



Town of Waynesville, NC

Environmental Sustainability Board Meeting

Public Services Training Room, 129 Legion Drive, Waynesville, NC 28786

Date: September 4th, 2025 Time: 4:30 p.m.

- 1.) Call to Order
- 2.) Introductions and welcome Laura Yonkers, new Public Works Deputy Director of Administration for Town of Waynesville
- 3.) Approval of 8/7/2025 minutes
- 4.) Announcements/Opportunities:
 - Drive Electric Week-Tanger Outlets Asheville, September 14th, 2025 from 12pm-4pm
 - CFAT award decisions (9/2-9/5); announcement of awards to follow
- 5.) Mission, Vision, and Values updates-Reid Conway
- 6.) Presentation(s) to Waynesville Town Council: Chuck Dickson
 - TOW ESB website presentation to be scheduled-Kipp Sutton
 - Other presentation ideas
 - i. C-LEAP deliverables in October
- 7.) C-LEAP TA Deliverables Update-Aparna Keshaviah/Case Brown
- 8.) Dogwood Foundation Innovation and Collaboration Grant update-Aparna Keshaviah
- 9.) Haywood TDA Tourism Capital Grant (Winter 2025-2026 Cycle)-Chuck Dickson
 - Need volunteers for a Committee/Team Workgroup to work on grant for Level 2 EV charging infrastructure at Haywood County parking deck
- 10.) C-LEAP Community Engagement
 - Community Energy Coaches through Rewiring America-Kipp Sutton/Betsy Wall

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

September 4th, 2025

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11.) Urban Ecology Group

- TOW Tree Ordinance Draft Discussion

12.) Appalachian Regional Commission's Partnerships for Opportunity and Workforce and Economic Revitalization (POWER) Initiative-Kipp Sutton

13.) National Energy Efficiency Day (October 4th, 2025) TOW Farmer's Market-Kipp Sutton

14.) Other Business

15.) Next ESB meeting: October 2nd, 2025 at 4:30pm in Public Works Building

16.) Adjourn

COMMENTS FROM BOARD MEMBERS RE: DRAFT TREE ORDINANCE

Paul Carlson

On page 1, Sec. 62-32. Purpose and intent.

(1) on third line of introductory paragraph an extra "to" should be deleted after the term rights-of-way, and

(2) Bullet number 5 in that section; suggest change "animal" to "wildlife" habitat

On page 3, Sec 62-38. Trimming, pruning, planting etc.

(3) in paragraph a, line 2: it currently reads "having a diameter greater than 3 inches and its trunk in or on Town Property...." / I find this confusing for three reasons:

- first it probably is prudent to define diameter (at breast height? at root collar?)
- second is the implication that any tree with diameter less than 3 inches is fair game for removal etc; and
- wording; instead of "its trunk in or on Town property" perhaps use "tree or shrub having a diameter greater than 3 inches and growing on Town property or rights-of-way....."

Case Brown and Aparna Keshaviah

Our suggestions below may be handled within the future Tree Board, and thus moot at the moment. But suggest making the founding document as forward-looking as feasible:

Tree Canopy - It might be good to form a first order of business to capture the tree canopy at this time and explicitly state the goal of increasing its areal extent by metrics. In addition, provisions might be made to increase tree planting after storm damage.

Special Trees/Sites - Some interested forester/historian could hopefully be tasked with inventorying the special tree-defined sites that should be managed with special care (old trees, large forested tracts/groves, witness trees, historic sites, boundary trees, rare species like chestnuts, etc.). Without some sort of documented inventory, they might be lost to development with no recourse.

Tree Board Composition - State that the Tree Board should have "at least" 1 member from ESB (rather than limited to 1)

Tree Board tasks

1) develop a list of replacement trees for broader circumstances with an eye toward new climate conditions (not just a limited street tree list);

2) occasionally offer "tree bounties" for undesirable species (for ex., turn in a bradford pear, get a persimmon...w/ the multi-agency NC Bradford Pear Bounty)

Kipp Sutton

Under part 62-32

The sentence should read "Protection of tree canopy on town properties and rights-of-way to ~~are~~ is intended to:

The definition of "Substantially Alter" seems open to interpretation. An example from Charlotte's tree ordinance is to say "an action which removes 1/3 or more of the tree's canopy. This includes pruning which disfigures the normal shape of the tree." While this may be hard to technically ascertain, it does provide a specific benchmark that could be verified if needed or at least estimated.

Also in that definition, it would make sense to remove the word mutilate, which while technically correct sounds somewhat dramatic, and leave the terms disfigurement and damage, which would encompass the same meaning.

It might help property owners, to include **a reference to the general right of way distance (with a remark that owners should look up their specific right of way and how to do it)**, so people are aware of which of their trees are in a right of way. It may surprise them. It seems like in NC, the general right-of-way distance is 20ft from the center line to either side on a standard residential road. The more we can try to help people understand and comply with the ordinance, the better it will be and less complaints.

