close to a school for something like that
284.	Cynthia Slaughter	WAYNESVILLE, NC	For all the reasons many people have clearly articulated, allowing this apartment complex to be built would be a disaster, the effects of which could never be undone.
285.	Brenda Hoy	Maggie Valley, NC	
286.	Jenna Jones	Waynesville, NC	This type of development does not belong in this area. It's a beautiful peace of country and should be left as so.
287.	Patricia Stone	Waynesville, NC	Traffic, aesthetic, school impact
288.	Carol Stines	Asheville, NC	My elderly parents still live in this area as well as many other elderly people. It is a beautiful rural area that I grew up in that would be destroyed by this project. Please don't do this to the plott creek area
289.	Robert Miller	Maggie Valley, NC	
290.	Jacqueline McLaughlin	Waynesville, NC	I thought there was some kind of moratorium on building multifamily units on farm land in Haywood County. This project will harm the community more than help it - we must preserve the beauty and aesthetics of our county along with the growth. It will de-value the property values for those already established in the area as single family residences.
291.	Lloyd Hinson	Maggie Valley, NC	Retired. Don't mess with my Quality of Life.
292.	Connie Hewitt	WAYNESVILLE, NC	As is, I try to time my goings and comings with school traffic. Adding this complex would overload the roads and all the infrastructure. This is not the place for this type of development. Moved here for beauty and peace of rural environment.
293.	Dorothy Candelario	Lake junaluska, NC	
294.	KAY Pardee	Waynesville, NC	
295.	James Davis	Waynesville, NC	
296.	Chris Griffin	151 Lister Lane, NC	
297.	chiung-Miao Huang	Fredericksburg, VA	
298.	David Parris	WAYNESVILLE, NC	Land Values
299.	Ross Irvine	Waynesville, NC	

	Name	From	Comments
300.	Alfred Danna	Waynesville, NC	I recently retired as a Special Agent with the Florida Department of Law Enforcement. After 41 years specializing in Crimes Against Children, child sex abuse crimes and child abductions, the influx of a possible 750 renters would be a veritable nightmare to any of our current residents with children. Known predators won't be able to reside in such a close proximity to the school HOWEVER, it's the UNKNOWN predators who have NOT YET been caught who can be living in this proposed apartment complex. This proposed complex poses a HUGE threat to the safety and welfare to the children in our Neighborhood. This does not even take into consideration any other criminal element that could be renting one or more of these apartments. This has to be stopped for all of the reasons others have already cited but also for the safety and protection of the citizens of our neighborhood.
301.	Jim Richardson	Waynesville, NC	
302.	Debra Nix	Waynesville, NC	I came here to escape the apartment chaos. Do NOT destroy these treasured, beloved mountain lands!
303.	Zebulon Sanford	Waynesville, NC	This land belongs to us, deserves to be peaceful and rural
304.	Leah Robbins	Waynesville, NC	The heavy increase in traffic on Plott Creek Road raises great concerns for my family. How many vehicle accidents will occur with this increased traffic?
305.	Teresa Brothers	Waynesville, NC	My husband and I are residents of Water Rock Estates, Section 1, and have significant concerns regarding the aesthetic, environmental, public safety, traffic and other adverse impacts that the development of this multi-family apartment complex will cause to the communities along Plott Creek Road.
306.	D KLEINMAN	Mercerville, NJ	
307.	Kirsten Guerrero	Lehigh acres, FL	
308.	Brandon Justice	Clyde, NC	
309.	William M. Lucy	Maggie Valley, NC	We have a large parcel of land next to our subdivision, Crockett's Meadow, that we have the same concerns about.
310.	Lindsey Mehaffey	Waynesville, NC	
311.	dnise matthys	waynesville, NC	traffic mess
312.	Veronica Von Zwehl	Waynesville, NC	This is not resposible growth. I hope the Town puts its greed aside and rejects this project.
313.	Allen Heath	Wayne's, NC	
314.	Mark Jones	Waynesville, NC	
315.	Ruth Plott	Waynesville, NC	This is where I live and backs up yo my property line. Will change everything and the beauty of the land

	Name	From	Comments
316.	Ken Todtenhagen	Waynesville, NC	It would ruin our small peice of paradise, farms and fresh air. A little space, is that to much to ask. If i had the money i would buy it just to open the gate and let people see what un devoloped land looks like and how beautiful it is. We wont have it too much longer if we let progress in. If everyone in Waynesville gave 100.00 we could probly buy it and make it a park or something we could be proud of. Whats next, level Hazelwood?
317.	Nancy Downey	Waynesville, NC	
318.	Julia Vivian	Orlando, FL	
319.	Shelby T	Waynesville, NC	This land is beautiful and an apartment complex would ruin what's treasured in these mountains. Build near the cities but leave this land alone
320.	Eric Lemerise	Waynesville, NC	
321.	Richard Milewski	Lancaster, NY	
322.	Paul Claytor	Waynesville, NC	
323.	Skylar Morrissey	Waynesville, NC	
324.	Aimee Laesser	Clyde, NC	
325.	Bill Kaddy	Waynesville, NC	
326.	Ann Geers	Clyde, NC	We are losing the green space that so attracts visitors and residents to our community - such dense housing on this pristine setting would be a real travesty.
327.	Andria Richardson	Waynesville, NC	
328.	Adam Lemerise	Waynesville, NC	
329.	Deborah Taylor	Orlando, FL	It will be devastating to the character of this area.
330.	Katie Bland	Clyde, NC	Such a beautiful area to destroy with 200 apartment homes-not a good location. I also don't think these should be built beside an elementary school.
331.	Geoffrey Matthews	Waynesville, NC	If indeed the statement of potentially adding 750 new residents is correct and assuming that 1/2 of these are new to the area that would increase the town population by approx 3%! The board have publicly stated that Waynesville has no current plans to increase it's size and no longer range plans to do so. So quite apart from this being the wrong place for such expansion where is the money going to come from to add the necessary increases to our infrastructure?
332.	Shelly Jones	Tavares, FL	
333.	Jennifer Morgan	Waynesville, NC	
334.	Morgan McBride	Clyde, NC	
335.	Beverly Jones	Canton, NC	
336.	Alysha Hyatt	Clyde, NC	
337.	Michael Libberton	Tavares, FL	

	Name	From	Comments
338.	Mark Parris	Canton, NC	Farmlands preservation
339.	Kate Lemerise	Waynesville, NC	Because I live in Haywood County such a beautiful place it is . My family lives in a double wide looks more like a ranch but we don't need hi priced apartments we need affordable housing . My son has a good job but lives at home it's to expensive to live on his own . I don't want our beautiful county turn into another Asheville . We have been here 20 years & it's changed so much .
340.	Susan Kilstrom	Penrose, NC	This is an inappropriate site for an apartment complex.
341.	Thad and Leeunah Woods	Waynesville, NC	
342.	Robert Hamilton	Waynesville, NC	
343.	Beth Wren	Waynesville, NC	The proposed development would significantly change the Plott Creek community and would put a huge stress on the local resources. The road and school are simply not equipped to handle this influx of people and I do not see this as a positive addition to the community. Currently, this community is a rural, gorgeous country area and I would love to see it stay that way! Stay strong Plott Creek!
344.	Brenda Silvers	Clyde, NC	I grew up on Plott Creek and my family still lives there. The traffic is bad enough with the elementary school.
345.	Susan Saulvester	Waynesville, NC	I have had a home on Plott Creek Rd for 35 years. This proposed apartment complex is not in keeping with the rural nature of this single family home area. Plott Creek Rd, Will Hyatt Rd, and Eagle's Nest Rd are two lane roads not designed for this additional level of traffic. Some of the most high value residential real estate in Haywood County lies within this area and property values will be affected by transient resident high density apartments.
346.	Benjamin Todtenhagen	Waynesville, NC	There is a reason they want to develop here. Not because it's needed, or that it would be beneficial (it would be neither), but they are trying to develop here because there is no money or room left in CHARLOTTE! Stand you grounds, folks; protect our lands, and our community. I frankly cannot grasp why this is being considered in the first place.
347.	Zachary Dickey	McIntosh, NM	
348.	Clay Hamby	Waynesville, NC	Traffic congestion, safety and improper land use.
349.	Margaret Garvin	Waynesville, NC	We moved here in 2017 because of Waynesville's wonderful small town feel. The apartment complex would drastically change our view and cause a great need for additional road access and amenities to be built. It would change the entire appearance of that beautiful valley. If we had wanted to live in a crowded, overdeveloped city, we would have moved to Asheville.

	Name	From	Comments
351.	Ann Braswell Cramm	Waynesville, NC	Land use of this sort in low density, rural area is irresponsible that will set a dangerous precedent in our community.
352.	Adora Paolantonio	Waynesville, NC	I live in the Will Hyatt/Plott Creek area . The traffic burden and congestion from the school alone is a for these two small roads is already a problem . The intersection of Plott Creek and Will Hyatt is a dangerous corner for traffic directly across from this proposed development due to poor visibility . There are many reasons on multiple layers why this development should not be allowed . I am trusting our community and commissioners to stand strong not to allow this disaster move forward.
353.	Madeleine Plott-Dammann	Waynesville, NC	I have lived on Plott Creek Rd. for 38 years. My late husband, Larry Plott and I moved here because his family settled the area and brought the Plott Hounds from Germany and the family still owned land on Plott Creek. We both loved the beauty of the area and would like to have the beauty preserved for future generations. Sincerely, Madeleine Plott Dammann'
354.	Leigh Ansley	tallahassee, FL	
355.	Connie Ratcliffe	Waynesville, NC	I grew up on Plott Creek and travel the road frequently. More traffic between Hazelwood Elementary and apartments would be horrendous!!!
356.	Tom Barclay	Waynesville, NC	It will change the make-up of our community. We are rural and there is no reason that needs to change. The planning zones are there for a reason and this area is not zoned for multiple family residents.
357.	Laurel Lown	Waynesville, NC	Traffic would be disruptive. This apartment development would be out of character with the community.
358.	Janet Cameron	Sarasota, FL	this land needs to be preserved. Too much development!
359.	Kelli Todtenhagen	Waynesville, NC	I live here and it would bring more traffic and more crime and ruin the area. This is farm/residential, put the apts on the other side of town where its zoned.
360.	Eli Arch	Waynesville, NC	Increased crime and traffic.
361.	Kimberly Lane	Waynesville, NC	
362.	Jacque Morgan	Waynesville, NC	
363.	Thom Morgan	Waynesville, NC	
364.	Joyce Gronner	Waynesville, NC	
365.	Lila Stokes	Waynesville, NC	
366.	Susan M	Waynesville, NC	Would be a traffic nightmare on existing two-lane road & increased endangerment to children attending Hazelwood school
367.	Natalie Carlin	MARIETTA, GA	I love this town! Such beautiful country and people! Save thr land from development, its too important to keep waynesville serene tonejoy the beautiful toen that it is.

	Name	From	Comments
368.	Jane Bowman	Waynesville, NC	Will cause too much traffic on already over crowded area.
369.	Michael Garvin	Waynesville, NC	Totally inappropriate for the proposed location.
371.	linda plott	waynesville, NC	We want to keep plott creek like it is for future generations
372.	Laura Irvine	Charlotte, NC	Keep Plott Creek peaceful, that's what brings tourists and money to visit Waynesvillr.
373.	Edward Saulvester	Waynesville, NC	I've lived at this address for 35 years and I don't believe that the proposed apartment sites are appropriate for the homes that have been built on Plott Creek
374.	Davis Moody	Roswell, GA	Have a house and property located directly across from proposed site and don't feel that an apartment complex is suitable for this rural area.
375.	Gail Moody	Waynesville, NC	My husband and I recently renovated my childhood home and retired to live in it. We have always planned to live here in this quiet, rural area of Plott Creek. The proposed apartment complex would change the view from my front porch of mountain ridges and green pastures to one of at least nine buildings (some of them three stories tall). This development would also place significant strain on the road, water, and sewer systems as well as the elementary school. Plott Creek is not a suitable location for a development of this type and it would open the entire area for additional development.
376.	Lindsay Seqqat	Waynesville, NC	My Parents and Grandprents have lived on Plott Creek for over 25 years. My mother is a Plott. We love Plott Creek because how serene and quiet it is. This Apt Complex would bring so much traffic and noise into this neighborhood, which is extremely unwanted.

Elizabeth Teague

From: Amie Owens
Sent: Friday, May 11, 2018 4:15 PM
To: Elizabeth Teague
Subject: FW: No to apartment complex

FYI

Amie Owens
Assistant Town Manager
aowens@waynesvillenc.gov

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

-----Original Message-----

From: Margaret [<mailto:mjgarvinrunner@aol.com>]
Sent: Friday, May 11, 2018 4:12 PM
To: Mayor & Board of Aldermen
Subject: No to apartment complex

Dear Mayor,

We greatly disapprove of a zoning change to allow the 200 unit apartment complex to be built in the Plott Creek area. As Laurel Ridge residents this would negatively affect our quality of life and property value, as well as change the natural beauty of the area. Please protect Waynesville's green spaces. That's why we recently moved here.