For the membership of the tree board, I suggest a permanent representative from the Parks & Rec division since so many trees are under their care. Wasn't there another part of the town we spoke of that also has some responsibility for trees? **Development Services?** The Utility? Would it make sense for them to be on it as well? I am thinking about how to improve the coordination of tree care efforts across the town's departments.

part 62-38 (d)(5) seems to end without completing the sentence

Considering there are penalties suggested for violations, it would be good to include section about how the ordinance should be notified to town residents and businesses, both initially and annually and perhaps included in the guidelines that **Development Services** lists and gives to property owners when they are planning/filing for a construction permit.

~~Would it make sense to also include a list of the 5 trees which cannot be cut down in N without a permit and clarify how that permit is applied for?~~

Chapter 62 Municipal Trees

ARTICLE I. IN GENERAL

Secs. 62-1—62-30. Reserved.

ARTICLE II. TREE PROTECTION

Section 62-31. General Provisions

Short Title: This ordinance shall be known as the Town of Waynesville's Tree Protection Ordinance. It is referred to herein as "this ordinance."

Sec. 62-32. Purpose and intent.

The purpose of this ordinance is to preserve, maintain and increase tree canopy to protect the public health, safety, and welfare, to protect native wildlife, and to enhance the quality of life within the Town of Waynesville. Protection of tree canopy on town properties and rights-of-way are intended to:

- (1) Protect, conserve, and promote the aesthetic appeal, value and character of the Town;
- (2) Promote public health and safety through the reduction of noise, stormwater runoff, air pollution, visual pollution, and artificial light glare;
- (3) Maximize shading and cooling effects of trees to reduce energy use and protect public health;
- (4) Encourage the protection and planting of native trees;
- (5) Preserve animal habitat by protecting the municipal urban canopy;

Sec. 62-33 Definitions.

As used in this article, the following words, terms and phrases, have the meanings indicated:

Right-of-way: That property located within and adjoining the streets, roads and highways within the town, which rights-of-way are owned by the town or the state or are otherwise maintained by the town or the state.

Town property: All real property which is owned or leased by the Town of Waynesville, or which is maintained by it, or any part of any right-of-way as defined hereinafter.

Tree topping: severely cutting limbs larger than 3" in diameter to stubs within the tree's crown so as to remove the normal canopy and disfigure the tree.

[Type here]

Substantially alter and substantial alteration: mean the injury, mutilation, disfiguring or substantial trimming of a tree such that the aesthetic, ecologic or economic value of the tree is substantially impaired. Routine trimming shall not be considered substantial alteration except as otherwise provided in this ordinance.

Sec. 62-34 Applicability

The terms and provision of this chapter shall apply to all Town property as previously defined. The terms and provision of this chapter shall be consistent with any requirements imposed by state law or by the North Carolina Department of Transportation in connection with any state-owned or maintained right-of way.

Sec. 62-35 Jurisdiction: duties and authority.

For carrying out the provisions of this ordinance, the Town Manager, or designee, shall have the jurisdiction, authority, control, supervision, and direction over all trees planted or growing upon Town property, streets and rights-of-way within the town and the planting, removal, care, maintenance, and protection thereof, including the enforcement of the provisions of this ordinance. This authority includes all trees managed in Town parks and all trees within utility rights-of-way. The Town Manager, or designee will ensure that the Town progresses in tree management activities to achieve NC Forest Service Urban and Community Tree Management Standards.

Sec. 62-36 Authority to treat or remove trees or shrubbery

- a. The Town Manager, or designee, shall have the right to remove trees and shrubs on all Town property and rights-of-way, or as may be necessary to insure safety because the tree is dead, diseased, injured, or poses a threat to pedestrian or vehicular safety, or is causing drainage or passage problems upon rights-of-way; or if the removal of the tree or shrub is necessary and desirable in order to enhance or benefit the health or condition of other trees.
- b. The Town Manager, or designee, shall have the right to routinely maintain tree health by trimming, or spraying city trees or rights-of-way trees, provided that all tree maintenance actions comply with the Tree Care Industry Association (TCIA), formerly the National Arborist Association Inc., Pruning Standards for Shade Trees (ANSI A300).
- c. The Town Manager, or designee, shall have the right to declare a tree or shrub on private property to be a hazardous and dangerous condition requiring removal or trimming if the tree or shrub obstructs public street lights, utility lines, the passage of pedestrians on sidewalks, vision of traffic signs, view of any street or alley intersection, or interferes with the free and safe passage along the public street by pedestrians and vehicular traffic, or has roots causing damage to sidewalks, public streets, public water or sewer mains or other public utilities.
- d. All Town departments and divisions shall coordinate as necessary with the Town Director of the Public Works Department, or designee, and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, parks, and other public properties not under direct jurisdiction of the Director.