Thank you for your service to our community.

Sincerely,

Dr. Michael Garvin
Mrs. Margaret Garvin

Sent from my iPhone

ORDINANCE NO. O-06-18

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

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

WHEREAS, this Ordinance is consistent with the Town's 2020 Land Development Plan; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed amendment to the text of the ordinance and its consistency with the 2020 Land Development Plan, and recommends its enactment by the Board of Aldermen; and

WHEREAS, after notice duly given, a public hearing was held on May 22, 2018;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON MAY 22, 2018 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

Addition of "Dwelling-Multi-Family" as a Permitted Use (P) within the Table of Permitted Uses, Section 2.5.3 of the Land Development Standards within PC-NR District.

ADOPTED this 22nd Day of May, 2018.

TOWN OF WAYNESVILLE

Gavin A. Brown, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

William Cannon, Town Attorney

**COST- JUSTIFIED WATER AND WASTEWATER
SYSTEM DEVELOPMENT FEES REPORT**

TOWN OF WAYNESVILLE

HAYWOOD COUNTY, NORTH CAROLINA



**CONSULTING ENGINEERS
ASHEVILLE, NORTH CAROLINA**

**COST- JUSTIFIED WATER AND WASTEWATER
SYSTEM DEVELOPMENT FEES REPORT**

TOWN OF WAYNESVILLE

HAYWOOD COUNTY, NORTH CAROLINA

Andy Lovingood, PE, Vice President
James Bourey, Director of Management Services
Dale R. Schepers, Management Services Analyst



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Asheville, NC 28801
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Firm License No.: C-0459

MARCH 2018

Town of Waynesville, Haywood County
Cost-Justified Water and Wastewater
System Development Fees Report
March 2018



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APPENDICES

Appendix A

House Bill 436

NC Administrative Code 15A NCAC 18C .0409

NC Administrative Code 15A NCAC 02T .0114

Waynesville Capital Improvements Water/Sewer

Revenue Credit: Outstanding Debt Principal

Land Use Plan: Water and Sewer Capacity

RS Means Historical Cost Index

EXECUTIVE SUMMARY and PURPOSE STATEMENT

Executive Summary:

The North Carolina General Assembly passed House Bill 436 in July 2017, amending Chapter 162A of the General Statutes by adding "Article 8, System Development Fees." This amendment was enacted as "An Act to Provide for Uniform Authority to Implement System Development Fees for Public Water and Sewer Systems in North Carolina and to Clarify the Applicable Statute of Limitations" which requires compliance with designated calculation methodology by July 1, 2018.

In response to House Bill 436, the Town of Waynesville retained McGill Associates to complete a system development fee analysis. Based on the Town of Waynesville's combination of existing system capacity and planned capital improvements to expand capacity, the development fee, in accordance with HB 436 rules for an Equivalent Residential Unit (ERU) for water and sewer was calculated to be \$4,911. ERU is defined as the water and sewer capacities required to serve the most typical user type, which is a three-bedroom single-family dwelling.

The fee for other types of development can be calculated by applying the calculated cost of capacity of \$5.23 per gallon of flow per day to the water demands and \$7.83 per gallon of flow to the sewer flows for various uses as defined by NC Administrative Code 15A NCAC 18C .0409 and 15A NCAC 02T .0114.

Waynesville System Development Fees: Cost per Gallon per Day Calculation		
Item	Cost-Justified System Development Fee Calculation	Cost of Capacity \$/ gpd
1	Water System	\$ 5.23
2	Sewer System	\$ 7.83

Purpose Statement:

This report documents the results of the approach, methodology and calculations for establishing system development fees in accordance with North Carolina General Statute 162A, Article 8 "System Development Fees". Through House Bill 436 (HB 436), the General Assembly of North Carolina established a uniform approach and associated methodology required for local governmental units to calculate and implement System Development Fees (SDF) for public water and sewer systems. Existing SDFs, in place on October 1, 2017, are required to be conformed to HB 436 no later than July 1, 2018. The SDF must be determined by a qualified engineer or financial professional using industry standard practices. A copy of HB 436 is included in Appendix A.

The Town of Waynesville retained McGill Associates (McGill) to review and make recommendations for revisions as necessary to water SDF to conform with HB 436. The approach, methodology and calculations are based on American Water Works Association (AWWA) Manual of Water Supply Practices – M1, Principles of Water Rates, Fees, and Charges, Seventh Edition.

McGill Associates is qualified in engineering disciplines and financial analysis and has the expertise and experience to determine system development fees. The firm has a long history of working with cities, towns, counties and special districts to provide professional advice on the setting of fees, the development of water and wastewater master plans and capital improvement programs, and the development of asset management plans.

Waynesville has made significant investments in water and sewer capital assets that provide capacity that is, and will be available for new development, and desires to use System Development Fees to recover a portion of the costs associated with providing capacity.

The overall result of this effort will be establishing the maximum cost-justified System Development Fees allowable under HB 436. Waynesville may elect to implement fees of lesser value; however, any adjustment must be calculated on a cost per unit volume basis, meaning the same cost per gallon adjustment must be applied equally to all customers.

System Development Fees are defined as a charge imposed on each new customer or development that generally offsets the incremental cost of replacing existing and/or constructing new capital assets to provide capacity that will continue to meet the demands placed on the system by each new customer or development. Since water and sewer system capacity must exceed customer demands, the major infrastructure components providing this capacity, such as water treatment plants, reservoirs, wells, pump stations, wastewater treatment plants, etc., must be planned and constructed well in advance, and in large enough increments to keep pace with anticipated demand on the available system capacity.

AWWA methodology cites legal consideration for determining SDF. A Rational Nexus, or reasonable relationship, must be established between the fee charged and the cost associated with providing capacity to new customers. The Rational Nexus Test consists of three elements and will be addressed by 1) a review of available planning documents to verify general alignment between capacity demands driven by projected development patterns and planned capital improvements that will be needed to create the required capacity; 2) a determination of the proportionate share of costs to be borne by new development through appropriate methodology and calculation and 3) establishing a reasonable apportionment of the cost to new development in relation to the benefits the new development will reasonably receive through appropriate methodology and calculations.

The first element of the Rational Nexus Test was determined to be favorable based on a review of the Town of Waynesville 2020 Land Development Plan, and the current Capital Improvements Projects (CIP) schedule. The plan provides a general description of future water and sewer system demands and lists a number of capital projects through 2027 that have been addressed, and mentions the anticipated improvements and expansion of the wastewater treatment plant after 2020. The current CIP schedule proposes the treatment plant improvement in 2022. Pages from the Town's Capital Improvements Plan and sections of the Land Development Plan are included in Appendix A.

The remaining elements of the Rational Nexus Test; 2) determining proportionate share of costs to be borne by new development and 3) establishing a reasonable cost to new development in relation to the benefits received by the new development will be determined through appropriate methodology and calculations in the following sections.

Three methods for calculating SDF meet the definition of HB 436 and will satisfy the Rational Nexus Test:

Buy-In Method

The Buy-In Method is used where existing system capacity is available to provide service to new development. New customers essentially “buy” their proportionate share of system capacity from the current customer base (“system owners”) at the current cost or value of the existing facilities. HB 436 requires appropriate adjustments to be made to the replacement costs such as “debt credits, grants, and other generally accepted valuation adjustments.”

Incremental Cost Method

The Incremental Cost (or Marginal Cost) Method is used to assign new development the incremental cost of capital assets required for future system capacity expansion(s). This method should include supporting details identifying construction costs, scheduling, financing, funding source(s), etc., tied to a capital improvements plan, utilities master plan, and/or other approved planning document(s) that cover a planning horizon of 10 to 20 years. HB 436 requires a revenue credit to be applied “against the projected aggregate cost of water or sewer capital improvements.”

Combined Method

The Combined Approach is a combination of the Buy-In and Incremental Cost Methods, and is used where existing assets provide some system capacity to accommodate new development, and applicable capital plan(s) also identify significant capital investment proposed to add infrastructure required to address future growth and capacity needs.

3.0

CALCULATION of SYSTEM DEVELOPMENT FEES

The **Combined Method** is the appropriate approach to calculating Waynesville's system development fees because of the combination of existing system capacity and planned future capacity expansion through capital improvements, specifically the construction of Water Tower 2. Existing system capacity is available to provide service to new customers in the near term and is expected to be expanded to accommodate growth projected for the long-term. Future capacity-related projects are represented in the Capital Improvements Plan which require incremental cost calculations. Therefore, calculating SDF will require the combined method.

3.1 **Existing System Capacity Availability**

Water and sewer system design capacities are determined using average day demands and incorporate appropriate peaking factors that will adequately address maximum flow conditions that occur during high water use conditions and wet weather flows for the sewer system. Using historical data, the average day flows for the water and sewer systems indicate available system capacities as follows:

Table 3.1.1 – Waynesville Water and Sewer System Available Capacity

Waynesville Water and Sewer System Available Capacity				
Item	System Capacity - Million Gallons Per Day (MGD)	Design Capacity	Average Day	Available Capacity
1	Water System	8.0	3.40	4.60
2	Sewer System	6.0	4.40	1.60
Design Standards applicable to capacity are based on average day conditions				
Design Capacities provided by Town				

3.2 **Buy-In Calculation - After demonstrating capacity is available, the value per gallon is calculated to determine the cost per gallon that will be applied to reimburse existing customers for constructing and maintaining available capacity in advance.**

The preferred AWWA valuation approach is "replacement cost new less depreciation" (RCNLD). This approach is based on the premise that System Development Fees should reflect the value of providing any given amount of new capacity at the cost of constructing the assets at the time the new customer is connected. This fairly compensates existing customers for carrying the costs of constructing and maintaining capacity built into the system in advance of when the new customers connect.

Replacement cost in the RCNLD calculation used the RS Means Historical Cost Index. RS Means has been publishing a construction cost index for over 70 years, collecting data from all facets of

the industry to accurately track costs directly related to building and construction. This allows the present value (replacement cost new) of capital construction projects to be calculated on data provided by a very reliable, long-time industry leader. Depreciation assigned by the Town's fixed asset inventory uses the straight-line method, typically based on a 50-year assignment of useful life, to represent a general decline in value over time.

Replacement Cost New (RCN) is therefore determined by applying the RS Means index to the original cost, then deducting the accumulated depreciation to reach RCNLD.

Assets included in the buy-in valuation are those that provide the available capacity of the system, are "owned" by the ratepayers, and therefore provide a benefit to all customers. Typically, these assets are water supply, treatment, pump stations, storage and mains; wastewater treatment plant, lift stations and sewers. Assets contributed by or paid for by developers are deducted from the calculation since these costs were not "paid" by the existing customers. Non-capacity related assets such as vehicles, computers and software are also excluded from the calculation.

Table 3.2.1 – Water System Cost per GPD of Existing Utility Assets Providing Available Capacity

Waynesville Water System Development Fee Buy-In Valuation in Dollars				
Item	System Asset Description	RCNLD	Excluded	Amount Eligible
Water System Assets				
W1	Land/Water Source/Plant/Storage	\$ 22,277,832	\$ -	\$ 22,277,832
W2	Water Main Infrastructure	\$ 20,635,560	\$ -	\$ 20,635,560
W3	Vehicles	\$ 446,112	\$ 446,112	\$ -
W4	Equipment	\$ 36,011	\$ 36,011	\$ -
	Subtotal - Water System Assets	\$ 43,395,515	\$ 482,123	\$ 42,913,392
Valuation Adjustments and Calculation of Cost-Justified Fee				
	Less Revenue Credit: Outstanding Debt Principal			\$ (1,063,168)
	Equals: Net Water System Value			\$ 41,850,224
	Divide by: Water System Capacity (MGD)			8.0
	Equals: Unit Valuation of Water System (\$/MGD)			\$ 5,231,278
	Divide by: 1,000,000 gallons (\$/GPD)			\$ 5.23

Table 3.2.2 – Sewer Collection System Cost per GPD of Existing Utility Assets Providing Available Capacity

Waynesville Sewer System Development Fee Buy-In Valuation in Dollars				
Item	System Asset Description	RCNLD	Excluded	Amount Eligible
Sewer System Assets				
S1	Land/Plant	\$ 21,497,011	\$ -	\$ 21,497,011
S2	Sewer Main Infrastructure	\$ 8,937,773	\$ -	\$ 8,937,773
S4	Vehicles	\$ 344,145	\$ 344,145	\$ -
S5	Equipment	\$ 91,830	\$ 91,830	\$ -
Subtotal - Sewer System Assets		\$ 30,870,759	\$ 435,975	\$ 30,434,784
Valuation Adjustments and Calculation of Cost-Justified Fee				
	Less Revenue Credit: Outstanding Debt Principal- Sewer System			
	Equals: Net Sewer System Value			\$ 30,434,784
	Divide by: Sewer System Capacity (MGD)			6.0
	Equals: Unit Valuation of Sewer System (\$/MGD)			\$ 5,072,464
	Divide by: 1,000,000 gallons (\$/GPD)			\$ 5.07

3.3 Incremental Cost Calculation - Value of future capacity to be available to new customers through capital construction projects considered in the Town's Capital Improvements Plan (CIP) or similar master planning document.