Sec. 62-36

Sec. 62-37 Tree Board

- a. *Establishment of the Waynesville Tree Board.* There is hereby established a Waynesville Tree Board. The Board shall consist of up to 7 members appointed by the Town Council. The Director of the Department of

Public Works, or designee, will serve as an ex officio member without a vote and will serve as long as they hold this position; 1 member of the Waynesville Environmental Sustainability Board, and other interested citizens will be appointed to three-year terms and will be replaced or reappointed by the board. Tree Board members shall serve without compensation.

- b. *Meeting Requirements.* The Tree Board shall adopt rules for its business transactions and shall keep a public record of its members' attendance and of its resolutions, discussions, findings and recommendations. The Tree Board shall set a regular schedule for quarterly meetings and the chairman may call a special meeting upon request of a majority of the members of the board. A majority of the members but in no event less than three voting members shall be a quorum for the transaction of business.
- c. *Duties of the Waynesville Tree Board.* It shall be the responsibility of the Tree Board to serve as an advisory committee to the Town Council with the following duties and responsibilities:
- 1) Review and update a 5-year plan and an annual plan for the care, preservation, pruning, planting, replanting, removal or disposal of trees and shrubs in parks, along streets and in other public areas. Such plan will be prepared by the Town Director of the Department of Public Works, or designee.
 - 2) Develop official street tree species lists. The list will indicate species of native trees, shade trees and ornamental trees, that are acceptable to be planted as street trees. A list will also include those tree species prohibited to be planted under any circumstances.
 - 3) Every six years, or as directed by the Town Manager or Town Council, the Tree Board shall review the current ordinance, and general agreements regarding municipal properties and send recommendations to the Town Manager and Town Council to either maintain the current status or adjust the current ordinance.
 - 4) Investigate available grants, loans or contributions from other governmental agencies, public or private corporations, or individuals; and recommend the expenditure of any proceeds toward the accomplishment of the Tree Board's purpose.
 - 5) Foster public awareness and education programs relating to trees.
 - 6) Plan and execute an Annual Arbor Day Event to be held on Town properties.
 - 7) Help in preparation of an annual application for Tree City USA for the Town of Waynesville.
 - 8) Submit an annual report of the Board's activities to the Town Council.
 - 9) Other duties that may be assigned by the Town Manager and/or Town Council.

Sec 62-38 Trimming, pruning, planting and removal of trees on Town property or rights-of-way;

- a. No person shall remove, destroy, cut, prune (including the root system) or substantially alter any tree or shrub having a diameter greater than 3 inches and its trunk in or on Town property or rights-of-way, or contract with another person to perform such acts without first obtaining written permission from the Town Manager, or designee, and without complying strictly with the provisions of this ordinance.
- b. No person shall plant or contract with another to plant any tree or shrub in any public street right-of-way or Town property without permission from the Town Manager.

- c. Individual agreements will not be required for the Town and/or North Carolina Department of Transportation projects provided that the tree preservation and protection requirements are included in the project plans, and approved by the Town Manager, or designee.
- d. Utility companies, surveyors, and governmental agencies constructing or maintaining easements for water, sewer, electricity, gas, drainage, telephone, internet, or television transmission shall execute a written general agreement with the town which, at a minimum:
- (1) As a policy, requires the least possible alteration of trees;
 - (2) Establishes design guidelines for construction and maintenance which identify the saving of trees as a factor to be considered in the design process;
 - (3) Requires a consultation process with and approval of the Town Manager or designee before the commencement of construction projects, maintenance work within five feet of trees, or the removal of trees;
 - (4) Provides that a breach of such agreement constitutes a violation of this ordinance;
 - (5) Provides that all pruning of Town trees on rights-of-way shall comply with the Tree Care Industry Association (TCIA), formerly the National Arborist Association Inc., Pruning Standards for Shade Trees (ANSI A300). In accordance, this ordinance explicitly forbids tree topping; and

Sec. 62-39 Emergencies.

In the case of emergencies, such as windstorms, ice storms, fire or other disasters, the requirements of this chapter may be waived by the Town during the emergency period so that the requirements of this ordinance will in no way hamper private or public work to restore order in the town. This shall not be interpreted to be a general waiver of the intent of this ordinance.

Sec. 62-40 Enforcement and appeal.

- d. Any person who violates any of the provisions of this chapter shall be notified by the Town Manager, or designee, of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation, the penalty the violation is subjected to, the measures required to comply with this ordinance, with the specific Code provision violated, including the replacement of or value of any removed tree.
- e. Any person dissatisfied with the decision of the Town Manager, or designee, may file a written appeal within seven (7) days of the decision to the Waynesville Town Council. This appeal must be in writing and directed to the Town Manager who shall have the appeal placed before the Council for a final determination, from which there shall be no further appeal.
- f. No regulated tree shall be removed during the pendency of any appeal.

Sec. 62-41 Penalties.

Any person who violates any of the provisions of this chapter shall be subject to a civil penalty assessed by the Town Manager, or designee, taking into consideration the amount of money that the violator would be required to spend to be in compliance with the requirement of the specific Code provision violated, including the replacement value of any removed tree.