Assigning value to future capacity-related assets requires a determination of cost in present-day dollars and a clearly defined capacity that the assets will provide. Engineers typically assign project costs and capacity needs developed through a conceptual design process, and adjust costs to the scheduled year of construction in the CIP. Present-day value can therefore be obtained using the same assumptions for inflation and then applied to the incremental cost calculation.

Table 3.3.1 – Cost per GPD for Incremental (Future) Utility Assets Providing Capacity

Waynesville Sewer System Development Fee Incremental Valuation				
Item	System Asset Description	Cost Basis	Excluded	Amount Eligible
Sewer System Assets				
S1	WWTP Improvements	\$18,432,000	\$ -	\$ 18,432,000
	Subtotal - Sewer System Assets	\$18,432,000	\$ -	\$ 18,432,000
Valuation Adjustments and Calculation of Cost-Justified Fee				
	Less Revenue Credit: Minimum 25% per HB436			\$ (4,608,000)
	Equals: Net Sewer System Value			\$ 13,824,000
	Divide by: Sewer System Capacity (MGD)			5.0
	Equals: Unit Valuation of Sewer System (\$/MGD)			\$ 2,764,800
	Divide by: 1,000,000 gallons (\$/GPD)			\$ 2.76

3.4 Valuation Adjustments – The above system valuations include applicable credit adjustments for revenues anticipated from existing user charges, donated infrastructure and grants.

HB 436 requires revenue credits to be applied to debt that is issued to construct water and sewer system assets that provide capacity for potential customers, and are repaid by retail water rates and charges. To ensure that repayment for this debt is not collected twice from new customers; once through the SDF and again through retail rates and charges, the remaining outstanding debt principal amount is required to be applied as a credit against the projected aggregate cost of the capital improvements in the SDF calculation.

Revenue credits are also required to be applied to incremental (future) capacity-related assets, as the portion of projected revenues (adjusted to net present value), anticipated through the planning period (minimum 10 years), that can be used to directly offset a portion of the capital cost. HB 436 assumes rate-generated revenues projected through the capital planning period will provide a minimum of 25% of the funding required to construct the assets. The potential for generating revenue to offset any future capital needs was discussed with the Town. Staff determined that realizing any funding beyond the minimum 25% would be unattainable. Therefore, 25% is applied to the above calculation.

Contributed capital provided by new development, that exceeds the development's proportionate share of connecting facilities, shall also be credited. Contributed capital is identified as part of fixed asset review and included in the summary of ineligible assets in the above calculation.

3.5 Cost per Unit Volume – Dollar value that can be applied uniformly to all potential customer.

This measure becomes the starting point for determining the maximum cost-justified water and sewer system development fee. Fees for different types of customers are based on this cost of capacity multiplied by the amount of capacity needed to serve each type or class of customer.

4.0**SERVICE UNIT CALCULATIONS: EQUIVALENT RESIDENTIAL UNITS**

HB 436 requires SDF calculations to be applied to various categories of customer demands based on service units or Equivalent Residential Units (ERU). ERU is defined as the water and sewer capacities required to serve the most typical user type, which is a three-bedroom single-family dwelling. North Carolina Division of Water Resources (DWR) design standards for constructing water and sewer systems, NC Administrative Code 15A NCAC 18C .0409 and 15A NCAC 02T .0114 respectively, establish daily flow requirements based this type of service connection. ERU can therefore be defined as 400 gallons per day for water and 360 gallons per day for sewer.

Table 4.0.1 – Cost-Justified System Development Fees: Equivalent Residential Unit Water and Sewer

Waynesville System Development Fees: Equivalent Residential Unit Calculation				
Item	Cost-Justified System Development Fee Calculation	Cost of Capacity \$/ gpd	Customer Demand gpd	Cost per Unit Capacity *
1	Water System	\$ 5.23	400	\$ 2,092
2	Sewer System	\$ 7.83	360	\$ 2,819
	Total ERU			\$ 4,911
* Cost per unit capacity rounded to nearest dollar				

5.0 APPLICATION of SYSTEM DEVELOPMENT FEES and SERVICE UNIT EQUIVALENCY

NC Administrative Code 15A NCAC 18C .0409 and 15A NCAC 02T .0114, shown below, further define other service connection types and the associated water system demands and sewer system flows on a per gallon per day basis. Therefore, these tables serve as an equivalency or conversion for use in determining applicable SDF for various categories of demand.

McGill Associates has calculated costs for water and sewer capacity on a per gallon per day basis for the Town of Waynesville. This calculation was performed using the Combined Method to account for the Town's combination of existing capacity and planned future capacity expansion through capital expenditure. This calculation resulted in a development fee ceiling of \$4,911 for an Equivalent Residential Unit (ERU). ERU is defined as the water and sewer capacities required to serve the most typical user type, which is a three-bedroom single-family dwelling. The fee for other types of development can be calculated by applying the calculated the cost of capacity per gallon of flow per day to the water and wastewater demands for various uses as defined by NC Administrative Code 15A NCAC 18C .0409 and 15A NCAC 02T .0114.

Using NC Administrative Code 15A NCAC 18C .0409 and 15A NCAC 02T .0114 ensures that the same standard used to plan, design, construct and finance capital assets is applied as the same cost recovery basis to be applied to new development.

Appendix A

House Bill 436

NC Administrative Code 15A NCAC 18C .0409

NC Administrative Code 15A NCAC 02T .0114

Waynesville Capital Improvements Water/Sewer

Revenue Credit: Outstanding Debt Principal

Land Use Plan: Water and Sewer Capacity

RS Means Historical Cost Index

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2017-138
HOUSE BILL 436

AN ACT TO PROVIDE FOR UNIFORM AUTHORITY TO IMPLEMENT SYSTEM DEVELOPMENT FEES FOR PUBLIC WATER AND SEWER SYSTEMS IN NORTH CAROLINA AND TO CLARIFY THE APPLICABLE STATUTE OF LIMITATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 162A of the General Statutes is amended by adding a new Article to read:

"Article 8.

"System Development Fees.

"§ 162A-200. Short title.

This Article shall be known and may be cited as the "Public Water and Sewer System Development Fee Act."

"§ 162A-201. Definitions.

The following definitions apply in this Article:

- (1) Capital improvement. – A planned facility or expansion of capacity of an existing facility other than a capital rehabilitation project necessitated by and attributable to new development.
- (2) Capital rehabilitation project. – Any repair, maintenance, modernization, upgrade, update, replacement, or correction of deficiencies of a facility, including any expansion or other undertaking to increase the preexisting level of service for existing development.
- (3) Existing development. – Land subdivisions, structures, and land uses in existence at the start of the written analysis process required by G.S. 162A-205, no more than one year prior to the adoption of a system development fee.
- (4) Facility. – A water supply, treatment, storage, or distribution facility, or a wastewater collection, treatment, or disposal facility, including for reuse or reclamation of water, owned or operated, or to be owned or operated, by a local governmental unit and land associated with such facility.
- (5) Local governmental unit. – Any political subdivision of the State that owns or operates a facility, including those owned or operated pursuant to local act of the General Assembly or pursuant to Part 2 of Article 2 of Chapter 130A, Article 15 of Chapter 153A, Article 16 of Chapter 160A, or Articles 1, 4, 5, 5A, or 6 of Chapter 162A of the General Statutes.
- (6) New development. – Any of the following occurring after the date a local government begins the written analysis process required by G.S. 162A-205, no more than one year prior to the adoption of a system development fee, which increases the capacity necessary to serve that development:

- a. The subdivision of land.



- b. The construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of service units.
 - c. Any use or extension of the use of land which increases the number of service units.
- (7) Service. – Water or sewer service, or water and sewer service, provided by a local governmental unit.
- (8) Service unit. – A unit of measure, typically an equivalent residential unit, calculated in accordance with generally accepted engineering or planning standards.
- (9) System development fee. – A charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs, as provided in this Article. The term includes amortized charges, lump-sum charges, and any other fee that functions as described by this definition regardless of terminology. The term does not include any of the following:
- a. A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development.
 - b. Tap or hookup charges for the purpose of reimbursing the local governmental unit for the actual cost of connecting the service unit to the system.
 - c. Availability charges.
 - d. Dedication of capital improvements on-site, adjacent, or ancillary to a development absent a written agreement providing for credit or reimbursement to the developer pursuant to G.S. 153A-280, 153A-451, 160A-320, 160A-499 or Part 3A of Article 18, Chapter 153A or Part 3D of Article 19, Chapter 160A of the General Statutes.
 - e. Reimbursement to the local governmental unit for its expenses in constructing or providing for water or sewer utility capital improvements adjacent or ancillary to the development if the owner or developer has agreed to be financially responsible for such expenses; however, such reimbursement shall be credited to any system development fee charged as set forth in G.S. 162A-207(c).
- (10) System development fee analysis. – An analysis meeting the requirements of G.S. 162A-205.

"§ 162A-202. Reserved.

"§ 162A-203. Authorization of system development fee.

(a) A local governmental unit may adopt a system development fee for water or sewer service only in accordance with the conditions and limitations of this Article.

(b) A system development fee adopted by a local governmental unit under any lawful authority other than this Article and in effect on October 1, 2017, shall be conformed to the requirements of this Article not later than July 1, 2018.

"§ 162A-204. Reserved.

"§ 162A-205. Supporting analysis.

A system development fee shall be calculated based on a written analysis, which may constitute or be included in a capital improvements plan, that:

- (1) Is prepared by a financial professional or a licensed professional engineer qualified by experience and training or education to employ generally accepted accounting, engineering, and planning methodologies to calculate system development fees for public water and sewer systems.
- (2) Documents in reasonable detail the facts and data used in the analysis and their sufficiency and reliability.
- (3) Employs generally accepted accounting, engineering, and planning methodologies, including the buy-in, incremental cost or marginal cost, and combined cost methods for each service, setting forth appropriate analysis as to the consideration and selection of a method appropriate to the circumstances and adapted as necessary to satisfy all requirements of this Article.
- (4) Documents and demonstrates the reliable application of the methodologies to the facts and data, including all reasoning, analysis, and interim calculations underlying each identifiable component of the system development fee and the aggregate thereof.
- (5) Identifies all assumptions and limiting conditions affecting the analysis and demonstrates that they do not materially undermine the reliability of conclusions reached.
- (6) Calculates a final system development fee per service unit of new development and includes an equivalency or conversion table for use in determining the fees applicable for various categories of demand.
- (7) Covers a planning horizon of not less than 10 years nor more than 20 years.
- (8) Is adopted by resolution or ordinance of the local governmental unit in accordance with G.S. 162A-209.

"§ 162A-206. Reserved.

"§ 162A-207. Minimum requirements.

(a) Maximum. – A system development fee shall not exceed that calculated based on the system development fee analysis.

(b) Revenue Credit. – In applying the incremental cost or marginal cost, or the combined cost, method to calculate a system development fee with respect to water or sewer capital improvements, the system development fee analysis must include as part of that methodology a credit against the projected aggregate cost of water or sewer capital improvements. That credit shall be determined based upon generally accepted calculations and shall reflect a deduction of either the outstanding debt principal or the present value of projected water and sewer revenues received by the local governmental unit for the capital improvements necessitated by and attributable to such new development, anticipated over the course of the planning horizon. In no case shall the credit be less than twenty-five percent (25%) of the aggregate cost of capital improvements.

(c) Construction or Contributions Credit. – In calculating the system development fee with respect to new development, the local governmental unit shall credit the value of costs in excess of the development's proportionate share of connecting facilities required to be oversized for use of others outside of the development. No credit shall be applied, however, for water or sewer capital improvements on-site or to connect new development to water or sewer facilities.

"§ 162A-208. Reserved.

"§ 162A-209. Adoption and periodic review.

(a) For not less than 45 days prior to considering the adoption of a system development fee analysis, the local governmental unit shall post the analysis on its Web site and solicit and furnish a means to submit written comments, which shall be considered by the preparer of the analysis for possible modifications or revisions.

(b) After expiration of the period for posting, the governing body of the local governmental unit shall conduct a public hearing prior to considering adoption of the analysis with any modifications or revisions.

(c) The local governmental unit shall publish the system development fee in its annual budget or rate plan or ordinance. The local governmental unit shall update the system development fee analysis at least every five years.

"§ 162A-210. Reserved.

"§ 162A-211. Use and administration of revenue.

(a) Revenue from system development fees calculated using the incremental cost method or marginal cost method, exclusively or as part of the combined cost method, shall be expended only to pay:

(1) Costs of constructing capital improvements including, and limited to, any of the following:

- a. Construction contract prices.
- b. Surveying and engineering fees.
- c. Land acquisition cost.
- d. Principal and interest on bonds, notes, or other obligations issued by or on behalf of the local governmental unit to finance any costs for an item listed in sub-subdivisions a. through c. of this subdivision.

(2) Professional fees incurred by the local governmental unit for preparation of the system development fee analysis.

(3) If no capital improvements are planned for construction within five years or the foregoing costs are otherwise paid or provided for, then principal and interest on bonds, notes, or other obligations issued by or on behalf of a local governmental unit to finance the construction or acquisition of existing capital improvements.

(b) Revenue from system development fees calculated using the buy-in method may be expended for previously completed capital improvements for which capacity exists and for capital rehabilitation projects. The basis for the buy-in calculation for previously completed capital improvements shall be determined by using a generally accepted method of valuing the actual or replacement costs of the capital improvement for which the buy-in fee is being collected less depreciation, debt credits, grants, and other generally accepted valuation adjustments.

(c) A local governmental unit may pledge a system development fee as security for the payment of debt service on a bond, note, or other obligation subject to compliance with the foregoing limitations.

(d) System development fee revenues shall be accounted for by means of a capital reserve fund established pursuant to Part 2 of Article 3 of Chapter 159 of the General Statutes and limited as to expenditure of funds in accordance with this section.

"§ 162A-212. Reserved.

"§ 162A-213. Time for collection of system development fees.

For new development involving the subdivision of land, the system development fee shall be collected by a local governmental unit either at the time of plat recordation or when water or sewer service for the subdivision or other development is committed by the local governmental unit. For all other new development, the local governmental unit shall collect the system development fee at the time of application for connection of the individual unit of development to the service or facilities.

"§ 162A-214. Reserved.

"§ 162A-215. Narrow construction.

Notwithstanding G.S. 153A-4 and G.S. 160A-4, in any judicial action interpreting this Article, all powers conferred by this Article shall be narrowly construed to ensure that system development fees do not unduly burden new development."

SECTION 2. G.S. 130A-64 reads as rewritten:

"§ 130A-64. Service charges and rates.

(a) A sanitary district board shall apply service charges and rates based upon the exact benefits derived. These service charges and rates shall be sufficient to provide funds for the maintenance, adequate depreciation and operation of the work of the district. If reasonable, the service charges and rates may include an amount sufficient to pay the principal and interest maturing on the outstanding bonds and, to the extent not otherwise provided for, bond anticipation notes of the district. Any surplus from operating revenues shall be set aside as a separate fund to be applied to the payment of interest on or to the retirement of bonds or bond anticipation notes. The sanitary district board may modify and adjust these service charges and rates.

(b) The district board may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes."

SECTION 3. G.S. 153A-277 reads as rewritten:

"§ 153A-277. Authority to fix and enforce rates.

(a) A county may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished or to be furnished by a public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary for the same class of service in different areas of the county and may vary according to classes of service, and different schedules may be adopted for services provided outside of the county. A county may include a fee relating to subsurface discharge wastewater management systems and services on the property tax bill for the real property where the system for which the fee is imposed is located.

...
(a2) A county may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes.
...."

SECTION 4.(a) G.S. 160A-314 reads as rewritten:

"§ 160A-314. Authority to fix and enforce rates.

(a) A city may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished or to be furnished by any public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary according to classes of service, and different schedules may be adopted for services provided outside the corporate limits of the city.

...
(e) A city may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes."

SECTION 4.(b) G.S. 160A-317 is amended by adding a new subsection to read:

"(a4) System Development Fees. – A city may require system development fees only in accordance with Article 8 of Chapter 162A of the General Statutes."

SECTION 5.(a) G.S. 162A-6(a) is amended by adding a new subdivision to read:

"(9a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

SECTION 5.(b) G.S. 162A-9 is amended by adding a new subsection to read:

"(a5) An authority may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 6.(a) G.S. 162A-36(a) is amended by adding a new subdivision to read:

"(8a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

SECTION 6.(b) G.S. 162A-49 reads as rewritten:

"§ 162A-49. Rates and charges for services.

(a) The district board may fix, and may revise from time to time, rents, rates, fees and other charges for the use of land for the services furnished or to be furnished by any water system or sewerage system or both. Such rents, rates, fees and charges shall not be subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision. Any such rents, rates, fees and charges pledged to the payment of revenue bonds of the district shall be fixed and revised so that the revenues of the water system or sewerage system or both, together with any other available funds, shall be sufficient at all times to pay the cost of maintaining, repairing and operating the water system or the sewerage system or both, the revenues of which are pledged to the payment of such revenue bonds, including reserves for such purposes, and to pay the interest on and the principal of such revenue bonds as the same shall become due and payable and to provide reserves therefor. If any such rents, rates, fees and charges are pledged to the payment of any general obligation bonds issued under this Article, such rents, rates, fees and charges shall be fixed and revised so as to comply with the requirements of such pledge. The district board may provide methods for collection of such rents, rates, fees and charges and measures for enforcement of collection thereof, including penalties and the denial or discontinuance of service.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 7.(a) G.S. 162A-69 is amended by adding a new subdivision to read:

"(8a) To impose and require system development fees only in accordance with Article 8 of this Chapter."

SECTION 7.(b) G.S. 162A-72 reads as rewritten:

"§ 162A-72. Rates and charges for services.

(a) The district board may fix, and may revise from time to time, rents, rates, fees and other charges for the use of and for the services furnished or to be furnished by any sewerage system. Such rents, rates, fees and charges shall not be subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision. Any such rents, rates, fees and charges pledged to the payment of revenue bonds of the district shall be fixed and revised so that the revenues of the sewerage system, together with any other available funds, shall be sufficient at all times to pay the cost of maintaining, repairing and operating the sewerage system the revenues of which are pledged to the payment of such revenue bonds, including reserves for such purposes, and to pay the interest on and the principal of such revenue bonds as the same shall become due and payable and to provide reserves therefor. If any such rents, rates, fees and charges are pledged to the payment of any general obligation bonds issued under this Article, such rents, rates, fees and charges shall be fixed and revised so as to comply with the requirements of such pledge. The district board may provide methods for collection of such rents, rates, fees and charges and measures for enforcement of collection thereof, including penalties and the denial or discontinuance of service.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 8. G.S. 162A-85.13 is amended by adding a new subsection to read:

"(a1) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 9. G.S. 162A-88 reads as rewritten:

"§ 162A-88. District is a municipal corporation.

(a) The inhabitants of a county water and sewer district created pursuant to this Article are a body corporate and politic by the name specified by the board of commissioners. Under that name they are vested with all the property and rights of property belonging to the corporation; have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold any property, real and personal, devised, sold, or in any manner conveyed, dedicated to, or otherwise acquired by them, and from time to time may hold, invest, sell, or dispose of the same; may have a common seal and alter and renew it at will; may establish, revise and collect rates, fees or other charges and penalties for the use of or the services furnished or to be furnished by any sanitary sewer system, water system or sanitary sewer and water system of the district; and may exercise those powers conferred on them by this Article.

(b) The district board may require system development fees only in accordance with Article 8 of this Chapter."

SECTION 10.(a) G.S. 1-52(15) reads as rewritten:

"(15) For the recovery of taxes paid as provided in ~~G.S. 105-381~~ G.S. 105-381 or for the recovery of an unlawful fee, charge, or exaction collected by a county, municipality, or other unit of local government for water or sewer service or water and sewer service."

SECTION 10.(b) This section is to clarify and not alter G.S. 1-52.

SECTION 11. Sections 1 through 9 of this act become effective October 1, 2017, and apply to system development fees imposed on or after that date. Section 10 of this act, being a clarifying amendment, has retroactive effect and applies to claims accrued or pending prior to and after the date that section becomes law. Nothing in this act provides retroactive authority for any system development fee, or any similar fee for water or sewer services to be furnished, collected by a local governmental unit prior to October 1, 2017. The remainder of this act is effective when it becomes law and applies to claims accrued or pending prior to and after that date.

In the General Assembly read three times and ratified this the 29th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 4:13 p.m. this 20th day of July, 2017

15A NCAC 18C .0409 SERVICE CONNECTIONS

(a) Local Water Supply Plan. Units of local government which are operating under a local water supply plan in accordance with G.S. 143-355(l) shall not be limited in the number of service connections.

(b) No local water supply plan. A public water system which does not have a local water supply plan as stated in Paragraph

(a) shall limit its number of service connections as follows:

- (1) A public water system shall meet the daily flow requirements specified in Table 1:

Table 1: Daily Flow Requirements

Type of Service Connection	Daily Flow for Design
Residential	400 gallon/connection
Mobile Home Parks	250 gallon/connection
Campgrounds and Travel Trailer Parks	100 gallon/space
Marina	10 gallon/boat slip
Marina with bathhouse	30 gallon/boat slip
Rest Homes and Nursing Homes	
with laundry	120 gallon/bed
without laundry	60 gallon/bed
Schools	15 gallon/student
Day Care Facilities	15 gallon/student
Construction, work, or summer camps	60 gallon/person
Business, office, factory (exclusive of industrial use)	
without showers	25 gallon/person/shift
with showers	35 gallon/person/shift
Hospitals	300 gallon/bed

or;

- (2) A public water system serving different types of service connections shall meet the maximum daily demand calculated as follows:

(A) Where records of the previous year are available that reflect daily usage, the average of the two highest consecutive days of record of the water treated shall be the value used to determine if there is capacity to serve additional service connections (unusual events such as massive line breaks or line flushings shall not be considered).

(B) Where complete daily records of water treated are not available, the public water system shall multiply the daily average use based on the amount of water treated during the previous year of record by the appropriate factor to determine maximum daily demand, as follows:

- (i) A system serving a population of 10,000 or less shall multiply the daily average use by 2.5; or
- (ii) A system serving a population greater than 10,000 shall multiply the daily average use by 2.0.

*History Note: Authority G.S. 130A-315; 103A-317; P.L. 93-523;
Eff. July 1, 1994.*

15A NCAC 02T .0114 WASTEWATER DESIGN FLOW RATES

(a) This Rule shall be used to determine wastewater flow rates for all systems covered by this Subchapter unless alternate criteria are provided by a program specific rule and for flow used for the purposes of 15A NCAC 02H .0105. These are minimum design daily flow rates for normal use and occupancy situations. Higher flow rates may be required where usage and occupancy are atypical, including, those in Paragraph (e) of this Rule. Wastewater flow calculations must take hours of operation and anticipated maximum occupancies/usage into account when calculating peak flows for design.

(b) In determining the volume of sewage from dwelling units, the flow rate shall be 120 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 240 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 120 gallons per day. Each bedroom or any other room or addition that can reasonably be expected to function as a bedroom shall be considered a bedroom for design purposes. When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.

(c) The following table shall be used to determine the minimum allowable design daily flow of wastewater facilities. Design flow rates for establishments not identified below shall be determined using available flow data, water-using fixtures, occupancy or operation patterns, and other measured data.

Type of Establishments	Daily Flow For Design
Barber and beauty shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, offices and factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, rescue and emergency response facilities	
Fire or rescue stations without on site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and drink facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq ft floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq ft floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq ft floor space
Bakery	10 gal/100 sq ft floor space
Meat department, butcher shop or fish market	75 gal/100 sq ft floor space
Specialty food stand or kiosk	50 gal/100 sq ft floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self service laundry facilities	500 gal/machine
Medical, dental, veterinary facilities	
Medical or dental offices	250 gal/practitioner/shift

Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
Parks, recreation, camp grounds, R-V parks and other outdoor activity facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, preschools and day care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service stations, car wash facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities (if recycling water see Rule .0235)	1200 gal/bay
Sports centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq ft
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq ft
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, shopping centers, malls and flea markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq ft
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq ft
Stores and shopping centers without food service	100 gal/1000 sq ft
Transportation terminals – air, bus, train, ferry, port and dock	5 gal/passenger

(d) Design daily flow rates for proposed non-residential developments where the types of use and occupancy are not known shall be designed for a minimum of 880 gallons per acre or the applicant shall specify an anticipated flow based upon anticipated or potential uses.

(e) Conditions applicable to the use of the above design daily flow rates:

- (1) For restaurants, convenience stores, service stations and public access restroom facilities, higher design daily flow rates shall be required based on higher expected usage where use is increased because of its proximity to highways, malls, beaches, or other similar high use areas.
- (2) Residential property on barrier islands and similar communities located south or east of the Atlantic Intracoastal Waterway used as vacation rental as defined in G.S. 42A-4 shall use 120 gallons per day per habitable room. Habitable room shall mean a room or enclosed floor space used or intended to be used for living or sleeping, excluding kitchens and dining areas, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets, and storage spaces.

(f) An adjusted daily sewage flow design rate shall be granted for permitted but not yet tributary connections and future connections tributary to the system upon showing that a sewage system is adequate to meet actual daily wastewater flows from a facility included in Paragraph (b) or (c) of this Rule without causing flow violations at the receiving wastewater treatment plant or capacity related sanitary sewer overflows within the collection system as follows:

- (1) Documented, representative data from that facility or a comparable facility shall be submitted by an authorized signing official in accordance with Rule .0106 of this Section to the Division as follows for all flow reduction request:
 - (A) Dates of flow meter calibrations during the time frame evaluated and indication if any adjustments were necessary.
 - (B) A breakdown of the type of connections (e.g. two bedroom units, three bedroom units) and number of customers for each month of submitted data as applicable. Identification of any non-residential connections including subdivision clubhouses/pools, restaurants, schools, churches and businesses. For each non-residential connection, information as identified in Paragraph (c) of this Rule (e.g. 200 seat church, 40 seat restaurant, 35 person pool bathhouse).
 - (C) Owner of the collection system.
 - (D) Age of the collection system.
 - (E) Analysis of inflow and infiltration within the collection system or receiving treatment plant, as applicable.
 - (F) Where a dedicated wastewater treatment plant serves the specific area and is representative of the residential wastewater usage, at least the 12 most recent consecutive monthly average wastewater flow readings and the daily total wastewater flow readings for the highest average wastewater flow month per customers as reported to the Division.
 - (G) Where daily data from a wastewater treatment plant cannot be utilized or is not representative of the project area: at least 12 months worth of monthly average wastewater flows from the receiving treatment plant shall be evaluated to determine the peak sewage month. Daily wastewater flows shall then be taken from a flow meter installed at the most downstream point of the collection area for the peak month selected that is representative of the project area. Justification for the selected placement of the flow meter shall also be provided.
 - (H) An estimated minimum design daily sewage flow rate shall be taken by calculating the numerical average of the top three daily readings for the highest average flow month. The calculations shall also account for seasonal variations, excessive inflow and infiltration, age and suspected meter reading/recording errors.
- (2) The Division shall evaluate all data submitted but shall also consider other factors in granting, with or without adjustment, or denying a flow reduction request including: applicable weather conditions during the data period (i.e. rainy or drought), other historical monitoring data for the particular facility or other similar facilities available to the Division, the general accuracy of monitoring reports and flow meter readings, and facility usage (i.e., resort area).
- (3) Flow increases shall be required if the calculations in Subparagraph (f)(1) of this Rule yield design flows higher than that specified in Paragraphs (b) or (c) of this Rule.
- (4) The applicant/owner shall retain the letter of any approved adjusted daily design flow rate for the life of the facility and shall transfer such letter to any new system owner.

*History Note: Authority G.S. 143-215.1; 143-215.3(a)(1);
Eff. September 1, 2006.*

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2
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[illegible]

Total Water Sewer Fund	338,000	499,000	758,000	369,000	18,812,000	291,000	-	21,067,000
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Water Sewer Fund-Operational Revenues
Water Sewer Fund Reserves
Other

[illegible]

Water - Eligible Projects Total
Sewer - Eligible Projects Total

Revenue Required to Fund Eligible Projects
projected revenues generated by rates applicable to eligible projects
net present value of projected revenues
Minimum 25% Revenue Credit applied to Incremental Valuation

Town of Waynesville
Summary of Debt
Water Fund
FY/E 06/30/2017

		Non	Principal Amount Verified per Schedule	
		Current Amount Due	Current Amount Due	Total Due
EagleNest Water lines	WM	26,056.30	78,168.90	104,225.20
Misc. Water lines	WM	45,237.00	633,318.00	678,555.00
Water Meters	WM	16,493.40	263,894.40	280,387.80
				1,063,168.00 outstanding debt principal
Vehicles Loan 2015	WM	41,640.25	128,859.11	170,499.36
Vehicles Loan 2016	WM	31,903.29	133,096.71	165,000.00
		161,330.24	1,237,337.12	1,398,667.36

61-213000 61-279500

Next Payment Date	Interest Due	Days til 06/30/17	Days in Int. Period	Interest Accrued
Back Hoe and Trailer	-	-	0	0
EagleNest Water lines	-	59	365	-
Misc. Water lines	7,531.96	60	184	2,456.07
Water Meters	-	60	365	-
Police/Sewer/Water Vehicles	2,659.82	209	365	1,523.02
Police/Street/Water/Electric Vehic	2,788.50	220	365	1,680.74
	12,980.28			5,659.83

61-278500

Community Facilities and Infrastructure

Introduction

Public facilities are comprised of services and physical structures that enhance both the standard of living and quality of life in a community. The availability of public services and their capacity to support additional growth serves as a measure to gauge urban development. Because of soil types, topographic conditions, and other physical factors unique to mountain regions, the Town of Waynesville does find itself in a precarious position when it comes to the expansion of its water and sewer systems. Traditionally, the Town of Waynesville has been hesitant to use utility service as a tool to guide the direction of urban growth. Instead the town has recognized the need to extend services to communities outside town limits when these areas are served by poor water supply and more specifically failing on site septic systems. In the past couple years utility service has become more a part of the town's growth management policy. As more and more people move into the mountain area, the town will most certainly need to strike a balance between planned urban growth and continued infrastructure expansions.

Water System

The Town of Waynesville operates its own public water supply and distribution system. The existing 8.0 million gallon per day (mgd) water treatment plant utilizes an 8,400 acre WS-I watershed for a raw water source. The plant is a conventional treatment process consisting of rapid mix coagulation, flocculation, sedimentation, and filtration. The plant produces on average 3.6 mgd of potable water with the peak periods of the year typically coming in the summer months. In year 2000 the peak month was June in which the treatment facility produced approximately 5.3 mgd.

Water from the treatment facility is supplied by gravity to the majority of customers in town through a distribution system consisting of 2 to 24 inch diameter water lines. Booster pump stations are required to supply water to some of the higher elevations in the Richland Creek valley. The largest customers of the towns water system are the Junaluska Sanitary District which purchases on average 350,000 gallons per day and the Lake Junaluska Assembly which purchases a yearly average of 140,000 gallons per day with summer peaks being more in the 250,000 gallons per day range (*see Map 4, Water Lines*).

The North Carolina General Assembly mandated a local and state water supply planning process under North Carolina General Statute 143-355(l) and (m) to assure that communities have an adequate supply of water for future needs. Under this statute all units of local government that provide or plan to provide public water supply service are required to prepare a Local Water Supply Plan (LWSP) and to update that plan at least every five years. The information presented in an LWSP is an assessment of a water system's present and future water needs and its ability to meet those needs. The Town of Waynesville has fulfilled the requirements of an LWSP and their plan projected water demand is in accordance with recommendations made in the May 2000 *French Broad*

River Basinwide Water Quality Plan published by the North Carolina Department of Environment and Natural Resources, Division of Water Quality Section.

Wastewater Treatment System

The Town of Waynesville also operates its own wastewater collection system and treatment facility. The wastewater collection system consists of over 100 miles of 6 to 30 inch diameter gravity sewer lines serving the Town and some surrounding areas in the Richland Creek basin (*see Map 5, Sewer Lines*). These areas include but are not limited to the Junaluska Sanitary District, Lake Junaluska Assembly, and as of this year (2001) the Town of Clyde.

The treatment plant, located off Highway 209 in the Crabtree area, provides secondary treatment utilizing conventional activated sludge process and then discharges into the Pigeon River. The average daily amount treated is 3.5 mgd with summer peaks being higher. The summer peak of 2000 was the month of May with an average of 4.4 mgd being treated. The permitted plant capacity is 6.0 mgd.

Planned System Upgrades, Improvements and Expansions

System capacity for both water and sewer service is determined by the quantity of flow that can be accommodated by the pipes in the existing network and by the capacity of the water and wastewater treatment plants. Current capacity levels of both the water and wastewater treatment plants are estimated to be sufficient to carry the town and its expected growth to the year 2020 before any major expansions at either facility would need to be considered. There are however several smaller improvement projects planned for both services. These projects are listed on *Tables 21 (water) and 22 (sanitary sewer)*.

Solid Waste Management

The Town of Waynesville operates curbside garbage and recycling programs for each home within the corporate limits. Each home receives once-weekly collection with the day of pick-up depending upon location. Recyclable items are collected on the same day as household garbage is gathered. Items available for recycling include aluminum and metal cans, plastic, glass, newspaper, magazines, junk mail, cardboard and other paper products. Brush, leaves and other large items are usually collected separately but often on the same day. The town also has a policy of sweeping residential streets once per month and sweeping commercial streets once a week.

Stormwater Disposal Facilities

The Town of Waynesville currently does not have a stormwater management ordinance in place. Instead each project is individually reviewed relying on standard best engineering practice. Post development runoff of storm water is expected to be equal to or less than predevelopment. To assist with problems that can arise from stormwater the Town does have a site grading ordinance and relies on the State of North Carolina Department of Environment and Natural Resources sedimentation control standards.

- (1) Is prepared by a financial professional or a licensed professional engineer qualified by experience and training or education to employ generally accepted accounting, engineering, and planning methodologies to calculate system development fees for public water and sewer systems.
- (2) Documents in reasonable detail the facts and data used in the analysis and their sufficiency and reliability.
- (3) Employs generally accepted accounting, engineering, and planning methodologies, including the buy-in, incremental cost or marginal cost, and combined cost methods for each service, setting forth appropriate analysis as to the consideration and selection of a method appropriate to the circumstances and adapted as necessary to satisfy all requirements of this Article.
- (4) Documents and demonstrates the reliable application of the methodologies to the facts and data, including all reasoning, analysis, and interim calculations underlying each identifiable component of the system development fee and the aggregate thereof.
- (5) Identifies all assumptions and limiting conditions affecting the analysis and demonstrates that they do not materially undermine the reliability of conclusions reached.
- (6) Calculates a final system development fee per service unit of new development and includes an equivalency or conversion table for use in determining the fees applicable for various categories of demand.
- (7) Covers a planning horizon of not less than 10 years nor more than 20 years.
- (8) Is adopted by resolution or ordinance of the local governmental unit in accordance with G.S. 162A-209.

"§ 162A-206. Reserved.

"§ 162A-207. Minimum requirements.

(a) Maximum. – A system development fee shall not exceed that calculated based on the system development fee analysis.

(b) Revenue Credit. – In applying the incremental cost or marginal cost, or the combined cost, method to calculate a system development fee with respect to water or sewer capital improvements, the system development fee analysis must include as part of that methodology a credit against the projected aggregate cost of water or sewer capital improvements. That credit shall be determined based upon generally accepted calculations and shall reflect a deduction of either the outstanding debt principal or the present value of projected water and sewer revenues received by the local governmental unit for the capital improvements necessitated by and attributable to such new development, anticipated over the course of the planning horizon. In no case shall the credit be less than twenty-five percent (25%) of the aggregate cost of capital improvements.

(c) Construction or Contributions Credit. – In calculating the system development fee with respect to new development, the local governmental unit shall credit the value of costs in excess of the development's proportionate share of connecting facilities required to be oversized for use of others outside of the development. No credit shall be applied, however, for water or sewer capital improvements on-site or to connect new development to water or sewer facilities.

"§ 162A-208. Reserved.

"§ 162A-209. Adoption and periodic review.

(a) For not less than 45 days prior to considering the adoption of a system development fee analysis, the local governmental unit shall post the analysis on its Web site and solicit and furnish a means to submit written comments, which shall be considered by the preparer of the analysis for possible modifications or revisions.

Public Notice: Water & Sewer Connection Fee Analysis Available for Review and Comment

In accordance with the Public Water and Sewer System Development Fee Act (Session Law 2017-138), also known as House Bill 436, the Town of Waynesville is seeking public review and comment on an analysis that has been prepared by McGill Associates which analyzes the maximum fee the Town may charge for new water and sewer connections.

This report presents the results of the comprehensive study, including background information, legal requirements, an explanation of the calculation methodology employed, and the results of the analysis. This analysis is strictly for water and sewer System Development Fees that are designed to recover the cost of water and sewer capacity collected from new connectors to each system. This analysis does not include the evaluation of water and sewer rates paid monthly by existing customers.

This analysis is open for public comment beginning April 12, 2018 for a period of 45 days, expiring on May 27, 2018. Any comments received will be considered by the preparer of the analysis for possible modifications or revisions.

Written comments should be directed to David Foster, Public Services Director at dfoster@waynesvillenc.gov or Post Office Box 100, Waynesville, NC 28786 and received no later than May 26, 2018.

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 22, 2018

SUBJECT: Call for Public Hearing to adopt an amendment to Chapter 54, Article 1 of the Town Code,
Motor Vehicle Taxes

AGENDA INFORMATION:

Agenda Location: Call for Public Hearing
Item Number: D5
Department: Administrative Services/Finance
Contact: Rob Hites, Town Manager
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY During your winter retreat we presented you several ideas for enhancing our general fund revenue. One of the ideas is a “motor vehicle tax”. This is commonly used in our neighboring communities. NCGS 160A-3 permits municipalities to adopt a motor vehicle tax up to \$30 per vehicle. The first \$5 may be used for any general governmental purpose. The next \$15 must be used to repair, maintain and replace municipal streets. We recommend that the Board approve the attached ordinance and establish a \$15 per vehicle fee to help fund these governmental functions. Upon adoption the Town would send a copy of the ordinance to the County assessor’s office and they would, in turn, send it to the NC Department of Revenue to be placed on the Motor Vehicle registration and tax bills. The motor vehicle tax would be collected at the DMV tag office along with the motor vehicle personal property taxes.

MOTION FOR CONSIDERATION: Call for first public hearing to be held on Tuesday, June 12, 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 the adoption of a new ordinance amending Chapter 54, Article 1 and for the first reading of the proposed ordinance.

FUNDING SOURCE/IMPACT: The Tax should generate an estimated \$147,000 annually.

ATTACHMENTS:

- Proposed Ordinance
- Ordinance Approval

MANAGER’S COMMENTS AND RECOMMENDATIONS: Hold the public hearing and receive input from the public. Review the proposed motor vehicle tax in relation to the Town’s other revenues and in light of their needs and adopt it if it serves the best interests of the Town.

Chapter 54 – Traffic and Vehicles – Article 1

Sec. 54-7 - Motor Vehicle Tax

Sec 54-7.1 Definitions:

- (a) *Motor Vehicle* - Each and every vehicle designed to run upon the highways, which is self-propelled or designed to be self-propelled, excluding:
 - (i) vehicles exempted from registration by NCGS 20-51;
 - (ii) non-motorized vehicles pulled by self-propelled vehicles such as trailers, campers, mobile homes, trailers and tractor trailers; and,
 - (iii) vehicles listed in the inventory of car dealers.
- (b) *Resident Motor Vehicles* -Any motor vehicle which would, for the purposes of taxability under the provisions of the North Carolina Machinery Act, have its sites within the Town of Waynesville
- (c) *General Motor Vehicle Tax imposed; Scope*

Each motor vehicle which is sited within the Town of Waynesville on January 1st, the required registration renewal date, or its first registration date, beginning with a tag renewal date of July 1, 2018, shall be subject to an annual general motor vehicle tax of (\$15.00) dollars. The tax shall continue until rescinded in writing by the Town Board of Aldermen of the Town of Waynesville.

Sec 54.7.2 - Administration; Enforcement

The Town of Waynesville may delegate to the Haywood County Tax Supervisor and to the North Carolina Department of Motor Vehicles the authority to issue all or part of the tax bills for the tax imposed herein, and may delegate to the Haywood County Tax Collector the authority to collect all or part of the tax imposed herein, and if so appointed, the tax supervisor, the tax collector and the Haywood County Board of Equalization and Review shall each respectively have the powers of listing, assessing, discovery, collection, levy, attachment, garnishment, release, and rebate of any taxes authorized under the Machinery Act on behalf of the Town of Waynesville.

Sec. 54.7.3 This section shall become effective upon passage.

Sec. 54.7.4 Any provisions of the Code inconsistent herewith are hereby repealed.

ORDINANCE # O-07-18

AN ORDINANCE AMENDING CHAPTER 54 – TRAFFIC AND VEHICLES OF THE TOWN OF WAYNESVILLE CODE OF ORDINANCES

WHEREAS, the Town of Waynesville has the carries the authority, pursuant to Chapter 160A-3 of the North Carolina General Statutes, to execute, adopt, and clarify regulations for the Town of Waynesville, and may amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Town of Waynesville's Town Manager, Finance Director and Tax Collector have reviewed the proposed amendment to the text of the ordinance and recommends its enactment by the Board of Aldermen; and

WHEREAS, after notice duly given, a public hearing was held on June 12, 2018 and June 26, 2018;

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE THAT THE CODE OF ORDINANCES OF THE TOWN OF WAYNESVILLE (THE CODE) IS HEREBY AMENDED AS FOLLOWS:

Chapter 54 – Traffic and Vehicles – Article 1

Sec. 54-7 - Motor Vehicle Tax

Sec 54-7.1 Definitions:

- (a) *Motor Vehicle* - Each and every vehicle designed to run upon the highways, which is self-propelled or designed to be self-propelled, excluding:
 - (i) vehicles exempted from registration by NCGS 20-51;
 - (ii) non-motorized vehicles pulled by self-propelled vehicles such as trailers, campers, mobile homes, trailers and tractor trailers; and,
 - (iii) vehicles listed in the inventory of car dealers.
- (b) *Resident Motor Vehicles* -Any motor vehicle which would, for the purposes of taxability under the provisions of the North Carolina Machinery Act, have its sites within the Town of Waynesville
- (c) *General Motor Vehicle Tax imposed; Scope*

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(\$15.00) dollars. The tax shall continue until rescinded in writing by the Town Board of Aldermen of the Town of Waynesville.

Sec 54.7.2 - Administration; Enforcement

The Town of Waynesville may delegate to the Haywood County Tax Supervisor and to the North Carolina Department of Motor Vehicles the authority to issue all or part of the tax bills for the tax imposed herein, and may delegate to the Haywood County Tax Collector the authority to collect all or part of the tax imposed herein, and if so appointed, the tax supervisor, the tax collector and the Haywood County Board of Equalization and Review shall each respectively have the powers of listing, assessing, discovery, collection, levy, attachment, garnishment, release, and rebate of any taxes authorized under the Machinery Act on behalf of the Town of Waynesville.

Sec. 54.7.3 This section shall become effective upon passage.

Sec. 54.7.4 Any provisions of the Code inconsistent herewith are hereby repealed.

The Town Clerk is hereby ordered to place this amendment in the Code of Ordinances of the Town of Waynesville and is authorized to renumber said amendments in order to maintain consistency within said Code.

Adopted this 26th day of June, 2018.

Town of Waynesville

Mayor Gavin A. Brown

ATTEST:

Eddie Ward, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 22, 2018

SUBJECT: Call for Public Hearing to amend Chapter 14, Article IV Taxicabs

AGENDA INFORMATION:

Agenda Location: Call for Public Hearing
Item Number: D6
Department: Police Department
Contact: Rob Hites, Town Manager
Presenter: **Rob Hites, Town Manager**
Captain Brian Beck, Police Department

BRIEF SUMMARY With the upswing in the economy the Town is experiencing a resurgence of taxicab business from franchises based in Town, from the County and other municipalities. The Town's current ordinance does not provide the structure to adequately regulate the industry. The Captain Beck and I have updated the ordinance to conform to language that other municipalities are using. We will present the particulars in a presentation before the public hearing. I have attached the proposed ordinance for your review. You will find the language being replaced is ~~crossed out~~ and new language being recommended as underlined.

MOTION FOR CONSIDERATION: Call for Public Hearing to be held on Tuesday June 12, 2018 at 6:30 p.m. or as closely thereafter as possible in the Town Hall Board Room at 9 South Main Street, Waynesville to consider the amendment of Chapter 14, Article IV Taxicabs.

FUNDING SOURCE/IMPACT: None

ATTACHMENTS:

- **Proposed Amendment to Chapter 14.**

MANAGER'S COMMENTS AND RECOMMENDATIONS: The changes will help the Police Department regulate the taxicab business in Waynesville and provide it with the tools to handle unregistered cabs coming into Town without a franchise.

ARTICLE IV. - TAXICABS

Sec. 14-96. - Definitions.

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

Certificate means a certificate of public convenience and necessity issued by the chief of police or his designee, authorizing the holder thereof to conduct a taxicab business within the city.

Driver's license means a license issued by the state granting a person the privilege to drive up the roadways in the state pursuant to G.S. 20-7.

Driver's permit means the license issued by the taxicab inspector to any person to enable that person to drive a taxicab upon the streets of the Town of Waynesville.

For-hire vehicle means and includes any full sized station wagon or van style vehicle, not equipped with a taximeter used for the purpose of transporting passengers for a set charge or fee, based upon the origin or destination requested. For the purposed of this chapter, the term "for-hire vehicle" shall not include "taxicab" or "limousine" as herein reached.

Holder means a person to whom the certificate of public convenience and necessity has been issued.

Insignia means a non-transferable dated window decal to provide exterior identification that a particular taxicab has a valid certificate associated with it.

Limousine means and includes a full size chauffeur-driven sedan, often equipped with a glass partition separating the driver and passenger compartments, which is not equipped with a taximeter, and for which set charges or fees for use are based on the period of hours or days the vehicle is used and not on the number of miles operated or the origin or destination requested. For the purposes of this chapter, the term "limousine" shall not include "for-hire" vehicle or "taxicab" as herein defined.

Manifest means a daily record prepared by a taxicab driver of all trips made by the driver, showing the time and place of origin, destination, and number of passengers.

Rate card means a card with the rates and fares that are clearly printed and presentable upon request of any person considering transportation by the taxi cab.

Taxicab means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than six persons and not operated on a fixed route.

Taxicab inspector means the person designated by the chief of police who is charged with the duties required under this chapter, including the inspection and licensing of taxicabs, and drivers thereof.

Taxi permit means a permit issued by the chief of police or his designee to an individual allowing them to operate a taxi or limousine within the city limits.

(Ord. No. 6-07, § 1, 2-13-2007) (Ord. No. 2018)

Sec. 14-97. - Taxicab businesses governed.

This article shall govern the operation of those taxicab businesses operating within the corporate limits of the town.

Sec.14-98. - Taxicab Inspector

- (a) There is hereby created the office of taxicab inspector who shall be designated by the chief of police.
- (b) The taxicab inspector is charged with the duties required under this chapter and in general shall be responsible for the inspection of taxicabs and the licensing of the drivers thereof.
- (c) The taxicab inspector shall advise the police chief with respect to matters covered or incidentally involved in the operation or administration of this chapter.

(Ord No. _____ 2018)

Sec. 14-99. - Inspection of vehicles; vehicle license; maintenance.

- (a) *Initial inspection.* Prior to the use and operation of any vehicle under the provisions of this article, it shall be thoroughly examined and inspected by the police department and found to comply with the state safety and equipment requirements.

When the police department finds that the vehicle has met said requirements the taxicab inspector will approve the taxicab for use by the service. It will be the responsibility of the owner of each taxicab to ensure that it is serviced and mechanically sound.

- (b) *Periodic inspections.* Every vehicle operating under this article may be periodically inspected by the police department at such intervals as established by the taxicab inspector to ensure the continuing maintenance of safe operating condition, but at least once a year.
- (c) *Condition of vehicles.* Every vehicle operating under this article shall be kept in a clean and sanitary condition.

(Ord. No. 6-07, § 3, 2-13-2007)

Sec. 14-100. - Accident Reports

Every accident involving the operation of a taxicab shall be reported to the taxicab inspector within 72 hours of the accident. The certificate holder for the taxicab involved in an accident and the driver of the taxicab so involved shall be jointly and individually responsible for making he required report, the taxicab inspector shall determine whether the damage renders the vehicle unsafe for operation and, if so, shall immediately order the vehicle out of service until repaired and re-inspected.

(Ord No. _____ 2017)

Sec. 14-101. - Identification on vehicles.

Each taxicab shall bear on the roof thereof an electrically lighted sign or device bearing the name of the owner or taxicab company. In addition to the lighted sign, each cab must display the same information on each side of the vehicle.

(Ord. No. 6-07, § 4, 2-13-2007)

Sec. 14-103. - Depots or terminals.

Each depot or terminal used by a certificate holder for his or her taxicabs shall be used in compliance with the zoning ordinance.

1. Be kept in a clean, safe and sanitary condition.
2. Have sufficient private off-street parking to accommodate those vehicles owned, operated and controlled by the certificate holder during times of nonuse.

(Ord No. _____ 20182018)

Sec. 14-104. - Rates of fare; rate card.

Each taxicab must clearly display a rate card in the taxicab for each customer or potential customer to view. A rate list will also be displayed at each taxi lot. Each individual company will determine the rates and the company will not vary from their posted rates. If the rates are established per mile then the operator of the taxi must keep the odometer clean and clear for the customer to inspect.

(Ord. No. 6-07, § 5, 2-13-2007)

Sec. 14-105. - Receipts.

The driver of any taxicab shall, upon the request, of any passenger, render to such passenger a receipt upon which shall be the name of the owner, the amount of the charges, mileage traveled, and the date of the transaction.

(Ord. No. 6-07, § 6, 2-13-2007)

Sec. 14-106. - Drivers.

- (a) No person shall drive a vehicle for hire as a taxicab without a valid driver's license issued by the state authorizing said person to drive a taxicab and in addition a permit issued by the chief of police or his designee. No person who owns or has authority and control over a vehicle shall permit any other person to drive the vehicle for hire as a taxicab unless that driver has such a permit. There will be a \$5.00 fee for the permit.
- (b) Application for a permit under this section shall be made to the taxicab inspector , who may deny the application for failure to meet the terms and conditions of this article, but who shall, upon the applicant's meeting the terms and conditions of this article, issue a permit upon giving of the oath required in subsection (c). Fingerprinting of the applicant is required. The application for a permit shall include a fingerprint card(s) containing the fingerprints of the applicant made by and under the supervision of the town police department.
- (c) Every applicant shall show under oath that he/she has not within the last three years of the date of application:
 - (1) Been convicted of a violation of any federal or state law relating to possession for sale or sale of any intoxicating alcoholic beverage or controlled substance;
 - (2) Been convicted of two or more DWI violations within a three-year period;
 - (3) Been in violation of federal law or state relating to prostitution; nor
 - (4) Been a habitual violator of traffic laws or ordinances.

Any permit issued upon a false oath by an applicant will be immediately revoked upon receipt of evidence of a falsity thereof. Any permit issued under this section may be revoked at any time by the taxicab inspector upon a showing that at the time of application any statement made by the applicant was false or because of occurrences after the issuance of the permit showing that the permittee could not at that time truthfully give the oath required in this section.

- (d) It shall be unlawful for any driver or owner of a taxicab to engage in selling of alcoholic beverages, controlled substance, or solicit business for any other unlawful purpose.

- (e) Every applicant shall be subject to a national criminal background check with the state division of criminal information (DCI), pursuant to G.S. 160A-304, and also with the United States Department of Justice through the use of Federal Bureau of Investigation records. All applicants must submit their names, date of birth, sex, gender and race. Furthermore, the costs and expenses related to such checks, if any, as well as costs and expenses related to fingerprint checks shall be the responsibility of the applicant, said costs and expenses to be paid in advance with the filing of the application for a permit under this article.

(Ord. No. 6-07, § 7, 2-13-2007)

Sec. 14-107. - Manifest.

- (a) Every driver shall maintain a daily manifest upon which are recorded trips that are made each day showing time and place of origin and destination of each trip, and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. Each entry on the manifest must be made immediately upon completion of each trip.
- (b) Every holder of certificate of public convenience and necessity shall retain and preserve all manifests in a safe place for at least two years and made available to the police department for examination at any time.

(Ord. No. 6-07, § 8, 2-13-2007)

Sec. 14-108. - Certificate of public conveyance and necessity.

- (a) No person or business shall operate or permit a taxicab owned or controlled by him or it to be operated as a vehicle for hire within the town without having first applying for and obtaining a certificate of public conveyance and necessity from the taxicab inspector. The information to be provided on and with such application is as follows:
 - (1) The name and address of the applicant.
 - (2) The number of vehicles to be operated or controlled by the applicant and the location of proposed taxi lots or terminals.
 - (3) A sworn statement by applicant in the same form as set forth under subsection 14-102(c) herein. Furthermore, any certificate issued under this paragraph shall be subject to revocation upon a showing that those matters set forth under subsection 14-102(c) apply to applicant.
 - (4) Proof of financial responsibility as required by G.S. 20-280.
 - ~~(5) The owner of each vehicle used as a taxicab shall purchase the appropriate privilege license from the town for each vehicle at the prevailing rate. The cost of this license is subject to change without prior notification.~~

(Ord. No. 6-07, § 9, 2-13-2007)

Sec. 14-109. – Transfer.

No taxicab certificate, including certificates existing on the effective date of the ordinance from which this section derives, shall be transferred except upon application by the transferee to the taxicab inspector, with the transferee meeting all requirements of this chapter, including the requirements of section 14-104. For a partnership or association, the admission of a new partner or associate shall constitute a transfer.

(Ord No. _____ 2018)

Sec. 14-110. - Penalties and Enforcement Actions.

Unless provided for elsewhere in this chapter, all other violations shall subject the offender to a civil penalty and, where applicable, suspension of any certificate of public convenience and necessity as provided elsewhere in this chapter as follows:

- (1) For the first offense, a civil penalty will be assessed in the amount of \$100.
- (2) In the event there is more than one violation with any thirty (30) day period, then the civil penalty shall be increased for each additional violation over one during such period as follows:
 - (a) The date of the first violation shall establish the beginning for the initial thirty (30) day period. The next violation within that thirty (30) day period shall be considered a second violation and subject the offender to a civil penalty of \$250.
 - (b) Third and subsequent violations within the same thirty (30) day period shall subject the offender to a civil penalty of \$500 for each violation.

C. Once the thirty (30) day period has run from the "first violation" the next violation shall be considered the first violation for establishing a new "first violation" period.

D. The levying of civil penalties shall be initiated by any police officer or the taxicab inspector giving written notice of the infraction committed to the vehicle for hire owner or driver, along with a statement that a civil penalty is being imposed.

E. Civil penalties shall be paid within fifteen (15) days of the issue date to the Finance Department. If not paid within the fifteen (15) days of the date of issue an additional \$50 dollars delinquency charge will be added for each fifteen (15) days thereafter upon nonpayment until paid in full.

(Ord No. _____ 2018)

Sec. 14-111. - Suspension or revocation.

- ~~(a) A certificate issued under the provisions of this article may be revoked or suspended by the taxicab inspector if the holder therefore has:~~
 - ~~(1) Violated any of the provisions of this article.~~
 - ~~(2) Violated any state or federal statutes pertaining to the operation of taxicabs.~~
- ~~(b) Suspension or revocation shall be immediately effective upon written notice being given to the holder at which time the holder shall cease operations. Upon receiving notice of suspension or revocation the holder shall be given notice of said action and may appear before the chief of police or his designee.~~
- ~~(c) No certificate of public convenience and necessity may be sold, assigned, or otherwise transferred.~~
- (a) The taxicab inspector shall suspend for a period not to exceed six (6) months a taxicab certificate, either wholly or for any given number of taxicabs, for the failure of the certificate holder or certificate holder's driver to substantially comply with all provisions of this chapter; provided, that the certificate holder may correct a failure to comply with the provisions of this chapter within ten (10) days following notice of violation from the taxicab inspector.
- (b) The taxicab inspector shall revoke for a period of one (1) year a certificate, either wholly or for any given number of taxicabs, for any of the following reasons:
 - (1) The certificate holder's certificate has been suspended twice within a thirteen (13) month period.

(2) The certificate holder is convicted of:

- a. A felony involving bodily injury or use of a deadly weapon;
- b. A violation of any federal or state statute or Town ordinance relating to the possession or sale of alcoholic beverages;
- c. A violation of any federal or state statute or regulation or Town ordinance relating to prostitution; or
- d. Any federal or state statute or Town ordinance relating to the use, possession or sale of drugs.

(3) The taxicab inspector finds that the certificate holder submitted or caused to be submitted false or misleading information on the application for a certificate or any related documents

(Ord No. _____ 2018)

Sec.14-112. - Appeals.

- (a) Upon finding by the taxicab inspector that a taxicab certificate should be suspended or revoked pursuant to section 14-105, the certificate holder shall be given a written notification thereof and informed of the manner in which the finding may be appealed by hand delivery or certified mail, return receipt requested.
- (b) The certificate holder may appeal the suspension or revocation of a certificate by filing with the taxicab inspector, within ten (10) working days after receipt of the taxicab inspector's decision a written notice of appeal. The notice of appeal shall set forth the reasons why the certificate holder believes the suspension or revocation to be improper. If no appeal is filed within the prescribed time, the decision of the taxicab inspector shall be final and the certificate holder shall immediately surrender the certificate to the taxicab inspector.
- (c) Upon timely receipt of a notice of appeal, the taxicab inspector shall fix a reasonable time, within ten (10) working days after the receipt thereof, for a hearing of an appeal and shall give notice to all parties of the time and place for a hearing. The police chief may call witnesses and the certificate holder may bring representatives that may aide in their appeal. Within ten (10) working days after the date of the hearing, the police chief shall render a decision on the appeal. The decision of the police chief shall be final.

(Ord No. _____ 2018)

Sec. 14-113. - Surrender

When a taxicab certificate is revoked or suspended, the operation of each vehicle as a taxicab subject to such revocation or suspension shall cease, and the certificate and insignia for such vehicle shall be surrendered immediately to the taxicab inspector. In addition, when any certificate holder permanently retires all vehicles subject to a certification, the certificate for such vehicles shall be considered abandoned and will be void. The certificate holder shall immediately surrender each certificate and insignia to the taxicab inspector. Such retired certificates may not be restored by any means other than through application for a new certificate as provided in this chapter.

(Ord No. _____ 2018)

Sec.14-114- Fees.

Fees, as established by the Town Board and listed in the annual schedule of fees and charges, to cover the administrative costs of a certificate and certification of drivers shall be made to the taxicab inspector at the time of the applications.

(Ord No. _____ 2018)

Sec. 14-115. - Application of provisions to for-hire vehicles.

Unless otherwise provided, all provisions of this chapter shall apply to for-hire vehicles and the owners and operators thereof.

(Ord No. _____ 2018)

Sec-14-116. – Provisions not applicable to limousines. No provision of this chapter shall apply to limousines or to the owners or operators thereof.

(Ord No. _____ 2018)

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 22, 2018

SUBJECT: Call for Public Hearing to consider Adoption of FY 18-19 Annual Budget

AGENDA INFORMATION:

Agenda Location: Call for Public Hearing
Item Number: D7
Department: Administrative Services/Finance
Contact: Eddie Caldwell, Amie Owens and Rob Hites
Presenter: Rob Hites, Town Manager

BRIEF SUMMARY: The 2018-2019 Budget covers four separate operating funds (General, Water, Sewer, and Electric) and two Internal Service Funds (Asset Management and Fleet/Garage), which cover cross-departmental internal service activities, primarily the maintenance and repair of the Town's buildings, grounds, IT infrastructure, vehicles and equipment.

The board may adopt the FY 18-19 budget following the close of the public hearing, or may continue the public hearing to another date, but must adopt a budget no later than July 1, 2018.

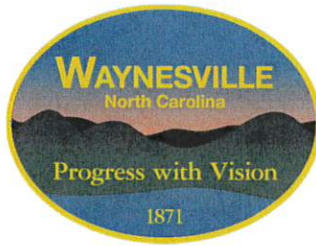
MOTIONS FOR CONSIDERATION: *To call for the public hearing to Tuesday, June 12, 2018 at 6:30 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, located at 9 S. Main Street, for the purpose of considering adoption of the Fiscal Year 2018-2019 Budget .*

FUNDING SOURCE/IMPACT: The proposed total budget is supported primarily by taxes, fees and other revenues in the General Fund, and by utility fees for service in the Water, Sewer and Electric Funds

ATTACHMENTS:

- Manager's Budget Message

MANAGER'S COMMENTS AND RECOMMENDATIONS: Call for Public Hearing – no further action required at this time.



BUDGET MESSAGE

2018-2019

May 8, 2018

The Honorable Mayor and Members of the Board of Aldermen
Town of Waynesville

Dear Mayor and Board Members:

In accordance with the provisions of the North Carolina General Statutes, your staff presents the proposed Municipal Operating and Capital Budget for Fiscal Year 2018-19.

Last year we restructured the budget to reflect a much more conservative approach to budget administration. We did not recommend a large fund balance appropriation, held expenditures to that of the previous year and required that the Finance Director pre-approve movement of funds within Departmental budgets. The staff has acclimated well to this approach and Finance Director Eddie Caldwell's budget estimates are very accurate. As we move to the last quarter of the current year the Town is on target with projections.

During our winter retreat the staff presented a five (5) year plan to fund the Town. The plan recognized that the Town is not going to receive over 7% annual growth in property tax base that it enjoyed until the recession of 2008. We also recognized that the majority of the funds freed up from paying off Town debt would be needed to cover inflationary increases in the Town's budget and modest salary increases. At the retreat we also presented a list of targeted revenue increases that will help provide the funds necessary to continue providing high quality service to our residents and visitors.

The budget that is before you continues the conservative approach to both estimating revenues and expenditures. Mr. Caldwell uses historic trends and analysis by the North Carolina League of Municipalities to estimate our revenues for the upcoming year and we depend on spending patterns from the current year and industry prediction for items such as fuel to estimate our needs. Our capital program is based mainly on replacing vehicles and equipment whose maintenance records indicate their condition is poor. We are recommending several capital projects that are necessary to insure the integrity of our infrastructure.

Budget Outline

The Town Board serves as the Board of Directors of a Town that operates six separate businesses. The Finance Department keeps a separate set of books for each fund. We charge one fund for services delivered by another fund in order to insure that we have a true account of their activities. For FY 18-19 we recommend a total for all funds of \$34,779,420, a 7.15% increase over 2017-18.

General Fund	\$15,175,650
Water Fund	\$ 3,934,870
Sewer Fund	\$ 3,292,230
Electric Fund	\$ 9,736,680
Asset Management Fund	\$ 1,960,250
Garage Fund	\$ 679,740
Total	\$34,779,420

Personnel

The largest cost for local governments is personnel. Sixty-four and a half percent (64.5%) of the General Fund Budget goes to fund the Town's staff. The majority of our time is spent providing personal service to the citizens. It is critical that we attract, train and retain a workforce that meets the expectations of our citizenry. This is especially difficult to carry out in our area due to the high cost of living. Our unemployment rate is hovering around 3.8% so the lure of the private sector is omnipresent. The Board has wisely established an employee benefit program that rivals any local government in North Carolina. The challenge for the Town is to continue funding the employee's salaries and benefits when the cost of living is rising faster than the Town's tax base. This increase in personnel and fringe benefits, which includes 3% cost of living adjustment (COLA), 6% increase in health care benefits and new positions. In the General Fund alone the COLA, health care increases and new positions amounts to a 7.05% increase over the previous year.

The budget proposal requests only three new full-time positions for the upcoming year. However, two additional positions that are grant- or privately-funded, but require Town support through payment of benefits, have also been added and would have to be incorporated into future budgets at the ending of the grant/contract periods.

NEW POSITIONS

Planner I

The Town is experiencing a significant increase in development related programs. The Department is dealing with an increase in the number of developers that are seeking guidance regarding zoning, subdivision regulation. The Department is carrying out a two-year plan to revisit its "Comprehensive Plan" and carry out a new landscaping scheme for the Downtown. It is working on several transportation related grants and major redesigns of Russ/Walnut, and South Main Streets. Due to the increase in workload we recommend the addition of a Planner I to help in all areas of the Department. The position is funded at an annual salary of \$40,000.

Facility Maintenance Worker – Recreation

With the addition of the upkeep of multiple restroom facilities and new park amenities (i.e. all-abilities playground, Chestnut Park and greenways), it is increasingly difficult for existing staff to provide the level of service expected by patrons. The recommendation is for a full-time position to handle outside and inside maintenance issues for all Parks and Recreation facilities. The salary is set at \$35,000.

Preventive Maintenance Technician

The Garage has dealt with an increase in number and complexity of vehicles over the past three years and they have experienced several occasions when the maintenance load has become significantly backed up. We are experimenting with a new scheduling system in an attempt to resolve the backup. We are recommending creation of an entry level preventive maintenance technician position to be funded for six months in case our experiment with a new scheduling system does not resolve the backlog of repairs. That salary is set at \$26,000.

GRANT/PRIVATELY FUNDED POSITIONS

School Resource Officer (SRO)

This is a privately funded position. Shining Rock Academy is funding a 10-month SRO to assist with traffic control during student drop-off and pick up hours. Provide random patrols during the day and handle any calls on premises. Due to the fact that there are no athletic events or other functions that the Shining Rock SRO would be committed to attending, the department could utilize this Officer for other Town functions during the summer months. The payment for services is \$52,000.00.

Program Specialist– Base Camp on the Go Program

The Program Specialist position is funded via grant from the Haywood Healthcare Foundation. This position is the primary responsible party for the delivery of the Base Camp on the Go program. Program Specialist is responsible for all on-site programming, maintenance and inventory of equipment, program development and administration, and marketing. The grant provided is for a salary of \$34,000 annually.

Insurance

The Town's experience factor increased from 67 to 97 over the past year. BCBS requested a 9.5% increase in rates for the upcoming year. Our broker, Amie Owens, Assistant Town Manager, and Brittany Buchanan, HR Specialist, negotiated with BCBS and were able to reduce their request to a 6% increase. Town-wide, this 6% increase and the addition of positions amounts to a \$207,890 increase in rates for 2018-19. We believe we can accommodate the increase without having to reduce benefits to the employees. In the coming year, we will need to make every effort to reduce our costs to avoid another increase. We will continue to offer a \$500 out of pocket deductible per employee and \$1,000 for family plans. The Town will continue to provide a \$4,500 health savings account to its employees and \$9,000 for families.

Rates and Fees

The proposal is balanced with a tax rate of \$.4957 per \$100 valuation an increase of 1 cent. The collection rate is predicted to be 93.03%. One penny on the tax rate is estimated to yield \$115,100. Waynesville's tax base is estimated to be \$1,194,937,580 an increase of 1.78% over 2017-18 budget. The growth in tax base is the second largest since the 2008 recession.

The assessed value of the (Downtown) Municipal Service District (MSD) is estimated to be \$51,162,040. We recommend continuing the current tax rate of \$.20 per \$100 valuation for FY18-19. The rate is estimated to raise \$97,060 for the MSD at a collection rate of 94.86%. One penny on the tax rate is estimated to equal \$4,850.

Capacity Use Fees

The Town has been charging "capacity use fees" since the FY 2007-08 budget year. In December of 2016, the NC Supreme Court held that Capacity Use Fees that were based on the "future costs" of water and sewer systems were not permitted under NC law. Waynesville suspended its capacity use fee program until it could determine if its program was covered by the Court's decision. Upon review the Town determined that its Capacity Use fee calculations were NOT based on "future needs" of the system but by the costs of the system that had actually been expended.

In August 2017, the NC General Assembly adopted legislation (HB 436) that provided guidance for municipalities to use in calculating Capacity Use Fees. McGill and Associates was engaged to conduct a study in accordance with HB 436. The plan has been posted on the Town's website for a 45-day review. The study recommends an "upper limit" of fees that the Town may adopt. The Board may choose a different rate

schedule as long as the fees do not exceed the limits recommended by McGill's study. The Town must hold a public hearing on the fees which we recommend for June 12th.

We will recommend that the Board adopt a single fee system and abandon the "inside/outside" fees that the Town currently uses. After the public hearing the Board may adopt the rates and thereafter amend them in the annual budget.

General Fund

We recommend a General Fund Budget of \$15,175,650, a 3.3% increase from last year. With very little increase in property tax base we recommend a 1 cent ad valorem tax increase. In addition, we recommend a \$15 vehicle tax with \$5 of that tax targeted at funding for the Police Department and \$10 will be used to fund street maintenance. One additional adjustment is a 10% Recreation membership increase and an increase of 15% for facility and room rentals.

The major increase in General Fund revenues are funds freed up by the payoff of the Parking Deck and one less payment on the Recreation Center. The majority of that increase provides Department Heads with funds to provide a 3% COLA increase to their employees. We recommend an overall 6.08% increase in operations, of which 2.94% is garage costs. Our approach is to fund accounts at the same level as the Department spent the year before unless we find that a major component of a line item has changed like fuel, health care or chemical costs. We request that the Board appropriate \$75,000 for the second phase of the Comprehensive Plan

We recommend two new positions in the General Fund due to increase in work load in the Developmental Services and Recreation Departments. The two grant- or privately-funded positions are also under the General Fund.

Water Fund

We recommend a budget of \$3,934,870. We do not recommend a rate increase for the upcoming year. The fund has experienced a 3.70% increase in revenue from customer charges over the past year which will balance the increases in salaries and operations. Major capital projects are \$350,000 for the repainting and reconstruction of the roof area of the Big Cove Water Tank. This project may ultimately be considerably more expensive depending on the structural engineer's evaluation and design for reconstruction of the roof and walls of the tank that are above water. Our inspection of the tank earlier this year revealed considerable corrosion and rust that we did not anticipate.

The second capital project is the replacement of the Chestnut Walk Tank. The tank is in extremely poor condition and will fail if it is not replaced. We recommend a budget of \$400,000 to cover the entire project. The capital projects in the Water Fund are recommended to be funded by the Water Fund balance.

Sewer Fund

The Town has budgeted an increase in Sewer Fund revenue of 9.67% over the previous year. We are recommending a 5% increase in the fund for FY 18-19. We expect to use the current plant for at least four years, so the staff will continue to repair and replace pumps and motors that are failing. We recommend the Board replace a 50 horsepower motor and a 10 inch recirculation pump at a cost of \$16,000 and \$19,000 respectively. We are also asking for an \$185,000 increase in the operating plant repair and maintenance budget.

The Town has received several citations for overflows at the County Fairgrounds. This is due to inflow during storm events entering a manhole where the line takes a 90 degree turn. The manhole cannot handle the velocity of the flow as it makes the turn. We must redesign and reconstruct the line so the turn is more gradual. The cost of this project is estimated to be \$250,000. In the long run the Town needs to work with Junaluska, Junaluska Sanitary District and the Town of Clyde to locate and repair broken sewer lines in their systems to reduce the inflow we receive from their systems during storm events.

Electric Fund

Mr. Caldwell has been monitoring the impact of the 5% electric rate increase since the Town implemented it in January. We are estimating a 1.6% increase in budgeted revenue due to the cold winter. In looking at the historical trends and higher costs, we recommend that the Board adopt the 4% rate increase that we presented in the late fall. The increase would be effective with accounts billed after August 1st, 2018.

Our budget recommendation for 2018-19 is \$9,736,680, a 3.35% increase over last year. The major project we recommend the Board fund in FY 18-19 is the installation of voltage regulators in the Calhoun substation at a cost of \$285,000. A regulator takes voltage off the grid and smooths it out so we can deliver it at a constant 80 MHz. We recommend the Board use the Electric Fund's Savings for the regulators since they will be in service for twenty or more years and constitute a "one time" purchase.

Asset Management Fund

The Asset Management Fund is an internal service fund that charges out its services to the operating departments. We propose a budget of \$1,960,250 which represents a 2.41% decrease from the previous year. The decrease is due to a drop in capital spending over 2017-18. One of the main capital items included in this fund is the first year payment of \$25,500 for a new telephone system leased in 2017-18.

Garage Fund

Garage Fund is another internal service fund whose budget is determined by the percentage of vehicles allocated to the operating departments. We recommend a budget of \$679,740 for 2018-19, a 22.71% increase including capital.

We recommend a six month salary set aside for an entry level preventive maintenance technician if we find that our rescheduling experiment does not alleviate the backlog of repairs we have experienced in the past couple of years.

We also recommend that the Board fund \$7,500 for a diagnostic machine and a replacement of a 12,000 lb. lift at a cost of \$35,000.

Conclusion

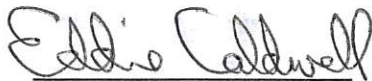
Waynesville is a community that must depend on a tax base supported by 10,000 full time residents. For six months of the year it is providing services to as many as 18,000 people a day. We are quickly moving into a twelve month tourist economy which will further strain our resources. The staff recommends several targeted revenues to help fund the Town's programs. These revenues are commonly used by Western North Carolina municipalities in addition to the ad valorem tax rate. The staff will continue to fund the day to day operations of the Town through "current revenue" and use fund balance sparingly for long term capital projects. Next year we will hold our taxes and fees constant with the exception of the recommendation of a "storm water management fee" that we proposed in the winter retreat.

The most difficult financial issue the Board will face in the next three years will be to choose what capital projects it will fund and how to fund them. We have \$52 million dollars in capital requests and the ability to fund approximately \$8 million dollars in debt service without considerable increases in ad valorem taxes.

Amie Owens has joined us on the budget team and has provided a great deal of program analysis and budget savings to our effort. Eddie Caldwell and I would like to take this opportunity to thank the departments of the Town for their assistance in preparing the 2018-19 Budget.

We appreciate the consideration of the Town Board of Aldermen in reviewing the budget and providing the staff with the tools to provide quality services to the citizens of the Town of Waynesville. We look forward to reviewing this budget with you and receiving your instruction.

Respectfully submitted:



Eddie Caldwell
Finance Director



Amie Owens
Assistant Town Manager


Rob Hites
Town Manager